United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 91st CONGRESS, FIRST SESSION

SENATE—*Wednesday, November 26, 1969*

The Senate met at 10 o'clock a.m., and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

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

Lord God of our fathers and our God, be with us in our work this day, and when it is done send us to our homes and our places of worship with the joy and wonder of Thanksgiving filling our souls.

O Thou giver of all good, we thank Thee for seedtime and harvest, summer and winter, night and day, food and clothing and shelter; for childhood and age, for youth and manhood, for Thy fatherly hand upon us in sickness and in health, in joy and in sorrow, in life and in death, and for the love that ever binds us to Thee. Help us to labor for that better day when all men share justly in the bounteous provisions of this earth. Be especially near the youth of this land, separated from home and parents, in the service of their country. Guard them in temptation. Strengthen them in moments of peril. Make them to know Thy nearness, and with hearts at peace give them the assurance of a grateful nation.

Above all we thank Thee for the heritage of freedom in the land the people rule.

"Long may our land be bright,
With freedom's holy light,
Protect us by Thy might,
Great God, our King."

Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., November 26, 1969.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, November 25, 1969, be dispensed with.

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

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

CAPT. JOHN N. LAYCOCK

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 525.

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

The LEGISLATIVE CLERK. A bill (S. 497) for the relief of the estate of Capt. John N. Laycock, U.S. Navy (retired).

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

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 497

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of Captain John N. Laycock, United States Navy (retired), formerly of Derry, New Hampshire, the sum of $170,000, which sum shall be considered a payment in consideration of a transfer by the estate of Captain John L. Laycock, United States Navy (retired), of property consisting of all substantial rights to a patent within the meaning of section 1235 of the Internal Revenue Code of 1954, in full settlement for the usage by the United States during and subsequent to World War II of certain pontoon equipment patented by him (United States numbered 2,480,144), and for losses incurred by the said Captain John N. Laycock as a result of the United States having made such pontoon equipment, and the patent thereto, available to other nations contrary to the license agreement entered into between the United States and the said Captain John N. Laycock: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 532), explaining the purposes of the measure.

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

PURPOSE

The purpose of this legislation is to pay to the estate of Capt. John N. Laycock, U.S. Navy (retired), formerly of Derry, N.H., the sum of $170,000, which sum shall be considered a payment in consideration of a transfer by the estate of Capt. John N. Laycock, U.S. Navy (retired) of property consisting of all substantial rights to a patent within the meaning of section 1235 of the Internal Revenue Code of 1954, in full settlement for the usage by the United States during and subsequent to World War II of certain pontoon equipment patented by him (U.S. No. 2,480,144), and for losses incurred by the said Capt. John N. Laycock as a result of the United States having made such pontoon equipment, and the patent thereto, available to other nations contrary to the license agreement entered into between the United States and the said Captain Laycock. The bill provides for a limitation of 10 percent on attorney fees.

STATEMENT

During the second session of the 90th Congress, this committee had before it for consideration S. 2896, for the relief of the estate of Captain Laycock, which provided for the payment of $10,282,648. This committee on September 11, 1968, reported S. 2896 with an amendment reducing the amount of payment to $170,000. The instant legislation is identical to S. 2896 as amended. S. 2896 was passed by the Senate on September 12, 1968, but action was not completed in the House of Representatives prior to the adjournment of the Congress.

This committee in reporting S. 2896, stated that the purpose of the amendment was to accord to the claimant an amount believed to be in keeping with the losses resulting from the action of the U.S. Government in its dealings with foreign nations in regard to the Laycock patent. The sum of $170,000 is considered a reasonable payment, since the income to Captain Laycock would have been substantially higher if he had been paid on

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the basis of the standard royalty rate for the use of a patent. The amendment also provided that the transaction is to be regarded as the transfer of property consisting of all substantial rights to a patent. The payment, thus will be taxed on a capital gains basis in accordance with section 1235 of the Internal Revenue Code of 1954. This procedure is in accordance with the treatment of the case of Frank B. Rowlett, Private Law 88–358.

Although the Department of the Navy opposed S. 2896, as originally introduced, it recognized the obligation of the Government to provide appropriate reimbursement to Captain Laycock for the losses incurred by him as a result of action by the U.S. Government.

The report of the Department of the Navy states in part:

"However, compensation should be low in keeping with what appeared to be customary procedures in the lend-lease cases. One percent of the cost of manufacture by the British would be a reasonable guide. This would amount to $96,000—$121,000, based upon production of 32,056 units at an estimated cost of $300 to $380 per unit."

A copy of the Navy report on S. 2896, is attached hereto and made a part hereof.

The report of the General Counsel of the Department of Commerce indicates that it would defer to the views of the Department of Defense as to the desirability of the enactment of this legislation. Its report was directed to S. 840 of the 90th Congress, a companion bill to S. 2896. A copy of the report of the Department of Commerce is attached hereto.

The sponsor of this legislation, Hon. Norris Cotton, has submitted the following review of the history of Captain Laycock and the pertinent facts relating to this legislation. Documentary evidence in relation to this history is contained in the files of the committee.

John N. Laycock served in the U.S. Navy from 1910 to 1945, when he was retired, because of physical disability. A graduate of the Naval Academy in 1914, he was also a recipient of a bachelor's degree in civil engineering from Rensselaer Polytechnic Institute in 1917.

Navy landing pontoons

The basis for the claim made in S. 497 was the invention and development by Captain Laycock of the N.L. (naval landing) pontoon. Gear standardized, sectional, prefabricated, steel pontoons played an important role in all of the amphibious operations in World War II and the Korean conflict. In the reef-ringed Pacific Islands, in Asia, in the Aleutians, in North Africa, and in Europe these were an essential part of the landing operations and contributed greatly to their success. Today they are an integral part of amphibious equipment of the armed services. They are also being used for civilian purposes in locations where it is impracticable to transport conventional floating barges, cranes, pile drivers, and the like.

The standard pontoon units are hollow steel boxes 7 feet by 5 feet by 5 feet with interior stiffeners and with connections for bolting to assembly angles. These boxes with the angles, bolts, wedges, and other fittings can be assembled in the field with a minimum of equipment to form barges, piers, floating cranes, floating dry docks, and many other structures.

The pontoons are first assembled into strings using the longitudinal connecting angles and the strings are then connected transversely to form the barges, piers, or other desired structures. The strings were designed as box girders, 5 feet high, 7 feet wide and of the desired length up to a maximum of 175 feet.

The pontoons, angles, and fittings are well proportioned so that the assemblies can withstand rough seas and the rigors of warfare. The pontoons are interchangeable and the bolted connections are easily assembled and disassembled. Damaged units are easily repaired or replaced.

Before the availability of Bailey Bridges, strings of pontoons, as box girders, were used as highway bridges in some advanced areas.

This equipment was conceived, designed, and brought into production and use by Capt. John N. Laycock. Before World War II Captain Laycock was in charge of the War Plans Section of the Bureau of Yards and Docks of the Navy Department at Washington, D.C. At that time, Navy planners were keenly aware that the preservation of peace in the Pacific was in jeopardy. It was increasingly evident that open conflict might be forced by Japan. In such an event, the main theater of operations probably would be in the island-studded waters of the Central and Western Pacific. To win this conflict, it would be necessary to establish military, naval, and air bases on these undeveloped and primitive islands, far from our factories and supply centers. There were few harbors on these islands and most of these could not accommodate larger vessels. Major amphibious landings were indicated.

These landings and the support of the Armed Forces required barges, piers, floating cranes, floating drydocks, and many other such craft. The construction of these could not be handled by the already overloaded shipyards. It was, therefore, necessary that a new type of floating equipment be invented and developed. It was also important that this new craft be built in shops other than shipyards, of standard materials and shapes, readily fabricated.

This problem was solved in a unique and ingenious manner by Captain Laycock with his Navy landing pontoons. In making models of his early studies, Captain Laycock used cigar boxes and wood members. His work has been signalized by the Columbia Broadcasting Co. in its "Navy Log" television program of February 23, 1957, entitled "Cigar Box John." Captain Laycock is "Cigar Box John."

The steel pontoon boxes have sides and bottoms of 3/16-inch plate, and tops of 5/16-inch checkered plate, all stiffened by welding to the inside, T-ribs of split deep I-beams. The tops or deck is designed to carry heavy highway loads. The plates are edge welded to corner angles for stiffness and water tightness.

Each pontoon box is fitted with pipe connections so that it may be used for storing and transporting liquids or so that it may be flooded and unwatered in the operation of a floating drydock. Many of these pontoons on motor trucks were used as tank trucks or as road sprinklers.

Special pontoons with rounded ends were used on the ends of barges to reduce propulsive resistance. Outboard motors of unprecedented size were developed as propulsion units for these barges.

The first pontoons were built by the Pittsburgh-Des Moines Steel Co. near Pittsburgh. After minor changes and adjustments, principally to facilitate shop work, tests were conducted in the Ohio River. These tests were of a 50-ton barge, a PT boat drydock and a seaplane ramp. The tests were eminently successful. There followed immediately a demand for these pontoons to help build lend-lease bases in Britain. Commercial production was, therefore, started on a large scale. This production was greatly expanded when the United States entered World War II. Shipments of the pontoons into the Pacific were started with the first armed forces. The Navy landing pontoons were successful from the start and soon the demand for them became insatiable. It is estimated that before the close of the war about 500,000 pontoon boxes had been produced. The cost of these with their fittings, side angles, and accessories was approximately $250 million.

Shipments to the combat area were made in the holds and on the decks of ships and even in strings hung on the sides of ships. Attack vessels carried double strings of pontoons hung on their sides and released them when approaching the enemy beaches so that they would serve as causeways for troops and equipment to land.

All Seabee units were trained in the assembly of pontoon structures, but even untrained Army and Marine forces had no difficulty in assemblies using the handbooks prepared for the purpose. These Navy landing pontoons became the workhorses in all of the invasions and assaults in the Pacific. This was also the case in Europe, in Sicily, and at Normandy. The invasion of Sicily would not have been practicable without the Navy landing pontoons. In Normandy, armies of men and thousands of tons of material moved on these pontoons. Moreover, the Inchon landing in Korea made great use of these same pontoons.

The versatility of the assemblies produced a myriad of different results, depending on the skill and ingenuity of the troops. Here is a partial list:

Antisubmarine net tenders and gate vessels. Barges and lighters, 50 to 500 tons capacity. Bridges, floating and abutment supported. Buoys.

Causeways to provide passage between ships and shore either floating or grounded.

Dredges.

Drill barges.

Floating cranes, crawler mounted, 5 to 20 tons and 75-ton rigid boom cranes.

Floating workshops, storehouses, and magazines.

Ice breakers.

Oil barges.

Pile drivers.

Piers.

Seaplane ramps and docks.

Sprinklers.

Tanks.

Tug boats.

Warping tugs with heavy anchors and winches.

Wharves, floating and grounded.

In addition to the television program, mentioned above, many articles have been published describing the Navy landing pontoons and the vital role that they played during military operations. A few appearing in the public press are the following:

The Military Engineer, February 1944, "Innovation of Amphibious Warfare."

Engineering News-Record, April 20, 1944, "Seabee Pontoons for War and Postwar."

Saturday Evening Post, April 29, 1944, "Slickest Trick of the War."

Sunday Chronicle, London, England, July 16, 1944, "Navy's Magic Box.."

Saturday Evening Post, December 30, 1944, and January 6, 1945, "Miracle in the Pacific."

Steel Construction Digest, July 1944, "Steel Pontoons Pave the Way for Invasion."

The Navy landing pontoons are also being used for peacetime projects and will be continued to be so used wherever isolation and difficulty of access makes a portable, prefabricated structure advisable. For example: Civil Engineering for May 1947 has a cover picture and an article on the use of these pontoons in connection with the construction of a dam on the Missouri River near Garrison, N. Dak. In the issue for August 1947 of Civil Engineering there is a cover picture and an article describing the use of these pontoons in constructing a Maine turnpike. Life in 1952 illustrates a "House at Sea" being moved from one part of Maine to another.

Newsweek in the issue of October 17, 1949, carries an article entitled "Rensselaer's 145 Years" and lists the six outstanding accomplishments of graduates of the Rensselaer Polytechnic Institute. Included in these accomplishments are Captain Laycock's Navy landing pontoons.

Legal ramifications of the invention

At the time Captain Laycock invented the N.L. pontoon—and there has never been any dispute as to the fact that he was the in-

ventor—the plans and specifications were classified as secret in order to protect this valuable discovery for the United States. Pursuant to the statute then in effect (35 U.S.C. 68, now 28 U.S.C. 1498), the United States had the right to use the invention of an employee of the Federal Government without making payments therefor, although the inventor could patent the invention and thereby receive compensation for use of the invention by private parties, including foreign governments.

In that Captain Laycock's invention was placed in the secret category (pursuant to 35 U.S.C. 42), there was no opportunity at that time for sale of the rights under the invention to private or foreign sources. However, on August 12, 1943, Captain Laycock filed application in the U.S. Patent Office for a patent (Serial No. 498,284), which patent was eventually granted on August 30, 1949, Patent No. 2,849,144.

Captain Laycock also filed for letters patent in the United Kingdom on August 12, 1943, resulting in the granting of Letters Patent No. 600455. Patents were similarly obtained in Australia, by application on August 12, 1943 (Patent No. 129996), and in Canada on November 19, 1943, Letters Patent 475592. These foreign applications were filed with the knowledge, consent, and even approval of Captain Laycock's superiors in Navy, who recommended such steps in order to protect his rights. (These foreign patent applications were also protected by secrecy laws.)

The U.S. patent was provided to Captain Laycock without charge, pursuant to 35 U.S.C. 45, now 35 U.S.C. 266, but Captain Laycock had to pay all fees and charges, including legal costs, in obtaining the foreign patents. In addition, Captain Laycock paid renewal fees on the foreign patents for several years.

On July 12, 1943, Captain Laycock, prior to filing application for letters patent, entered into a license agreement with the United States—on a standard Government license form—whereby, in consideration of the sum of $1, Captain Laycock granted to the United States: "* * * a nonexclusive, irrevocable, and nontransferable license to make and use and have made for its use devices embodying said invention * * * solely for all governmental purposes, anywhere and at any time the Government may see fit, and to sell devices embodying said invention as provided by law; the foreign rights and all other U.S. rights being expressly preserved."

Shortly thereafter, the United Kingdom made request for the plans and specifications for the pontoon gear invented by Captain Laycock, pursuant to the Lend-Lease Act (22 U.S.C. 411 et seq.), and a bilateral agreement between the United States and the United Kingdom, signed August 24, 1942 (Executive Agreement Series 268). The request was for a license (free of cost) with power for the United Kingdom Government to grant sublicenses to any United Kingdom firms selected by it for the manufacture in the United Kingdom (including any past manufacture) for war purposes only of N.L. pontoon equipment based on the U.S. patent application and any British patents or patent applications owned by Captain Laycock.

Apparently there was more than a little concern in our Government over the request, with particular regard to the protection of Captain Laycock's rights and interest. Based upon an opinion of the Comptroller General to the Secretary of the Navy, dated February 23, 1944 (but never published or made available to Captain Laycock), it was determined that the request by the United Kingdom could be granted, and the information, plans and specifications were made available to, and employed by, the United Kingdom.

It should be noted that the Judge Advocate General of the Navy had assumed in his opinion (par. 11) that Captain Laycock's rights would be protected under section 7 of the Lend-Lease Act, and that the Comptroller General made a like assumption.

In like manner, N.L. pontoon gear were produced in Australia.

Following the cessation of hostilities in World War II, Captain Laycock sought a civilian market for his patent, both in the United States and overseas. He contacted likely manufacturers of such equipment—many of whom had produced the pontoons for the Government or for its Allies—and also sought customers for such pontoons. At the same time he sought information from the Government regarding the use to be made of the pontoons then in existence. Laycock desired to protect his interest and the requests he made upon the Government were not unreasonable.

Rather than aiding Captain Laycock, and attempting to protect his rights in his patent, the Government rebuffed his every effort. Untold thousands of N.L. pontoons in usable condition were sold by the United States as surplus commodities, without any compensation to Captain Laycock. These surplus pontoons glutted the private market in the United States and overseas. In short, there was no private market within which Captain Laycock could sell or distribute the pontoons or the patent rights. During the following several years Captain Laycock sought some compensation from the Government, based on the value of his invention to the Government, the breach of the license agreement by providing pontoons and the plans and specifications to other nations, and the callous destruction of his commercial rights by the manner in which the Government handled the sale of pontoons following the war, but his every effort ended in frustration. His was a battle with a bureaucracy, which he fought valiantly, but to no avail. It was only after he had been buffeted from pillar to post by the various departments and agencies where he sought restitution did he turn to me for help.

At the same time Captain Laycock was seeking relief from his own Government, he was also pursuing payment for the use of his invention by the United Kingdom and Australia—where pontoons had been manufactured and used. In correspondence with British Admiralty, continuing over several years, he appeared close to receiving compensation for the use made of his patent. These negotiations were abruptly concluded, however, when the United States granted a license to the United Kingdom, "to make, use, and have made between July 12, 1943, and September 2, 1945, for use in the war effort, devices embodying" Captain Laycock's invention. This license, in direct contravention of the terms of the license granted to the United States by Captain Laycock, was granted to the United Kingdom on March 17, 1953—long after such production had been concluded, but in time to excuse the United Kingdom from any sums owed to Captain Laycock. After receiving the license, British Admiralty advised Captain Laycock that 32,056 pontoons had been manufactured in Great Britain.

Negotiations with Australia proved to be equally frustrating—though there was not a retroactive license granted by the United States.

Thus, despite the unquestioned value of Captain Laycock's patented invention to the United States—in saving untold lives and materials of tremendous value—and to its allies in World War II and the Korean conflict, the unquestioned breach of his license with the United States, and the total destruction of the foreign and private rights in his patents, he never received compensation for his efforts. This was indeed cavalier treatment for a man who served his Nation well.

Compensation

S. 2896, as originally introduced in the 90th Congress, called for compensation to the estate of Captain Laycock in the amount of $10,282,648.

The amount of this claim was determined by Captain Laycock, as of August 1966, as follows:

(*a*) At the end of World War II, the Government designated about one-fifth of its stock of N.L. pontoons as surplus, and offered for sale 100,000 pontoons. These pontoons were offered for, and purchased at, $45 each.

(*b*) The value of the scrap metal in each pontoon was $20, but the cost of cutting the pontoons into commercial scrap was $20. Since there was a demand for the pontoons, it must be assumed they were wanted for commercial use. Captain Laycock subtracted the scrap value of $20 from the sale price of $45, and set the commercial value of his patented invention at $25.

(*c*) One hundred thousand pontoons at $25 each would total $2,500,000. This was the amount received by the Government in excess of the scrap value of the pontoons sold. To this Captain Laycock added interest at 6 percent per annum since 1947, amounting to $5,063,000, which when added to the $2,500,000 gives a total of $7,563,000.

(*d*) The British Government acknowledged the manufacture of 32,056 N.L. pontoons under Captain Laycock's patents. The value assigned to each, as on the pontoons produced domestically was set at $25. Using the value for 2,000 pontoons provides the sum of $800,000. Interest on $800,000 at 6 percent per annum for 21 years equals $1,919,648. The total indebtedness based on Birtish use of the patents amounts to $2,719,648. By its lease to the United Kingdom, the United States proscribed collection from the United Kingdom.

(*e*) The total of the claims, with interest, against the United States for the value received from its sale of the 100,000 pontoons and the manufacture and use of pontoons by the United Kingdom amounted to $10,282,648.

As stated above, this was the amount of the claim as determined by Captain Laycock. However, approximately 500,000 N.L. pontoons with fittings and hardware were produced in the United States at a cost of $250 million. The Federal courts have found a just royalty rate to be (depending on the circumstances involved) within the range of 3 to 5 percent of the cost of the items produced under the patent. Using a royalty rate of 4 percent, this would produce a claim of $10 million. In like manner, the United Kingdom manufactured and used over 32,000 N.L. pontoons. Assuming a like cost of $500 per pontoon (without including fittings and other hardware), the cost of production would be $16 million, and a royalty rate of 4 percent would provide $640,000. And, Australian production of 4,731 N.L. pontoons was at a cost of $1,900,000, and a royalty rate of 4 percent would produce $76,000.

Moreover, the Federal courts have allowed for compounded interest in patent cases at 4 and 5 percent per year, as a part of the just and reasonable compensation to the patent holder.

Conclusion

The Government of the United States has always honored its obligations—moral and legal. While it is recognized that Captain Laycock was in the U.S. Navy, and thus a Government employee, at the time he invented the N.L. pontoon, the commtitee is advised that much of the design and indeed the very idea of the pontoon were developed by Captain Laycock working nights, weekends, and while on leave from the Navy. Yet, the law has historically given to the Government so called shop rights in the inventions of its employees. Such "shop rights" do not render the remaining rights in the patent holder valueless, nor do they provide an excuse for the Government violating its lease agreement with Captain Laycock, failing to protect and compensate him under the Lend-Lease Act, receiving unjust compensation based on his invention, or destroying his own rights to profit commercially on his

invention. (The United Kingdom, while also taking "shop rights" in inventions of its (citizen) employees, did arrange for special remuneration for their contributions—something the United States did not provide.)

The N.L. pontoon was of incalculable value to the United States and its Allies in World War II, in Korea, and up to the present date. "The Navy's Steel Pontoons," reprinted from Compressed Air magazine, September 1945, provides an insight as to the value of the pontoon during World War II and the high esteem in which it was held by the military. Captain Laycock personally explained the operation and use of the pontoons to Prime Minister Winston Churchill at the White House. The British commanders at the invasion of Sicily termed the pontoons the "sine-qua-non" for victory, and Lord Louis Mountbatten referred to them as "these miraculous American pontoons."

Possibly the most telling indication of the value of the pontoons was that attributed to them by the Germans in World War II. Captured German intelligence reports demonstrated the importance of these pontoons, their various uses and capabilities, to the allied military operations. The Germans apparently spent some time in studying their operations, and were well aware of the fact that it was Captain Laycock who had invented them. Finally, after the war, General Jodl acknowledged how devastating their use had been in Sicily, and how the invasion caused the greatest consternation and dismay at the German High Command.

That Captain Laycock's contributions to the war effort were indeed significant is indicated by his receipt of the Legion of Merit and the Gold Star in lieu of the second Legion of Merit, based upon his invention and development of the N. L. pontoon.

In consideration of this claim the committee is impressed with the substantial and extensive use of the invention of Captain Laycock and believes that his estate should be reimbursed for the unauthorized use of his invention by the U.S. Government when it licensed the British and Australian Governments to produce and use Captain Laycock's invention. As heretofore expressed in the license agreement with the United States, foreign rights were expressly reserved to Captain Laycock.

The committee desires to make it clear that no part of the amount involved is in the form of a gratuity to Captain Laycock but is a full and complete settlement for the use of his patent by foreign nations, contrary to the licensing agreement. However, the committee does want to express its opinion that Captain Laycock's contribution to the war effort was exceedingly important, as expressed in the publications noted previously in this report.

On the basis of all of the foregoing, the committee recommends that the bill, S. 497 as amended, be considered favorably.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar, beginning with Calendar No. 690.

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

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated, as requested by the Senator from West Virginia.

AMBASSADOR

The bill clerk read the nomination of Lewis Hoffacker, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Cameroon to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Equatorial Guinea.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and affirmed.

UNITED NATIONS TRUSTEESHIP COUNCIL

The bill clerk read the nomination of Sam Harry Wright, of the District of Columbia, to be the representative of the United States of America on the Trusteeship Council of the United Nations.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

U.S. ATTORNEY

The bill clerk read the nomination of Bert C. Hurn, of Missouri, to be U.S. attorney for the western district of Missouri.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

The bill clerk read the nomination of George M. Low, of Texas, to be Deputy Administrator of the National Aeronautics and Space Administration.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

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

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

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I move that the Senate resume the consideration of legislative business.

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

ORDER FOR RECOGNITION OF SENATOR GOODELL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the close of routine morning business today, the able junior Senator from New York (Mr. GOODELL) be recognized for 10 minutes.

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

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. McGEE, from the Committee on Post Office and Civil Service, with an amendment:

S. 2325. A bill to amend title 5, United States Code, to provide for additional positions in grades GS-16, GS-17, and GS-18 (Rept. No. 91-561).

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. TOWER:

S. 3185. A bill to extend Federal group life and health insurance benefits to Federal employees in the Canal Zone who are not citizens of the United States, and for other purposes; to the Committee on Post Office and Civil Service.

(The remarks of Mr. TOWER when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. BOGGS:

S. 3186. A bill to clarify the status of funds to the Treasury deposited with the States under the act of June 23, 1836; to the Committee on the Judiciary.

(The remarks of Mr. BOGGS when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. GOODELL (for himself, Mr. BAYH, Mr. BROOKE, Mr. CASE, Mr. HARTKE, Mr. JAVITS, Mr. MONDALE, Mr. NELSON, Mr. PROUTY, Mr. RANDOLPH, and Mr. SCHWEIKER):

S. 3187. A bill to assist State and local criminal justice systems in the rehabilitation of criminal and youth offenders, and the prevention of juvenile delinquency and criminal recidivism by providing for the development of specialized curricula, the training of educational personnel, and research and demonstration projects; to the Committee on Labor and Public Welfare.

(The remarks of Mr. GOODELL when he introduced the bill appear later in the RECORD under the appropriate heading.)

S. 3185—INTRODUCTION OF A BILL TO EXTEND HEALTH BENEFITS AND LIFE INSURANCE COVERAGE TO NONCITIZENS EMPLOYED BY U.S. AGENCIES IN THE CANAL ZONE

Mr. TOWER. Mr. President, I introduce for appropriate reference a measure designed to extend health and life insurance benefits to cover noncitizens employed by U.S. agencies in the Canal Zone. At the present time, Mr. President, these workers are being denied these benefits when Americans working in the same jobs would be granted them. This not only creates two classes of workers, it also creates hardships for the nonincluded workers. These people have the same health and estate planning problems as others, if not more so, and yet they are denied the aid of group programs that has become so essential for providing adequate medical and insurance benefits. In order to remedy the existing inequities, I have proposed this legislation.

Another reason commending passage of this measure is to improve the general standard of living in the Canal Zone. Americans living in the area live on a fairly high plane from others. This measure would help dissolve existing inequities and show the people of this sovereign part of the United States that they can enjoy the equal protection of the Government, wherever it might be. We have always maintained that the Constitution and its guarantees follow the flag. We should move with alacrity to provide

these benefits to the noncitizens working in the Canal Zone.

The PRESIDING OFFICER (Mr. CRANSTON in the chair). The bill will be received and appropriately referred.

The bill (S. 3185) to extend Federal group life and health insurance benefits to Federal employees in the Canal Zone who are not citizens of the United States, and for other purposes introduced by Mr. TOWER, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

S. 3186—INTRODUCTION OF A BILL TO CLARIFY THE SURPLUS REVENUE ACT OF 1836

Mr. BOGGS. Mr. President, in 1836 the Government of the United States found itself in an unusual position. It had a surplus in its Treasury of $42,468,859.97, and it did not know what to do with it.

After considerable discussion, the Congress decided to set aside $5 million as a reserve and to allocate the remaining $37,468,859.97 to the then 26 States comprising the Union, payable in four installments.

Three installments, totaling $28,101,644.91, were distributed before the Nation was caught in a financial squeeze and the remainder of the surplus retained in the U.S. Treasury.

The money was distributed as follows:

New York received $4,014,520.71; Pennsylvania, $2,867,514.78; Virginia, $2,198,427.99; Ohio, $2,007,260.34; Kentucky, North Carolina, and Tennessee, $1,433,757.39 each; Massachusetts, $1,338,173.58; Georgia and South Carolina, $1,051,423.09 each; Maine and Maryland, $955,838.25 each; Indiana, $860,254.44; Connecticut and New Jersey, $764,670.60 each; Alabama, New Hampshire, and Vermont, $699,086.79; Illinois and Louisiana, $477,919.14; Mississippi, Missouri, and Rhode Island, $382,335.30; and Arkansas, Delaware, and Michigan, $286,751.49.

Most States did one of four things with this money. Many invested in banks or railroads; many built schools; many devoted it to public works, and some further distributed it to local governments.

The State of Delaware, for example, used most of the money to buy 51 percent interest in the Farmers Bank of the State of Delaware. That stock, bought for $180,000, now is worth an estimated $7.2 million. Some States profited as greatly from the windfall; some show little for it.

Most States have long forgotten the windfall, and, indeed, the Federal Government has paid little heed to it.

It must be pointed out, however, that the money was not distributed as a gift, but rather as a loan. It is subject to recall at the summons of Congress.

The State of Delaware recently realized that it maintains this debt and has been forced to enter it as a liability on the State's ledger books. There is no evidence that the debt ever will be recalled, but its presence causes a needless confusion in the account keeping of Delaware and other States.

The U.S. Department of the Treasury carries the distribution as a memorandum asset account.

The Honorable Russell W. Peterson, Governor of Delaware, has asked me to introduce legislation which would void the right of the Congress to recall the distribution. The Treasury has said it would not object to such legislation.

Approval of such legislation, while not affecting the fiscal status of any of the States or of the Federal Government, would clear up a confusing situation which has prevailed since the distribution.

Mr. President, I introduce, for appropriate reference, a bill to clarify the status of funds of the Treasury deposited with the States under the act of June 23, 1836.

I ask that the bill, a letter from Governor Peterson, and a relevant article by Bob Schwabach of the Wilmington Evening Journal be printed in the RECORD at this point.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill, letter and article will be printed in the RECORD.

The bill (S. 3186) to clarify the status of funds of the Treasury deposited with the States under the act of June 23, 1836, introduced by Mr. BOGGS, was received, read twice by its title, and ordered to be printed in the RECORD, as follows:

S. 3186

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) any funds of the Treasury which were deposited with any State under section 13 of the Act of June 23, 1836, (5 Stat. 55) shall be considered to have been a grant to such State for the purpose of providing for the general welfare of the United States. Any certificate of deposit issued by any State for such funds which is held by the Secretary of the Treasury shall be cancelled.

(b) The last proviso of section 13 of such Act is hereby repealed.

The material submitted by Mr. BOGGS, is as follows:

STATE OF DELAWARE,
EXECUTIVE DEPARTMENT,
Dover, November 6, 1969.

Hon. J. CALEB BOGGS,
U.S. Senate,
New Senate Office Building,
Washington, D.C.

DEAR CALE: It has recently come to our attention that the State of Delaware received $286,751.49 from the proceeds of the Federal Surplus Revenue Act of 1837.

This money was invested by the state, mostly in stock in the Farmers Bank of the State of Delaware. We have recently learned, however, that this money was not an outright gift by the Federal government, but a loan. It now appears that we must carry the total as a liability on the state's books, even though there is practically no chance that the Federal government will ever recall the debt. The act in question distributed a total of $37 million among the then 27 states of the Union.

It would be most helpful if you would offer a bill in the Senate which would excuse the states of their debt resulting from the 1837 act.

We will soon send you complete information on the history of Delaware's share of the money. As you may suspect, the total has appreciated greatly over the years.

Sincerely,

RUSSELL W. PETERSON,
Governor.

FIRST STATE PROSPERED ON 1837 LOAN FROM U.S. SURPLUS: DELAWARE, 25 OTHER STATES, CHERISH FISCAL TIME BOMB

(By Bob Schwabach)

A financial timebomb has been quietly ticking away in the treasuries of 26 states, including Delaware, for 132 years.

In 1837 the federal Treasury had a surplus of more than $40 million revenues and Congress decided that the sensible course was to lend it to the 26 states—all there were in the Union at that time.

It's a long fuse but still aglow.

Delaware's share of the "windfall" was $286,751.49 and the state used a large chunk of that to buy shares in the Farmers Bank of the State of Delaware—the same shares which the state still holds.

The legislation which permitted the deposits to the 26 states said clearly that the monies were a loan, not a gift. Now, though hardly anyone remembers the loan, the money is still recallable if Congress should ask for it, and it may even be recallable with accumulated interest.

Sen. J. Caleb Boggs, R–Del., said last night that he is definitely considering the presentation of a bill to void the right of Congress to ever recall the loan. Such a bill would be for the relief of all 26 states, not just Delaware.

Boggs said he had put his legislative assistant to work researching the loan shortly after being informed of it by the News-Journal papers a few weeks ago.

Sen. John J. Williams, R–Del., was unavailable for comment.

Rep. William V. Roth Jr., R–Del., said last night that, in his opinion, "as a practical matter it is unlikely that the loan would ever be recalled."

The 26 states that owe the money, Roth said, would hold a majority in the Senate and probably in the House as well.

A state budget analyst is now tracing all the investments and transfers that the loan has gone through in 132 years so that the state will be prepared in the event of a recall to account for the funds. Officials in the budget department were unaware of the long-standing debt obligation until informed of it about three weeks ago by a News-Journal reporter.

The story of that loan and sister loans to the other states begins in 1836 when the U.S. Treasury discovered the surplus of nearly $42 million.

The surplus had been building for years and in the absence of a national debt the argument was raised in Congress that the money should be returned to its rightful owners, the people.

Those arguments prevailed and an act of that year decreed that the money should be divided among the states on the basis of their representation in Congress. Some senators and representatives wanted the distribution to be a gift but the majority, wishing to be prudent, decided that it should be a loan, to be available for recall in a time of national emergency or whenever Congress chose.

New York received the largest amount, $4,014,520.17, and Delaware, Arkansas and Michigan received equally the smallest shares. In all, $37,468,859.97 was loaned out.

Delaware used $180,000 of its share to purchase 5,000 shares of stock in the Farmers Bank.

The bank has done well in the past 132 years and these 5,000 shares have now grown to about 225,000 worth $7.2 million. In addition, each of the shares pays a $1 annual dividend, so that each year's dividends alone now equal more than the initial investment.

The fortunate purchase of those shares leaves Delaware as one of only two states to have used the loan profitably—Vermont is the other one—and far beyond all the states in the return it has gained.

No state, even Delaware, which has been

the most prudent and successful with the money, could repay the loan with interest if recalled.

The prevailing rate on Treasury loans in 1837 was 5 per cent. At that rate Delaware would have to repay about $150 million, which is almost the entire state budget.

What happened to the rest of the loan Delaware received is still being researched, but in preliminary form here's how it went:

The state used $80,793 to buy bonds in the Philadelphia, Wilmington and Baltimore Railroad and the New Castle and Wilmington Railroad. Both lines are now defunct, but before they went under the state cashed in its bonds in 1881 and made a nice profit. The money was put into the Permanent School Fund.

The state loaned $5,000 to Sussex County to build the Sussex County Courthouse. That loan was repaid and the money put in the school fund.

The state used $20,958.49 to buy stock in the Smyrna Bank and the National Bank of Delaware. Some of that stock was sold and the money put in the school fund; the remainder still in stock is worth more than the original investment.

Dividends from Farmers Bank stock also went into the school fund, and because of the loan and amazingly good management, Delaware had no school tax until this century.

Other states have not been so prudent. Most of the states in the South and Midwest dissipated their loans in a very few years. The New England and Middle Atlantic States were more careful but bad luck combined with bad management took only a little longer to reduce their shares to virtually nothing.

Calls to the treasurers of most of those states revealed that few state treasurers had even heard of the 1837 loans let alone kept an accounting of it.

A high treasury official in Maryland did not know of the state's obligation and when informed said he had no intention of making provisions to pay it. In Pennsylvania, officials took the matter more seriously and expressed real fear that should Congress recall it the state would be thrown into bankruptcy. (Pennsylvania received nearly $3 million.)

New York and New Jersey, while they no longer have the initial loan funds, carry the debt as a liability on their budgets and stand willing to repay it out of the General Fund if called upon. New York has carried an exact account of all transactions of the loan for every year since 1937.

Through all the examinations of what the other states have done or failed to do with their share of the 1837 surplus it is clear that Delaware emerges with great credit. It would be very hard to find a money manager today, even among the new breed of highly sophisticated professionals, who would feel confident of investing profitably over a period of 132 years.

INTRODUCTION OF S. 3187—THE CRIMINAL OFFENDER CORRECTIONS EDUCATION ACT OF 1969

Mr. GOODELL. Mr. President, like the Roman god Janus with its two faces, one facing forward, the other backward, the Congress has frequently enacted significant legislation in the field of education, then refused to appropriate sufficient funds to bring its goals to reality.

In 1965, the Congress established the National Teacher Corps. It was created to attract to the teaching profession highly motivated and specially trained young people to work effectively with underprivileged students in city slums and areas of rural poverty.

Originally sponsored by the distinguished junior Senator from Wisconsin (Mr. NELSON) the Teacher Corps has done a remarkable job. It has been extraordinarily successful in devising new and imaginative approaches to the problems of learning among the disadvantaged in our society, who have been unable to respond to conventional educational approaches.

The program is structured to attract college graduates and others with a minimum of 2 years of college to an internship, lasting 1 to 2 years. Interns function in teams within local schools, under the control of local school systems.

They are enrolled simultaneously at a participating university, where they undertake intensive training and study for their specialized teaching role. The program results in teacher certification for participating corpsmen and in an appropriate degree for those who qualify.

Despite its success, the Teacher Corps has had a long and difficult struggle to survive. Congress has consistently failed to appropriate sufficient funds to achieve the broad goals of the original legislation. Nevertheless, the Corps does have the full support of President Nixon.

On October 20, 1968, Mr. Nixon said:

> We will seek to create a National Teacher Corps which will bring carefully selected college and high school students into action as teachers in core city schools.

In his proposed education budget for fiscal year 1970, the President endorsed the full $31 million Teacher Corps budget recommended by President Johnson.

In addition to its primary mission, the Corps has undertaken a very significant and successful pilot effort to improve the education and reduce the recidivism of adolescents and young adults who have been sentenced to correctional institutions. The intent of this demonstration project was to build upon the 3 years of Corps experience in which universities used the Teacher Corps to test—and then adopt—new programs of teacher education.

School systems have effectively used the Teacher Corps to help introduce and then adopt new curriculums, specialized instruction and new staffing patterns.

Similar reforms are now urgently needed in specialized teacher training and curriculums development for use in correctional institutions, juvenile detention facilities, and community delinquency intervention programs. Once again, the Teacher Corps has successfully demonstrated its ability to initiate such reform, but again it has not had sufficient funds available to fully develop this program.

On September 18, I introduced in the Senate a $1.1 billion comprehensive crime control program, including S. 2919 the Criminal Offender Rehabilitation and Crime Control Act of 1969. Title III of that bill, "Corrections Education Services," provides for a continuation, on a permanent basis of the Teacher Corps corrections education program. The title also, in an unrelated program, would authorize the Commissioner of Education to make grants for research relating to the academic and vocational education of antisocial, aggressive, and delinquent persons, including juvenile delinquents, youth offenders, and criminal offenders.

Today, on behalf of myself, Mr. BAYH, Mr. BROOKE, Mr. CASE, Mr. HARTKE, Mr. JAVITS, Mr. MONDALE, Mr. NELSON, Mr. PROUTY, Mr. RANDOLPH, and Mr. SCHWEIKER, I am reintroducing these provisions as a separate bill, in order that they might be brought to the particular attention of those, in and out of the Congress, who are concerned about the special education needs of youth offenders, juvenile delinquents, and predelinquent adolescents.

The pilot programs in the field of corrections education carried out successfully by the Teacher Corps have had the following objectives, which would be continued under my bill:

First. To encourage colleges and universities to establish and expand specialized programs to train education personnel to work with juvenile delinquents, predelinquents, youthful offenders, and other criminal offenders in penal institutions and community corrections facilities.

An interdisciplinary approach to the problems of corrections education, including study in the fields of criminology sociology, and psychology would be coordinated within our schools of education.

Training would be sufficiently broad to prepare teacher-interns in the specialized area of corrections education and to meet university and State requirements for degree preparation and certification. It is hoped that a permanent curriculum offering at universities throughout the Nation can be developed.

Second. To encourage and assist correctional and penal institutions to provide improved education programs for those placed in their charge, in the hopes of insuring that young offenders reenter society with a better chance to assume normal, productive lives.

Third. To encourage dedicated young people to make education in the corrections field a permanent career choice through the development of such special training and new opportunities for service.

Fourth. To complement the efforts of other Federal, State, and local agencies to provide better education programs for juvenile delinquents and youthful offenders.

During the past year the Teacher Corps has conducted three corrections education programs and one pilot project in the States of New York, Illinois, Connecticut, and Georgia. The Corps was assisted in the development of these projects by the Joint Commission on Correctional Manpower and Training, the National Council on Crime and Delinquency, and the VERA Institute of Justice, as well as several other highly regarded experts in the field.

The first corrections education program began at Rikers Island, N.Y., in August 1968. In September 1969, the

highly respected VERA Institute of Justice prepared an evaluation of this project.

It reported that—

In terms of the educational accomplishments of the program, an indication of success is provided by the number of juvenile and youth offenders who took and passed the high school equivalency examination. For the year, 31 of 72 who took the examination passed.

This is a good percentage, given the low level of proficiency at which many inmates started and the fact that Teacher Corps placed no restrictions on which inmates could take the examination.

Further, at least 10 inmate-participants in the school have been placed in college programs for the coming academic year.

In addition to such objective accomplishments of the program, there were less tangible, but equally significant achievements of other kinds. For any rehabilitation program to be successful, it must begin by changing the offender's self-image and give him an opportunity to see himself as a potentially productive person.

The most exciting thing about the Teacher Corps project was that this kind of attitudinal change seemed to occur in so many of the approximately 190 inmates enrolled in the program during the two sessions from September 1968 to June 1969.

The Teacher Corps interns were successful in establishing rapport with the inmates by showing interest in their ideas and treating them as equals. Classroom discussions involved broad participation and were articulate and sophisticated. Many inmates told us that this was the first educational experience in which they felt that teachers gave them credit for being able to think and contribute worthwhile ideas.

The inmates' enthusiasm is probably a result of several factors. The interns are not too different in age from the inmates and thus shared many values common to young people, which cut across social and economic barriers.

Further, the curriculum included topics that were relevant to the problems of Negroes and Puerto Ricans in an urban environment today. Also, because the ratio of teachers to students was low, about 1 to 6, interns were able to devote a significant amount of time to private tutoring, which allowed inmates to move at their own pace.

This impressive evaluation by the VERA Institute reflects the significant potential of this program.

In the State of Illinois, six interns are teaching and working with predelinquents in a delinquency intervention program in the Carbondale Community High School. Six additional interns are supplementing the education staff of the Pere Marquette Camp for delinquent boys, which is operated by the Illinois Youth Commission.

The project is directed by Mr. Charles Matthews, director of the Center for the Study of Crime, Delinquency and Corrections at Southern Illinois University. Teacher Corps interns are receiving their professional training at this institution. The superintendent of public instruction for Illinois has approved the training experiences as qualifying requirements for teacher certification.

In Connecticut, 20 members of the Teacher Corps are serving in an education program in the school of the Cheshire Reformatory and in Somers Prison, where they are introducing new curricula and teaching techniques. While serving at Cheshire, interns are enrolled as graduate students in the Department of Education at the University at Hartford.

The Connecticut Department of Education has established a classification of correctional education specialist, and graduates of the program will be so certified.

In Georgia, seven Teacher Corps interns are teaching basic and vocational education subjects, and providing counseling at the Buford Prison near Atlanta. They are enrolled in a 2-year graduate degree program at the University of Georgia. Buford is a small prison which has been converted to a special education and training institution for 180 young offenders.

Mr. President, in addition to these programs, there are a significant number of corrections educations proposals which have been submitted to the Teacher Corps by various organizations and universities in several States. At the present time, Teacher Corps funding for these programs is not available. Although they have not been finally approved for inclusion in the Teacher Corps corrections program, they demonstrate the broad and innovative potential for effective action in the new field of corrections education.

A proposed corrections education program at the University of Southern California would utilize 60 Teacher Corps interns, 12 teams of five persons each. These interns would be enrolled in a program focused on the causation of delinquency and the particular educational needs and problems of delinquent youth. They would seek to determine when and how the delinquency pattern begins to develop. They would rotate through both public school and correctional institution experiences.

At the completion of the program, interns would be certified to teach, with the special qualification to work with delinquent and predelinquent youths and programs in both school and community facilities.

This project would have the support of the university's school of public administration and its delinquency control institute. Dr. E. Kimberley Nelson, the distinguished former director of the Task Force on Delinquency for the President's Commission on Crime and Delinquency, a member of the staff of the school, would bring a broad prospective of experience in the field of juvenile delinquency control to the program.

At Sacramento State College, a proposal contemplates the use of 36 Corps members in six teams of six each. Each team will be composed of leadership personnel and teacher interns at three levels: undergraduate, graduate—or Teacher Corps—and post graduate or team-leader training, so that the program will culminate in both BA and MA, dependent upon entry level of intern.

A proposed program at the University of Massachusetts would enroll inmates of prisons as teachers for correctional institutions on an experimental basis. They would also be awarded released time to study at the University of Massachusetts.

A project proposed at the University of Minnesota would put teams of Teacher Corps interns into an adult prison and a youth school.

Another proposal submitted to the Teacher Corps by the VERA Institute of Justice in New York contemplates adding a Teacher Corps Corrections Education component to its current youth offender rehabilitation program, utilizing Fordham University's School of Social Service to assist its development.

Cooperating with VERA in this undertaking would be the New York criminal court system, the Bronx criminal court, the New York State Crime Control Council, the central Brooklyn model cities project, the Youth Aid Division of the New York City Police Department, the New York City family court and the New York City Board of Education.

The Center for the Study of Metropolitan Problems at the University of Missouri at Kansas City has also submitted a proposal. Cooperating with the proposed correction education program would be the School District of Kansas City, Mo.; the Institute for Community Studies, Kansas City; and the Juvenile Court Services, Kansas City Judicial District.

At the University of Oregon, interns for the Teacher Corps correction program would be recruited from there projects at the university that make college study available to blacks, Indians, and Mexican-American migrants. These recruits would be undergraduates and gain experience in local schools and correctional institutions. In the second year a career opportunities program component would be added to the present proposal.

Cooperating agencies would include the Lincoln County Schools; Portland School District; Oregon Correctional Institute, Salem; Skipworth Detention Home, Eugene; and Portland Correctional Agencies.

The city and county of Denver in cooperation with the University of Colorado and Denver University has also proposed a corrections education program.

Other innovative corrections education proposals have been submitted to the Teacher Corps by Florida Atlantic University, Boca Raton, Fla., and Sam Houston State University, Houston, Tex.

A primary goal of the former proposal is to handle corrections education and other delinquency rehabilitation efforts in the community, rather than in correctional institutions.

The development of the latter proposal would be assisted by Dr. George G. Killinger, director of the State-funded institute of contemporary corrections and behavioral sciences at the university. Cooperating agencies would include the Texas Department of Corrections, Texas Youth Council, Juvenile and Adult Probation Departments, Texas Board of Pardons and Parole—Adult; Texas Education Agency, and Boards of Education in Houston, Dallas, Fort Worth, and San Antonio.

Mr. President, on any given day, the corrections component of our criminal justice system is responsible for approximately 1.2 million offenders in prisons,

jails, juvenile training schools, and probation and parole organizations. About 100,000 of these persons are released from confinement each year into a society which has been quite content to keep them out of sight.

Up to 75 percent of these persons again commit serious crimes and return to confinement. Thus for a great many offenders, corrections does not correct, and this failure is directly and crucially related to the high incidence of street crime in the Nation today.

The Teacher Corps corrections education program seeks to contribute to the solution of this problem—the enormously complicated process of criminal offender rehabilitation.

It is clear that the Congress must undertake comprehensive, broad based reform of our entire corrections system. The Teacher Corps, however, has made a promising beginning toward the solution of one important aspect of that larger problem. It deserves the support of us all.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3187) to assist State and local criminal justice systems in the rehabilitation of criminal and youth offenders, and the prevention of juvenile delinquency and criminal recidivism by providing for the development of specialized curriculums, the training of educational personnel, and research and demonstration projects, introduced by Mr. GOODELL (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 3187

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Criminal Offender Corrections Education Act of 1969".

FINDINGS AND DECLARATION OF POLICY

SEC. 2. The Congress hereby finds and declares that (1) there are critical shortages of adequately trained educational personnel to provide relevant remedial, basic and secondary educational training, including literacy and communications skills, for juvenile delinquents, youth offenders and adult criminal offenders; (2) the quality of programs of vocational and academic education furnished to persons detained in State and local corrections systems must be improved in order to enhance the possibility of rehabilitation of such persons; (3) there is a need for joint efforts between State and local educational agencies and departments of corrections, and local institutions of higher learning to develop special curriculums and educational programs, including guidance and counseling, for such persons; and (4) there is a need for research and demonstration projects relating to the academic and vocational education of juvenile delinquents, youth offenders and adult criminal offenders.

TEACHER CORPS CORRECTIONS EDUCATION PROJECTS

SEC. 3. (a) Section 513 of the Higher Education Act of 1965 (subpart 1 of Part B of the Education Professions Development Act) is amended by striking out "and" in paragraph (6) thereof, by striking out the period at the end of paragraph (7) and inserting in lieu thereof a semicolon and the word "and", and by adding after paragraph (7) the following new paragraph:

"(8) to enter into arrangements, through grants or contracts, with State and local educational agencies, correctional institutions, detention centers, training schools, and any other appropriate public or private nonprofit agencies to provide members of the Teacher Corps to carry out projects designed to meet the special educational needs of juvenile delinquents, youth offenders and adult criminal offenders, and persons who have been determined by a State or local educational agency, court of law, law enforcement agency, or any other State or local public agency to be predelinquent juveniles."

(b) Section 511(b) of such Act is amended by—

(1) striking out "and $56,000,000 for each of the succeeding fiscal years and prior to July 1, 1971, respectively" and inserting in lieu thereof the following: "$60,000,000 for the fiscal year ending June 30, 1970, $64,000,000 for the fiscal year ending June 30, 1971, and $68,000,000 for the fiscal year ending June 30, 1972,";

(2) by adding at the end thereof the following new sentence: "Of the sums appropriated pursuant to the preceding sentence for the fiscal year ending June 30, 1970, $4,000,000 shall be available only for the purpose of carrying out paragraph (8) of section 513(a), for the fiscal year ending June 30, 1971, $8,000,000 shall be available only for that purpose, and for the fiscal year ending June 30, 1972, $12,000,000 shall be available only for that purpose."

(c) Section 517A of such Act is amended by inserting "(1)" after the word "includes" and by inserting before the period a semicolon and the following: "and (2) includes any State or local educational agencies, correctional institutions, detention centers, training schools, and any other appropriate public or private nonprofit agencies conducting projects under paragraph (8) of section 513(a)".

RESEARCH AND DEMONSTRATION PROJECTS IN CORRECTIONS EDUCATION SERVICES

SEC. 4. (a) The Commissioner of Education (hereinafter referred to as the Commissioner), is authorized to make grants to State and local governments, State and local educational agencies, public and nonprofit private institutions of higher learning, and other public and nonprofit private, education, or research agencies and organizations for research or demonstration projects, relating to the academic and vocational education of antisocial, aggressive, or delinquent persons, including juvenile delinquents, youth offenders, and adult criminal offenders Such projects should seek to develop criteria for the identification for specialized educational instruction of such persons from the general elementary and secondary school age population. Special curriculums, and guidance and counseling programs should also be developed. All projects shall include an evaluation component. Such grants shall be made in installments, in advance or by way of reimbursement, and on such conditions as the commissioner may determine.

(b) The Commissioner is authorized to appoint such special or technical advisory committees as he may deem necessary to advise him on matters of general policy relating to the education of persons intended to be benefited by this section, and shall secure the advice and recommendations of the Director, Bureau of Prisons, of the Director, Office of Juvenile Delinquency and Youth Development, the Director of the Teacher Corps, the head of the National Institute of Law Enforcement and Criminal Justice, the Administration of the Law Enforcement Assistance Administration, and such other persons and organizations as he, in his discretion, deems necessary before making any grant under this section.

(c) Members of the committee appointed under this section who are not regular full-time employees of the United States shall, while serving on the business of such committee, be entitled to receive compensation at rates fixed by the Secretary of Health, Education, and Welfare, but not exceeding $75 per day, including traveltime; and, while so serving away from their homes or regular place of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of persons in the Government service employed intermittently.

(d) There is authorized to be appropriated to carry out the purposes of this section the sum of $3,000,000 for the fiscal year ending June 30, 1970, and the sum of $5,000,000 for each of the two succeeding fiscal years.

ADDITIONAL COSPONSORS OF BILLS

S. 2004 AND S. 2524

Mr. DOMINICK. Mr. President, on behalf of the Senator from Illinois (Mr. SMITH), I ask unanimous consent that, at the next printing of S. 2004, to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses, and S. 2524, to adjust agricultural production, to provide a transitional program for farmers, and for other purposes, the name of the Senator from Illinois (Mr. SMITH) be added as a cosponsor.

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

SENATE RESOLUTION 291—SUBMISSION OF A RESOLUTION URGING THE NEED TO REACH A MULTILATERAL AGREEMENT RELATING TO A PRECISE CONTINENTAL SHELF BOUNDARY

Mr. PELL. Mr. President, today I submit a sense-of-the-Senate resolution calling attention to the urgent need to reach multilateral agreement on the location of the Continental Shelf boundary for the purposes of the 1958 Geneva Convention on the Continental Shelf.

The need to clarify this international boundary issue is evident from the Geneva Convention's anachronistic definition of the term "Continental Shelf" as referring to "the seabed and the subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to a depth of 200 metres or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of said areas."

Mr. President, the key phrase in this definition is "to a depth of 200 meters or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of said areas." This open-ended aspect of the definition is commonly referred to as the "exploitability test" of the Continental Shelf Convention.

While this so-called test was totally irrelevant prior to the exploitation of seabed mineral resources in water depths approaching 200 meters, the advances now being made in applied marine technology are in turn giving prominence to

it. Thus, the net effect of our rapidly developing marine technology coupled with the unfortunate wording of the convention is to create an "elastic" Continental Shelf boundary—in the sense that, as exploitation occurs at greater and greater depths, each coastal State's Continental Shelf boundary expands accordingly and assumes automatically a location at that depth contour at which exploitation was undertaken last. Carrying the exploitability test to its logical conclusion, some law of sea experts maintain that a complete division of the seabed and the ocean floor could be effected—at least from a legal standpoint—given the present wording of the Geneva Convention.

Although such a contention would, I think, be difficult to justify in view of the legislative history accompanying the Continental Shelf doctrine, and particularly in view of the recent decision handed down by the International Court of Justice in its North Sea Continental Shelf judgment, we must, nevertheless, recognize the fact that neither the convention nor its history provide the clarity needed to indicate either where the shelf boundary is or what the appropriate considerations are for determining its location. In short, the Geneva Convention on the Continental Shelf must be revised for the purpose of determining the location of this boundary—which is after all fundamental to the application of the convention itself.

The need to revise the Continental Shelf Convention has been underscored by many who are concerned with the orderly and peaceful development of seabed mineral resources—not the least of whom has been the Presidential Commission on Marine Sciences, Engineering, and Resources. The Commission delivered its 2-year study in January of this year, and with respect to the boundary issue, it recommended that the United States take the lead in pressing for a revision of the Shelf Convention for the purpose of reaching multilateral agreement on the establishment of a precise continental shelf boundary. The resolution which I am offering today seeks to implement this recommendation, and I ask unanimous consent that it be printed at this point in the RECORD.

The ACTING PRESIDENT pro tempore. The resolution will be received and appropriately referred; and, without objection, the resolution will be printed in the RECORD.

The resolution (S. Res. 291), which reads as follows, was referred to the Committee on Foreign Relations:

S. RES. 291

Resolution expressing the sense of the Senate on the urgent need to reach a multilateral agreement on the establishment of a precise Continental Shelf boundary for the purposes of the Geneva Convention on the Continental Shelf

Whereas the Commission on Marine Science, Engineering and Resources after two years of intense and exhaustive study warned, "Unless a new international framework is devised which removes legal uncertainty from mineral resources exploration and exploitation in every area of the seabed and subsoil, some venturesome governments and private entrepreneurs will act to create faits accomplis that will be difficult to undo, even though they adversely affect the interests of the United States and the international community." and

Whereas said Commission recommended "the United States take the initiative to secure international agreement on a redefinition of the 'continental shelf' for purposes of the Convention on the Continental Shelf." and

Whereas the Convention on the Continental Shelf, in accordance with Article XIII, may be opened for revision at the request of a contracting party five years after said Convention's entry into force, and such five year period expired on June 10, 1969: Now, therefore, be it

Resolved, That it is the sense of the Senate that, without further delay, the President should present in writing to the Secretary-General of the United Nations a request that the Convention on the Continental Shelf be reopened for the purpose of establishing a precise continental shelf boundary.

Mr. PELL. Mr. President, in asking my colleagues to support this resolution, I think it is worth bearing in mind that, with the issuance in 1945 of the Truman proclamation on the Continental Shelf, the United States acted unilaterally to assert its jurisdiction over the resources of the Continental Shelf adjacent to our Nation. Other nations followed our lead, and there can be little doubt that the 200-mile claims of some Latin American countries—notably Chile, Ecuador, and Peru—find their origin in our 1945 unilateral declaration. For example, Dr. Carl Auerbach who chaired the International Panel of the Marine Commission made this point in testimony before the Subcommittee on Ocean Space in July of this year:

After the Truman Proclamation laid claim, on behalf of the United States, to the mineral resources of our continental shelf, to Latin American countries which do not have a continental shelf to speak of, and so do not have easily accessible mineral deposits off their shores, took the position that if the United States could claim valuable mineral resources that happen to lie off its shores, they could claim valuable living resources which happen to be found off their shores. And indeed, from a moral or equitable point of view, it is difficult to see that their claims are less worthy than ours.

As a result of the numerous incidents which we have had with these countries and in view of the growing prospects for similar difficulties with other nations, I should hope that we would now move to try to correct this situation—a situation which we unwittingly helped to foster. And here I would add that, unless we move immediately in the direction of reaching multilateral agreement on the Continental Shelf boundary issue, unilateral action may well undermine any future attempt to restrict within reason the offshore claims of the world's coastal states.

Time is growing short. Already, for example, Saudi Arabia and Sudan have issued competing unilateral claims to the recently discovered Red Sea mineral deposits; Indonesia is leasing major portions of the Java Sea, with the last reported lease in this area encompassing 37 million square acres; and according to a New York Times article of August 28, 1969, Japan's reported discovery of oil in the East China Sea is expected to lead to significant jurisdictional problems involving both Taiwan and mainland China.

Here it might be well to point out that there is general consensus that each littoral state has exclusive jurisdiction over seabed mineral resources out to a depth of 200 meters or to a distance of 50 nautical miles. But there is no firm consensus that these limits should be designated as the limits of the Continental Shelf for the purposes of the Geneva Convention; nor is there any consensus as to where beyond these limits the boundary might be located.

Mr. President, with the United States having taken the lead in asserting unilaterally its jurisdiction over offshore mineral resources, I think it would be most fitting that this country should now take the lead in calling for a revision of the Continental Shelf Convention—as provided for under article XIII—in order to try to reach a multilateral consensus on the seaward limits to which such jurisdiction extends.

Mr. President, as my colleagues know, I have frequently spoken on the ocean space issue, and I have introduced legislation aimed at providing a general legal framework for the exploration and exploitation of seabed resources. In pursuing this objective, the executive branch has consistently labeled my legislative proposals as "premature." But in view of the full-scale consideration now being given this issue within the United Nation, I think it is fair to say that these proposals are "premature" only in the sense that they resolve those issues which the executive branch has been unable to resolve.

In August of 1968 during the United Nations consideration of the so-called seabed item, the United States endorsed and has since reaffirmed the interrelated principles:

(1) There is an area of the seabed and ocean floor and the subsoil thereof, underlying the high seas, which lies beyond the limits of national jurisdiction.

(2) Taking into account relevant dispositions of international law, there should be agreed a precise boundary for this area.

The resolution which I am offering today can only serve to enhance our posture in the support of these principles. Its sole purpose is to move us one step closer to resolving this international boundary issue through the appropriate international forum. I hope my colleagues will recognize the sense of urgency attending the Continental Shelf issue and will give this measure their full support.

TAX REFORM ACT OF 1969—AMENDMENTS

AMENDMENTS NOS. 311 AND 312

Mr. TOWER. Mr. President, I send to the desk two amendments, which I ask be printed.

The PRESIDING OFFICER (Mr. CRANSTON in the chair). The amendments will be received and printed, and will lie on the table.

Mr. TOWER. The remarks which follow apply to the two amendments I have just sent to the desk, as well as to the real estate amendments I submitted yesterday.

The real estate industry appears to have been disproportionately hard hit

by the pending tax reform legislation. If this bill passes as reported by the Finance Committee, substantial changes will be effected in depreciation deductions for persons who own and operate all classes of revenue-producing properties; this will be compounded by the imposition of new, and much more stringent, recapture provisions when the property is sold. Real estate development has undoubtedly shown a most radical adjustment from our recent anti-inflationary monetary policies; additionally, it has suffered extreme setbacks from high interest rates, overburdening labor costs, material price rises, and general appreciation of land. Yet, our response has been to create more limitations in this area by increasing taxes upon existing properties and further restricting transferability by stringent recapture provisions.

Present law permits the use of double-declining-balance or sum-of-the-years-digits methods of depreciation for all types of new depreciable real estate construction. These accounting processes permit the developer to utilize accelerated depreciation offset during those early years of greatest cash flow and aid him in recouping some of his initial finance and startup charges. As time passes, innovation and use cause real estate improvements to become slowly obsolete and less functional; other factors remaining the same, as this occurs rents should be decreased. During this period of decreased rent, allowable depreciation also is reduced. Although he is denied the above methods of depreciation, a purchaser of a used building now may utilize the 150 percent declining balance method of depreciation on previously depreciated property. This again reflects the gearing of depreciation to eventual decreases in cash flow.

Under the proposed legislation, we would eliminate accelerated depreciation for all purchasers of existing building and limit them to the use of straight line method. Builders and developers of new commercial and industrial facilities would be allowed to utilize the 150 percent method; housing construction would be afforded the use of any of the accelerated modes now approved by Treasury.

The other major change regarding real estate taxation which is brought about by this legisation, is the modification of the recapture provisions and the reclassification of real property into three categories for tax purposes. Presently, there is 100 percent recapture of any gain on the sale of improved property as ordinary if a sale is made within the first year of purchase. Thereafter the amount to be recaptured is proportionately reduced until at the end of 10 years; a transfer after that time is taxed at capital gains rates rather than as ordinary income. The new provisos retain this method for taxing sales of certain low- and moderate-income housing projects; all other housing is taxed with full recapture of accelerated depreciation over the straight line method for the first 10 years, complete capital gains treatments is obtained in 18 years 4 months. Commercial and industrial sales will be taxed upon all depreciation taken above straight line.

I believe that these recapture provisions as well as the depreciation changes are extremely detrimental. Investments are made on the basis of the amount of yield realized for the risks involved. Since depreciation is directly related to real estate investment yield, then it would follow that any decrease in depreciation results in a decreased overall value of the investment. Therefore, if the risk remains the same, and depreciation decreases, then an increased yield must be accomplished through other means, or else the participants will withdraw from this type investment. Some would contend that by leaving the depreciation provisions for housing unchanged and reducing acceleration in other fields, much of the money going into commercial and industrial construction will be diverted into housing. This is certainly an invalid assumption; there is no reason to believe that if an investor for any reason leaves the field of commercial real estate, he is going to go into housing; he is just as likely to go into raw land, the stock market, franchises, or a myriad of other businesses.

We are continually striving to improve inner-city living conditions and to alleviate the ghetto problem; this legislation will merely compound the problem by increasing the value of older buildings and driving new businesses into the suburbs where land costs are less. The new communities aspect of housing will be severly thwarted if necessary commercial facilities cannot be constructed to provide the convenience which we demand from an urban environment; and many fear the far reaching effects which this legislation most likely will produce upon urban development programs.

Perhaps the greatest failing of this reform stems from the fact that it will not accomplish its desired end, that is to raise substantially more tax dollars. The Treasury estimates that the increased recapture taxes and denial of accelerated depreciation on used buildings will produce an additional $350 million in tax revenue by 1979, but these estimates are based upon the assumption that there will be equivalent exchanges of property after the passage of this legislation which is designed to create barriers to both buyer and seller. The actual results will be less building, less sales, and less revenue than projected.

Other changes in the tax status of real property will still call upon that industry to pay an additional $700 million in Federal taxes over the 10 years. I have said before that if we must have tax reform, I am opposed to any industry carrying more than its fair share; I truly believe that we are asking the real estate industry to do this.

It would be innately fairer and wiser to retain the 150 percent declining balance depreciation as it presently applies to both new and resold depreciable realty. I would, however, suggest that we adopt recapture provisions which provide for recapture of all gain in excess of straight line depreciation for the first 5 years after acquisition of a property—instead of 12 months, as presently provided—and thereafter decrease the recapture by 1 percent per month until at 13 years and 4 months there is no realization of ordinary income upon a sale. I certainly feel that a property held for over 13 years should be due capital gains treatment. The industry has told me, and their testimony has reflected, that real estate wants to carry its fair share of the tax burden, but it is incumbent upon us to assure that this industry carries no more than this fair share. Unless these amendments to this act are adopted, we have placed this onerous burden squarely upon our real estate industry.

AMENDMENT NO. 313

Mr. DOMINICK. Mr. President, on behalf of myself and Senators RIBICOFF, GOODELL, HARTKE, ALLEN, BAKER, BAYH, CASE, COTTON, CANNON, DOLE, HART, HOLLINGS, INOUYE, MURPHY, PACKWOOD, PROUTY, THURMOND, and TOWER, I send to the desk an amendment designed to provide some much needed help to the lower and lower middle income taxpayer who is shouldering the ever-increasing burden of providing higher education for himself or his children.

This amendment is similar to the legislation which I introduced earlier this year which was cosponsored by 43 Senators, and to the amendment which was adopted by the Senate in 1967. The amendment would provide a tax credit of up to $325 to any taxpayer who paid the tuition fees, and book costs for himself or any other student at any institution of higher learning offering courses above the 12th grade including business, trade, or vocational schools.

The credit would be computed on the first $1,500 of such expenses for each student in the following manner:

One hundred percent of the first $200.
Twenty-five percent of the next $300.
Five percent of the subsequent $1,000.

This means that the greater proportion of this tax credit would be received by those going to the lower cost institutions.

The available credit would be reduced gradually by subtracting from the credit 2 percent of the taxpayer's adjusted gross income in excess of $15,000. No credit would be available to a taxpayer whose adjusted gross income equaled $31,250 or more.

The financial help which this amendment would provide to students and their families is long overdue, and I hope that when our amendment is brought up for debate it will be passed by an overwhelming majority, so that this time the action of the Senate can be sustained in the conference committee. The last time it was adopted, it was not accepted by the conference committee, largely because of House opposition, and as a result we have to try this again.

I think I should say at this time that I have been working on this matter for the last 15 years, if not more. I think the form of the amendment that we have now is reasonable and good. It is an effort to try to allow taxpayers to use some of their own gross earnings to fulfill a national policy of providing the opportunity for higher education. It is for that reason that I have decided, together with

the other cosponsors who have been such a help in this matter, to press this amendment on the pending tax bill. I will bring up the amendment some time next week.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. TOWER. Mr. President, I am pleased to join once again with the many Senators who have for so long urged the provision for a tax credit to absorb some of the costs of education. Since the beginning of my tenure in this body I have worked for the enactment of legislation which would provide such a tax credit. The costs of higher education have risen enormously in recent years and the necessity of providing quality education to an ever-increasing number of students has never been so great. The present amendment would provide a tax credit of up to $325 to any taxpayer paying tuition and fees of a student at any institute of higher learning. I have always contended and still contend that an income tax credit would be a most efficient means of providing Federal assistance to institutions of higher education. Under this plan the taxpayer's money for education expenses would never leave his control. His money would not be sent to Washington and then only partially sent back to his schools with Federal strings attached, but would be paid by him directly to the institution of his choice. Moreover, this approach circumvents the church and state issue altogether while still providing support to denominational institutions.

This measure would certainly be of great benefit to the individual taxpayer sending his children to college and faced with the ever-rising costs of tuition and fees, but it is also a means of channeling greatly increased funds into educational facilities without bureaucratic interference and redtape. Thus we can provide support to our institutions of higher learning in all their diversity—and diversity is of vital importance in the maintenance of freedoms so cherished in our national life. Public institutions and private, secular and religious—all will benefit from the enactment of this amendment to the ultimate enrichment of all our people.

AMENDMENT NO. 314

Mr. HART. Mr. President, I send to the desk an amendment intended to be proposed by me, to the Tax Reform Act, H.R. 13270, and ask that it lie on the table and be printed.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. HART. Mr. President, this amendment would be a substitute in part for section 903 of the Senate version of H.R. 13270, which relates to the tax deductibility of treble damage payments and the exclusion from gross income of part of the judgment received by the private plaintiff in such actions.

Following the Government's prosecution in the electrical equipment manufacturers cases some 2,000 treble damage suits were filed. Some of the defendants in these suits requested the Internal Revenue Service to rule on the deductibility of the treble damage payments. In 1964 the Internal Revenue Service in ruling 64–224 permitted defendants in such private antitrust actions to deduct in full the treble damages as ordinary and necessary expenses of doing business. The ruling goes far in frustrating the enforcement of the Sherman Act by private action. It also relieved the violators of a large part of the penalty assessed by section 4 of the Clayton Act. In effect, it also shifted the tax burden from those who violate the Sherman Act to the public.

In this session, the distinguished Senator from Louisiana (Mr. LONG) introduced S. 2631 which would reverse the ruling, but only in private antitrust cases after the Government has obtained criminal convictions. I introduced S. 2156 which would reverse the deductibility ruling without regard to any prosecution or lack of prosecution by the Government.

Both bills were referred to the Finance Committee which adopted S. 2631 as part of section 903 of the tax bill. The amendment I now offer would reverse Revenue ruling 64–224 as proposed in S. 2156, and exclude from gross income a part of the sum recovered by an injured party.

Section 4 of the Clayton Act provided for suits by persons to recover for economic injury resulting from violation of the antitrust laws. The actual damages were tripled as a penalty to discourage antitrust violations. It also was intended by Congress that this would induce enforcement of the antitrust laws by private action. Section 4 was not made dependent in any way on whether the Government filed either a civil or a criminal case. To have done so would have defeated in large part the very purpose of enforcement by private action against restraints and monopolization of trade as an additional enforcement arm of the law.

It is obvious that the greatest need for private enforcement is in those cases where the Government does not prosecute criminally as it does not in a majority of cases filed. My amendment would restore the full effectiveness of section 4 of the Clayton Act. It also would place the tax burden where it belongs and give that revenue to the Government.

My amendment would also reinstate the inducement to plaintiffs to enforce the national policy against restraints and monopolies, as was believed to be the law until a tax decision in 1955, by permitting them to exclude from gross income two-thirds of the judgment received. The two-thirds represents the penalty on antitrust violators imposed by the Congress when it enacted the Clayton Act.

Adoption of this amendment would insure the Government's collection of justified revenues, place the tax burden where it rightfully belongs and be of tremendous value in encouraging the private enforcement of the antitrust laws.

I would hope that the Senate will see fit to adopt this amendment.

Mr. President, I ask unanimous consent that the amendment be printed in the RECORD.

The ACTING PRESIDENT pro tempore. The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 314) is as follows:

AMENDMENT NO. 314

On page 514, line 18, strike all after "TRUST LAWS.—" to page 515, line 16 and insert in lieu thereof the following:

"No deduction shall be allowed under subsection (a) for two-thirds of any amount paid or incurred on any judgment entered against the taxpayer or in settlement of any action by reason of anything forbidden in the Sherman Act (Act of July 2, 1890, c. 647, 26 Stat. 209, as amended) brought against the taxpayer under section 4 of the Act entitled 'An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes,' approved October 15, 1914 (38 Stat. 731; 15 U.S.C. 15), by reason of anything forbidden in the antitrust laws."

On page 517, after line 22, insert the following:

"(d) (1) Part III of chapter 1 of the Internal Revenue Code of 1954 (relating to items specifically excluded from gross income) is amended by inserting at the end of part III the following new section:

"'SEC. —. TREBLE DAMAGE PAYMENTS RECEIVED UNDER THE ANTITRUST LAWS.—Gross income does not include two-thirds of any amount received during the taxable year on any judgment entered for treble damages or in settlement of any action by reason of anything forbidden in the Sherman Act (Act of July 2, 1890, c. 647, 26 Stat. 209, as amended) brought by the taxpayer to recover treble damages under section 4 of the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914 (38 Stat. 731; 15 U.S.C. 15), by reason of anything forbidden in the antitrust laws.'

"(2) The amendment made by paragraph (1) shall be applicable only with respect to amounts received after the date of the enactment of this Act."

AMENDMENT NO. 315

TAX-DODGE FARMING

Mr. METCALF. Mr. President, the report of the Committee on Finance includes as a part of its discussion on tax-dodge farming the following observation:

> The utilization of these advantages by high income taxpayers is not merely a theoretical possibility. In recent years, a growing body of investment advisors have advertised that they would arrange a farm investment for wealthy persons. Emphasis is placed on the fact that aftertax dollars may be saved by the use of "tax losses" from farming operations. (report, page 96)

When I testified before the committee on September 22, I discussed the specifics of some of the advertising that had come to my attention in this area. Included in my testimony is a document entitled "An Introduction to Cattle Ownership and Its Benefits" prepared by Oppenheimer Industries, Inc.—Hearings, part 4, pages 2712–14. As a part of that brochure, Oppenheimer Industries gives an example of a $225,000 break-even transaction where the taxpayer clears a tax profit of $85,000. This is exactly the sort of advertising that the committee is referring to in its report.

Also included as a part of my testimony is a portion of the prospectus of Black Watch Farms titled "Statement of Tax Shelter"—pages 2718–19.

The day before I testified, an ad ap-

peared in the Sunday edition of the Washington Post from the Chateau Briand Ranches, Inc., offering managed breeding herds of purebred Charolais cattle as tax sheltered programs exclusively for the high-bracket investor. I have now obtained a copy of their prospectus.

Mr. President, so that other Senators may have the benefit of still another example of the type of enticement being offered to prospective clients of cattle management firms, in advance of voting on my amendment I ask unanimous consent that the portion of the prospectus entitled "Federal Income Tax Consequences" be printed at this point in the RECORD.

Without objection, the described portion of the prospectus was ordered to be printed in the RECORD, as follows:

FEDERAL INCOME TAX CONSEQUENCES

Under present law, the owner of livestock held for breeding purposes is entitled to a combination of substantial tax advantages (if the owner uses the cash method of accounting) which are not available with respect to most other types of investments.

Expenses incurred for feeding and maintenance of breeding cattle generally will be deductible, in the year incurred, from nonfarm income for Federal income tax purposes. They may be deducted as either "trade or business" expenses, or expenses incurred in connection with "the management, conservation, or maintenance of property held for the production of income," depending on whether a particular investor is deemed to be engaged in the cattle business. Furthermore, if an investor is deemed to be a cattle dealer, such expenses are deductible as part of the cost of goods sold. It must be noted, however, that a deduction for such expenses may be disallowed if it is determined that such expenses are not "ordinary and necessary" to the trade or business or to the production of income, or if it is determined that the investor was engaged in the program primarily as a sport, recreation, or hobby, with no prospect of realizing any profits.

As the above described tests of "ordinary and necessary", "trade or business", "hobby", and "dealer" are legal tests based upon all the facts and circumstances, varying with each investor, no opinion is expressed as to whether the expenditures are deductible against ordinary income. Instead it is recommended that each investor consult his tax advisor, as to the tax consequences.

When cattle are purchased, and therefore have a cost basis, section 167 of the Internal Revenue Code of 1954, as amended (the "Code"), permits the owner of breeding cattle to deduct from non-farm income the cost of such cattle by depreciating such cost over the useful life of the cattle, assuming that such cattle do not constitute inventory in the hands of the owner. In addition to the depreciation deduction permitted under section 167, the owner may elect under section 179 to deduct in the first year of use an additional 20% of the cost of cattle having a useful life of at least six years, subject to the restriction that such an election may only be made with respect to property having an aggregate cost of $10,000 (or, in the case of a married couple filing a joint return, $20,000). The depreciation allowance is available irrespective of whether the owner is in the "trade or business" of farming, if the breeding stock is deemed property held for the production of income.

The basis for depreciation would be the capitalized costs of the animal less a reasonable amount for salvage value. The guidelines established by the Internal Revenue Service provide that cattle held for breeding purposes may be depreciated over a period of seven years from the time the animal is first used for breeding purposes. While the guidelines are not mandatory, any departure from them must be substantiated by the taxpayer who claims a shorter useful life. By proper election, the investor may use the declining balance method of depreciation of cattle held for breeding purposes beginning at a rate twice the rate which would apply under the straight line method of depreciation, if such method is employed when such animal is first used for breeding purposes.

Depreciation does not begin until the depreciable asset is placed in service. Ordinarily, an animal held for breeding is not placed in service until it matures enough to be used for such purpose. The seven-year guideline probably starts when the animal first becomes useful for breeding. In the case of the Charolais heifer, it is not generally mature for breeding until it is 15 to 18 months old.

It should be noted that if all deductions attributable to a trade or business of the taxpayer exceed the gross income from such trade or business by $5,000 in each of five consecutive taxable years, then his income must be recomputed for those years under section 270 of the Code. The general effect of such a recomputation is to limit losses from the trade or business to $50,000 in each of the five years involved.

Gain on the sale of livestock held for breeding purposes will be taxable at capital gains rates if it is "properly used in the trade or business" of the taxpayer, and is held for 12 months or more. If breeding cattle are sold for the purpose of culling the breeding herd or pursuant to a dispersal sale of the entire herd, the gain, if any, may still qualify for favorable capital gains treatment. Net losses on such livestock in any taxable year would, if incurred, be considered ordinary losses, and would thus be deductible in full, and not subject to the $1,000 limitation on the deductibility of capital losses from ordinary income. The depreciation recapture rules of section 1245, subjecting the taxpayer to ordinary income treatment up to the amount of depreciation deducted, are presently inapplicable to sales of livestock. The investment credit is not applicable to livestock.

The foregoing description of the tax effects is predicated on the assumption that herd purchasers will be deemed to be in the trade or business of breeding and raising cattle. There is, however, no published ruling to this effect which would apply to a cattle investment program, and since the determination of a taxpayer's trade or business is a question of fact, the Internal Revenue Service apparently will not issue an advance ruling. In the event the Internal Revenue Service were to take the position that herd purchasers are not in the trade or business of farming, the cattle would constitute "capital assets", as that term is defined in section 1221 of the Code, thereby making applicable the $1,000 limitation on the deductibility of capital losses from ordinary income. At the same time, such a position on the part of the Internal Revenue Service would render applicable the six month holding period requisite to long-term capital gains treatment, in lieu of the 12-month holding period presently required in the case of livestock held for breeding purposes and used in the taxpayer's trade or business. Such a position would also render inapplicable the limitation on farming losses of $50,000 in five consecutive years, described more fully above, but would not affect the taxpayer's right to deductions for depreciation, feeding, and care. (It would, however, have the result of altering the taxpayer's adjusted gross income, a factor used in computing the limitations on medical and charitable deductions).

There can be no assurance that the tax effects described herein may not be changed by Congress. The advantages accruing to owners have long been the object of criticism on the part of the Treasury Department and certain Congressmen. The House of Representatives has recently passed H.R. 13270, the Tax Reform Act of 1969, which contains provisions which substantially affect a number of the tax considerations described above so that ordinary income might be realized in situations where capital gains rates would currently apply. The Act would also establish a presumption against profit expectation under certain circumstances so that losses currently available might not be deductible.

The foregoing analysis is not intended as a substitute for careful tax planning. Accordingly, the Company strongly recommends that each potential purchaser consult his own tax advisers in order that the effects of a purchase of cattle hereunder may be determined with specific reference to his own tax situation and any changes in the applicable law.

Mr. METCALF. Mr. President, I submit an amendment, intended to be proposed by me, to House bill 13270, and ask that it be printed and lie on the table.

The PRESIDING OFFICER. The amendment will be received and printed and will lie on the table.

ADDITIONAL COSPONSORS OF AMENDMENT

AMENDMENT NO. 304

Under authority of the order of the Senate of November 25, 1969, the names of Mr. MONDALE and Mr. Moss were added during the adjournment of the Senate, as additional cosponsors of the amendment No. 304, submitted by Mr. GORE (for himself and other Senators) to the bill (H.R. 13270) to reform the income tax laws.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, November 26, 1969, he presented to the President of the United States the enrolled bill (S. 2276) to extend for 1 year the authorization for research relating to fuels and vehicles under the provisions of the Clean Air Act.

NOTICE OF HEARING

Mr. HRUSKA. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Tuesday, December 2, 1969, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nomination:

Clarence M. Coster, of Minnesota, to be an Associate Administrator of Law Enforcement Assistance, vice Wesley A. Pomeroy, resigned.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi (Mr. EASTLAND), chairman; the Senator from North Dakota (Mr. BURDICK), and myself.

NOTICE OF HEARING ON S. 2306

Mr. JORDAN of North Carolina. Mr. President, I wish to announce that the Subcommittee on Agricultural Research

and General Legislation of the Committee on Agriculture and Forestry will hold a hearing on S. 2306 Monday, December 8 in room 324, Old Senate Office Building, beginning at 10 a.m. The bill provides for the establishment of an international quarantine station and would permit the entry therein of animals from any country and the subsequent movement of such animals into other parts of the United States for purposes of improving livestock breeds. All those interested in testifying on the bill should contact the committee clerk as soon as possible.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. BURDICK. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Robert W. Rust, of Florida, to be U.S. attorney for the southern district of Florida for the term of 4 years, vice William A. Meadows, Jr.

John Henry Schneider, of Virginia, to be an Assistant Commissioner of Patents, vice Gerald D. O'Brien, resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Wednesday, December 3, 1969, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ECONOMIC CONVERSION HEARINGS, SENATE LABOR AND PUBLIC WELFARE COMMITTEE, DECEMBER 1 AND 2, 1969

Mr. EAGLETON. Mr. President, Senator YARBOROUGH has asked me to announce that he will conduct hearings of the full Labor and Public Welfare Committee on December 1 and 2 to consider problems of economic conversion.

I share Senator YARBOROUGH'S view that it is an appropriate time for the Senate to begin looking into problems of transforming those elements of our economy, presently dependent upon defense spending, to peacetime activities. Many of us have repeatedly made known our views on the need for ending the Vietnam war and establishing a system of national priorities that places greater emphasis on meeting our pressing domestic needs. There is a corresponding responsibility to inquire into the problems of economic dislocation that will inevitably result from a reduction in military spending and to prepare now to deal with those problems.

Both Senator YARBOROUGH and I agree that a subject of this magnitude will require us to hear the views of a great many people who will directly and indirectly be affected. Accordingly, these 2 days are the beginning of what we hope to be a most productive series of hearings.

The following are the witnesses that will appear at the first set of hearings next Monday and Tuesday:

Dr. Warren L. Smith, professor of economics, University of Michigan; former member of the Council of Economic Advisers.

Seymour Mehlman, Columbia University.

Dr. Wilfred Lewis, Jr., National Planning Association, Washington, D.C.

Walter P. Reuther, cochairman, Alliance for Labor Action, president, UAW.

Archibald S. Alexander, former Assistant Director, U.S. Arms Control and Disarmament Agency.

Nat Goldfinger, AFL–CIO.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

A STEP IN THE RIGHT DIRECTION

Mr. PROXMIRE. Mr. President, yesterday President Nixon announced that the Nation will never engage in germ warfare, will destroy its stockpile of bacteriological weapons, and will limit research in this field to defensive weapons. We can all applaud this action as a step in the right direction. The world can breathe a sigh of relief knowing that the Nation has placed its prestige and power behind the forces that are attempting to rescue the world from the calamity of biological warfare. For, as we are all aware, if germ warfare is ever unleashed, no one will be the winner. This Pandora's box cannot be closed. So, it is with great appreciation that I thank the President today for the momentous step that he has taken.

In his announcement of this major decision, the President also said that he would ask the Senate to ratify the 1925 Geneva accord that prohibits its signers from first using poison gas. This accord has been signed to date by 88 nations. Although this Nation has never formally approved the accord, we have repeatedly stated that we would never be the first to employ such weapons in warfare. In recognizing the leadership responsibility this Nation has in the eyes of the world, the President thought it important that this Nation not only affirm its convictions through rhetoric, but also enter into an international agreement with other nations of like mind on this issue.

Furthermore, the President went one step further than the Geneva accord to state that this commitment against the use of poison gas would encompass a restriction against incapacitating chemicals as well. This broadening of the interpretation of the accord is obviously a dramatic means of demonstrating the determination of this Nation in alleviating the possibility of this form of war ever occurring.

I strongly believe that the President's decision to ask the Senate to immediately consider and ratify the Geneva accord points to the importance of affirming on an international level a national conviction. It is for this reason that I have continued speaking on the floor of the Senate day in and day out asking for the ratification of the Human Rights Conventions on Political Rights for Women, on Forced Labor, and on Genocide. Our Nation has affirmed these most basic rights on the national level. For their fullest importance, however, they must be affirmed on an international one.

Several Presidents have acted in the past. They have been unanimous in asking the Senate to agree, because only this body stands in the way of ratifying these conventions.

THANKSGIVING DAY

Mr. AIKEN. Mr. President, the first Thanksgiving Day was designated as a day to express thanks to the Creator for providing the New England colonies with a bountiful harvest.

And every year since then, the people of our country have recognized that this day is the time to express our gratitude for the good things which may have occurred since the last Thanksgiving Day.

Some years it has been difficult to find enough to be thankful for.

This year we are especially blessed with the many things which have occurred since November 1968.

I will enumerate only a few of them.

The war in Southeast Asia is waning with the withdrawal of our troops running ahead of schedule at this time.

The United States and Russia have simultaneously signed the Nonproliferation Treaty giving added hope for the prevention of widespread war in the future.

Our meeting with the Russians at Helsinki is off to a good start giving promise of still further progress to be made in our campaign against the scourge of war.

Our relations with Japan have been greatly improved by the proposed settlement relating to Okinawa.

President Nixon has outlawed germ warfare on behalf of the United States and will ask the Senate to ratify the Geneva Protocol of 1925.

We can be very thankful that because of the change in direction of our foreign policy, people seem to be more at ease and optimistic the world over.

And then we can give thanks for the fact that our six astronauts, four of whom actually walked on the moon, have all returned safely home.

And finally, the fact that we have so much to be thankful for on this Thanksgiving Day should give us strength and spirit to meet the challenges which still lie before us.

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. Presi-

dent, I ask unanimous consent that the order for the quorum call be rescinded.

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

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following bills on the general orders calendar: Calendar Order Nos. 550, 551, 552, and 555.

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

ROBERT C. SZABO

The bill (S. 1678) for the relief of Robert C. Szabo was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1678

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Robert C. Szabo of Riverdale, Maryland, a retired supply clerk at the wholesale stamp window in the Washington, District of Columbia, post office, is hereby relieved of all liability for repayment to the United States of the sum of $4,326.16, representing the amount of a postage deficiency in his fixed credit account, the deficiency having been incurred in making exchanges of postage stamps following enactment of the Postal Revenue and Federal Salary Act of 1967, which provided for increased postal rates.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Robert C. Szabo the sum of any amounts received or withheld from him on account of the deficiency referred to in the first section of this Act.

(b) No part of any amount appropriated in this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined any sum not exceeding $1,000.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-555), explaining the purposes of the measure.

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

PURPOSE

The purpose of this legislation is to relieve Mr. Szabo of a $4,326.16 liability to the Government for the shortage disclosed in his fixed credit account during an audit at the Washington, D.C., post office between February 26 and March 1, 1968.

STATEMENT

The Post Office Department has no objection to enactment of this legislation.

In its report to the Committee on the Judiciary under date of October 3, 1969, the Department states:

Mr. Szabo, the stamp supply clerk at the wholesale stamp window of the post office, had an assigned fixed credit totaling $347,770. As a result of the enactment of Public Law 90-206 (Postal Revenue and Federal Salary Act of 1967) authorizing increased postal rates, numerous requisitions for new stamp stock were received by Clerk Szabo. Stock at the old postage rate was exchanged for stock at a new rate, causing an influx in work that necessitated assignment of several temporary clerks to verify the count of redeemed stamps. During the first 2 weeks after the new rate became effective, $136,806.48 worth of obsolete stock was redeemed. Also, there was a shortage of new stamp stock in the metropolitan area which required that Mr. Szabo visit the Accountable Paper Depository to obtain stamps for his unit as soon as they were available.

This was the first time that exchange of stock was made incident to an increase in postal rates. The short span of time between enactment of Public Law 90-206 and its effective date did not allow post offices sufficient time to adequately staff and supply their offices to handle the increased workload. Consequently during this period the operating conditions, under which Clerk Szabo was required to perform these increased duties, were extremely difficult. Furthermore, Mr. Szabo's work record with the Post Office from 1941 was satisfactory. On this basis, the Department recommended to the General Accounting Office that credit be allowed for the $4,326.16 shortage in Clerk Szabo's fixed credits. The request for credit was disallowed.

The General Accounting Office found that Mr. Szabo could furnish no explanation of how the shortage occurred, and that no explanation was found in the investigation conducted by the Post Office inspectors. The Comptroller General's report stated that "an accountable officer of the Government is an insurer of the public funds (or accountable paper such as postage stamps, etc., here involved) in his custody and is excusable only for loss due to acts of God or the public enemy. This liability is unaffected by lack of negligence on the part of the accountable officer, or the absence of evidence that he misappropriated the funds or that the loss resulted from his fault."

In view of the unusual circumstances in existence at the time this shortage occurred, and in consideration of Mr. Szabo's long and satisfactory work record, the Department has no objection to relief bill S. 1678.

The committee, after reviewing the facts of this case, concurs in the conclusions of the Post Office Department, and accordingly recommends that favorable consideration be given to S. 1678.

REIMBURSEMENT OF CERTAIN PERSONS FOR AMOUNTS CONTRIBUTED TO THE DEPARTMENT OF THE INTERIOR

The Senate proceeded to consider the bill (S. 19) to reimburse certain persons for amounts contributed to the Department of the Interior, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That (a) the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Carlsbad Chamber of Commerce, Carlsbad, New Mexico, the sum of $3,300 as reimbursement for amounts contributed on or after December 15, 1968, to the Department of the Interior for the purpose of employing personnel necessary to keep Carlsbad Caverns National Park, New Mexico, open to the public every day of the week for the period of December 24, 1968, through May 1, 1969.

(b) The Carlsbad Chamber of Commerce, Carlsbad, New Mexico, shall identify any person who contributed for this purpose, determine the amount so contributed, and reimburse said individual in such amount so far as possible from funds authorized by this Act.

(c) The Carlsbad Chamber of Commerce, Carlsbad, New Mexico, shall furnish to the Department of the Interior a report showing the disbursements of the appropriation herein provided for within six months after the enactment of this Act.

Mr. MONTOYA. Mr. President, I wish to thank the distinguished majority leader, my good friend and colleague, Senator MANSFIELD, for expeditiously bringing this bill before the full Senate for a vote. This bill, S. 19, which I introduced on January 15, 1969, has been languishing far too long. It is a noncontroversial measure. It is a most worthy measure. It is a most judicious measure.

Without recounting all the details in their entirety, Mr. President, permit me to recall for my colleagues the action taken approximately a year ago to the day by the Department of the Interior which resulted in the closing down of all national parks and monuments for 2 days a week. This action was taken as an economy move, but in some instances, as pointed out on various occasions, the move was one of false economy. I say this because in the case of Carlsbad Caverns National Park, Carlsbad, N. Mex., the park was a moneymaking operation. To close it down for 2 days a week meant that the Federal Treasury would be denied the profits for those 2 days. This seemed utter folly and I sought to intervene. Unfortunately, the Park Service decision stood and Carlsbad Caverns, along with all the other national parks and monuments throughout the country were closed for 2 days a week during the period of December 24, 1968, and May 1, 1969. The caverns were closed for a total of 36 days during this period.

Regrettable though it was that the Federal Treasury should lose profits during the 2 days a week that the Carlsbad Caverns were to remain closed, this was but one of the complications presented by the Park Service's action. More devastating and crippling was the effect that the closing of the caverns had on the community of Carlsbad and the State of New Mexico, both of which rely heavily on tourism for income.

When I was unsuccessful in my efforts to have the Carlsbad Caverns Park remain open a full 7 days a week, I was able to work out an arrangement with the Park Service whereby private contributions would be made to the Park Service to permit them to hire two additional employees for 2 days a week. This, the Park Service explained, would permit them to have sufficient personnel on board to keep the Carlsbad Caverns open 7 days a week. The Carlsbad Chamber of Commerce came to the rescue and was able to collect a total of $3,200 in contributions, the amount which the Park Service indicated it would need to keep the Caverns open 7 days a week.

I wish to stress, Mr. President, that the $3,200 was contributed without any strings attached and no promise or hope of remuneration. I wish to stress this point, Mr. President, because I feel it is noteworthy that those individuals who contributed did so out of a community spirit and not because they felt they had a sure investment. However, despite this fact, as I stated in intro-

ducing the bill on January 15, 1969, to reimburse them:

I think it ill behooves this Congress to sit idly by and watch while a few citizens scrimp and scrape to come up with the necessary financing to keep a national park open so that it can continue to return revenues to the Federal treasury, to the State of New Mexico, and to the local citizens affected. This is a national park and a national responsibility.

I believe that this statement summarizes the justification for passage of S. 19. However, let me insert at this point in the RECORD a letter from Under Secretary of the Interior Russell E. Train in response to questions I raised of the Secretary. In short, the letter indicates that during the 36 days that the Carlsbad Caverns were kept open by private contributions, total expenses amounted to $4,820—of which $3,200 were covered for by private contributions—and total revenue received amounted to $21,787.50. The Federal Treasury has been enriched by almost $22,000 because of the private contribution of $3,200. If we reimburse the $3,200, plus $100 for interest, the Federal Treasury will still profit approximately $18,500 it would not have profited otherwise. What more justification do we need?

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

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., June 23, 1969.

Hon. JOSEPH M. MONTOYA,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONTOYA: This is in further reply to your letter of June 5 requesting information concerning Carlsbad Caverns National Park, New Mexico. We are pleased to furnish the following data, tabulated in the same order in which the questions appear in your letter:

"Total number of days that the Carlsbad Caverns were kept open as a result of private contributions between the period Dec. 25, 1968, and May 1, 1969, 36.

"Total amount of such contributions made available to the National Park Service, $3,200.00.

"Any expenses which the National Park Service has incurred as a result of keeping the caverns open on those 2 days a week in question that the NPS would not have incurred anyway had the caverns remained closed."

The contributions from private citizens were used to pay additional employee salaries required to keep the park open	$3,200.00
Additional expenses that would not have been incurred had the park remained closed (primarily utilities, transportation, and supplies)	1,620.00
Total additional expenses	4,820.00
The total revenues received for those 2 days a week during the above-mentioned time period	21,787.50

Your continuing interest and support of the programs of this Department are greatly appreciated. We hope this information will be helpful to you.

Sincerely yours,
RUSSELL E. TRAIN,
Under Secretary of the Interior.

Mr. MONTOYA. Mr. President, I am greatly distressed that it has taken this long to bring this measure before the Senate. I have had the fullest of cooperation from the Senate Judiciary Committee. Unfortunately, however, they did not receive the Departmental report until August 19, 1969, although it had been requested on February 7, 1969. Other unavoidable delays have also contributed to delay of this proposal by Congress. Let us not delay any longer. I ask for the support of my colleagues in the Senate and also call upon our colleagues in the House to give prompt attention and approval to S. 19.

In short, Mr. President, S. 19 merely provides that the $3,200 contributed by private individuals plus $100 interest be reimbursed by the Secretary of the Treasury to the Carlsbad Chamber of Commerce for their distribution to contributing individuals. This is a fair measure and I ask for your support.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-556), explaining the purposes of the measure.

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

PURPOSE OF AMENDMENT

The purpose of the amendment is to authorize the payment to the Chamber of Commerce of Carlsbad, N. Mex., for the reason that it was prime recipient of the designated fund and therefore should be the agency for the disbursements of such fund.

STATEMENT

According to information received from the sponsor of S. 19, Senator Montoya, the Park Service had been forced to close down all national parks and monuments on 2 days a week due to the employee limitations imposed by the Revenue and Expenditure Control Act of 1968.

The Carlsbad Caverns, located in Carlsbad N. Mex., relies heavily upon the tourism to the caverns. The area was already depressed as a result of the closing of the potash mines, so that tourism was the major source of revenue.

Senator Montoya indicated that after weeks of discussion with National Park Service officials, the Secretary of the Interior, and the President, he was finally able to work out an agreement whereby the Carlsbad Caverns were to be reopened on a full 7-day weekly schedule provided that local citizens would come up with private contributions to pay the extra personnel costs. Accordingly, the Chamber of Commerce of Carlsbad raised $3,200 on which they had to pay $100 interest in order to keep the caverns open from December 25, 1968, through April 30, 1969. The caverns were kept open on 37 days during which they would otherwise have been closed. According to Senator Montoya, this information was supplied by the Carlsbad Chamber of Commerce which spearheaded the effort to keep open on a full schedule this particular national park.

The chamber of commerce compilation shows that during the 37 days mentioned, the Federal Government took in the sum of $22,264.50 and the Federal Treasury has been enriched by this amount. If the chamber of commerce is reimbursed in the sum of $3,300, it will leave a net gain of nearly $19,000 in the Federal Treasury.

While it is clear that there was no agreement between the U.S. Government and the people of Carlsbad for a return of their investment, it appears to the committee in all equity that this claim should be considered favorably, particularly in view of the fact that as a result of their action, the Federal Government has obtained for the Treasury nearly $19,000 it would not have otherwise received.

The Department of the Interior report indicates that the Department would defer to Congress as to whether, in retrospect, those circumstances are such as to justify repayment of the donated funds. The committee after a review of the foregoing and keeping in mind the fact that the city of Carlsbad obtained certain revenues to its businesses from the operation of the caverns, believes that with the addition of $19,000 to the Federal Treasury due to such operation, that those parties investing their moneys to keep such caverns open should be reimbursed to the extent accorded in this legislation.

The amendment was agreed to.

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

J. BURDETTE SHAFT AND JOHN S. AND BETTY GINGAS

The bill (H.R. 9906) for the relief of J. Burdette Shaft and John S. and Betty Gingas was considered, ordered to a third reading, read the third time, and passed.

INTEREST RATE INCREASE ON U.S. SAVINGS BONDS

The bill (H.R. 14020) to amend the Second Liberty Bond Act to increase the maximum interest rate permitted on U.S. savings bonds was considered, ordered to a third reading, read the third time, and passed.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on November 25, 1969 the President had approved and signed the act (S. 1072) to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended, and titles I, III, IV, and V of the Public Works and Economic Development Act of 1965, as amended.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. METCALF) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

THE FINANCIAL STATEMENT OF SENATOR MOSS

Mr. MOSS. Mr. President, in accordance with a practice I adopted several years ago and have followed faithfully, I am again making public disclosure of my income and assets. My statement of last year appears in the CONGRESSIONAL RECORD, volume 114, part 5, pages 6112–6113. I have not observed a specific anniversary date but have managed to make my statement on approximately an annual basis.

The statement that I file this year is not appreciably different from what it was last year. During the course of the year, I sold my home in Chevy Chase, Md., and purchased a home in the District of Columbia. There is a slight difference in the value of the two homes, which shows up on the statement, but everything else is much the same. I have practically no income beyond my Senate salary and my assets are so very modest that some Senators may wonder why I make this information public. I do so because I feel that all public officials owe it to their constituents to report to them at regular intervals their full income and assets.

Last year the Senate adopted a disclosure-of-assets rule but then provided that the "disclosure" not be made public. It is filed away in a sealed envelope. I then expressed my displeasure at a system that thwarted the very purpose for which it was supposedly installed. What can the constituents learn about the economic income and assets of a Senator if the facts and figures remain sealed in an envelope held by a Senate custodian? In the Senate, we require executive appointees to disclose their assets and income. I think that Members of the Senate and House owe it to their constituents to do this as a self-imposed regulation.

Because I believe in this course, I ask unanimous consent that my financial statement be printed in the RECORD. I should add that my wife has no income or earnings separate and apart from mine; therefore, the accounting applies to us both.

Financial statement, Nov. 26, 1969

ASSETS

Average checking accounts, Riggs	$1,000.00
Lot in Holladay, Utah	750.00
Lot in Salt Lake City, Utah	8,000.00
1965 Ford	600.00
Five shares stock—Standard Oil of California	250.00
One share stock—ATT	50.00
Savings account—Oriental	700.00
Equity—house in Washington	39,300.00
Equity—house in Salt Lake City	10,500.00
Total	61,150.00

LIABILITIES

Mortgage—house in Salt Lake City	20,500.00
Mortgage—house in Washington	6,700.00
Loans—insurance policies	4,400.00
Notes—personal	12,500.00
Total	44,100.00

AMERICAN LEGION SUPPORTS PRESIDENT

Mr. DOLE. Mr. President, I am pleased to note every day a growing number of Americans voicing their support of President Nixon's efforts to bring about an honorable and just peace in Vietnam. It has just come to my attention that the national executive committee of the American Legion has approved a resolution strengthening and updating the American Legion's position on the war in Vietnam, and pledging their support to our President. I ask unanimous consent that the text of this resolution be printed in the RECORD.

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

RESOLUTION No. 2

(Support the position of the President of the United States for an honorable and just peace in Vietnam)

Whereas, A unified people is an absolute necessity for any nation to fight a war or to bring about a peace with honor; and

Whereas, There exists a vocal and militant minority in our land who oppose the Vietnam War and who create disunity in our nation, thereby endangering the lives of our fighting men, and prolonging this conflict; and

Whereas, The President of the United States in a TV broadcast on November 3, 1969, did outline his position for a peaceful solution of the Vietnam War and appealed to the silent majority for their support; and

Whereas, The American Legion is confident that a vast majority of the American people support any move for a just and honorable peace consistent with the security of our country; now, therefore, be it

Resolved, by the National Executive Committee of The American Legion assembled in Minneapolis, Minnesota, November 10 and 11, 1969, that we support the position of the President of the United States for an honorable and just peace of the Vietnam War consistent with the continued maintenance of the security of our country; and be it further

Resolved, that Departments and Posts of The American Legion in cooperation with its American Legion Auxiliary proclaim their support and initiate programs which will reassure our fighting men of public support, and which will indicate to the enemy and to the militants and revolutionaries our resolve for a peace with honor; and be it further

Resolved, that each Post and each Unit be urged to circulate pledges of support for the President's position in Vietnam consistent with our nation's security; that signed pledges be forwarded to The American Legion's Washington Office on a definite date (to be determined by the National Commander) for delivery to the President and to the Congress.

THE ALASKA NATIVE LAND ISSUE

Mr. MONDALE. Mr. President, an extremely significant issue that will soon come before the Senate involves the efforts of the natives of Alaska to secure a final and just settlement of their rights to their ancestral lands. A series of articles published recently in the Anchorage Daily News covers in considerable detail the complex aspects of the Alaska native land issue. I found the series to be highly informative. I ask unanimous consent that the articles be printed in the RECORD.

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

[From Anchorage Daily News, Nov. 9, 1969]

THOSE NATIVE LAND CLAIMS HEAD FOR A CLIMAX

This is a crucial month in the history of Alaska.

By its end the United States Ninth Circuit Court of Appeals will have heard the land freeze case.

And for the first time in 102 years a Senate Interior Committee will seriously address itself to the still unresolved question of compensation for Native land rights.

On November 13 the Interior Committee will begin a series of "mark-up" sessions designed to produce a bill acceptable to the state, the Native people, the federal government, and Congress. The House Interior Committee, following its historic October visit to Alaska, is expected to wait for the Senate before considering legislation.

Because the present and future welfare of the Native people is at stake, because Alaska land is involved, and because efforts for a generous settlement test our social and moral sensibilities, it is important that all Alaskans have a clear understanding of the issues.

For our part, we are creating a team of reporters in Washington and Alaska to cover this story. We believe concentrated team reporting is required because it now appears that an "information gap" exists between what the facts are and what Alaskans are being led to believe.

This information gap has been fed by exaggerated, hysterical, racist reactions to some of the proposals advanced by the Native leadership. That there should be such a gap at all is passing strange, for the facts speak for themselves, and Alaskans should and can know them. It is therefore preposterous to suggest that there is some sort of conspiracy afloat to keep the Native proposals . . . or any proposals . . . from the people of Alaska. Anyone wishing relevant material can get it for the asking.

We hope informed Alaskans will want to avail themselves of this prime source material, including:

The Legislation: bills and amendments reflecting the Federal Field Committee's recommendations, the Interior Department's amendments, and the AFN proposals. (Write Senators Stevens and Gravel or Congressman Pollock or buy the October 10 edition of the Tundra Times which most land claims "experts" and its 6000 Alaskan subscribers know reprinted the AFN bill in full.)

Alaska Natives and the Land: the monumental study of the Natives' plight (Available at the Federal Field Committee, Hill Building, Anchorage.)

The House Interior and Insular Affairs August–September 1969 Hearings: this indispensible volume contains legal briefs and in-depth statements of all positions. (Write Congressman Pollock).

The Senate Interior and Insular Affairs Hearings Part I. (April 1969) and Part 2 (August 1969): same as the House hearings, very useful studies. (Write Senators Stevens and Gravel).

Legal Memorandum Supporting the Native Proposal: the case for legal rights and the overriding royalty as presented by some of America's most distinguished lawyers. (Write AFN, 1689 C Street, Anchorage).

Legal Memorandum Supporting the State's Position: the case against legal rights and the override as analyzed by G. Kent Edwards and W. C. Arnold. (The former's position is included in the House hearings, the latter's appears sporadically in the Anchorage Times).

Native Alaska: Deadline for Justice: AFN brochure receiving national distribution. (Write AFN, as above).

The Tundra Times: the Native newspaper which deserves a greater circulation among non-Native Alaskans. (Box 1287, Fairbanks, Alaska, 99701).

Not every Alaskan can be conversant with all the above material. But reviewing a few or even one of these sources (The House hearings are as good a start as any) provides a useful framework by which to interpret for oneself the legislative effort. Moreover consideration of these materials can only serve to elevate discussion of the land claims to the level of rational, informed dialogue. And that's where the discussion belongs.

Informed debate is true to the Alaskan spirit. And it can only help all of us join together in reaching a satisfactory understanding and resolution of the most crucial question in the State.

[From the Anchorage Daily News, Nov. 10, 1969]

THE MORAL CASE FOR THE NATIVE CLAIM

Few will argue that the United States government does not have a moral obligation to

reach an equitable settlement with Alaska's Native people.

While most thinking Alaskans will acknowledge this self-evident fact, there are some Alaskans who seriously question the legal basis for the Natives' case. There is little hesitation to accept the moral argument, on grounds that if it is a moral obligation, and not legal, there need be only a modest, even token, settlement.

By seeking any peg on which to hang a cheap settlement—or avoid one altogether—these Alaskans seek to perpetuate an ill-conceived, inequitable arrangement which has reduced a once proud, land oriented people to second class citizenship. It is at once astonishing and saddening to see the moral underpinning of the Native's case perverted to such an end.

We suspect that many Alaskans are weary of reading how bad things are in the villages; how depressing is the Natives' plight. But like it or not, this is a crucial consideration against which Congress and all concerned Americans will weigh the Native claims.

Bear in mind that this is the last major Indian land settlement Congress will act upon; that Alaska's Natives comprise a substantial percentage of the American Indian population; and that many citizens are finally realizing that our treatment of the first Americans is a shameful blot on our nation's history.

The Alaskan Native story had its beginning thousands of years ago with the settlement and use of the great land by Eskimos, Indians and Aleuts. It records a flourshing culture, an exciting history, and an incredible ability to persevere. It proceeds through colonization by Russia and the purchase of that Russian colony by a young America in the name of manifest destiny.

And the story embraces an acknowledgement by the U.S. Congress in 1884 of the Natives' right to his lands, but postponing to some future date the conveying of title to those lands.

As the Federal Field Committee report again and again shows, it was the white man who brought disease to the Native community; it was the white man who introduced ideas alien to the Native culture; it was the white man who invaded and destroyed age-old hunting and fishing resources. The Native family was subjected to stresses, strains and discontinuities beyond bearing.

At the same time, because it was believed "best," efforts were made to deny the Native his culture, extinguish his language, and sever him from his past. Why? In the confident assumption that the Native was inferior and that this was the only way he could move forward.

Well-motivated or not, this policy imposed by the federal government and sanctioned by Alaskan citizens, has led to the deplorable conditions so apparent today . . . no land holdings, poor education, bad health, malnutrition, limited expectations—and hopelessness.

We know now through science and medicine that what has happened to the Native could have happened to any of us. The Native has problems today not because he is Native, but because he is human.

The extraordinary thing is that the Natives have been able to organize and press for the redemption of Congress' old pledge. They seek some part of their now taken lands, and through the land they seek the dignity and the self-respect which their heritage demands, and our constitution guarantees.

They present their treatment as a test of America's conscience at a time when many in this state will share in an unprecedented economic boom brought on by the discovery of vast wealth in traditional Native lands.

They seek justice.

And we believe that justice for the Native lies not merely in the vindication of his legal rights. More than that, justice is the recognition that the moral claims are real, that for too long Congress, Americans and Alaskans have denied the Natives a chance to share as Americans in the progress of our state and nation.

THE LEGAL BASIS FOR THE NATIVE CLAIMS

The difficulty in understanding the legal issues behind the Native land claims controversy lies in the appearance of complexity.

Quite properly in presenting their case to Congress and the courts, the Natives have buttressed their position with case law, statutes, and legislative history. Unfortunately for most Alaskans this has obscured the fact that Native claims involve fundamental principles and an argument which, when stripped of its legal jargon, proceeds in simple logical fashion.

As understood by most lawyers the legal framework by which to judge the issue is as follows:

The Natives have used and occupied much of the lands of Alaska since time immemorial. This creates what's known as aboriginal title.

Aboriginal title exists even if the land claimed is not the site of a permanent camp, is only used on a seasonal basis for a subsistence, is used for traveling to subsistence, is claimed jointly with another Native group, or by a village, or supports a small Native population. Moreover even if there is no productive purpose to the land if it lies within a larger area controlled by Natives, then it too, is held under aboriginal title.

And with aboriginal title goes all surface, mineral and water rights.

Historically, it has been the policy of Congress and the courts to respect and protect the Indian's use and occupancy of the land over which he exercises dominion. On the other hand it has also been recognized that Congress has the right to extinguish aboriginal title.

Unless Congress acknowledges the aboriginal title by statute and provides some mechanism for compensation, extinguishment does not give rise to any compensable rights. This was the holding of the Tee-Hit-Ton case where in 1955 the Supreme Court said that Congress had not yet recognized aboriginal title as a Fifth Amendment property right protected against government taking or extinguishment.

But the Court in Tee-Hit-Ton did describe the right of aboriginal occupancy as "a right of occupancy which the sovereign grants and protects against intrusion by third parties."

By so doing the Supreme Court once again acknowledged another long line of Indian law precedent. Against third parties aboriginal title is still good unless extingushed by the United States even when applied to the grant of public lands to a state. And this right had been held judicially enforceable.

In any case, if Congress extinguishes title, it's necessary to arrive at some measure of compensation. In the Tlingit and Haida case of last year, the ninth circuit said that the measure was to be the time of taking; the standard to be fair market value; and the value to be the same as if the land was held in fee simple and not the value to its primitive occupants relying upon it for subsistence.

With this in mind consider the two legal aspects of the Native land claims issue:

The Natives claim much of the state under aboriginal title. The prestigious Federal Field Committee for Development Planning in Alaska, in its authoritative study, Alaska Natives and the Land, has said that "the aboriginal Alaska Native completely used the biological resources of the land, interior and contiguous water in general balance with their sustained human carrying capacity . . ."

And in the key sentence in its study of Native land rights, the Federal Field Committee concluded that "Alaska Natives have a substantial claim upon all the lands of Alaska by virtue of their aboriginal occupancy . . ." (Emphasis in original.)

To be sure the Field Committee report was not designed to be tested as a legal document. But it reflects thousands of hours of careful work and study and comports with those few cases concerning use and occupancy of Alaska Natives.

The natives, however, are not seeking at this time to assert their rights to aboriginal title against the United States. Since, apparently no legislation has acknowledged Native rights to compensation (legislation has noted aboriginal title), Tee-Hit-Ton, unless overruled, would seem to bar a direct suit.

Instead the Natives are seeking a traditional legislative settlement which would in effect transfer their aboriginal title into fee simple for some lands, and compensate them for renouncing justifiable claims to other lands. Such an approach is consistent with the Congressional policy of extinguishment through negotiation.

The Natives argue that a legislative settlement is in everyone's interest, since their aboriginal rights are still good against the state and can block its efforts to select public lands. (Remember, unextinguished aboriginal rights are protected against third parties.)

This, finally, gets around to the second aspect of the claims—the land freeze. There are procedural issues in the land freeze case, any one of which could support a decision. But the heart of the matter is land rights.

The case asks: did Congress in the Statehood Act give the State the power to extinguish aboriginal title subject to subsequent legislation? Or is the State a third party against which the Native land rights are good in every respect?

All this goes back to two provisions in the Statehood Act. In one the State disclaims all right and title to land which may be held by the Natives. In another the State is allowed to select lands for itself.

The question is whether Congress knew the State would select lands claimed by the Natives and thereby meant for the State to extinguish title, or whether Congress meant that any State selection of Native land would not extinguish title until Congress got around to doing so.

The government and the Natives say Congress did not extinguish title; the State says it did. And the land freeze rests on the outcome.

This then is the legal background of legislation and litigation against which the Native claims are proceeding. We think there is merit in the Natives' claim of aboriginal title to much of the State. And we suspect, though it is a close question, that the Ninth Circuit Court of Appeals will maintain the land freeze.

But our principle purpose in presenting all this is not to take sides. We want to see spelled out clearly and simply exactly what's happening. As we have said time and time again this is too vital an issue to be discussed irrationally and by the uninformed.

HOW THE LAND CLAIMS BILLS COMPARE

There are three pieces of Native land claims legislation before the Congress of the United States. And for the first time in 102 years injustices that have been visited upon the First Alaskans seems headed for resolution.

The Alaska Natives call it a "deadline for justice." And that's what it is, because the land freeze—which offers the Natives muscular leverage—runs out at the end of 1970, unless it is extended.

The freeze was first imposed by former Secretary Stewart Udall over the violent objections of the then Governor of Alaska, Walter J. Hickel. As the price for his own

confirmation as Secretary of the Interior in the Nixon Cabinet, Mr. Hickel agreed to an extension of the freeze through 1970.

The freeze will be lifted, of course, when the claims controversy is settled by the Congress. And that's why—after 102 years—it's described as a "deadline for justice."

Here are the three bills:

S. 1830. The Federal Field Committee's thinking about a proposal as prepared at the request of Senator Jackson and introduced by Senators Jackson, Stevens and Gravel.

HR. 13142: The Department of the Interior's proposal introduced by Congressman Pollock.

HR. 14212: The Natives' proposal introduced by Congressman Pollock and introduced in the Senate as an amendment to S. 1830 by Senators Stevens and Gravel.

The State has not formally produced a bill, although Governor Miller has commented on some aspects of these proposals.

As we pointed out in an editorial Sunday, any Alaskan can get a copy of these bills by writing the state's Congressman or Senator. Since then, the Federal Field Committee has published a Comparative Analysis, prepared by its very able staff counsel Esther Wunnicke. Add it to the list of recommended reading we published Sunday.

A careful review of Mrs. Wunnicke's analysis and the legislation leads to one surprising conclusion.

A broad consensus on the framework for a legislative settlement has already been reached. The similarities between the proposals far outweigh the dissimilarities.

THE LAND

For example, all proposals recognize the right of the Natives to certain lands in Alaska. The question is how much and with what type of title.

Interior's bill calls for restricted title in the Native villages of 12 million acres (no gas or oil rights) selected at the same time the state picks its 103 million acres. The Field Committee would grant fee simple title with full mineral rights as well as hunting and fishing protection, to 5 million acres. The Natives seek 40 million acres of fee simple title with mineral rights in the proposed regional development corporations.

THE CASH

All bills recognize that justice calls for compensating the Native in cash for lands taken and claims renounced. Again the issue is how much.

The Interior proposal says $500 million over 20 years without interest. (Alternatively this could be considered a dollar for each acre claimed, or $340 million with interest over 20 years). The Field Committee would guarantee a federal payment of $100 million with a ceiling of $1 billion, contingent on Federal oil and gas royalties and the opening up of Naval Petroleum Reserve Number 4 on the North Slope, all paid out over 10 years without interest.

The Natives ask $500 million ($1.50 an acre) paid over 9 years at 4 per cent interest, and a 2 per cent residual royalty on gross revenues from Federal lands to which Native title is extinguished.

SUPERVISION

All bills acknowledge the failure of previous Indian settlements which more often than not squandered the economic benefits of a cash-land settlement through individual payouts. The proposals contemplated Native development corporations. The questions revolve around composition duration, and federal supervision.

All three bills call for as a beginning procedure, a commission which will oversee land selection and enroll Native Alaskans.

The Interior bill projects an Alaska Native Development Corporation governed by nine directors, five of them Presidential appointees and four elected by the Native stockholders to manage and invest funds for 20 years. The Field Committee proposes a statewide Native Development corporation governed by an 11-man board, four of them Presidential appointees, four Native representatives, and a three-man enrolling commission. Staggered terms result in a Native majority in three years.

The Native bill proposes a three-tiered corporate structure. A statewide 12 man group would distribute 95 per cent of its funds to 12 regional corporations, proportionate to regional population. Each regional corporation, in turn, would distribute 80 per cent of its funds to the village corporations, proportionate to village population. Mineral proceeds to which regional corporations acquire patent go 50 per cent to the acquiring corporation and 50 per cent proportionally to all regional corporations.

The state at different times has supported revenue sharing, a fair distribution of lands and money to the Natives, and the regional corporation concept. Recently, however, Governor Miller expressed the view that the issue should go to the Court of Claims (where it could be brought up for years). He also suggested state selection of lands around and for Native villages, and a cash contribution to the Native corporations to be appropriated by the legislature.

The differences in these settlement proposals . . . the Governor's statement excepted . . . are differences of degree. Of course, there are a lot of degrees between 5 million and 40 million acres. But apparently a floor has been set.

No one really expects that the final result will be all that any party wants. The point is that the legislative process is now at work.

And key to that process in our pluralistic society is compromise. If there is going to be a settlement, then everyone is going to have to give.

To use a familiar metaphor: Both the Natives and the Governor recognize that their positions most likely outline the dimensions of the ball park. It is in that ball park that the settlement will be made.

The Natives are willing to play the game and stake their clear rights against a legislative settlement. We think that it's in the best interests of all Alaskans that their recourse to the legislative process continues to have everyone's support.

At the same time we think Alaskans should involve themselves in this process and we believe they can best involve themselves by first knowing the facts.

That's what this series of expository editorials is all about.

Another word about the Natives bill: whether some Alaskans realized it or not, it honors former Supreme Court Justice Arthur Goldberg to call H.R. 14212, "The Goldberg Bill." If enacted, the land claims settlement will be an historic achievement, a legislative benchmark.

But the fact is that the AFN proposal is the Natives bill. As most knowledgeable followers of the issue know, many of the substantive proposals, including the overriding royalty, were generated by the Native leadership and their local advisors.

And as anyone traveling in the bush lately knows, the bill's provisions have wide support.

Referring to the legislation as "Goldberg's Bill" disguises the fact that this is what the Natives want. And it is ridiculous for a disdainful few to imply that a distinguished American of broad public vision is craftily trying to foist the legislation upon the Natives or upon all Alaskans.

WHAT THE 2 PERCENT ROYALTY IS ALL ABOUT

There's more confusion about the natives' 2 percent override proposal than any other issue surrounding the land claim's problem.

Like many of the other issues, this one has been shrouded in legalisms and clouded by charges which exploit racial fears. While it seems complex, we think it is vital that Alaskans understand the override and weigh what the Alaskan Natives are going up against what they proopse in exchange.

The 2 percent royalty override really applies to the gross value of minerals developed from federal, and after selection, state oil and gas leases.

Presently under the Federal Mineral Leasing Act there is a 12½ per cent royalty on minerals (oil and gas) from federally leased public lands. This is split 90–10 in favor of the state. On state lands the state takes the full 12½ per cent.

The proposed override would increase the royalty cost to developers of federal and state mineral leases in Alaska by about 2 per cent. (The state could, of course, reduce its share to maintain royalty revenues at 12½ percent, but we doubt it would ever do this.)

Some argue that this higher royalty will make the cost of Alaskan federal and state oil and gas leases noncompetitive. It's hard to imagine this happening in view of the exploration and development costs the oil companies are already prepared to incur to tap the state's vast riches.

In any case, the petroleum industry generally is willing, when it scents oil, to lease outer continental shelf and American Indian lands at the higher 16½ precent figure. And most Alaska lands involve Indian claims.

Other Alaskans are concerned because they see "hundreds of billions of dollars" going into Native pockets.

To be sure it may be reasonable to question a 2 per cent grant in perpetuity. But we doubt if even Alaska's mineral resources are so great . . . measured by "forever" . . . that they could yield such extravagant sums.

And if they ever did, Alaska and every Alaskan would be so fantastically wealthy that it wouldn't make any difference. Most Alaskans, we suspect, would be grateful that the Natives had relinquished their legitimate claims for what would be, on that scale, a modest price.

But let's look at the figures: In order for the override to bring the Native $100 billion, lands to which the Natives have aboriginal title must produce $5 trillion worth of gross valued minerals. And while the Natives are getting their share, the state is taking in five to six times as much. That's $500 to $600 billion on royalties alone.

This figure does not include the state's share from the present severance tax which would add another 200 billion dollars or so. Any substantial raise in the severance tax could lift the Alaska return to a level which would make Kuwait look like Appalachia.

The state argues that the grant of such a royalty, on public land, would be unconstitutional. The state insists that such a grant would constitute an amendment to the Mineral Leasing Act, which was incorporated into the Statehood Act, which in turn was incorporated into the Alaska Constitution.

Moreover, the state does not recognize that the Congress is impowered to impose a royalty on state selected lands not subject to the Mineral Leasing Act.

The Department of the Interior says that the Mineral Leasing Act can be amended with respect to federal lands remaining in Alaska after state selection. But the department does not concede that the Natives' share can be imposed on any of the 103 million acres the state might select.

The Natives say that the Mineral Leasing Act can be amended, and argue that no compact exists between the United States and Alaska. Thus any lands selected by the state can also be covered by the overriding royalty if Congress so determines.

THE NATIVE CLAIMS ISSUE IS A TEST OF CONSCIENCE

The Daily News has undertaken this week's seven-part expository series of editorials to narrow the information gap which has led many Alaskans away from the central issues of the Native land claims problems down the dark trail of half truths and racial fears.

Our effort has been directed at elevating the discussion, by non-Natives and Natives alike, the high road of informed concern.

The legislative process is fundamentally one of compromise and accommodation. It requires time and patience. Yet we are distressed to discover that at an early stage in the proceedings some positions are regarded as absolute, when in fact there is ample opportunity for reasoned debate and modification of rigid attitudes.

The raising of the settlement floor from the Federal Field Committee's proposal to the Interior Department's bill attests to that.

The tragedy of the barrage launched at the Natives' proposals is their polarizing effect. This works not only on those reacting to a proposal but on its proponents as well. The final price is the loss of a climate of accommodation.

This bleak process can be stopped if we all try to make a serious effort to understand what's happening. A starting point is the legal and moral issue.

Most Alaskans can see the moral case for settlement with their own eyes, without ever visiting the bush. They can compare Native life to our affluence and growing promise of wealth. The extent to which this is persuasive depends on the prodding of an active conscience. It should penetrate the federal government's problem.

Like it or not, Alaskans have accepted, participated in, and benefited from a system which has destroyed a peoples' culture and heritage. Had Alaskans or our fellow Americans refused to go along with the government's treatment of the Natives or had the white man actively pressed for an earlier settlement, there would be no confrontation today.

But we didn't.

The legal case requires some time and study. To us the Natives' claim of aboriginal title to much of Alaska, confirmed by the findings of the Federal Field Committee, seems valid. Lawyers say that while Congress could extinguish aboriginal title and leave the Natives uncompensated, this procedure is generally not followed. And unextinguished aboriginal title has always been considered good against third parties.

The Natives argue that the state is a third party here, and that Native claims are good against it. The state says the Statehood Act allowing state land selection extinguished their title.

These arguments figure in the land freeze case which was argued Friday before the Ninth Circuit Court of Appeals. And they will necessarily be weighed by Congress in reviewing the scale of compensation asked, and the royalty override.

Without reiterating these points (see Installments 3, 5 and 6) we think the legal and moral case comes out on the side of the Native claims.

Accordingly we support a fair and generous settlement not only because we're persuaded by the Natives' case but also because we think it will be good for Alaska. Because:

Settlement allows the Native to face the future as the master of his own destiny, with the dignity and respect his heritage and our Constitution demands.

It will lift the land freeze and let Alaska get on with its development.

It demonstrates that Alaska and America are willing to do the moral and honorable thing for the forgotten American.

Finally, through education, better health, job training and economic developing, a settlement will significantly improve the Native's lot. Lifting a quarter of the state up from poverty levels will benefit all Alaskans enormously.

In the end, the real question here has to be one of degree: How much land, money, override and supervision can make a viable legislative package which will equitably resolve the problem once and for all?

That is why we think the Natives are right in seeking an override, or revenue sharing. It's not enough for a people to renounce valid and extraordinarily rich claims, only for their children to see undreamed of wealth taken from their lands.

(Among other contributions the Federal Field Committee has made to the resolution of this issue, was the vision to see the importance of giving the Native people a continuing share in the wealth of their renounced lands.)

As for land and money, we believe it should be sufficient to meet the above criteria, as well as to provide an adequate base for future self-development. We're glad that the floor between government and Natives is narrowing here.

Specifically, we think the Native figures of $500 million and 40 million acres are not unreasonable. We recognize, however, that there is room to give. And the Natives recognize it, too.

The same bargaining stance applies to the mechanism for implementing a settlement. Regional corporations may be one answer, but at the price of the override or significant land grants, they may not.

The legislative process, involving such choices, will test the Natives' pride, cohesive spirit and judgment. Decisions of great future consequence will have to be made . . . now.

But the Native is not the only one being tested by the decision to seek a legislative settlement. The American system, the American code of ethics is being tested, too.

And after all this is over we'll have to share the same land, breathe the same air, walk the same earth. As Alaskans. As brothers.

TAX TREATMENT OF PENSION AND PROFIT SHARING PLANS

Mr. SMITH of Illinois. Mr. President, all of us are in favor of tax reform. None of us want it to come at the expense of smaller taxpayers.

Therefore, I want to indicate to the Senate my intention to offer next week an amendment to the tax reform bill to relieve the effort of section 515 of any qualified pension or profit-sharing plan that should be taxed as ordinary income at the time of receipt should a taxpayer elect to receive his benefits as a lump-sum distribution. The appreciated value of the taxpayers and employers contributions would continue to receive capital gains treatment.

Under present law the entire lump-sum distribution exclusive of the taxpayer's own contribution which is taxed each year receives capital gains treatment. If a taxpayer elects to receive his pension or profit-sharing benefits on an annuity basis the installments distributions are treated as ordinary income in the year received. The reason for my amendment is to protect the many thousands of small taxpayers who receive lump-sum distributions from pension and profit sharing and so-called thrift plans. They look to these plans as a method of providing a nest egg upon their retirement. It seems to me totally unfair to attack these retirement nest eggs of small income taxpayers with a rather substantial tax increase the first year of their retirement.

Furthermore, under the proposal of the Finance Committee, a 5-year forward-averaging system was adjusted. This 5-year forward averaging system is actually subject to the legal interpretation that larger taxpayers would actually have a tax reduction under several plans of employers in my State.

The Finance Committee version, in other words, very possibly provides tax reform in reverse. The House-passed version hits small taxpayers too hard. Therefore, I want to advise the Senate that I intend to offer an amendment to section 515 of the bill next week and I would certainly hope that my colleagues would support this amendment.

The Finance Committee has already removed sections of the House-passed bill dealing with deferred executive compensation. I believe very strongly that the many small taxpayers who are members of qualified pension and profit-sharing and thrift plans are entitled to similar consideration.

GERM WARFARE BAN RENEWS CALL FOR RATIFICATION OF 1925 GENEVA ACCORD

Mr. BAYH. Mr. President, yesterday, President Nixon took a decisive and important step when he announced that the United States will never engage in germ war and that it will destroy its bacteriological stockpile.

The significance of the President's position cannot be stressed too much. As the President said, the use of bacteriological weapons "has been repugnant to the conscience of mankind." And it is time, past time that the United States took a position in the control of such weapons of destruction. The President's announcement is, indeed, a step toward sanity in a world that has too often focused on ways of destroying itself.

The President's announcement also comes at a time when it is especially necessary that the United States set and maintain a climate for the arms control talks currently being held between the United States and the U.S.S.R. in Helsinki. Though the President's words do not directly affect these talks, they do say to the Russians and to the world that the United States is not merely paying rhetorical lipservice to peace but is willing to take decisive and immediate action to reduce tension.

In August of this year, I joined my distinguished colleague, the senior Senator from Indiana, VANCE HARTKE, in a Senate resolution asking the President to submit the Geneva protocol of 1925 to the Senate for ratification. Yesterday the President said that he intends to ask the Senate to ratify the 1925 Geneva accord.

Today I join with Senator HARTKE and the President in urging the U.S. Senate to ratify this Geneva protocol of 1925.

Although the United States introduced the CBW protocol at Geneva and has endorsed its purpose over the years, it has been the only major power not to ratify the protocol.

The Geneva protocol is now binding on 62 nations, including every nuclear power, and member of the NATO and Warsaw pacts except the United States. The United States has continually been discredited at international discussions for our failure to ratify this treaty.

I would hope that the Senate would listen to the President and would support him by ratifying the Geneva protocol.

Americans are continually talking about man's humane treatment to his fellow man; yet we alone of the major powers have refused to sign a document which asks nations of the world not to engage in the horrors of a chemical and biological war. It is time we take a right and responsible position for ourselves and for the world and ratify this treaty.

CHEMICAL-BIOLOGICAL WARFARE

Mr. WILLIAMS of New Jersey. Mr. President, the announcement by President Nixon that the United States will bar germ warfare and destroy its stockpile of bacteriological weapons deserves our sincere praise and the thanksgiving of the American people. His further proposal that our Government commit itself against the first use of lethal gas—as well as incapacitating chemicals—places the responsibility squarely upon the Senate to take up the Geneva Protocol without delay upon resubmission by the administration.

The President's decision to limit American bacteriological warfare programs to research on defensive measures offers the promise that this gruesome anachronism is on the way to being eliminated. The President rightly described such weapons as being "repugnant to the conscience of mankind." The global consequences of the employment of bacteriological agents bear no relationship to the objectives of military conflict and clearly demonstrate the ultimate insanity of war.

It remains to be seen what interpretation will be given by the Defense Department to "defensive measures." Our Government has long held that CBW programs were solely for defensive purposes. Moreover, clarification is needed of a statement of Col. Lucien Winegar, deputy commanding officer at Fort Detrick, Md., that it would be "fair to assume" that Detrick will continue to produce dangerous organisms that could be used offensively, since any defense against biological weapons involves production of harmful agents that are potentially available to an enemy—Washington Post, November 26, 1969.

With regard to chemical warfare, the Senate must investigate whether the present use by U.S. forces in Vietnam of a concentrated form of tear gas and defoliants would be in violation of the 1925 Geneva Agreement. A statement by a White House source that it would not be necessary to relinquish these agents reportedly has been strongly disputed by many of the present 88 signatories of this protocol.

Almost 4 months ago I joined Senate colleagues in offering a resolution—Senate Resolution 228— urging the President to resubmit the 1925 Geneva Protocol against CBW for the Senate's advice and consent to ratification. I said then that the United States must put itself on record, formally and through the proper international documents, as opposing the first use of these terrible weapons. The then-current viewpoint of the Secretary of Defense, which I strongly opposed, was that the United States must continue to develop its CBW forces simply to keep up with other nations. The same logic has been applied to our nuclear forces, most recently to defend the development of ABM and MIRV—which could result in an uncontrolled arms race that will threaten the continued existence of mankind.

Let us hope that the President's announcement reflects a deeper insight, a new wisdom that can start the nations of the world on the road to a genuine peace. The control and reduction of the weapons of our mass destruction is the all-important first step, and requires that calculated initiatives be taken by the United States, possessing the greatest military power the world has known.

VETO POWER OF GOVERNORS OVER THE OEO LEGAL SERVICES PROGRAM

Mr. MONDALE. Mr. President, on November 13, 1969, more than 80 deans of law schools throughout the United States signed a statement in opposition to the Senate amendment giving Governors a veto over OEO's legal services program. It is their fear that this amendment would not only interfere with traditional independence of the legal profession, but would also have a detrimental effect on legal education.

I am particularly proud of the fact that the organizer of this petition was Dean William B. Lockhart, of the University of Minneosta Law School. Dean Lockhart, who is serving as president of the Association of American Law Schools, has been one of the most outspoken advocates of quality legal services for the poor.

Since law school deans play such a major role in the training of future lawyers, I think that Senators should know of their strong opposition to any effort to cripple the legal services program. I therefore ask unanimous consent that their petition and names be printed in the RECORD.

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

STATEMENT OF LAW SCHOOL DEANS

We concur with the resolution adopted on October 18, 1969, by the Board of Governors of the American Bar Assocation and the action of the Judicial Conference of the United States at its meeting on November 1, 1969, and voice our opposition to the amendment to S. 3016 which would give State governors a veto over legal services programs.

As law school deans we are concerned with the possibility of interference with the attorney-client relationship and the traditional independence of the legal profession. We are especially concerned with the effect that this amendment may have on legal education and the development of a sense of professional responsibility among law students to participate in programs providing meaningful legal services to the disadvantaged.

NOVEMBER 13, 1969.

Samuel H. Hesson, Albany Law School, Union University.

B. J. Tennery, Washington College of Law, American University.

Willard H. Pedrick, Arizona State University College of Law.

Ralph C. Barnhart, University of Arkansas School of Law.

Robert F. Drinan, S.J., Boston College Law School.

Paul M. Siskind, Boston University School of Law.

Edward C. Halbach, Jr., Univ. of California School of Law, Berkeley.

Edward L. Barrett, Univ. of California School of Law, Davis.

Arthur M. Sammis, Univ. of California, Hastings College of Law.

Robert K. Castetter, California Western School of Law of the U.S. International University.

Clinton E. Bamberger, Jr., Catholic University of America School of Law.

Phil C. Neal, University of Chicago Law School.

William F. Zacharias, Chicago-Kent College of Law.

Samuel S. Wilson, University of Cincinnati College of Law.

James K. Gaynor, Cleveland-Marshall College of Law, Cleveland State University.

Howard R. Sacks, University of Connecticut School of Law.

James A. Doyle, Creighton University School of Law.

Robert B. Yegge, University of Denver College of Law.

Robert G. Weclew, De Paul University College of Law.

Brian G. Brockway, University of Detroit School of Law.

A. Kenneth Pye, Duke University School of Law.

Ben F. Johnson, Emory University School of Law.

William Hughes Mulligan, Fordham University School of Law.

Adrian S. Fisher, Georgetown University Law Center.

Robert Kramer, National Law Center, George Washington University.

Lindsey Cowen, University of Georgia School of Law.

Lewis H. Orland, Gonzaga University School of Law.

Derek C. Bok, Harvard University Law School.

Malachy T. Mahon, Hofstra University School of Law.

Paul E. Miller, Howard University School of Law.

Albert R. Menard, Jr., University of Idaho College of Law.

John E. Cribbet, University of Illinois College of Law.

Cleon H. Foust, Indiana University, Indianapolis Law School.

David H. Vernon, University of Iowa College of Law.

Lawrence E. Blades, University of Kansas School of Law.

William Lewis Matthews, Jr., University of Kentucky College of Law.

William L. Lamey, Loyola University School of Law, Chicago.

Leo J. O'Brien, Loyola University School of Law, Los Angeles.

Marcel Garsaud, Jr., Loyola University School of Law, New Orleans.

Edward S. Godfrey, University of Maine School of Law.

Robert F. Boden, Marquette University Law School.

William P. Cunningham, University of Maryland School of Law.

Frederick D. Lewis, University of Miami School of Law.

William B. Lockhart, University of Minnesota Law School.

Patrick D. Kelly, University of Missouri—Kansas City, School of Law.

Robert E. Sullivan, University of Montana School of Law.

Henry M. Grether, Jr., University of Nebraska College of Law.

Thomas W. Christopher, University of New Mexico School of Law

William H. Angus, State University of New York at Buffalo School of Law.

Robert B. McKay, New York University School of Law.

DeJarman LeMarquis, North Carolina Central University School of Law.

Robert K. Rushing, University of North Dakota School of Law.

John Ritchie, Northwestern University School of Law.

Eugene N. Hanson, Ohio Northern University College of Law.

Ivan C. Rutledge, Ohio State University College of Law.

Ted Foster, Oklahoma City University Law School.

Eugene F. Scoles, University of Oregon School of Law.

Jefferson B. Fordham, University of Pennsylvania Law School.

John J. Murphy, St. John's University School of Law.

Richard J. Childress, St. Louis University School of Law.

Joseph A. Sinclitico, Jr., University of San Diego School of Law

William J. Riegger, University of San Francisco School of Law.

Leo A. Huard, University of Santa Clara School of Law.

John P. Loftus, Seton Hall University School of Law.

James B. Adams, University of South Dakota School of Law.

Dorothy W. Nelson, University of Southern California Law Center.

Bayless A. Manning, Stanford University School of Law.

Richard T. Dillon, Stetson University College of Law.

Robert W. Miller, Syracuse University College of Law.

Harold C. Warner, University of Tennessee College of Law.

W. Page Keeton, University of Texas School of Law.

Richard B. Amandes, Texas Tech University School of Law.

Karl Krastin, University of Toledo College of Law.

Samuel D. Thurman, University of Utah College of Law.

John W. Wade, Vanderbilt University School of Law.

Harold G. Reuschlein, Villanova University School of Law.

Monrad G. Paulsen, University of Virginia School of Law.

John E. Howe, Washburn University of Law.

Hiram H. Lesar, Washington University School of Law.

Charles W. Joiner, Wayne State University Law School.

Paul L. Selby, Jr., West Virginia University College of Law.

Spencer L. Kimball, University of Wisconsin Law School.

Frank J. Trelease, University of Wyoming College of Law.

Louis H. Pollak, Yale Law School.

HOUSING NEEDS OF SENIOR CITIZENS

Mr. EAGLETON. Mr. President, the distinguished Senator from Utah (Mr. Moss) recently spoke to the convention of the American Association of Homes for the Aging in St. Louis. His address included a thorough analysis of the housing needs of our senior citizens, the problems encountered in meeting these needs, the inadequacy of government programs in this area, and suggestions for future constructive action by private groups and government officials to meet the housing, health and welfare requirements of our senior citizens.

Senator Moss has served with distinction on the Special Committee on Aging and is currently chairman of the Subcommittee on Long-Term Care. Thus this message merits serious attention by all of us concerned with the well-being of our senior citizens. I ask unanimous consent that his remarks be printed in the RECORD.

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

(By Senator FRANK E. MOSS, Democrat, of Utah)

FUTURE TRENDS IN LONG-TERM CARE

My friends of the American Association of Homes for the Aging. It is a pleasure for me to be here at this Eighth Annual Convention and Meeting. As you know, I have participated in your programs before but I feel particularly honored to be asked to be your keynote speaker.

At this convention today we turn our attention to the future. We hope to identify problems and consider solutions. We seek to improve the programs and institutions serving our senior citizens.

The primary emphasis of my speech today will be problems in the area of long-term care. That these problems are important is obvious from the facts.

The National Council of Senior Citizens reports that there are some 25 thousand nursing homes in this country. Ninety percent of these homes are operated for profit and they house about a million Americans.

Since the inception of medicare's extended care provisions there has been a tremendous expansion of these facilities. Medicaid paid for $1.1 billion in nursing home care last year and medicare added another $500 million.

Two out of every three dollars received by nursing homes reportedly comes from state or federal taxes.

Nursing homes are a recent development in the field of medical care. There are some excellent homes such as the St. Joseph's Manor in Trumbull, Connecticut, and Golden Acres in Dallas, Texas. Nursing homes, however, have a bad image, possibly because statistically 25 percent of their patients die within six months after admissions.

Nursing homes have become big business. They provide emploment for thousands of people. They merit the solicitous concern of shareholders, doctors, druggists, ambulance drivers, and food and linen services.

I am here to tell you of the government's interest. Simply stated it is: the highest standard of care for the elderly at the lowest possible cost.

RESTORATION OF THE 202 DIRECT LOAN PROGRAM

Before proceeding with my discussion of the needs in the area of long-term care, I would like to spend a few moments discussing the section 202 program. As you know, this section provides direct loans at low rates of interest to non-profit organizations providing homes for the elderly.

There has been some difference of opinion as to the status of this program and I will give you a report in some detail.

Early in the year the administration indicated its policy against direct loans by the Government. It was said that these loan programs place the Government into competition with private money-lending establishments.

But the 202 program had been one of our most effective and efficient housing programs. Non-profit sponsors had learned the procedures and had begun to develop a sizable volume of projects until the program was sharply interrupted by a housing and urban development policy which in effect required conversion of all 202 projects to section 236 financing upon completion. This abrupt termination was the result of a misunderstanding of the 1968 legislation which authorized section 202 sponsors to convert to section 236 on a *voluntary* basis, not on a *mandatory* basis.

Little if any accurate information was given about the deletion of the 202 program. An inquiry to housing and urban development still brings the response that the program is alive but that the use of section 236 is *encouraged* because the appropriations for section 202 have been extinguished. Significantly, in the recently announced reorganization of that department, the 235 and 236 programs were cited as coming under the jurisdiction of the assistant secretary for housing production and mortgage credit, but no mention was made of the 202 program.

Congress responded to the public outcry that followed the decision to delete the 202 program. Congress reaffirmed and clarified its support of the direct loan program in the strongest language possible in the 1969 housing bill. The conferees have not yet reached agreement but the house bill authorized $150 million for the coming year while $80 million a year for three years was authorized in the Senate for the 202 program.

I count this as an important victory even though we must still work hard to insure that Congress follows up on its authorization with the requisite appropriations.

So much for 202. If my address seems fragmented it is because I wish to touch several points without unduly extending the length of my talk.

MODEL CITIES FUNDS CUT AND THE NEED FOR DEMONSTRATION NURSING HOMES

I very much regret the $215 million dollar cut in model cities funds this year. The New York Times reported this cut in terms of a slow-down and stretch-out of the program.

In our recent hearings on the usefulness of the model cities program to the elderly, I questioned the administration's representative about the cuts. Mr. Robert Baida, deputy for model cities and Government relations had this to say:

"I believe that the cut is really more apparent than real . . . Now with respect to the charge that there has been a slow-down or stretch-out of the program, the administration must take a certain responsibility for the length of time in reviewing the model cities program."

I suggest that the cut in model cities funds was both apparent *and* real. I firmly believe that State and local officials should be able to rely on the information and commitments that they receive from the Federal Government without equivocation.

Let me also suggest that the innovation that has been the hallmark of the model cities program should be utilized to advantage within the sphere of long-term care.

Private and non-profit homes have always been the leaders in the field of providing improvements in the care of the aged. I would hope that it is possible to build a number of demonstration or model nursing homes to develop techniques that can be employed in future homes.

NEED FOR PROPER REGULATIONS FOR HIGHER STANDARDS OF SKILLED CARE

As we continue to list the needs that exist in the area of long-term care, I would immediately ask for effective regulations in implementation of my amendment to Title XIX of the Social Security Act.

As you will recall, last June the Department of Health, Education, and Welfare announced their so-called interim standards,

purportedly, to implement my amendment. While the intent of my amendment was to raise the standards of care in our skilled nursing homes, the effect of the interim regulations was clearly to lower standards below the former level.

The battle lines were quickly drawn and I was grateful to have the American Association of Homes for the Aging represented at our hearings. Dr. Egger's statement was precise and informative.

The next step in the chronology was the report of the special task force on skilled nursing home care. This task force was set up under the social and rehabilitation service of the Department of Health, Education and Welfare to weigh all the evidence. The content of this revised report has not been made public. I do have good information that indicated that the report finds in favor of the stricter enforcement of present legal standards.

With the hope of having the latest information at my fingertips, I have sent Secretary Finch the following telegram and I want to read you his reply.

"NOVEMBER 10, 1969.

"Hon. ROBERT H. FINCH,
"Secretary of Health, Education, and Welfare, Washington, D.C.:

"I am addressing the American Association of Homes for the Aging on November 17, and I need the latest word on the following:

"1. What action has been taken on the report of the task force on skilled nursing home care?

"2. What plans have been made by the Department for implementation of regulations to comply with my amendment to title XIX concerning higher standards applicable to patients in skilled nursing homes?

"FRANK E. MOSS,
"U.S. Senator."

It is important for us to remember that the interim regulations once published in the Federal Register are the law of the land. The interim regulations have had the effect of law for six months now. Surely, it is time they were replaced with more adequate standard regulations.

We must be ever vigilant to insure the highest quality of care at the lowest cost to those who must spend extended periods of time in our skilled nursing facilities.

THE NEED FOR SHELTER CARE FACILITIES

I call for the expansion of the FHA-Nursing Home program to include shelter care facilities. We have housing programs in this country which are keyed to those of our elderly who are independent and ambulatory. We have a growing number of facilities for those who need intensive care. We have a definite need for the kind of facilities that were envisioned by the Montoya amendment to the housing bill that passed the Senate on September 23.

By supplying these personal care services we would aid many thousands of Americans who live in near independence. A personal care program also makes sense economically. It reduces the number of people making unwarranted trips into hospitals and skilled nursing homes.

The House deleted the shelter care provision from its bill. I have strongly urged that the Senate insist on its amendment to the bill in conference with the House.

THE NEED TO IDENTIFY AND DEFINE DIFFERENT LEVELS OF LONG-TERM CARE

I call for a common agreement by all parties concerned on the identification and definition of different levels of long-term care.

There is presently hopeless confusion in the field of long-term care on terminology. This problem has serious consequences for communications between interested groups. It has been called to my attention that in the State of Wisconsin, to cite one example, there exist 12 different levels of nursing home care. The resulting problem of classifying patients is obvious. I would suggest that we agree on three or at the most, four basic classes of service.

On related points, I would favor giving "spell of the illness", a medical, rather than an insurance definition. I would also stress the need for agreement on the patient to staff ratio and the ratio of personnel to supervision.

Agreement is also needed on accounting methods and auditing procedures to protect Federal funds. Careful check should be made of receipt and disbursement of drugs and the opportunities for fraud should be minimal and subject to vigilant surveillance.

THE NEED FOR CONTINUITY BETWEEN MEDICARE AND MEDICAID

There are many reports of substandard facilities and care under medicaid. Many States and counties have consistently placed title 19 patients in substandard nursing homes in order to save money.

The Department of Health, Education, and Welfare audits recently revealed that there were at least 227 substandard homes receiving title 19 money in California under the State's medi-Cal program.

Certainly we can agree that title 19 patients have the same right to first rate medical and nursing services as persons under title 18.

FUTURE NURSING HOME ADMINISTRATORS SHOULD BE LICENSED PROFESSIONALS

I call for more professionalization in the field of nursing home administration. At the present time only 10 percent of nursing home administrators have training for the job.

I call for strict compliance with the Kennedy amendment of 1967 that requires licensing of nursing home administrators.

I am told that Secretary Finch has approved the report of the National Advisory Council on Nursing Home Administration which was charged with the responsibility of developing guidelines. Reportedly, these guidelines will be published in the Federal Register in the near future.

TRAINING PROGRAMS FOR NURSING PERSONNEL ARE URGENTLY NEEDED

I call for Federal financial support of State training programs to provide personnel for our nursing homes. The nursing home industry has proven that it can construct 70 to 80 thousand beds a year, some 2 to 3 nursing homes every day. Competent nurses and assistants must be found who have a genuine interest and concern for older people.

Another factor which complicates the shortage of personnel is the very high turnover rate which the Department of Labor estimates is as high as 71 percent for registered nurses and 60 percent for all nursing personnel.

TRUTH IN ADVERTISING IN THE NURSING HOME FIELD AND FULL DISCLOSURE OF CONTRACT TERMS TO PROSPECTIVE RESIDENTS OF NURSING HOMES

I call for truth in advertising in the nursing home field. The St. Petersburg Times has carried reports of applicants who enter homes in belief that their quarters will be equipped as described in the brochure. Much to their chagrin, they find that their home has no air conditioning or that it does not offer the promised recreation or physical therapy.

Sick and helpless people need legal protection. Many today sign form contracts which are what we call in the law, contracts of adhesion. Once these forms are signed the elderly often find themselves bound by unfortunate consequences. They should be made to understand what they are signing. They should know what services are to be provided and what are not.

NEED TO BROADEN THE SCOPE OF MEDICARE AND TO MINIMIZE RISING COSTS

I call for broadening the scope of medicare, certainly, eye glasses and dental care are essential. In 1967 only some 35 percent of medical costs of the elderly were covered by medicare. For the elderly themselves and for the Federal Government we must do what we can to limit rising medical costs. Essentially the weapons to be used here are unscheduled inspections, audits on a random basis and close monitoring of claims to avoid duplication.

I am distressed by the fact that medical costs in the past four years have risen twice as fast as in previous years.

ENFORCEMENT IS NEEDED OF THE LAW REQUIRING DISCLOSURE OF MANAGEMENT AND OWNERSHIP OF NURSING HOMES

Since my amendment in 1967 the law requires that the name of any one with the 10 percent interest in a nursing home be publicly disclosed. The Department of Health, Education and Welfare has been lax in telling States how to comply with the law.

As a result, the abuses of hidden ownership continue to exist. There are reports of doctors with substantial financial interests. Stocks are currently listed in the names of family and friends. In this setting there are always charges of conflict of interests. Most often mentioned is the case where a doctor sits on a utilization review committee and is charged with the responsibility to decide the institutional tenure of patients under medicare and medicaid. It has been implied in such cases that the doctor has a direct financial interest in keeping patients in the nursing facility.

There are always reports of nursing home owners hiring their own construction firms to build a particular home in question. They also hire linen and cleaning services in which they have a direct financial interest. This leads to the charge that the home has paid exhorbitant prices for construction and services.

Clearly, the opportunities for abuse are multiplied by the creation of nursing home chains. The profit motive is inherent in their existence.

COMPLIANCE WITH FIRE REGULATIONS

Nursing home inspections should determine if there is compliance with the requirement of life safety code of the National Fire Prevention Association as required by law.

ELDERLY NOT IN NEED OF PSYCHIATRIC HELP SHOULD BE RELEASED FROM MENTAL HOSPITALS, NURSING HOMES SHOULD DEVELOP PSYCHIATRIC SERVICES

Twenty-six percent of the people in our mental institutions are confined for the singular reason that they are poor. In St. Elizabeth's Mental Hospital in Washington, D.C., there are at least 462 people over age 70 who could be released. We can no longer tolerate this waste of humanity and resources.

It has also been estimated by the public health service that some 55 percent of the people in nursing homes are mentally impaired.

Certainly there is great confusion as to just what constitutes mental illness within the sphere of geriatrics. Without attempting to settle that argument, the signs are clear that in future nursing homes will be handed more responsibility in the area of psychiatric counseling and services.

NEED TO IMPROVE THE IMAGE OF NURSING HOMES WITH EMPHASIS ON REHABILITATION

I find it essential that we do everything possible to improve the image of nursing homes. With improved services this should follow automatically. Still we must dispel the notion that all nursing homes are a kind of purgatory.

We must come to grips with the fact that good nursing home care is expensive. We must be willing to pay the price for the high standards that we seek. Still, our goal should remain the highest standard of care for the lowest possible price.

Nursing homes of the future must be more than a place where the ill go to wait out their remaining years. The emphasis of the future must be *rehabilitation*. Patients

should be returned to society as early as possible. The goals of the nursing home should be to discharge to independent living the maximum number of its residents. Terminal storage of elderly patients must be eliminated.

CONCLUSION

To this point I have been concentrating on the *health* problems of our elderly. Obviously, these problems are extremely important. But there are two equally important areas of concern. First, the economic needs of our elderly. This is only to say that the elderly make up a large segment of the poor of this Nation. Second, I would mention the psychological needs of our aged. Our elderly suffer from a decreased sense of intrinsic worth; from a poverty of the spirit; from the very fact of being old in a youth-oriented society.

The *economic* needs can only be met by increased incomes. We must put the floor of decency under our entire economy. We must provide opportunities for part-time employment. We must increase social security benefits *more* than the administration's proposal of 10 percent. We must come to grips with guaranteed income problems.

The psychologican needs of the elderly require a reordering of the values of society. Our senior citizens are capable of playing an important role in our society. We should ask for their intellectual contribution to society. Experience is a gold mine which should not be closed and forgotten.

I believe that old age should be a time of satisfaction and reward. The struggle to survive should rest with youth. This is why I was pleased to see the State of Maryland purchase a luxury high rise apartment in the central city and make it available to the elderly at low rentals. I applaud Chicago's reduced fares for senior citizens on the subway and in movie theaters. I am pleased with the drug store chain in Salt Lake City and elsewhere, that provides medicines for the elderly at half price. I have called for reduced fares for our senior citizens on our airlines.

In closing, I would ask a question. What do we really mean when we say that America is the *richest* nation in the world? I raise the question only to suggest that our greatest resource is our people. Our wealth is our brain-power; the combination of energy and intellect. Using our brain-power we have been able to make unparalleled advances in the cause of mankind—science, transportation, education—even man on the moon. It is my belief that we can devote this same resource to solving the problems of our senior citizens.

So, the imposing question remains, why haven't we made greater efforts for our elderly in the past? Perhaps Allan Nevins had the answer when he wrote that the United States throughout its history has carried on its shoulders the grinning ape of complacency.

It does seem that the only obstacle that stands in the way of a more meaningful life for our senior citizens is our lack of resolve. There is no deficit of national resources; there *is* a deficit of national will.

I acknowledge the fact that the members of this gathering are the leaders in the field of care for the aging. I ask for your continued concern and continued effort. Let us do all that we can to insure to our elderly their fair share of American abundance, in respectful independence and full membership in our society.

COURT RULES THAT FARMERS HIRING ILLEGAL FOREIGN LABOR LIABLE FOR DAMAGES

Mr. MONDALE. Mr. President, as chairman of the Migratory Labor Subcommittee, I have seen firsthand the depressing effect on living and working conditions caused by the presence of foreign workers in agriculture. While some of these foreign workers are in the United States under some color of law, there have been an increasing number of foreign workers that enter this country illegally. They are called wetbacks, because many gain entry by swimming across the Rio Grande.

In an unprecedented decision a California court has ruled that domestic farmworkers have a right to prevent agricultural employers from hiring wetbacks in order to depress wages and working conditions, since the use of wetbacks to the detriment of local workers would be an unfair business practice. The suit follows the settlement of a previous action when a grower agreed to request that prospective agricultural employees offer proof of lawful status in the United States, such as an alien registration receipt card, commonly known as a green card, or a valid draft card, or a local drivers license.

Legal action undertaken by California Rural Legal Assistance on behalf of farmworkers punctuates the failure of the Government to effectively implement laws enacted by Congress for the protection of domestic labor. The immigration laws provide that alien workers shall not be imported if their use will have an adverse effect on domestic wages and working conditions—8 U.S.C. 1182(a)14. Consistent with controls on foreign labor, Congress prohibited directly or indirectly inducing illegal entry into the United States or harboring or concealing illegal entrants from discovery. However, a loophole exempts the employment of illegal entrants from the statute—8 U.S.C. 1324. This provision which has made it easy for illegal entrants to obtain employment both on the farms and increasingly in the cities, contributes substantially to the presence in the United States of perhaps as many as 400,000 aliens who entered illegally, have no right to be here, but who deprive low-income domestic workers of jobs. In the fiscal year ending June 30, 1969, the Immigration and Naturalization Service reported the apprehension of 151,000 illegal entrants, possibly only one-third of those aliens who escaped detection.

The use of wetbacks coincides with high unemployment and low wages. At the current rate of unemployment perhaps as many as one out of every six unemployed American workers could be out of work because of the use of illegal entrants. On the farms only one worker in eight works more than 250 days of the year, and average hourly earnings—$1.48—are at most one-half those prevailing in the industrial sector—$3.01.

In Sonoma County, Calif., a rich agricultural area where workers are challenging the employment of wetbacks, another group of workers covered by Federal and State minimum wage laws has brought suit against an employer charging that they were paid an average of 30 cents per hour on a piece rate to harvest pears and prunes. Applicants for farm labor jobs in the same county were double growers' requests for workers even at periods of peak utilization.

While illegal entrant use was formerly predominantly agricultural, current patterns show a dramatic shift to permanent low and semiskilled employment in industry and in the cities. Additionally the incidence of illegal alien labor has gradually spread from the Southwest to other areas of the country. In Los Angeles where the unemployment rate is about 5 percent compared with 3.5 percent nationally—August 1969—up to 4,000 illegal entrants are apprehended each month. Recent wetback apprenhensions in rural areas similarly reflect a shift in wetback employment to more permanent jobs such as wineries and light manufacturing. Wetbacks deprive American low-income workers of possibly $100 million every year.

The easy employment of Mexican nationals at wages ranging from five to 10 times the amount earned in Mexico has led to the development of a lucrative and sophisticated series of smuggling syndicates which extract up to $300 from Mexican workers to get them into the United States and find them work. These syndicates, which are feared by residents on both sides of the border, are not above resorting to bribery and violence and have been linked, by four Franciscan fathers working with Mexican nationals, to the marihuana traffic as well.

Because of the magnitude of the problem and the apparent disinterest in adequately enforcing the law, efforts at controlling the illegal entrant have been diligent but puny. Multiple returnees are permitted to leave voluntarily or are transported to the interior of Mexico at the expense of the U.S. Government. Smugglers are prosecuted but frequently plead guilty to a lesser offense, or receive a minimal sentence.

Law suits such as the Santa Rosa case could have some deterrent effect on the unlimited employment opportunities which wetbacks now have in the United States, in possibly requiring more responsible employers to request than Spanish-speaking males who seek employment provide some evidence that they are entitled to be in the United States. But only the repeal of the employment exemption—8 U.S.C. 1324—can provide law enforcement officials with an effective deterrent to the widespread use of illegal entrant labor.

Furthermore, Mr. President, this case illustrates the excellent service provided by California Rural Legal Assistance, and other legal service programs throughout this Nation, in bringing high quality legal service to the poor in order that their interests are adequately represented and laws designed for their protection are actually enforced.

It is important that poor people have the same administrative and judicial remedies that are available to, and exercised by, all Americans. Unfortunately, the ability of legal services programs to continue to provide these valuable and basic services to the poor is in jeopardy because of the regressive amendment recently adopted by the Senate. This case presents yet another example of why I fought to defeat that amendment. It is ironic that the existence of an OEO program is threatened merely because it is providing services that it is designed to offer, services that nonpoor Americans take for granted.

Mr. President, I ask unanimous consent that two articles, one from the Los

Angeles Times, and another from the Washington Post, that report this court case be printed in the RECORD, along with and article from the October 20, 1969, issue of the Nation.

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

[From the Washington Post (D.C.) Oct. 19, 1969]

CALIFORNIA FARMS WARNED ON HIRING WETBACKS

(By John Berthelsen)

SANTA ROSA, CALIF.—A Superior Court judge here has ruled that farmers are liable to punishment if they refuse to give jobs to American citizens while hiring illegal Mexican immigrants.

The victory is one step in a long fight by California Rural Legal Assistance Inc., an agency of the Office of Economic Opportunity, to stop the use of illegal migrants by farmers and growers. The ruling will enable other agricultural workers to obtain injunctions against employers using such poorly paid labor.

The decision may also have an effect on the long and bitter grape strike in California's central valleys. Leaders of the strike claim that growers have used illegal aliens as strikebreakers.

The decision was handed down late last week by Superior Court Judge Joseph Murphy. He rejected a move to block a $20,000 damage action against apple grower Donald Orr of Healdsburg, a town north of San Francisco. Orr's attorneys contended that laborers Eleno Riojas and Guadlupe Guitan had no right to bring the action, which accused Orr of employing illegal immigrants. Murphy ruled that the right was provided under the unfair business practices law.

Attorneys for the CRLA representing Riojas and Guitan also sought an injunction ordering farm employers to require prospective workers to show alien registration cards, draft cards or local drivers' licenses as legal proof of residence.

The judge rejected this bid, saying it was inappropriate since the working season was over. He added it was "not a determination on whether it should be ordered"—leaving the door open for similar injunctions during next year's growing season.

"The impact of this decision is going to send tremors throughout California agriculture," said the plaintiff's attorney, Sheldon Greene.

The Border Patrol estimates that as much as $100 million a year is being taken out of the United States by illegal workers. A total of 151,000 border-jumpers were caught between June 1968 and July 1969—63,000 of them in California, and 4,000 in Los Angeles alone.

[From the Los Angeles (Calif.) Times, Oct. 10, 1969]

ILLEGAL ALIEN EMPLOYERS LIABLE FOR PUNITIVE ACTION, COURT RULES—JUDGE SAYS DAMAGES ARE POSSIBLE UNDER CODE WHICH PROHIBITS UNFAIR BUSINESS PRACTICES AND COMPETITION

(By Harry Bernstein)

Growers and other employers who hire aliens illegally are liable for punitive damages under a law prohibiting unfair business competition, a California court has ruled.

Millions of Mexican citizens have illegally crossed the border since World War II, taking jobs that unions and other groups have complained should have gone to unemployed U.S. citizens.

When the illegal aliens are caught they are normally sent back to Mexico, but there is no punishment of either the alien or the U.S. employer.

However, Superior Judge Joseph P. Murphy ruled in Santa Rosa Thursday that punishment is possible under the state's civil code, which forbids unfair business practices and unfair competition.

By hiring an illegal alien the employer may be engaging in unfair business practices, he found, since the action could serve to depress wages or working conditions of U.S. citizens who want the job, too.

CASE FILED BY LEGAL GROUP

The case was filed by the California Rural Legal Assistance, a federally-funded war-on-poverty project.

Sheldon Greene, general counsel for CRLA, said the case is a class action on behalf of all farm workers.

(In a similar case last Aug. 28, Santa Clara County Superior Judge Joseph Kelly ruled that a mushroom-growing firm must refrain from hiring aliens illegally and open its employment records to the CRLA).

The judge said a final decision on whether the Orr Fruit Co. must pay any or all of the $20,100 damages sought by CRLA will be made after a hearing on the specific facts in the case.

But Greene noted that the unprecedented part of the decision is the court's ruling that the state law can be used, in effect, to punish employers who hire illegal aliens in competition with U.S. workers.

Greene said new Department of Immigration figures show that in the past year 151,000 illegal aliens were caught nationally, including 63,000 in California.

But for every one alien apprehended, it is estimated that another two are not caught, Greene added:

"We estimated that these aliens send $100 million a year back to Mexico. An employer could check on the status of his employes by simply asking to see a drivers' license, draft card or some other identification."

The Orr Fruit Co. denied knowingly using illegal aliens.

Greene said that "obviously the wetbacks don't come over to this country to see their Aunt Emma or visit Palm Springs. They come to get work, and if U.S. employers were stopped from hiring them, then the flood of wetbacks would stop."

(The illegal aliens became known as wetbacks because many of them swam across the Rio Grande to cross into this country.)

[From the Nation, Oct. 20, 1969]

OPERATION SISYPHUS: WETBACKS, GROWERS AND POVERTY

(By Sheldon L. Greene)[1]

San Francisco.

The *bracero* program died in 1968, after a long illness. Under its provisions, 4.5 million Mexican temporary workers were brought into the United States between 1942 and 1963 as supplementary farm labor. Officially terminated by Congress in 1963—long after the World War II labor shortage which it was intended to ease had ended—it finally trickled to a halt in August 1968 when Secretary of Labor W. Willard Wirtz denied a request by California tomato growers for 2,200 Mexican farm workers. He characterized this refusal of legal entry as "a historic step towards healing the migrant worker sore in California and in the entire United States." But current 1968–69 immigration records show the apprehension of 150,000 Mexican nationals who had entered the United States illegally, and the incidence of these wetbacks in American employment is perhaps triple the number caught. This would suggest that Secretary Wirtz's cure is at the most cosmetic.

Illegal entry by Mexican nationals has afflicted domestic low-income workers since World War II. In 1942, after Mexico had agreed to supply temporary workers under the *bracero* program, Texas farmers refused to meet agreed wages and working conditions. In response, Mexico for a time cut off the supply of workers, but U.S. Immigration authorities permitted thousands of Mexicans to cross the border illegally. They were then apprehended and "paroled" to Texas farmers, thus avoiding the terms of the international labor agreement. Farmers and border industries got cheap labor; domestic farm workers and El Paso garment workers and meat packers suffered wartime inflation but were forced to accept low wages if they wanted to work at all.

In 1954 the President's Commission on Migratory Labor studied the border labor problem and concluded: "The United States, having engaged in a program giving preference in contracting to those who had broken the law, has encouraged a violation of the immigration laws. Our government has thus become a contributor to the growth of an illegal traffic which it has responsibility to prevent."

That same year, the Justice Department launched Operation Wetback, a roundup of more than a million illegal entrants in an area stretching as far as St. Louis and Chicago. San Antonio alone harbored 331,000. The roundup seemed so successful that the Immigration and Naturalization Service stated optimistically in its 1955 report that it had ended the wetback problem. The boast proved premature.

The Border Patrol and the Investigation Section of the INS are diligent, outnumbered and outmaneuvered. The comparatively few illegal entrants who attempt to cross the natural, and for the most part barren, frontier on foot are easily spotted by the continual overhead observation of Border Patrol spotter planes; they are then picked up by ground patrols which run along exfoliated drag strips. Some few aliens risk their lives in airless car trunks and campers, or precariously flattened on a ledge beneath passenger cars. Such trips cost from $100 to $300. One recently ended in death by asphyxiation.

But for 70 to 80 per cent of the illegal entrants access is neither hazardous nor romantic. More than a million Mexican aliens carry visitors' permits. These salmon-colored cards, issued by the Mexican Government at a cost of about $80, authorize visits of seventy-two hours in an area not more than 25 miles from the border.

But the aliens, most of them, are not looking forward to a visit. The typical wetback meets an agent in Mexico who provides him with a routing or a contact. Once across the border, he is transported to a city, often Los Angeles, and there referred to a job. In some instances, the agents provide transportation by selling a group of wetbacks an automobile, in which they can better elude detection. Those who lack the cash are offered a "go now, pay later" plan under which the price of the car is deducted from future wages.

Once inside, the alien easily merges into urban or rural Chicago barrios. Anyone can get a Social Security card by filing an application; proof of legitimate entry or birth certificate is not required. Employers record the Social Security number and couldn't care less about the worker's status. It is a felony to induce an alien to enter the United States, to transport him or to harbor him from detection; but conservative legislators from farm districts have managed to exempt the employer of an illegal entrant from that chain of complicity, even when the employee is known to be a wetback.

Agriculture absorbs the bulk of the illegal entrants. During fiscal 1968, 38,950 of those apprehended were doing farm work. Wetbacks are preferred by most farmers because they are thought to work harder than Amer-

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[1] *Mr. Greene is general counsel for California Rural Legal Assistance and a specialist in litigation challenging the employment of nonresident alien labor.*

icans and to complain less about conditions. The minimum wage for farm work in California is $1.65 an hour; wetbacks in labor camps are lucky to earn $1.35, not enough to live on in California but four times the Mexican minimum wage. The rich regions of California are dotted with the grim labor camps which formerly housed *braceros*. Wetbacks now live in many of them, hidden well off public roads on land posted against trespassing.

While most wetbacks seek farm work during the busy seasons, substantial numbers are kept on the year around, or find off-season jobs during the very periods when domestic farm workers, residents of the area, are unemployed and dependent on public assistance. Winter unemployment in farm regions runs as high as 16 per cent of the domestic labor force; in California alone idle farm workers require $15 million in public assistance. Ten thousand wetbacks were caught in the five states that make up the Southwest in February 1969. From this figure one can assume that from 10,000 to 40,000 low-income families were displaced from jobs by wetbacks during the winter months, at a cost in taxes and loss of domestic wages amounting to tens of millions.

Surveys show that the prevalence of wetbacks also depresses wage levels, and encourages employers to ignore the laws governing wages and working conditions. Union leaders find it difficult to organize in areas saturated with wetbacks. A nationally reported example is the stubborn resistance Cesar Chavez's United Farm Workers Organizing Committee has encountered in its efforts to sign contracts with the California table grape growers. Strikes are not a compelling argument with employers who can rely on Mexican nationals, and the union has been forced to organize a nation-wide consumer boycott of table grapes to achieve its purpose.

Displacement of local workers by wetbacks is no longer a predominantly rural problem, since illegal entrants increasingly gravitate to more permanent jobs in the cities. From 1,500 to 3,000 of them are caught each month in the Los Angeles metropolitan area. Recently, the Border Patrol uncovered a smuggling operation which specialized in supplying wetbacks for industrial jobs in Chicago.

Despite the seemingly impressive figures on apprehensions, the wetback problem is not being brought under control. The program is hampered from the start by a shortage of manpower and equipment. As one patrolman in the Stockton, Calif., area put it: "We stake out Route 99 and the smugglers hear of it and take another road. There aren't enough of us to cover all the main highways all the time." On any given day, approximately 300 officers are on duty in the five Southwestern states.

A more basic problem than the size of the Border Patrol is the ease of entry afforded by the visitor's card and the absence of administrative controls on its use. The zone of travel permitted by these cards (with no record kept of entry and departure) was recently reduced from 150 to 25 miles from the border and that is making it easier to tag violators en route to the big cities. Since the reduction, systematic road checks on approaches to Los Angeles have turned up hundreds of aliens with no residency documents.

However, Border Patrol officials complain privately of the Justice Department's failure to require fingerprints as part of the permit procedure. Lacking that identification, it is almost impossible to spot previous violators when they reappear at the border, and wetbacks who have been returned to Mexico reenter again and again, visitor's permit in hand. Also, since no record is kept as to when a seventy-two-hour visit begins, a Mexican who has eluded detection for weeks or months can depart unquestioned.

The very volume of violators has dictated an informal handling of those caught, and this also fails to discourage the increasing traffic. Illegal entry is a crime for which the violator may be prosecuted in the federal courts and formally deported by the INS. Reentry after such a deportation is a felony. But resort to these remedies is infrequent. The present policy is to allow the illegal entrant to leave voluntarily within three days of apprehension. Often he is permitted to get to the border on his own. Or he may be taken to a detention center in El Paso, Tex., or El Centro, Calif., to await bus transportation to the interior of Mexico at U.S. Government expense. Not only does the wetback get a free trip home but back wages are collected for him by Border Patrolmen. Voluntary return is likened by an INS administrator to a "game warden who discovers a hunter without a license and helps him carry the deer he's killed out of the park." Multiple returnees are seldom prosecuted and are formally deported only after the fourth, fifth or sixth entry, unless they are caught assisting other wetbacks to cross the border. A formal deportation procedure takes no more than fifteen minutes, and does not require the services of an attorney, but the INS claims that there are insufficient hearing officers to handle all the possible cases and that in any case deportation wouldn't stop the alien from trying again. Authorities do not even officially notify a grower when illegal entrants are found on his land.

United States attorneys and judges regard illegal entry as an economc crime of low priority and most Americans sympathize with the wetback, who is after all a very poor man trying to get ahead. Few jurists or juries appreciate the relationship between illegal entry and the plight of the domestic poor. Federal prosecutors have little time even for wetback smugglers, accepting only aggravated cases of prosecution. Despite the high apprehension rate in Northern California—3,500 in August 1968—there has been almost no prosecution of smugglers or transporters. Officials suggest that strict enforcement, involving due process for each alien, would choke court dockets, overburden U.S. attorneys and tie up patrolmen as witnesses. The more pessimistic add that extensive prosecution would ultimately fill the prisons to capacity—a line of reasoning not applied to marijuana cases. INS investigators are hampered by the taciturnity of wetbacks, who refuse to say how they entered the country or who helped them to do so. Aware that failure to cooperate will not land him in jail, the alien has no inducement to reveal what he knows of the smuggling operation.

Recent lawsuits brought in California by domestic farm workers against growers using wetbacks allege that such employment is an unfair business practice calculated to lower their wages, diminish their employment opportunity and force them to seek public assistance at the taxpayers' expense. While employment of illegal entrants is exempt from the legal sanctions against harboring wetbacks, farm workers charge that growers are nevertheless criminally implicated, since offering wetbacks employment and shelter from detection is aiding and abetting in the crime of illegal entry. This resort to self-help law enforcement by the poor is a reflection on the failure of the Justice Department to perform its duties.

The ambivalence of the INS in the area of illegal entry is striking. The search for violators is presistent but ineffectual, and it seems clear that more could be done. The service operates on a budget of $86,450,000, more than half of which is committed to the four states bordering Mexico. Detention and transportation of apprehended illegal entrants alone costs $1.6 million, yet no funds can be found to hire more hearing officers and increase the number of formal deportations. Nor is there money to increase the Border Patrol and investigation staff, despite increased illegal entry and the much heavier work load demonstrated by the higher apprehension rates.

An obvious need is the fingerprint identification of seventy-two-hour permit hodlers. INS officials argue that it would be impractical to match the fingerprints of apprehended wetbacks against those of 1 million cardholders. Yet the need to check at most 500 fingerprints a day, the ostensible average number of wetbacks caught in the peak months, is small compared to the FBI's work load of 32,000 identifications a day from a file of 15 million sets of prints.

The replacement of cards at four-month intervals would make it easier to revoke the cards of violators. A requirement that holders of the unlimited entry permit post a bond to secure observance of the terms of entry, a device authorized in related immigration laws, could be an effective deterrent. Other steps could be taken to provide more effective enforcement. A recent act which authorizes a federal magistrate to handle petty crimes could undoubtedly speed the prosecution of numerous smuggling offenses as misdemeanors. Formal deportation following the second illegal entry within two years, the power to assess administrative fines in lieu of prosecution (thereby attaching a portion of the wages earned), and even the right to confiscate the vehicle used in the transportation of illegal aliens, as is done in narcotics smuggling, would also discourage the border hoppers.

Important remedial legislation is before House and Senate. A bill to prohibit the intentional employment of a person illegally in the United States was introduced on March 26, 1969 by Sen. Edward Kennedy and Rep. Michael Feighan. The measure is cosponsored by nine Senators and twenty-three Representatives. But even if passed, it will not result in many prosecutions, since the present difficulties of proving smuggling will be compounded when the federal attorney must submit his case to a jury. However, the abrogation of the employment exemption, combined with occasional well-publicized prosecutions and stiff fines, should cure many employers of hiring wetbacks at bargain rates. Similarly, a bill introduced by Senator Mondale would amend the National Labor Relations Act to make it an unfair labor practice to employ aliens unlawfully present in the country, or to hire nonresident commuter aliens during a labor dispute. Any of these measures, applied for several years, would provide increasingly effective deterrence to illegal entry.

Even so, the problem of the wetback will remain as long as the Mexican-American border is open, the border economies remain interdependent, and American earnings are five to ten times the Mexican wage. But in our increasingly technological society, with its chronic unemployment among low-income unskilled and semi-skilled workers, it is a problem which cannot be ignored. The continued use of nonresident Mexican labor in border areas, a concession to the artificiality of the border, should be coupled with affirmative enforcement of wage standards and labor laws to provide domestic workers with earnings commensurate with living costs, at least equal access to jobs, and the freedom to bargain collectively.

Moreover, urban and rural areas distant from the border have no interdependence with the Mexican population and economy. Lack of enforcement in such places, except for the futile apprehension-return cycle, is really a subsidy to certain industries and subverts the Administration's policy to "move people off the welfare roles and onto the payrolls."

Despite the good record of the Border Patrol, administrative deficiencies in coping with the inflow of illegal entrants cannot

be explained entirely by a lack of imagination or a lack of funds. It is not pure fantasy to conclude that the policy of the Justice Department on illegal entry is to do just enough to avoid wholesale criticism, without arousing the serious anger of anti-union employers who favor an abundance of cheap labor.

TOWARD MORE ADEQUATE SOCIAL SECURITY—VI

Mr. WILLIAMS of New Jersey. Mr. President, as Congress prepares to make major decisions on improvements to our social security system, it becomes all the more important that Americans of all ages understand the economic pressures now burdening most older Americans.

For that reason, I am submitting information about such pressures for the pages of the RECORD; and today I will draw from statements presented at a meeting conducted in Hudson County, N.J., recently.

There, I called upon elderly residents, county and municipal officials, and others to tell what it means to be old and to live on a limited income in one of the urban centers of New Jersey.

There could be no doubt about the most pressing concern of those who testified. They want social security benefit levels that will be of real help to them as they cope with rising medical costs, rents or property taxes, and other costs of living. In a county where the average monthly social security benefit is $94 a month, the administration proposal for an across-the-board increase of 10 percent would not go very far. We need far more definitive action—of the kind proposed last week in S. 3100.

There can be no substitute for the grassroots testimony received at meetings such as that conducted in Hudson County. The message that came through in more than one statement was most vividly expressed by one participant who said:

> There are a lot of poor people in this Nation and county who also have lived a great number of years. And the sad truth is that many of those elderly have become poor by becoming old.

Mr. President, I ask unanimous consent to have included in this RECORD two newspaper stories—one from the Hudson Dispatch of Union City and one from the Jersey Journal of Jersey City—of October 13. The stories give highlights of a memorable and productive occasion. They are worthy of study as Congress turns its attention once more to vitally needed social security adjustments.

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

[From the Union City (N.J.) Hudson Dispatch, Oct. 13, 1969]

WILLIAMS ASSAILS NIXON BILL AS NOT CLOSING THE AGED GAP

Several hundred Hudson County senior citizens on Saturday attended Senator Harrison A. Williams "informal information session" on the eonomics of aging at Dr. Martin Luther King Jr. School, Jersey City.

Williams, who is chairman of the Senate Special Committee on Aging, is investigating the problems of the aging, especially the economic factors, throughout the country. Previous hearings have already been held in Washington, D.C.

In opening the session, Williams said that he wants the meeting to serve as a "clear call for action which will finally end the worsening retirement income crisis that plagues most older Americans today."

"And I want it to be a warning," Williams said, "to younger people, those now still in the labor force. They have a stake in resolving this problem because their own economic security in later years is now threatened by the same problems that face the elderly."

Williams said that he wouldn't burden the audience with statistics, but would tell them what the statistics mean.

PEOPLE POOR WHEN OLD

"They mean," he said, "that people who have maintained their independence all their lives find that they become poor when they become old. They mean that too often those elderly must make the cruel choice: food on the table or prescription drugs to ward off pain or collapse. They mean that the family home often becomes too expensive to maintain, even though apartments cannot be had at rents within the reach of people on fixed incomes.

"They also mean," Williams continued, "that hard-pressed sons and daughters of the elderly quite often try to help their parents, sometimes in secret."

Williams assailed the Nixon social security bill sent to Congress because the 10 per cent increase "will not even close the cost-of-living gap." He said that by April the cost-of-living will have risen 12 per cent over what it was when the last social security increases went into effect.

The senator also criticized the Nixon plan for failing to raise minimum benefits. He said that he and a group of congressmen are advocating a 15 per cent increase by Jan., 1970, and a 15 per cent increase in January of each of the following two years; and that, over the same three-year period, minimum benefits be raised from $55 to $103.

CALLS FOR QUICK ACTION

Conrad J. Vuocolo, director of tenant relations for Jersey City Housing Authority, said that a concentrated "plan of action must be placed into effect without delay."

In emphasizing the problems of the aging, Vuocolo said that Jersey City has a geriatrics clinic which has become nothing more than a "communicating office" where medical people tell the elderly that they must see their own physicians.

Vuocolo said that recreational fields for the "entire senior citizen population of Jersey City" receives less than $2,000 a year appropriation for arts and crafts. He criticized the state's Office on Aging for having a $30,000 budget to staff two referral offices which do nothing.

Vuocolo said that instead there should be created a program of "State Aid for the Elderly" and that communities like Jersey City should get a per capita grant from the state "for the problems of the elderly."

"If we are to serve our elderly," Vuocolo said, "who have indeed helped make America the great country that it is by raising many fine families; helped to build its railroads; sent their sons and loved ones to war; paid taxes for many years—federal and state agencies had better stop using their jawbone and start using their backbone."

WHELAN OPENS MEETING

Mayor Thomas J. Whelan opened the meeting by extending the city's greetings.

Dr. William Wilkinson, president of Jersey City branch, National Assn. for the Advancement of Colored People, also spoke.

Panelists were Mrs. Lillian Allen of Jersey City, Mrs. Christina Borneman of Hoboken, Clint Jaeger of Bayonne, John MacNab of Kearny, Mrs. Elizabeth Thompson of Jersey City, Mrs. India Edwards, director of Jersey City Office on Aging, and Michael Reilly, director of Hudson County Center on Aging.

Also, Mrs. Mary Johnson, director of Jersey City Meals on Wheels, Inc.; Mrs. Virginia Statile, director of Visiting Homemaker Service of Hudson County; Walter Lezynski, Jersey City health officer, and Walter Nicholl, Kearny health officer.

[From the Jersey City (N.J.) Jersey Journal, Oct. 13, 1969]

WILLIAMS BIDS UNITED STATES AID AGED

Senator Harrison A. Williams Jr., chairman of the U.S. Special Committee on Aging, said today that the biggest problems facing the elderly in Hudson County were nutrition and transportation. He added that both needs "should be taken care of by federal funds."

Sen. Williams made these remarks after listening to testimony of 16 Hudson County residents concerning the situation of the elderly in the area at an information session on the Economics of Aging, Saturday afternoon at the Martin Luther King School in Jersey City, where between 300 and 400 senior citizens had gathered.

The testimony was given by the directors of the various city and county organizations that deal with the elderly and by some of the county's senior citizens.

The witnesses emphasized the financial concerns of the elderly, especially that of drug and medicine bills, food costs and transportation.

"Our group is vitally interested in health," said Mrs. Lillian Allen, president of the Lillian Allen Senior Citizens Club. "We have to keep ourselves out of the hospitals. To do this we suggest neighborhood health clinics where retired doctors and nurses could work part-time to keep others aware of what their state of health was.

"And we could save 90 per cent of drug costs if we could buy them under the genetic name."

Clint Jaeger of Bayonne continued along the lines of medicine costs by citing cases of an 81 year old person he knew who received $658 annually and paid $396 rent leaving the rest for medicine and food; and another 69-year-old man who received $932 annually and paid the same amount for rent.

"The remainder is far too little to live on," he said.

The problem of malnutrition was outlined by Mrs. Mary Johnson, director of Meals on Wheels in Jersey City.

"Malnutrition and loneliness go hand in hand," she said. "The elderly scrimp and save to get a week's food supply out of one meal. I knew one woman who bragged when she got 6 cups of tea from one bag.

"We found one couple that were starving to death. When we brought them food, they started tearing into it like animals. Two weeks later, when our man brought them food he found that the food from the day before was left untouched, and the husband trying to wake the woman up. She had been dead for two days. The man died a few weeks later."

She brought out the fact that most of the elderly will not buy the food stamps because they feel that is accepting charity.

"We have to work to keep these people from becoming confined," said Mrs. Johnson.

Many of the witnesses discussed the need for lower bus fares.

"We're hoping for a crosstown bus in Hoboken," said Mrs. Christina Borneman. "I'm 12 blocks away from the shopping district. So I go to Union City where everything is close together."

Conrad Vuocolo, director of Jersey City Housing Authority tenant services, proposed

a program for the elderly similar to the welfare program for children.

"The city should get so much per capita," he said, "for geriatric centers, miniparks, arts and craft materials, reduced fares and the like. It's time for New Jersey to act."

Sen. Williams spoke against President Nixon's 10 per cent increase in social security saying that for most people it could be understood as "five trips from Hoboken to Jersey City a month."

He continued: "Congress' 10 per cent increase will not even close the cost-of-living gap. By next April, when the first checks would go out under the Nixon plan, the cost-of-living will be roughly 12 per cent more than it was when the last Social Security increases went to effect.

"The Nixon plan doesn't raise minimum benefits, and here is the greatest need. A single person now receiving $55 a month would receive only $61 a month under the President's proposal.

"What is true of minimum benefits is also true of the Nixon plan for automatic cost-of-living increases. Since most Social Security levels are inadequate, the Nixon plan would simply perpetuate inadequacy."

Mrs. India Edwards, director of the Jersey City office on aging, agreed with the Senator and remarked that it was time "dignity and aging joined forces for a better way of living."

BOXCAR SHORTAGE

Mr. DOLE. Mr. President, the Nation is today experiencing one of its worst shortages of boxcars of all time. It is made even more difficult by the extremely large wheat and feed grain crops this year, some of which is now sitting on the ground out in Kansas.

Almost daily I receive telephone calls from grain shippers and farmers calling attention to the desperate situation, and pointing out that thousands of bushels of grain sorghum are spoiling due to moisture conditions. Nearly all of this grain has been piled on wet ground, which further adds to the seriousness of the problem, and Kansans stand to lose thousands of dollars unless immediate remedial action is taken.

The railroads serving Kansas have made valiant efforts to keep abreast of boxcar requirements to meet their shippers' needs. Unfortunately, too often these cars are on the lines of other carriers in other parts of the Nation when they are most needed in grain areas such as Kansas. The Interstate Commerce Commission is striving to distribute the available supply of cars in an equitable manner. However, a long-range solution must be found—and soon.

I urge the Commission to direct their attention to increased per diem charges, as they sought and were given legislative authority to do. The time for study of this matter is long past, and the time for action is at hand.

Also, I would request that consideration be given by the carriers and the Commission to exploring the possibility of using other cars that may be available as a substitute for boxcars during this time of crises. Such utilization would alleviate in a small manner the immediate and urgent demand to get the grain moving.

I call upon all carriers and the Commission to cooperate in this effort to serve the public interest.

CRITICISM OF SENATOR PROXMIRE BY OIL INDUSTRY REPRESENTATIVES

Mr. McINTYRE. Mr. President, there has come to my attention a column published recently in the Oil Daily, attacking the distinguished Senator from Wisconsin (Mr. PROXMIRE) for his criticism of a meeting at the White House a short while ago between oil industry representatives and the President. I ask unanimous consent that this column be printed in the RECORD at the conclusion of my remarks.

The column charges the Senator from Wisconsin with being "a past master" when it comes to "smear and slur" of the oil industry. It suggests that he seeks to deprive the industry of its right to be heard on matters vitally affecting its interests.

Neither of these charges has the slightest truth to it. The Senator has been for several years a leader in the fight to establish sound national policies in the natural resource field. I have observed him in action throughout this period and have been pleased at many times to join him in his efforts. Neither he, nor I, would suggest at any time that the oil industry should not be heard in matters affecting its future. What provoked his criticism of this particular meeting, and what greatly concerned me as well, was the fact that it took place at a time when the task force evaluating our oil import quota system had announced a decision to complete its deliberations in private, seeing neither supporters or opponents of the import quota program. There seemed a grave danger, unless something was said, that only one of the two sides would be heard. It was perhaps because of the criticisms of the Senator from Wisconsin that this situation was avoided and that consumer representatives from New England and elsewhere had the same opportunity to make their views known. I congratulate the Senator from Wisconsin for once again speaking out at a critical time.

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

THE RIGHT TO BE HEARD

(By Keith Fanshier)

One of the best recent examples of the malice and ill-will held for the petroleum industry by a certain stripe of industry-baiting legislator is furnished in the latest outburst of Sen. William Proxmire, D-Wis. attacking the action of industry representatives in recently discussing industry problems with the President and with various governors.

For smear and slur, the doughty senator, in his long-continuing campaign against this industry, its policies and people, has become a recognized past master. With him, virtually everything in and about the industry can be and is bitterly criticized.

The latest Proxmire barrage is directed toward discussions with President Nixon by Michael L. Haider, outgoing chairman of the American Petroleum Institute and former chairman of Standard Oil Co (N J). These discussions were reported in The Oil Daily and other papers, with coverage of Chairman Haider's remarks about his conversation. Proxmire also attacked alleged exchanges between Frank Ikard, API president, and three oil state governors.

The traditions of the nation have been founded on the principles of free speech and a representative constitutional government. Certainly accessibility to elected government officials is a pertinent and important aspect of both things.

For some months, much misgiving had been aroused in the industry over the approach of the administration to petroleum issues, and policies. It was feared that the White House was unduly depending on the filtering of information on industry matters and problems through a system of a professorial staff—and that this could injure the country unless the administration were to have the benefit of specific contracts with the industry.

We personally believe it is a healthy sign not only for the industry but also the country that on vital matters of such stature as the health of the nation's leading source of energy, and to aid in establishment of truly informal government policies on petroleum matters generally, key industry people should have access to top government officials. This certainly would include the President, on matters of such urgency.

No amount of bull-dozing tactics by recognized industry enemies should deter members of this industry from exercising their rights to speak up in defense of their industry from misguided attacks, and to assure understanding by important governmental officials from the top right on down to the industry's situation. In fact, we doubt enough of it has been done in the past. We hope oilmen will go as far and as high as they can go in telling the industry's story. In doing so they should be guided more by the importance of industry needs and its continuing ability to serve the public than by any fear of ill-advised blasts by the corps of known petroleum industry critics.

The industry and its members have the right to be heard. They should exercise it to the full in these times of urgent industry need.

THE NATIONAL ENVIRONMENT

Mr. MOSS. Mr. President, the deterioration of the environment is of mounting concern to our Nation. This concern was a major consideration leading to the creation of the land and water conservation fund and to last year's overhaul of that legislation. The fund we believed was the solution to the problem of financing the acquisition of sorely needed outdoor recreation and park lands. But our program has been frustrated by shortsighted action on the part of the Nixon administration. "Starving the National Parks" is the title of a recent editorial in the St. Louis Post-Dispatch commenting on this action. I ask unanimous consent that it be printed in the RECORD.

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

STARVING THE NATIONAL PARKS

Another example of the growing subservience of Congress to the Presidency in matters requiring initiative is being played out these days in connection with the short-changing of the Land and Water Conservation Fund in the Nixon Administration budget.

The Administration is ignoring the express guarantee of Congress of $200,000,000 a year to the fund for five years beginning July 1, 1968, leading Chairman Aspinall (Colorado) of the House Interior Committee to express a "feeling of outrage" and Senator Nelson of Wisconsin to declare that "the precedent-setting effort in recent years to expand our national park system will face total collapse."

The Conservation Foundation, in an excellent summing up of the situation in its October Letter, reports: "All plans for new national parks and recreation areas are being stiffled, perhaps for four years. It's doubtful that there will be enough money to complete purchase of areas already authorized by Congress. And many state and local park and outdoor recreation areas are also in danger."

All this is being done in violation of Mr. Nixon's campaign promises. On May 16, 1968, Candidate Nixon said: "In cutting the budget, the President must set his own priorities. Among those that should escape the budget knife are appropriations for conservation . . . and for the preservation of natural resources." These, along with education, he then said, are the "growth stocks of America, which will net us the greatest long-term capital gains. Investments here are investments in our children, in the kind of country they will live in and in the quality of life they will lead. This is the last place for Americans to be miserly."

Yet this was one of the first places where Candidate Nixon, on becoming President, adopted a miserly course. Outgoing President Johnson had already cut the $200,000,000 for the fund by $46,000,000, and incoming President Nixon cut it another $30,000,000.

The ready and obvious remedy is for Congress to insist on appropriating all the pledged funds whether the Administration recommends them or not. But things are not that simple. Representative Julia Butler Hansen of Washington, chairman of the House Appropriations subcommittee which *approved* the requested amount of $124,000,000, commented that "we would be happy to appropriate the full $200,000,000 if we receive proper guidelines on how and where it is to be expended in a practical manner."

A properly organized and properly equipped Congress, denied guidelines from the President for the legislation it wants to enact, would acquire its own information, set its own guidelines, and make its decisions as an independent parliament.

Yet Congress has dawdled and been unable to make up its mind for several years now on proposed reforms which would have gone far to give it these very capabilities. If it is outraged sufficiently at being thwarted by the White House, perhaps it will be moved to adopt the improvements which can make it once again an equal branch of Government.

CAUSES AND PREVENTION OF VIOLENCE

Mr. HART. Mr. President, many Senators will already have heard, through news reports, of the contents of the latest report issued by the President's Commission on the Causes and Prevention of Violence.

Since I am a member of the Commission that wrote it, I cannot be openly admiring without risking self-congratulations. But I do hope that others in the Congress find its reasoning sound.

In order that the full text of the report, "Challenging Our Youth," may be readily available, I ask unanimous consent that its contents be printed at this point in my remarks.

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

COMMISSION STATEMENT ON CHALLENGING OUR YOUTH

MEMBERS OF THE COMMISSION

Dr. Milton S. Eisenhower, chairman; Judge A. Leon Higginbotham, vice chairman; Congressman Hale Boggs, Terence Cardinal Cooke, Ambassador Patricia Roberts Harris, Senator Philip A. Hart, Eric Hoffer, Senator Roman Hruska, Leon Jaworski, Albert E. Jenner, Jr., Congressman William M. McCulloch, Judge Ernest W. McFarland, Dr. W. Walter Menninger.

STAFF OFFICERS OF THE COMMISSION

Lloyd N. Cutler, executive director; Thomas D. Barr, deputy director; James F. Short, Jr., Marvin E. Wolfgang, co-directors of research; James S. Campbell, general counsel; William G. McDonald, administrative officer; Joseph Laitin, director of information; Ronald Wolk, special asst. to the chairman.

CHALLENGING OUR YOUTH

One key to much of the violence in our society lies with the young. Our youth account for an ever-increasing percentage of crime—greater than their increasing percentage of population. Arrest rates for violent urban crime are two to three times higher among youth aged 15 to 24 than among older groups in the urban population. The cutting edge of protest, and the violence which has sometimes accompanied it, has been honed largely by the young in the streets and on the campuses. In cities experiencing ghetto riots more than half of the persons arrested were teenagers and young adults. Most of the people involved in the violence during the Chicago Convention demonstrations in August of 1968 were under 25 years of age.

Violence by the young, as by persons of all ages, has multiple causes, involving many elements of personality and social environment. Some young people, even those raised in affluence, may rob for the thrill involved, others for what they hope will be material gain. A few maladjusted individuals may engage in wholesale killing; others may commit murder in a particular moment of rage or calculated coolness. Some may engage in violent forms of protest as a deliberate tactic; others may do so out of excitement and response to mob psychology.

Many of the young people in the nation today, however, are highly motivated by the ideals of justice, equality, candor, peace—fundamental values which their intellectual and spiritual heritage has taught them to honor. The youth of today have not been called on by their elders to defend these values by service in causes which young and old alike believe to be urgent and important, such as the war against the Axis powers or the struggle to end the depression of the thirties. Instead, they face the prospect of having to fight in a war most of them believe is unjustified, or futile, or both.

Moreover, they speak eloquently and passionately of the gap between the ideals we preach and the many social injustices remaining to be corrected. They see a nation which has the capacity to provide food, shelter, and education for all, but has not devised the procedures, opportunities, or social institutions that bring about this result. They see a society built on the principle of human equality that has not assured equal opportunity in life. With the fresh energy and idealism of the young, they are impatient with the progress that has been made and are eager to attack these and other key problems. A combination of high ideals, tremendous energy, impatience at the rate of progress, and lack of constructive means for effecting change has led some of today's youth into disruptive and at times violent tactics for translating ideals into reality.

At the same time, our urban slums abound with youths who have few opportunities to perform constructive roles of any kind. They often receive little help from social institutions, or from their equally disadvantaged parents. Too often, in fact, they have no father in the home to provide a male model for acceptable conduct. They are the last to be employed, and the first to suffer social injustices. Recognizing no stake in the values of an orderly society, they often turn to crime, either individually or in gangs. The highest crime rate in the nation is among these young people.

The nation cannot afford to ignore lawlessness, or fail to enforce the law swiftly and surely for the protection of the many against the depredations of the few. We cannot accept violent attacks upon some of our most valuable institutions, or upon the lives of our citizens, simply because some among the attackers may be either idealistically motivated or greatly disadvantaged.

It is no less permissible for our nation to ignore the legitimate needs and desires of the young. Law enforcement must go hand in hand with timely and constructive remedial action. In a position paper issued earlier this year, this Commission stated its view that students should be given a useful role in shaping the future of the university, as well as responsibility of working directly with faculty members and administrators to develop standards for acceptable student conduct and responses of the institution in the face of deviations from these standards. Whether in the inner city, in a suburb or on a college campus, today's youth must be given a greater role in determining their own destiny and in shaping the future course of the society in which they live.

Despite their increasing share of the highly educated population—indeed 18-year-olds are now better educated than were 21-year-olds when our nation was born—today's youth remain almost entirely disenfranchised. In 1950, two and a quarter million young men and women were attending college, as compared to the more than seven million today. In the same time span we have seen a decline in farmers and agricultural workers from eight million to less than four million. Yet, the latter exercise considerable political influence, while the growing college population remains excluded from participation in the electoral process. Political realities have changed while our laws and institutions lag behind.

Today only two of our states (Georgia and Kentucky) permit eighteen-year-olds to vote, and two others permit voting before the age of 21. Yet, in virtually every other respect, we expect that eighteen-year-olds behave and assume responsibility as adults. At that age, some are in college, and many are married with families and, along with others, are working taxpayers. In most states, eighteen-year-olds are treated as adults by the criminal law. We demand the ultimate service, the highest sacrifice, when we require them to perform military service. Many young men have become battle-tried veterans and some have died on the battlefield before they could vote. Their way of life—and, for some, even the duration of life itself—is dictated by laws made and enforced by men they do not elect. This is fundamentally unjust. Accordingly—

We recommend that the Constitution of the United States be amended to lower the voting age for all state and federal elections to eighteen.

Presidents Eisenhower, Kennedy, Johnson and Nixon and many elected representatives of both parties have expressed support for such an amendment. In the first session of the 91st Congress, 48 joint resolutions calling for the eighteen-year-old vote were introduced. And over the years, a number of states have raised the issue in popular referenda, but the results have been disappointing.[1]

Today's youth are capable of exercising the right to vote. Statistically they constitute the most highly educated group in our society. More finish high school than ever before and more of them go on to higher education. The mass media—television, news and interpretative magazines, and an unprecedented number of books on national and

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world affairs—have given today's youth knowledge and perspective and made them sensitive to political issues. We have seen the dedication and conviction they brought to the civil rights movement and the skill and enthusiasm they have infused into the political process, even though they lack the vote.

The anachronistic voting age-limitation tends to alienate them from systematic political processes and to drive them into a search for alternative, sometimes violent, means to express their frustrations over the gap between the nation's ideals and actions. Lowering the voting age will not eliminate protest by the young. But it will provide them with a direct, constructive, and democratic channel for making their views felt and for giving them a responsible stake in the future of the nation.

A significant focal point of dissent by the young has been the issue of draft reform. To many, the draft symbolizes the inflexibility of our institutions and all that is wrong with the government's treatment of the young. Further, the inequities of the system have been set in sharp relief by the reality of the on-going war that many youth believe to be immoral and futile. The "oldest-first" order of draft calls produces a period of prolonged uncertainty for young men that profoundly affects their education, career and marriage decisions—a condition which is made more unacceptable by the lack of uniform deferment and exemption standards and by the wide variation in the exercise of discretion by local boards. Draft reform will not take the sting out of student anti-war protest or other manifestations of student discontent, but it could go far to reduce the tensions and frustrations that now lead some young men to seek refuge abroad and others to destroy Selective Service records, burn draft cards, or disrupt induction centers.

A random lottery system which would subject all to equal treatment at age nineteen, would take the youngest rather than the oldest first, and would reduce the period of prime draft vulnerability from the present seven years to one year, appears to be the fairest and most promising alternative to the existing draft system. Undergraduate deferments would be continued, but with the understanding that the year of maximum vulnerability would come whenever the deferment expired. It would be far less disruptive in the lives of young men while fully consistent with national security needs. The President has recommended such a proposal to the Congress. We are pleased to note that the Congress has approved the random lottery feature.

We also strongly endorse the balance of President Nixon's proposal for reform of the draft system, which are similar to that recommended in 1967 by the Marshall Commission and the Clark Panel.[2] To the extent these proposals require further legislation, we urge the Congress to enact it.

Assuming the enactment of random selection system, however, the area of discretion for local draft boards is enormous and is likely to remain so.

We therefore urge that renewed attention be given to the recommendations of the Marshall Commission for building a greater measure of due process into the exercise of draft board discretion.

Youth should also be given a role on local draft boards.

We therefore recommend that in exercising his power to appoint the members of local draft boards, the President name at least one person under 30 years of age to each local board.[3]

II.

At present, the Selective Service System calls only about a third of the eligible young men for the draft each year. Reform of the system will not alter this, but by taking the youngest first and by reducing the period of uncertainty from seven years to one, it will free many young men to make firm decisions about their futures. The federal government should do much more to provide these young men, as well as other young men and women in all walks of life, with the opportunities for service to their communities and the nation. As the Peace Corps and VISTA experiences bear out, many young people are eager to assist the less fortunate to achieve social justice and willing to devote a part of their lives to tasks for which the major reward is the satisfaction of helping others.

We do not suggest that voluntary service of this kind should be an alternative to military service. Rather, we suggest that public service opportunities be made available, regardless of military service, to young men and young women, high school and college graduates, inner city, suburban, and rural youth—as justified by the nation's needs.

We are convinced that youth will grasp meaningful opportunities for attacking constructively the problems and injustices that, too often, now drive them to attacks aimed at the destruction of useful institutions, rather than at their reform. But we recognize their skepticism of government-sponsored programs and their increasing unwillingness to become involved in social action programs in which they have no voice. Consequently, we believe that a new and flexible approach to youth service opportunities is required, one that is tailored to individual talents and desires.

We urge the President to seek legislation to expand the opportunities for youth to engage in both full-time and part-time public service, by providing federal financial support to young people who wish to engage in voluntary, non-military service to their communities and to the nation.

We do not suggest the creation of another federally-administered program, or set of programs, comparable to the Peace Corps or VISTA. Instead we suggest that a large number of full- and part-time public service options be opened to youth—opportunities which the youths themselves can be expected to seek out and to improve upon, and which can be filled and administered at the local level if federal financial support is made available. We have in mind such possibilities as teaching and reading assistants, tutors and counselors in the elementary and secondary schools; hospital orderlies and nurses' aides; personnel for neighborhood service and recreation centers; auxiliary aides to local law enforcement and social service agencies; and many others.

The service opportunities would be approved by a central federal agency. The authorizing statute should set general standards of agency approval, eligibility, and levels of compensation. The choice of the particular public service opportunity from the large approved list of public and private institutions and groups should be left to the volunteers, and the initiative, direction and control of the activities would remain entirely with the approved local entity.[4]

The program might be launched to recruit 100,000 young people each year for four or five years, as experience was accumulated. The eventual goal might be as high as 1,000,000 active youth volunteers in service at any given time, depending upon experience and developing national needs. As is now true for Peace Corps and similar existing programs, the compensation to be paid should be set at a student subsistence level and should not be financially competitive with other employment opportunities. As a special inducement, however, we recommend that completion of two years of full-time public service entitle the participant to educational assistance comparable to that available to veterans under the GI Bill of Rights, with lesser amounts of assistance for service periods between six months and two years.[5]

Voluntary public service could contribute to reduction of the large backlog of unmet social needs, and thus could be an important step toward a more humane reordering of national priorities. And youth service could signify to the young that our nation is committed to the achievement of social justice, as well as to military security.

III.

Young people in the inner city slums often grow up in a stultifying physical environment and in unstable or broken families. They face poverty and racial discrimination. They are trained in overcrowded and inadequate schools, and the failure of the educational process, added to residual racial prejudice, results in thwarted job opportunity. Forced by lack of money and racial exclusion to remain in the most deteriorated part of the city, the slum ghetto youth's sense of alienation and powerlessness is confirmed and reinforced by the lack of recreational, medical and social services in the community.

Even should his parents wish to leave the slum ghetto, non-ghetto neighborhoods that they can afford to move into are those that tend to be most resistant to them. The Fair Housing Act and the Supreme Court's 1968 decision in *Jones* v. *Alfred H. Mayer Co.* make it illegal to discriminate in housing sales or rentals, but community resistance and the slow process of case-by-case enforcement combine to retard the elimination of housing discrimination in fact. Thus many black parents who try to inculcate values supporting lawful behavior must stay in communities where their children are subjected to the destructive influences of slum life.

Only by a massive effort to improve life in our inner cities and to eliminate private barriers to the dispersal of racial groups beyond the inner city can we begin to root out the basic causes of crime and violence in these concentrated areas. As part of this large effort, we urgently need programs that can effectively intervene at the critical juncture in a slum ghetto youth's life when he is torn between the forces that may lead him into crime and those which may lead him into socially constructive pursuits.[6]

Reaching the alienated slum youth is not easy. To expect youth programs to succeed where parents and schools already have failed is to hope for a great deal. Yet recent experience gives reason for optimisim.

Several recently organized youth programs have reached directly into the street and gang culture to draw upon indigenous talent and leadership. In the past, many youth programs, devised and imposed by adults, were alien to the life-styles and problems of the youths they were disigned to help. They failed. Youth involvement in the planning and operation of programs characterized several new approaches that commanded the allegiance of the young. These innovative and strikingly successful youth programs may show the way to wider effort.

In Philadelphia, what began in 1966 as a film-making project for the Twelfth and and Oxford Street gang—with youths writing, acting, and filming a story depicting the life and death of a gang leader—has bloomed into a full-fledged corporation which is now involved in a wide range of community-oriented projects. Youths who were formerly "warlords," "ministers of defense," and "guardians of weapons" are now the directors of a successful non-profit corporation. Initial financial successes in film-making attracted further assistance from private and governmental sources. Today the Twelfth and Oxford Street Film Corporation owns three properties in the neighborhood (one of which

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has been renovated for rental to five low-income families in the community), several of its members are receiving training in housing rehabilitation from the Philadelphia Housing Corporation and in marketing and survey from Temple University's School of Business, and plans are now being developed for opening the Twelfth and Oxford Restaurant and a Teen Age Record Company, both of which will provide additional opportunities for on-the-job training and utilization of youth's talents and skills.

Throughout the program's three-year development, motivation has remained high, and delinquency rates among the Twelfth and Oxford group have declined. Due to the skill of adult leadership, youths are given genuine responsibility and a sense of fulfillment. Its success thus far is a striking demonstration that the negative influences of the ghetto can be broken; that when urban youths are given a fair opportunity to run their own affairs, to develop their potentials in meaningful pursuits, they can become important agents of community change.

The same ingredients of success are evident in another youth program, this one in Washington, D.C., Pride, Inc., which originally began as a modest summer work program for 1,000 inner city youth to clean up cluttered streets and exterminate rats, has now become a year-round operation with economic and manpower development as its central theme. Pride directors initially hired 21 street-corner leaders as recruiters. Within three days every job was filled and, since then, the organization has reached some of the city's most deprived and alienated youth. It operates a landscaping and gardening division which employs 30 young men and a gasoline station at which 15 youths are being trained, as well as a program for some 700 participants who work in cooperation with the D.C. Health and Sanitation Departments. Responsibility for supervision and administration of the clean-up programs in various parts of the city is delegated according to ability, and beginners work with the encouragement of knowing that there are possibilities for promotion.

Because Pride, Inc. is recruiting the most difficult of the hard-core unemployed, the organization has had to develop the capacity to deal with young men who are living in a state of crisis and to offer rudimentary supportive services in continuing education, orientation, recreation, health and legal services. On the whole, the results of Pride's efforts to date are good. Evaluations conducted on behalf of the Department of Labor, a major financial supporter of the program, showed that while 67 percent of Pride members had been arrested in the six months prior to joining the program, only 24 percent were arrested during a like period after joining.

Pride, Inc. and the Twelfth and Oxford Street program are by no mean unique. Across the country are other youth programs suited to the life-styles of those involved. Program ingredients vary; the key elements to success are the broadened perspective and increased confidence that come with the feeling of responsible participation by the young people.

A number of programs are carried on by residential centers for rehabilitation and treatment of wayward and delinquent youth. One long-established and remarkably successful program of youth rehabilitation, involving young men of high school age, is Boys Republic in Southern California. Many teenage boys, usually from broken families and in difficulty with the law, are offered by the courts the option of attending Boys Republic voluntarily (there are no guards) or being assigned to one of the State's youth rehabilitation institutions. Boys Republic receives ten times as many court-controlled applications for admission as it can accept, for its facilities and funds are limited. The youths who are accepted are intimately involved in all aspects of the operational program, including making of decisions affecting their lives, work and education. A substantial portion of the funds needed to maintain the institution is earned by the boys themselves who operate a large farm and manufacture and sell the famous "Della Robbia" Christmas wreaths. The amazing long-time record of this effort in rehabilitation is that ninety percent of the young men who attend the institution and voluntarily remain until they complete the rehabilitation program never again have trouble with the police.

Examples of some comparable non-governmental residential centers for youth rehabilitation are the Berkshire Farm for Boys, Children's Village, and Lincoln Hall in New York State. Of the many state-administered institutions, the Kansas Boys' Industrial School is exemplary.

Junior Achievement, 4-H Clubs, Future Farmers of America, the Boy Scouts, Girl Scouts, YMCA and YWCA, the Catholic Youth Organization, Boys Club, Police Athletic League, Chicago Area Project, and many other youth programs, some church-sponsored, are so well known as to require no comment by this Commission, save perhaps the reminder that all of these stress maximum responsibility by the young people themselves in deciding what is to be done, what policy will govern their actions, how the projects are to be conducted, what will be done with earned funds, if any, and all related questions and policies. Even so, existing programs reach only a fraction of our youth, ghetto youth least of all. This fact emphasizes the importance of the new Philadelphia and Washington, D.C. experimental projects which we have briefly described.

Experience has shown that as youths become involved in meaningful activities such as film-making, housing rehabilitation, landscaping, running a gas station, operating a farm, or making Christmas wreaths, their needs for further education and business skills become apparent to them. All the aspects of running a business or community project—accounting, advertising, financing, marketing, manufacturing, selling, law—can stimulate youths to seek training and advice. This is a solid foundation upon which to develop relevant education or job-training programs, to persuade drop-outs to complete high school, and even to guide the ablest and most highly motivated on to college.

Because some youth programs deal with the most deprived and alienated, special supportive services in drug rehabilitation, legal aid, and health care are sometimes essential. Although youth programs can go far to counteract the negative influences of the street culture, drug abuse, delinquency, and illness remain ever-present possibilities. To some extent existing community services can be reoriented to meet the special needs of youth. But it may prove necessary to establish supportive services linked directly to the overall program effort. With respect to health care, group health insurance might be made part of any youth program once underway.

We urge the President, the Congress, and the Federal agencies that normally provide funding for youth programs—notably the Office of Economic Opportunity, the Department of Labor, and the Department of Health, Education, and Welfare—to take the risks involved in support of additional innovative programs of opportunity for inner-city youth.

Imagination and flexibility are essential qualities which may be enhanced by greater involvement of young people in the operations of the granting agency.

IV.

Our main concern in this statement is to stress the importance of challenging the young people of the nation to become full partners in the enterprise of building a better society. But we must also add a word on one increasingly acute aspect of the present "generation gap"—the problem of drugs, particularly marijuana.

The development of drug subcultures among many of today's youth is particularly troubling to those who are older. Increased education about the physical and psychological hazards of the use of addictive drugs, LSD, the amphetamines and other dangerous substances is essential if the health of young people and their children is to be properly safeguarded. In addition, the older generation must answer, in good faith and on the basis of better knowledge, the question raised by many young people as to whether present proscriptions on marijuana use go too far.

The startling recent increase in marijuana use by many young people has intensified the conflict between generations and posed enormous problems in the enforcement of drug laws. Possession and/or use of marijuana is treated severely by the law. In most states such possession or use is a felony, whereas the use or possession of the more dangerous LSD is only a misdemeanor.[7] This lack of elementary logic and justice has become a principal source of frustration and alienation contributing markedly to youth's often bitter dissatisfaction with today's society. We believe that action must be taken to put the whole situation into rational perspective.

Scientific knowledge about marijuana remains sparse, but some of its pharmacological properties have been established: marijuana is not a narcotic or an opiate and is not addicting.[8] There is as yet no evidence as to the relationship it bears to the use of harder drugs.[9]

We recommend that the National Institutes of Health, working with selected universities, greatly expand research on the physical and psychological effects of marijuana use.[10]

The Congress should enact laws and appropriate adequate funds for this purpose. Much remains to be learned about the drug's psychological effects, particularly with respect to the expectation and personality types of users and the total emotional mood of the environment and the persons in it. Many experienced users have had at least one "bad trip" and some cases have been reported of extremely traumatic reactions to marijuana. It may be that marijuana use can be damaging to individuals with a history of mental instability or other personality disorders. Similarly, little is known about its possible psychological effects, including psychological dependency, on adolescents who are in the process of learning to cope with the demands of adult life. And we most assuredly need to know if marijuana users have a predisposition to use harder drugs.

Despite all existing evidence to the contrary, state and federal laws alike treat marijuana as a narcotic, and penalties for its sale and use in some states are extreme. In one state, the penalty is two years to life imprisonment for a first offense of possession. In at least two others, the penalty for an adult convicted of selling marijuana to a minor is death. According to the latest available Justice Department figures, the average length of sentence imposed for violation of state laws was 47.7 months. In 1967 the federal government made 706 arrests for marijuana offenses, as compared to the State of California alone which made 37,513 arrests, 10,907 of them juveniles under eighteen.

Erroneously classifying marijuana as a narcotic, this patchwork of federal and state laws, inconsistent with each other and often unenforceable on their merits, has led to an

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essentially irrational situation. Respect for the law can handly be inculcated under these circumstances. Since many of our youths believe marijuana to be relatively harmless and, yet, are faced with legal sanctions, they are led into a practice of law evasion which contributes to general disrespect for the law. Furthermore, enforcement of laws generally deemed harsh and unjust seem nonetheless to encourage police practices—*e.g.*, raids without probable cause, entrapment—which infringe on personal liberties and safeguards. The situation is reminiscent of the problems encountered in enforcement of Prohibition during the 1920's. The present harsh penalties for possession and use of marijuana are a classic example of what legal scholars call "overcriminalization"—treating as a serious crime private personal conduct that a substantial segment of the community does not regard as a major offense; prosecutors, judges and juries tend to moderate the severity of the statutory sanctions, and the resulting hypocrisy of all concerned diminishes respect for the law.

In view of the urgency of the marijuana problem, we believe that legislative reform of the existing marijuana penalty structure should not wait several years until further research is completed.

We recommend that federal and state laws make use and incidental possession of marijuana no more than a misdemeanor until more definitive information about marijuana is at hand and the Congress and State Legislatures have had an opportunity to revise the permanent laws in light of this information. (Pending further study, we do not recommend a similar reduction in the penalty for those who traffic in marijuana for profit.

Instead of the existing inequitable criminal penalties (including imprisonment) for mere possession and use of the drug, interim legislation might well provide only for civil penalties such as the confiscation of the drug and fines. If the interim legislation does provide for prison sentences, it should at least grant wide discretion to the trial judge to suspend sentence or release on probation.

We were heartened by the recommendation recently submitted to the Congress by several leading officials of the Executive Branch of the government—recommendations which seek immediate change in the provisions of federal law affecting drug use. Among other things, these officials indicated that use and incidential possession of marijuana should be declared to be no more than a misdemeanor.

The above recommendations should not, of course, be taken as suggesting either that we approve the use of marijuana, or that we favor any relaxation of society's efforts to discourage the use of the clearly dangerous drugs.

Expert testimony offered to this Commission indicates that the so-called hard drugs, such as heroin, do not in themselves make users prone to commit other crimes, but that the daily use of such drugs involves exorbitant costs; hence users often undertake lives of burglary and armed robbery in order to obtain funds for the continued purchase of drugs. Further, drug importation and distribution, like certain forms of gambling, constitute part of the life-blood of organized crime—an empire of its own, ruthless, rich, pervasive, corrupting, and skillful at avoiding the reaches of the law.

We cannot usefully add to all that has been written by other Commissions, the Department of Justice, and many State authorities about the need for stopping the importation of the hard drugs, and for vigorously prosecuting the traffickers in those drugs. Nor can we add to the urgent recommendations that have been made by others to eliminate from our society the empires of organized crime.

But we do most emphatically declare that classifying marijuana users with the users of the hard drugs is scientifically wrong, a wrong recognized by the young, a wrong that makes them contemptuous of the drug laws and to some extent of all law. They wonder why the federal and State Governments do not insist upon more widespread research to establish facts and to change laws in harmony with the facts as developed.

V.

In this statement we have stressed the importance of genuinely involving young people in the political process as well as in planning and carrying on useful social projects. In our view, the lack of such alternatives has contributed to the spread of young lifestyles which depend on drugs or which stress hustling, vandalism, robbery, and even murder.

In stressing such remedies, we do not mean to suggest that until they are provided, violent behavior by young people should be tolerated or excused. Violent and unlawful conduct must be controlled by vigorous law enforcement at the same time that measures to eliminate the basic causes of violence are vigorously pursued.

We add a final statement on the apparently growing antagonism between young and old.[11]

In a sense, our immortality is our children. Youth represent the next step for our society, since they are the population which will join us in determining our directions and implementing our hopes. Yet we are aware that our youth are at times unstable, unpredictable and engaged in a major struggle to find their place in the world as they assert their adult capacities, physically and emotionally, politically and socially.

The older generation is faced with the challenge of making available to young people adequate opportunities to participate meaningfully in coping with society's problems, and thus facilitating individual emotional growth and maturity. All too often, the society—parents, school and university administrators, law enforcement personnel, community leaders—become identified in the eyes of youth with obstruction and repression, inflexibly protecting the status quo against the "onslaught" of youth.

There are many things each citizen can do to help resolve these problems. The challenge will not be met by new laws alone, or new programs directed to work with problem youth. Each citizen has a responsibility to participate—indeed, only as there is an increasing commitment on the part of all citizens toward understanding the problems of one another can we expect violence to diminish.

Understanding might more readily be achieved by observing the following guidelines:

It is important to acknowledge openly the existence of problems between the generations when they occur. Too often, people are so threatened by conflict in opinions that they refuse to acknowledge a contrary view, and suppress that challenging view.

It is imperative for all parties to listen carefully and respectfully to one another, with sincere consideration for differing opinions or ideas. Listening is not an easily practiced art.

Stated issues are often a red herring. At times, the conflicts cannot be resolved until underlying causal issues are identified and dealt with.

The resolution of any conflict will be profoundly affected by the expectations of the adversaries. If leaders are perceived by youth as unreasonable and are approached with that expectation, the leaders are themselves provoked into being unreasonable, and vice versa.

All must acknowledge the inevitability of change. The older generation can wear itself out trying to fight the tide or it can turn the energy of youth to advantage for the benefit of all.

Resolution of conflict depends on finding areas of agreement. Instead of emphasis on differences, which promotes polarization, it is necessary to identify points in common, such as the fact that people seek a voice in determining their destiny and dignity as human beings.

As a society founded on the principle that every individual has certain inalienable rights and privileges, it is important to keep the value of the individual high, in spite of the population explosion and the complications of modern society. Youth are entitled to full respect as persons. Youth in turn must accord respect to persons they identify as the "older generation."

The older generation has difficulty in dealing with problems of young people because of its awareness that it has not yet created the perfect world. We don't like to be challenged, especially by our juniors. If we are to cope effectively with youth, we must courageously acknowledge our mistakes and recognize that our offspring may surpass us. Indeed, if we have been successful in our child-rearing, they certainly should surpass us. We must take extra effort to understand their criticism of our ways, and be pleased that these suggestions are coming from our most important products, our youth who will prove our ultimate worth.

The younger generation has the difficulties of its impatience and its assumption that all people of a certain age are the same. With all its defects—and today's youth are not the first to criticize those defects—constitutional representative government is still the best form that man has devised. Youth should acknowledge that there are still opportunities for individuals to leave their mark and to prompt change in an orderly manner within our system. At the same time, young people must be aware of the psychological fact that their inner pressures may prompt them to refight childhood battles, artificially appointing well meaning people to play the same adversary role in which a child's parents are cast.

The first step for all of us is to look at ourselves, and to deal understandingly with the problems and conflicts we have with others. It is easier to blame others, and to see violence as being caused by others. But we must look inward as well as outward to the causes and prevention of violence.

FOOTNOTES

[1] In referenda on November 4, 1969, voters in Ohio and New Jersey defeated amendments lowering the voting age to nineteen and eighteen, respectively. The unofficial Ohio vote was close: 51 percent against and 49 percent for. In New Jersey, unofficial results show the amendment defeated by a 3 to 2 margin.

Voting participation by 21 to 24 year-olds generally falls below the national average. Of the total population eligible to vote, 67.8 percent did so in the 1968 national elections, as compared to only 51.2 percent of 21 to 24 year-olds.

[2] *In Pursuit of Equity: Who Serves When Not All Serve?*, Report of the National Advisory Commission on Selective Service (Washington, D.C.: Government Printing Office, 1967); U.S., Congress, Senate, *Report of the Civilian Advisory Panel on Military Manpower Procurement*, H. Doc. 374, 90th Cong., 2d Sess., 1968. Our recommendations, of course, refer only to the present draft system and are intended to apply only so long as it continues. The question of whether the draft should be replaced for the long term by

a form of volunteer service in the armed forces is now under consideration by another Presidential commission.

[3] As suggested by Joseph A. Califano, Jr., in his book *The Student Revolution*, W. W. Norton & Co., Inc., New York, 1970. The Marshall Commission found that the average aged local board members was 58. One fifth of all the nearly 17,000 board members were over 70. While twelve were over 90, only one was under 30.

[4] One considerable virtue of the approach to youth service suggested here is that it involves a "market strategy" rather than a "monopoly service" strategy: the multitude of public and private agencies would have to compete for the services of the federally-supported youth workers by offering them meaningful, satisfying opportunities for achievement of desired goals; less successful, unrewarding programs would fail to attract volunteers and hence would not waste the public funds being committed to youth service. *Cf.* the discussion of the importance of market-type incentives for success in public programs in Moynihan, "Toward a National Urban Policy," *The Public Interest* (No. 17, fall 1969).

[5] Depending on the availability of funds, educational assistance could be limited on the basis of demonstrated need.

[6] Despite these criminogenic forces, studies show that a large number of ghetto youth never have a police arrest and only a small percentage become repeated offenders.

[7] A felony is a serious crime usually punishable by imprisonment for an extended period (under federal law for a year or more); a misdemeanor is a lesser offense punishable by fine or imprisonment of less than a year. In many states, a felony conviction results in a loss of voting rights, jury service, and the right to enter various professional occupations; a misdeameanor conviction does not.

[8] Addiction is a physiological and psychological dependence on a drug, with definite symptoms occuring when the drug is withdrawn.

[9] In testimony on October 14, 1969 before the House of Representatives Select Committee on Crime, Dr. Robert O. Egeberg, Assistant Secretary of Health, Education and Welfare for Health and Scientific Affairs, stated that "there is no scientific evidence to demonstrate that the use of marijuana *in itself* predisposes an individual to progress to 'hard' drugs."

[10] A similar provision is contained in H.R. 10019 by Rep. Edward Koch, N.Y.

[11] This statement is largely the work of W. Walter Menninger, M.D.

UNMET EDUCATIONAL NEEDS: THE REPORT OF THE NATIONAL ADVISORY COUNCIL ON EDUCATION PROFESSIONS DEVELOPMENT

Mr. MONDALE. Mr. President, recently the National Advisory Council on Education Professions Development issued an urgent report to Congress. The report documents and supports the belief which many Members of Congress have expressed about the Federal Government's failure to meet its responsibilities and commitments to education. This report makes a strong case to Congress to reorder our national priorities. I commend it to the attention of the Senate.

I ask unanimous consent that the report be printed in the RECORD.

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

LEADERSHIP AND THE EDUCATIONAL NEEDS OF THE NATION

(Report of the National Advisory Council on Education Professions Development to the President and the Congress of the United States, October, 1969)

The National Advisory Council on Education Professions Development is charged with reviewing and evaluating programs of the Federal government which support the training and development of educational personnel. We come to Washington several times each year to review with those responsible for the administration of these programs the progress they are making in their efforts to provide the best teachers for our schools and colleges. We have just concluded one such meeting. We are deeply disturbed about what we find.

Everywhere the mood appears to be one of cutting back—withdrawing—seeing how little we can get along with; in short, a steady retreat from the bold plans the nation launched several years ago.

Specifics are not hard to come by. Only last week the U.S. Commissioner of Education pronounced the "right to read" for every youngster in the nation. At that very time, the Department of Health, Education, and Welfare was directing the Office of Education to cut $8 million of a $13 million program, a substantial portion of which was designed to improve the preparation of teachers of reading!

Just two months ago, the House of Representatives cut appropriations supporting the chief program of the Federal government for the preparation of college teachers. The 1969 appropriation of $70 million was reduced by $14 million.

In neither case has there been offered any compelling evidence to warrant such reductions.

But it is not only a matter of reduction in funds. There is also an absence of any bold planning to meet the problems of tomorrow. We have reviewed a recently-completed report recommending programs related to the training of educational personnel that should be undertaken by the Federal government. This report, a plan for the next five years, was prepared by one of several sub-groups of a Task Force on Education appointed by the Department of Health, Education, and Welfare. There are many worthy programs in this plan. We commend the Department for taking this kind of initiative in looking ahead. But we find the conception and scale of the plans no match for the needs. In fact, the so-called plans are timid and token. It would appear that instead of taking as a point of departure a searching inquiry into the needs of education and concluding with a determination of the resources required to meet these needs, this group was faced with an assumption of severe financial constraints and the necessity to fit its planning into this assumption.

In dramatic fashion, these decisions and actions add up to default on the proclaimed responsibility of the Federal government to act as a partner with the other levels of government in supporting the nation's educational enterprise. The Council believes strongly in this notion of partnership. We reject any suggestion of domination of the Federal government. But each partner must do its *share*. And when we find that the States have, in the last two years, increased their expenditures for higher education by 38% and for elementary and secondary education by 28%, and when we find that at the same time the Federal government is cutting back, we can conclude only that there is, in fact, a default of responsibility on the part of the Federal government.

Recently the House of Representatives voted a substantial increase in appropriations for education. We commend the leadership of both parties in this effort. But apart from this action—which has yet to be voted by the Senate and signed by the President—retrenchment is the only signal coming out of the Federal government at the present time. This signal creates a mood—a mood that is affecting the thinking and actions of those in the Federal agencies responsible for administering educational programs and of those in the field who are trying to provide new prospects for the young.

While we sit for two days as members of a Federal Advisory Council and read this signal and sense this mood, we bring with us a sense of another reality "out there"—as the principal of an elementary school in a ghetto, as a school board member in Oregon, as president of a university in Appalachia, as a graduate dean in a private university in New England, as a superintendent of schools in the fourth largest city in the nation, as a professor of physics in a Midwest university, as a guidance counselor in Arizona—as people from a variety of educational settings and various parts of the country. Here we read a different set of signals, sense a different mood.

Above all, we sense a worsening climate in American schools and colleges. While increased controls by school and university authorities may be necessary to check the activities of certain small destructive groups, we assert that present national conditions are deleteriously affecting the studies, the hopes, and the convictions of a wide and responsible segment of the educational community. A new and ugly cynicism and anti-intellectualism is infecting American education. Repressive measures will not arrest this trend, and may even accelerate it; positive and affirmative leadership promptly to end the war and to address forthrightly our domestic problems *can* do so. While these attitudes stem from the war and the disparity between the ideals of the nation and present realities, it is the judgment of this Council that, as Representative Brock and his colleagues so sensitively discerned, the source of much of the disquiet can be traced to fundamental inadequacies of education itself. The needed improvements and reforms will come about only if appropriate leadership is offered, leadership in the educational community and leadership in government, particularly—as we have noted earlier—from the national government.

Too many of our young are concerned by what they are *against*—the war, racism, poverty, corruption. They need, as have all youth in all times, to be *for* things, to have a star, a dream. While we recognize that such affirmative leadership is subtle, and will require politically difficult action, we feel that the growing dismay and cynicism of our youth could develop into a calamity of devastating proportions. The future college and school teachers—*the people of greatest concern to this Council*— are a centrally important group among our youth, and their disaffection can have serious effects in future years.

It would be unfortunate if our political leadership were to take the position that a response to the dissatisfactions of the past—or the yearnings for a different kind of future—must await the ending of the war, or some other development. It is now we must plan. It is now we must act. It is now that we must demonstrate, *mainly to ourselves*, that a nation which can take such just pride in its extraordinary achievements in the material realm is no less resourceful, no less vigorous, no less sacrificing in dealing with matters of the spirit.

Competent observers have noted a growing sense of purposelessness on the part of an influential segment of our student population—a feeling of these young people that it is not possible for our social institutions to cope with an increasing complexity.

If politics is the art of the possible, then our political leaders have a special opportunity to demonstrate to the young that the nation can envision a future of hope and that we can translate that vision to tangible policies and sensible priorities. We could do no better in this then to start with the field of education itself. More policemen in the schools is not a policy; it is an admission of failure.

If the Executive Branch feels that Congress has not moved in a fashion appropriate to the time, let it take leadership. If the Congress feels that the Executive Branch has not sensed the urgent need for a bold educational policy for the nation, let it provide the leadership. But let us have leadership.

NATIONAL ADVISORY COUNCIL ON EDUCATION PROFESSIONS DEVELOPMENT

Adron Doran, President, Morehead State University, Morehead, Kentucky.

Annette Engel, Director of Special Education, Roosevelt School District, Phoenix, Arizona.

Rupert N. Evans, Professor of Vocational and Technical Education, University of Illinois, Urbana, Illinois.

Susan W. Gray, Director, Demonstration and Research Center for Early Education, George Peabody College, Nashville, Tennessee.

Laurence D. Haskew (Chairman), Professor of Educational Administration, University of Texas, Austin, Texas.

E. Leonard Jossem, Chairman, Department of Physics, Ohio State University, Columbus, Ohio.

Marjorie S. Lerner, Principal, George T. Donoghue Elementary School, Chicago, Illinois.

Kathryn W. Lumley, Director, Reading Clinic, Public Schools of the District of Columbia, Washington, D.C.

Carl L. Marburger, Commissioner of Education, State Department of Education, Trenton, New Jersey.

Edward V. Moreno, Executive Secretary of the Mexican-American Commission, Los Angeles City School Districts, Los Angeles, California.

Lloyd N. Morrisett, President, Markle Foundation, New York, New York.

Mary Rieke, Member, Board of Education, Portland, Oregon.

Theodore R. Sizer, Dean, Graduate School of Education, Harvard University, Cambridge, Massachusetts.

Bernard C. Watson (Vice Chairman), Deputy Superintendent for Planning Philadelphia School System, Philadelphia, Pennsylvania.

Joseph Young, Executive Director.

THE BOXCAR SHORTAGE

Mr. PEARSON. Mr. President, I want to call to your attention a transportation crisis in the State of Kansas. The boxcar shortage is even more acute this fall than at any time since I have been a Member of the U.S. Senate.

My office has received personal visits and dozens and dozens of telephone calls and letters about this crisis. I am advised by the Kansas City Board of Trade that in the States of Kansas and Nebraska there are some 22 million bushels on the ground, notwithstanding hundreds of elevators that are plugged and closed down. It would take some 11,000 cars to move the grain that is on the ground at this time. The harvest of corn, milo, and soybeans is creating a demand that the transportation industry has been and is unable to handle.

Recently, the Department of Transportation has awarded a research contract to develop methods, assessing the economical impact of railroad freight car shortages and for forecasting freight car demand on specific commodities.

We have studied this situation to death We know every year we are going to have a grain harvest. We are going to have a severe economic loss to the farmers and the dealers in the entire Midwest. These shortages affect other industries such as agriculture, livestock, mining, and lumber, and cause widespread unemployment, impede trade and commerce and cause fluctuations in supply, which impose added burdens on consumers.

The situation results from insufficient equipment of various types, improper utilization of the freight car fleet and the diminishing number of overall inventory. Also there is inadequate maintenance of those boxcars that are available.

The eastern roads retain cars in their service that are desperately needed in my State. Some of the other reasons that there are shortages is the overordering, particularly by eastern shippers, using boxcars for warehouses and the reluctance by the carriers to release the car as they believe that they are going to be able to utilize it for a more profitable run. These excuses by the carriers are not new, neither do they solve the problem. Almost 2 years to the date, November 16, 1967, I reported to you, Mr. President, that—

> This country has been plagued with a chronic freight car shortage. At one time or another all areas of the country have been affected by the problem and it has been more persistent and more serious for the grain and lumber producers and shippers of the midwest and northwest. . . .

At the same time that this statement was made, there was an additional statement made by the railroad industry that it was doing all it could to improve freight car utilization.

The regular shippers have been complaining about this problem for years. The matter that seems to bother me is not only the severe economic loss that we may have this year, but it appears I will be back at this time again next year making a similar statement to you.

The transportation industry needs to be stimulated by the Interstate Commerce Commission so that these peak period demands can be met. Certainly, I have heard the rebuttal that few industries can afford to equip for these peaks and that the financial position of the railroad does not allow it to acquire needed equipment. The fall of the year is a peak period in the Midwest. The crop harvests are difficult to schedule because they do depend on unknown elements, such as the weather. Volume shipments of stored grains are sometimes not made at times that might be convenient because of such things as market, price, and similar consideration. More and more grain is moving by truck at a higher cost of about 5 cents a bushel.

This appears to be a case where everybody is talking about it, but nobody is doing anything about it.

When hearings were held before the Freight Car Shortage Subcommittee of the Committee on Commerce on April 23, 1965, in Kansas City, Kans. We had the same song. We stated at that time:

> The precipitous decline in our national freight car supply, especially in the number of plain boxcars, has reached alarming proportions. Not only is the inadequate supply of freight cars constricting the growth of important industries and causing severe nationwide losses to producers, shippers and consumers, but also it is eroding our transportation capability to move essential military traffic during emergencies.

This statement could be applied today, at this place, and at the rate we are going; we could make the same statement next year at the same time, at the same place.

This month the railroads requested another rate increase of 6 percent, and this increase was granted by the ICC. The industry states that they will be coming in shortly to request another rate increase. It has been estimated that the 6-percent rate increase would result in additional revenues to the industry of $600,000,000. Mr. President, the railroads of this Nation play a vital role in its commerce. In 1968 the railroads moved about 745 billion ton miles of freight or almost 41 percent of all intercity freight in the United States. With the additional $600 million, it would appear to me that investments could be made by the industry in additional equipment.

The specter of a nationwide railroad strike is hanging over our heads the first part of next week. Needless to say, this will further compound our problem.

Mr. President, we must insist that the Congress, the Interstate Commerce Commission, and railroad management and labor cooperate so that the number of freight cars essential to the Nation's needs be increased without further delay.

TOWARD MORE ADEQUATE SOCIAL SECURITY—VII

Mr. WILLIAMS of New Jersey. Mr. President, much lipservice is given in this Nation to the so-called golden years of senior citizens and yet there is ample evidence to show that the later years in the lives of millions of Americans are bitter, poverty-ridden, and demoralizing.

In its forthcoming debate on social security legislation, Congress should be fully informed as to the consequences of inadequate income for most of the 65 plus people of this Nation.

The U.S. Senate Special Committee on Aging—in its publications and hearings this year on "The Economics of Aging"—is doing much to provide such information to individuals of all ages in this Nation.

But, helpful as testimony by "the experts" can be, there is no substitute for direct commentary by those Americans most directly affected by our national failure to assure adequate retirement income for most of our elderly citizens.

For that reason, I have conducted several informal sessions in my own home State of New Jersey to hear from the elderly and from those who work with them.

The story is similar in the cities and in the suburbs: in one way or another, rising costs are riddling retirement income.

Recently, in Middlesex County, I heard from individuals who reside primarily in residential areas outside of urban centers. I was told that many of them pay more than half their meager incomes for property taxes, and that rising health costs threatened much of what remained. I heard eloquent testimony about the shortage of alternative housing for those who are finding that it costs too much to live in the house in which they may have raised a family and in which they lived the greater part of their lives.

Such testimony should not be ignored. It should receive careful consideration in Congress and elsewhere. So, I ask unanimous consent to have printed in the RECORD a news article from the Sunday Home News, of New Brunswick, N.J., of October 19. It gives many of the major statements made at the session in Middlesex County; and it also makes it clear, I think, that Congress must act as quickly as possible to raise social security benefits as the first of many legislative initiatives needed to establish true economic security for the elderly.

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

[From the New Brunswick (N.J.) Sunday Home News, Oct. 19, 1969]

ELDERLY SAY THEY'RE "ROBBED"

(By Gordon D. Sharp)

EDISON.—Middlesex County's senior citizens yesterday told a U.S. Senate committee hearing they are being robbed of their "golden years" by price-gouging and high housing costs, proving that when it comes to demands for social justice there is no generation gap.

The senior citizens complained particularly of supermarket pricing practices, high cost of housing and medical care, rising real estate and school taxes and the lack of relief for their woes from the federal government.

U.S. Sen. Harrison A. Williams, D-N.J., chairman of the Senate Special Committee on Aging, told the gathering in Roosevelt Hospital Annex auditorium their views would be used to prepare legislation aimed at helping them. In some cases, legislation is already in the hopper, he said.

The hearing was attended by about 175 elderly persons, many of them representatives of senior citizens organizations throughout the county. A number of them acted as panelists in the morning-long program, conducted by Williams and Rep. Edward J. Patten, D-Middlesex.

Patten said the tendency in Congress is to keep standards low in nursing homes for the elderly, in order to keep costs down. On the other hand, he said, it is practically impossible to build low-cost senior citizens housing because local zoning laws call for higher building standards.

"The government is building housing for $600 per family in Vietnam, but you couldn't build the same housing here," said Patten.

Freeholder Director George Otlowski, chairman of the health and social services committee of the freeholder board, told Williams the elderly often lack money for necessary drugs, eyeglasses and dentures, "and the squeeze is getting greater everyday."

Otlowski said senior citizens are not going to get the help they need until the governor and state legislature broaden the tax base, because the homeowner can no longer carry the load.

Dr. Man Wah Cheung, superintendent and medical director at Roosevelt Hospital, said that even current medical benefits and Medicare programs are often exhausted in long-term illnesses. "The situation is critical and will become intolerable in a very few years," said Dr. Cheung.

Thomas E. Hamilton, executive director of the Middlesex County Office of Aging, painted an equally dark picture. "If you think we have problems now in the field of aging, just wait until the next century," said Hamilton.

Joseph Lewis of Laurence Harbor, past president of the Senior Citizens Association of Madison Township, said the Nixon administration must work to bring the inflationary spiral under control. He said the $80 reduction on real estate taxes for those senior citizens earning over $5,000 was of little help. He said approximately 40 per cent of those over 65 in the county have to sell their homes and go on welfare.

Many of the elderly present complained bitterly of the way grocery stores and supermarkets allegedly mark up prices on the third day of each month when social security checks arrive in the mail. Patten said markups were a traditional practice, but suggested the senior citizens call a conference to examine pricing practices.

Williams said bus companies would be well-advised to make their vehicles available to the elderly at half price to make it easier for senior citizens to reach hospitals and shopping centers.

The chief panacea urged by the senior citizens themselves was an increase in social security. The auditorium wall was pasted with signs reading "Maintain Self-Respect, Raise Social Security" and "Raise Social Security Now, It Doesn't Take Long to Starve."

Williams said the information provided by the hearings participants would be used "to educate the Congress" on the legitimate needs of the nation's senior citizens.

ADIRONDACK COMMUNITY COLLEGE STUDENTS PROTECT OUR NATIONAL CHRISTMAS TREE

Mr. GOODELL. Mr. President, today marks the arrival in the city of Washington of the national Christmas tree. I am proud to say that this year it is a 65 foot Norway Spruce from the Adirondack region of New York State.

The lighting of the fully decorated tree by President Nixon on December 16 will culminate many months of hard work by many concerned citizens of Warren County, N.Y. The tree was actually selected by the National Park Service early this fall. The selection was kept secret so that souvenir hunters could not spoil its natural beauty prior to its arrival in our Nation's Capital. When the selection was finally announced 1 month ago, a group of students from Adirondack Community College organized a 24-hour guard around the tree so that no harm could come to it. Significantly, these students also organized a local program for the October Vietnam moratorium. The students regarded their vigil as an expression of patriotism inasmuch as they were guarding a national symbol to be used during the coming Christmas season.

In order that their good work be better known to my colleagues, I ask unanimous consent that the following article of November 7, 1969, in the Schenectady Gazette, be inserted in the RECORD.

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

STUDENTS ON CONSTANT GUARD—NATIONAL CHRISTMAS TREE VIGIL

(By Don A. Metivier)

GLENS FALLS, N.Y.—"Last month I was called a 'Communist' and now I'm a patriot," said Charles Paul, president of the student council at Adirondack Community College.

Paul was an organizer of a Moratorium Day march from the college campus, three miles to Glens Falls city park. He also organized a special "honor guard" of more than 200 students from the college who are on duty 24 hours a day protecting the 1969 National Christmas Tree.

The 65-foot Norway spruce will be felled Nov. 21 and transported to Washington, D.C., to stand in the White House ellipse. President Nixon will light it Dec. 16.

The students, many of whom marched in the moratorium parade to protest the Vietnam war, contend their vigil around the tree is merely, "the other side of the coin," to express love of country.

Thousands have visited the tree's site in Crandall Park. Television stations have filmed Christmas programs in front of it.

Paul said while the guards watch for any who might willfully damage the 70-year-old tree, the biggest problem is souvenir hunters. "Everybody wants a branch," he said.

The students gather around a bonfire in the evenings and have held club meetings and songfests at the site.

Paul said many persons called the students un-American and Communists when they marched in protest of the war, but he said the students really "love this great country," and wanted to show their feelings by guarding the tree.

Dr. Charles Eisenhart, president of Adirondack Community College, said: "If anyone wanted a practical demonstration of the civic concern of American youth, here it is."

Police from Glens Falls, the Town of Queensbury, Warren County Sheriff's Department and state police drop by regularly to back up the honor guard.

"We get a chance to talk with these kids," one local officer related, "and we all are getting to know one another much better. They are doing a fine job."

Chief of Police James E. Duggan said: "They are polite, firm and doing a job for all of us who want to see that beautiful tree stand in Washington."

PRESIDENT NIXON'S PEACE INITIATIVES

Mr. PEARSON. Mr. President, the President acted boldly and decisively yesterday in his initiatives for control of chemical and biological weapons of war. Not only has he committed our country to a firm renunciation of all offensive methods of biological warfare, but he has acted to place before the Senate an international agreement to prohibit the use of "poisonous or other gases" and "bacteriological methods of warfare."

This agreement, the Geneva Protocol of 1925, was originally negotiated and submitted to the Senate for its advice and consent to ratification during the administration of President Calvin Coolidge. Even before that time Secretary of State Charles Evans Hughes had successfully urged adoption of similar language in the Washington Treaty of 1922.

While the United States has never ratified the protocol, it is fair to observe that the original American initiatives in this field have helped lead to the contemporary situation, one in which 83 governments, including all NATO and War-

saw Pact countries except ourselves, have ratified the protocol.

Through past administrations since World War II we have held a declared policy of support for the principles of the protocol. Finally, the initiative has been taken to nail down this policy for all the world to see and understand.

This is a sign, and a most timely one, that this Nation is maturing in its comprehension of world politics. It is also a sign that we are prepared to seek, through negotiation, a broader and more specific international agreement based on the British draft treaty on biological warfare. It is more than a gesture because it sets us firmly on a course that leads to open government-level discussions of the hard problems of chemical and biological warfare.

Mr. President, the initial outcome of this executive initiative will be determined here in the Senate. In his statement yesterday, President Nixon made reference to incapacitating chemicals, saying our policy of no first use has been extended to these agents. It would be my hope that a considered discussion of this new policy will take place before the Senate moves to act on the question of ratification. It is only reasonable that we define our terms and the extent of our willingness to renunciate gas warfare, as we go about the business of ratification. The American people, as well as those of the other signatory countries, will be the beneficiaries of a considered, undramatic approach to this matter in the Senate.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

ORDER FOR RECOGNITION OF SENATOR GOODELL VACATED

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the previous order under which the able Senator from New York (Mr. GOODELL) was to be recognized for 10 minutes at this point be vacated.

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

TAX REFORM ACT OF 1969

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Chair lay before the Senate the unfinished business, Calendar No. 547, H.R. 13270.

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

The BILL CLERK. A bill (H.R. 13270), the Tax Reform Act of 1969.

The ACTING PRESIDENT pro tempore. Without objection, the Senate will resume the consideration of the bill.

Mr. GORE. Mr. President, the amendment which I and several of my distinguished colleagues offer to raise the personal exemption for each taxpayer and dependent from $600 to $1,000 affords to the Senate a basic choice in the type of tax relief which it wishes to extend to the people. That choice is between a tax reduction by way of changing tax rates with respect to personal income, on the one hand, or tax reduction by way of raising the personal exemption, on the other.

The provisions of the pending tax reform bill in many respects constitute a significant step in achieving a higher degree of fairness in our tax system. There are, however, provisions in the committee bill that require change if the pending bill is to achieve effective tax relief and true tax reform.

I have filed my individual views which set forth in some detail these areas where the Senate should strengthen the bill. But I speak specifically at this time to the amendment to raise the personal exemption.

Before doing so, I should like to make one further comment about the pending tax bill. It has two broad features—one, tax reform; and, two, tax relief.

The tax reform provisions in general seek to lessen the favoritism of certain provisions in our tax law, thus bringing in additional revenue by requiring that people and organizations that, in the view of the committee, are not now bearing a fair share of the tax burden will be required by law to do so.

As I shall indicate later, and as I have already indicated in my individual views in the committee report, the committee bill falls short of perfection in this regard, although I must say that the bill is commendable in many, many respects.

I wish to take this opportunity to compliment the distinguished chairman of the committee upon his diligence and his effective leadership in bringing this stupendous bill to the floor of the Senate.

The chairman of the Finance Committee was steadily on the job through weeks of hearings and weeks of executive sessions in the consideration of the bill.

I wish also, Mr. President, to express my personal pleasure at being able to serve with the committee in the consideration of the pending bill. I do not believe that at any time in my years in Congress in either House have I seen a committee with fuller attendance over such a long period of time, working with diligence and intensity, and yet upon frequent occasions demonstrating a fellowship and sense of humor that relieved the tension and bound us closer together.

I could, if time permitted, regale the Senate with some of these experiences, but more serious business is at hand. Suffice it to say that I have found my work on the Finance Committee pleasant and rewarding. For this I am grateful to the chairman and to all members of the committee.

I believe the fairest and most effective means of providing tax relief is to increase the personal exemption. I propose to increase the present $600 personal exemption to $1,000 per person. This increase will be phased in over a 4-year period by increasing the exemption by $100 per year. The personal exemption would be $700 in 1970, $800 in 1971, $900 in 1972, and $1,000 in 1973 and thereafter, thus bringing the total personal exemption for each taxpayer and each dependent to $1,000.

To insure that no person in poverty will be subjected to tax, my amendment also provides a $1,000 low-income allowance. This step will also provide great simplification, since it will replace both the present standard deduction and general standard deduction when fully effective.

This proposal—the increase in personal exemption and the low-income allowance—replaces all the tax reduction provisions in the House bill for individuals as approved by the Finance Committee, except that a new rate schedule similar to that provided by the committee for single persons would be retained.

I have felt for a long time that the provisions of the existing law place an undue burden upon unmarried taxpayers. I think the provision adopted by the Finance Committee is an improvement over that which was approved in the House of Representatives.

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

Mr. GORE. I yield.

Mr. LONG. Mr. President, the Senator might prefer that this interruption appear at the conclusion of his remarks, and if that be the case, I wish he would so indicate.

Mr. GORE. I think it would be fine here.

Mr. LONG. I thank the Senator for the kind comments he made about the chairman and about the committee. I also thank the Senator for his diligence and his study of this bill. He has devoted a great deal of attention to it, as his remarks reflect.

I think this is the first time in the consideration of a major piece of legislation that the hearing record of a bill is not on the desks of Senators. The reason is they are too large and therefore the hearing record is beneath the desks of Senators.

In the 5 weeks that we conducted the hearings, with an agreement with the leadership that we would try to order the bill reported to the Senate by October 31, we used all the shortcuts available to us. We imposed a 10-minute limitation on all witnesses, with the staff summarizing their statements for us. We also imposed limits on ourselves in our questioning, as the Senator well knows.

So we have here six volumes of hearings, and one is yet to be supplied. We have 6,182 pages of testimony and evidence presented to us through volume 6, and I suppose that when the seventh volume is received, the total may well go beyond 7,000 pages.

We had good attendance at the committee sessions to hear these witnesses. Often we had a quorum of the committee sitting, and in some instances the full committee was present, hearing witnesses who presented their views on the provisions of the bill that affected them. In the time available to us, I think we have done the very best we could.

The Senator has an amendment that, of course, will merit very serious consideration by the Senate. It is my under-

standing, from hearing the Senator describe it, that this is not precisely the amendment he offered in the committee. I believe he had a phaseout in his amendment for all years. At least, it differs with respect to single persons. The Senator offered an amendment in the committee and gained a substantial vote for it. Am I correct in assuming that he did not have the single-persons provision in the amendment he offered in the committee?

Mr. GORE. The Senator is in slight error. I did include, as I recall, the provision for a single taxpayer. There is one change in the amendment I propose here. The low-income allowance in the amendment which I offer on the floor of the Senate is $1,000, while the one I offered in the committee was $1,100. It seemed to me and to my staff, as we worked on comparative tables, that if the personal exemption were raised to $1,000, then a low-income allowance of $1,000 would offer the maximum amount of equity.

Mr. LONG. The point I have in mind is that the Senator has further refined the proposal he offered in the committee, so what he now offers to the Senate goes beyond what he offered at the time the committee voted.

Mr. GORE. There is the minor difference I noted. With respect to what I offered in the committee, the amendment lost in the committee by an 8-to-8 tie. So it comes to the Senate after having had careful consideration in the committee and after having been approved by the same number as disapproved; but, because of the parliamentary situation, a tie vote loses for the proponent.

Mr. LONG. As the Senator knows, in the consideration of this measure we did not have the time to give as much detailed consideration to the various alternatives available to us as we would have liked. We did the best we could in the time available to us. But we did the best we could to arrive at the best approach. I think the amendment offered by the Senator that provided for an $850 exemption failed on an 8-to-8 vote. Six teen members of the committee were in the room at that time.

Mr. GORE. The Senator is correct. When I offered the amendment in the committee to raise the personal exemption to $1,000, it received a substantial vote, but by no means near a tie vote. It was the $850 provision on which the tie vote was achieved.

Mr. LONG. It was not my impression that the amendment offered by the Senator in the committee contained the provision, which the committee looked upon with favor, that a single person would pay no more than 20 percent more in taxes than a couple would pay on the same amount of taxable income. I believe that is in the Senator's present proposal. Am I correct?

Mr. GORE. The Senator is correct.

Mr. LONG. I was not of the impression that that was in the amendment offered in the committee, although it may have been.

Mr. GORE. The Senator's memory may be superior to mine. I thought it was included. It is included now. I know that the Senator, the chairman of the committee, agreed with this provision in the committee. In fact, I think we adopted almost unanimously this provision with respect to single taxpayers, did we not?

Mr. LONG. I believe that is correct.

This appears to be one of those provisions the logic of which becomes more and more compelling with the passage of time. When it was first suggested, because it did involve a very substantial revenue loss, those of us who were managing the measure felt that the revenue loss was more than could be permitted at that time.

But the logic of the argument on behalf of single persons living alone has become more and more compelling to those of us who have heard it over a period of time.

Mr. GORE. I thank the Senator. I should like to borrow the language which the distinguished chairman of the committee used, that with the passage of time the logic in behalf of a provision which has so much justice becomes so compelling. Would the Senator mind if I use that same language to increase the personal exemption?

Mr. LONG. As long as the Senator is saying it.

Mr. GORE. Mr. President, this illustrates the fine and enjoyable fellowship that existed between all members of the Committee on Finance during this long, difficult, and arduous task. I thank the Senator.

Mr. President, the personal exemption is designed to provide a certain amount of tax-free income with which a person can feed, clothe, house, and educate his family. No one can deny that the present $600 exemption is inadequate; at least, I do not know of anyone who would deny it. I must qualify that and say that in the executive session of the committee the spokesman for the Treasury Department undertook to say that the $600 exemption was all that could be warranted. My reply to the distinguished Secretary was, "I do not believe a single mother in America will agree with you."

I say that now. Who can live on $50 a month? Who can support a wife with $50 a month? Who can feed, clothe, educate, and care for the health and welfare of a child on $50 a month? I do not hear any Senator asserting that. I have not found any father or mother who is willing to assert that. Again I ask the question: Who can live on $50 a month? Again I ask the question: Who can support a dependent for $50 a month? Yet $600 for a 12-month period is all that is permitted under present law. That is all that will be permitted under the pending bill—$50 a month. That is the committee bill; that is the present law; that is the House bill.

The amendment which I offer would increase this amount to $1,000. For a family of four, the amount of tax-free income permitted through the personal exemption under present law and under the committee bill is less than it was in 1940. Yet the cost of living has gone up and up and up since then. The cost of living is almost three times as great as it was in 1940. Yet the personal exemption for a family of four is less than it was then.

Mr. President, it is time to restore the personal exemption to a level that will achieve its intended purpose. I believe that the $600 exemption is the most out-of-date provision in the tax law. It is now time for the Senate to change it, and the Senate has an opportunity to change it because the amendment is being offered as a substitute for other provisions in the tax bill, other provisions that will reduce revenue to the U.S. Treasury. That was not true of an amendment offered on Monday of this week to raise the personal exemption to $1,200. It was not offered as a substitute for any other provision in the bill, but rather as an addition to the provisions in the bill.

My amendment, on the other hand, affords a clear-cut choice for the Senate between providing tax relief by way of raising the personal exemption, on the one hand, and tax relief by way of rate changes, on the other.

Mr. President, the proposal for a $1,000 personal exemption and a $1,000 low-income allowance standard deduction is superior, in my opinion, to the tax reductions adopted by the Committee on Finance by an 8-to-8 vote, for these reasons. First, it is simple and easily understood by all taxpayers. Every taxpayer would know what his personal exemption is. When Senators travel to their States, I firmly believe they will find every taxpayer well aware of the unfair and inadequate present $600 personal exemption.

The personal exemption is designed to provide for a taxpayer and for his dependents a minimum income for existence before the Federal income tax is levied upon that income. This is called the personal exemption. This exemption is available for every taxpayer, rich and poor alike. The greater the number of dependents, the larger the amount of exemption. I think the people who need tax relief most—and this will bear repetition because it is true—are those with the largest number of dependents to support.

Mr. President, this situation is typified by the man with a big mortgage on a little house, filled with children.

Second, some 11.5 million taxpayers will be removed from the tax rolls by my amendment, compared with only 5.5 million people to be removed by the committee bill.

All the taxpayers who would be removed either by my amendment or the committee bill are in or are barely escaping the poverty level of income.

There was once a feeling that everyone who had any substantial income should pay Federal income taxes. Rightly or wrongly, we have advanced beyond that point until now many persons are suggesting a negative income tax; that is, that those who have less than a set standard of income, whatever that might be in the minds of those who propose a negative income tax, would receive a payment from the Government instead of making a payment to the Government. I do not wish to discuss the merits

or demerits of that proposal, but refer to it only as a step in the governmental or sociological development of thought along this line. At least, it seems to be a widely held view now that people in the throes of poverty should not be required to pay a tax upon their income, meager as it is.

(At this point Mr. ALLEN took the chair as Presiding Officer.)

Thus, rightly or wrongly, the committee bill and my proposal would remove several million persons from the tax rolls. My proposal would remove a larger number because it provides greater relief for larger families. Let us recognize that many of the larger families are in the poverty or near-poverty income levels.

Third, the amendment provides greater tax relief to low- and middle-income taxpayers. A typical family of 4 with $7,500 a year in wage income would receive a tax reduction of $262 under the proposed amendment compared with only $36 under the committee bill.

A taxpayer with a wife and 2 children, earning an income of $7,500 a year, is not poverty stricken. He now pays a substantial tax. I would not remove him from the tax rolls, nor would the committee bill, nor would present law.

How much would this taxpayer pay under present law? $562. Under the committee bill he would still be required to pay $516. Under my proposal he would pay $290.

I respectfully submit that with the high cost of living today, a man with three dependents and an income of $7,500 a year will be hard pressed to pay a tax of $290.

I submit that this example illustrates the tax reduction provided by the amendment which I offer. More than 50 percent of the tax reduction provided by my amendment would go to people with incomes from $7,000 to $15,000. Compared with this, the committee bill would extend only about one-third of its tax relief to taxpayers in this group.

This illustrates again the difference. The committee bill provides with reasonable equity and justice, I think, tax relief for people in the lowest income brackets. It provides too much relief, in my view, for people in the high-income brackets. But for the people in the lower and the low-middle income groups, it provides very little relief. This is the group that needs relief most of all.

To illustrate the point: The rate change in the committee bill is only 1 percentage point in the bottom bracket, a tax reduction of from 14 percent to 13 percent. Yet the rate cut in the higher brackets runs to 8 percentage points. What is the justice of giving a 1 percentage-point cut on the small incomes and an 8-percentage-point cut on the large incomes? Is that equity?

Fourth, the proposed amendment is more progressive than the committee approved rate reductions, since a smaller percentage of the tax relief goes to the upper brackets, a point I have just illustrated. The biggest defect in the tax reduction provisions of the committee bill is the schedule of proposed rate reductions, one example of which I have already cited. These rate reductions are a further step in making our tax system more regressive instead of more progressive.

The top bracket under present law is 70 percent for incomes over $100,000. Under the committee bill, however, the top marginal rate is reduced to 65 percent of the amount of income over $200,000.

Not only is the top rate lowered by 5 percentage points, but the brackets are also changed so that, for example, incomes between $100,000 and $200,000 receive a rate reduction ranging from 6 to 8 percentage points.

Such a step, in my opinion, is unjustified, regardless of whether the personal exemption is increased. I would not vote for this kind of rate change even without a substitution of the personal exemption, because it seems to me it is undemocratic. When one couples this with the 1964 cut in the top rate from 91 percent to 70 percent, progressivity in the upper brackets has been sharply curtailed. Indeed, if the committee bill passes unchanged as to the rates, there will be very little progressivity in our tax laws beyond the $50,000 adjusted gross income level.

(At this point Mr. CRANSTON assumed the chair as Presiding Officer.)

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

Mr. GORE. I yield.

Mr. LONG. Mr. President, it would seem that we ought to keep in mind that when reductions in rates are being made, one can look at that situation in any one of several ways. When one cuts a tax rate from 14 percent to 13 percent, while he is only reducing it by one point, at the same time he is making a one-fourteenth reduction since 14 points of tax are being reduced by one point.

I think the Senator will find that if a 70-percent tax rate is reduced by one-fourteenth, it is reduced by 5 percentage points. This is the reduction in the bill and this shows that we are in this regard at least making a uniform reduction. Because we are multiplying by a greater number the points—70 instead of 14—in order to receive the same percentage reduction, the number of points of reduction is higher.

I am sure the Senator is well aware that the most attractive provisions in the bill as reported by the committee concern the low-income taxpayer. They relate to the fact that the bill includes a low-income allowance, an increased minimum standard deduction, one of the more expensive provisions in the bill, and also includes an increase in the standard deduction, phased so as to move from a 10-percent standard deduction up to a 15-percent standard deduction. Even the increased standard deduction does not affect those in the high income tax brackets, because in most cases they find it to their advantage to itemize deductions.

Mr. GORE. Mr. President, I realize that percentages often give an appealing picture, but a housewife cannot spend percentages at the grocery store. I was speaking to a women's meeting in Knoxville a few days ago, and a woman stood up and asked, "How can Senators refuse to raise the personal exemption?" I said, "I hope they will not." She said we Senators ought to have to go to the grocery store now and then. Perhaps we should adjourn one day next week, take our grocery baskets, go to the grocery store, and see what we can buy with percentages.

One percentage point at the bottom will not buy one potato or anything else. Indeed, what would 1 percentage point mean to a man who owes $500 in taxes? Practically nothing.

Mr. LONG. Well, if the Senator will——

Mr. GORE. Let me continue just a moment. The Senator has touched me at a sensitive point.

The House bill that came to this body would give to a typical taxpayer with a $10,000 taxable income, who had three dependents, a tax reduction of $57 a year. It would give to the president of General Motors—who last year had the highest compensation in salaries, bonuses, and so on—a tax reduction of $116,000 a year, primarily because of a 50-percent maximum tax rate on earned income. That is what percentages give you. But he will not take the percentage figure to the market. He will take the dollars to the bank or leave them in the bank. But what does it mean to a man who has a wife and two children to have that saving of $57 a year? The cost of living has increased more than that this year.

With reference to the percentage business, when we start cutting taxes to a flat percentage, we are hitting the little people.

I must let the RECORD be plain. The Senate committee improved the House bill in this regard. The Treasury had recommended and urged cutting the top bracket on earned income from 70 to 50 percent, and the House, I think, made a great mistake in agreeing.

The Finance Committee, partly at my urging, struck that provision out. I congratulate the committee. If it should be permitted to stand, Congress in one 5-year period, will have cut the top bracket from 91 to 50 percent on all except investment income—almost cutting the top bracket in half. That would destroy progressivity in our tax system.

Many people believe that we have a graduated income tax; that the more one's income, the more he pays in taxes. There will be very little progressivity left if the committee bill is adopted, except in the lower brackets.

Just let me illustrate this. Under the committee bill, the marginal tax rate would double between $500 of taxable income and $10,000 of taxable income. Ah, Mr. President, that is gradualism, that is progressivity—a 100-percent increase in the rate of tax from $500 to $10,000!

But then what do we do when we get above $100,000 of taxable income? From $100,000 to $200,000, the increase under the committee bill will be only 5 percentage points; 100 percent between $500 and $10,000; 5 percent between $100,000

and $200,000. Oh progressivity, a democratic system of taxation, according to the bill—percentages!

I say again: The housewife cannot meet the high cost of living with percentages.

Now I yield to the Senator from Louisiana.

Mr. LONG. I should like to stay with the point I originally made with the Senator from Tennessee; namely, that when one is talking about a percentage tax reduction in the rates, one can gain a misleading impression on tax justice and equity, depending upon how he looks at it. One way it looks a certain way; the other way it looks different.

I submit to the Senator that if we were in a position where we had to consider a tax increase instead of a decrease—and the Finance Committee had brought in a measure to that effect—whereby we were adding 1 percentage point to everybody's tax rate, starting with the fellow who had a 14-percent rate, it would be an increase to a 15-percent rate. Then we would increase the rate of the next fellow, who had the 15-percent rate, to 16 percent. The one who had a tax rate of 16 percent then would have his rate increased to 17 percent. The one who is paying 70 percent would have his rate increased to 71 percent.

I suspect the Senator would be the first man on the floor—and I probably would be the second—to say, "That is not fair." This fellow with the 14-percent rate would have his rate increased by 1 percentage point, but his percentage increase would be about 7 percent; whereas at the 70-percent rate the 1-point percentage works out to be an increase of only 1 1/10 percent.

So both the Senator from Tennessee and I would be arguing that in justice and fairness the rate increase on the little fellow down at the bottom, at that point, would be 5 times as much as it was on the fellow at the top.

The Senator, of course, knows that the big appeal of the bill before us—and I have considerable sympathy for what the Senator is seeking to do—with regard to low-income people—is the low-income allowance, and also the increase in the standard deduction. Those are the most appealing things in the bill for the low-income people rather than the rate reduction.

As I understand, the bill does parallel what the Senator is seeking to do here with regard to the low-income allowance. I would also think that on the same basis he ought to look with favor on the standard deduction increase.

Mr. GORE. I thank the able Senator. Percentage calculations have some use, and I should like to present one translated into numbers of taxpayers.

Under the committee bill, 40 percent of the tax relief through rate reductions goes to people having taxable incomes of more than $20,000 a year. Mr. President, how can we justify that action, when only a very small percentage of our people have taxable incomes of more than $20,000 a year?

The amendment which I offer would provide some tax relief to people in this group—11 percent. Only 11 percent of the tax reduction from the personal exemption, if my amendment is adopted, will go to taxpayers having taxable incomes of more than $20,000 a year. But unless it or some other amendment is adopted, the committee bill will provide 40 percent of all personal tax relief as a result of rate changes to this high-income group.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a table which will show the comparative effects of the proposed amendment, the committee bill, and the present law with respect to taxpayers grouped by various classes of income.

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

TABLE 7.—INDIVIDUAL INCOME TAX LIABILITY—TAX UNDER PRESENT LAW AND AMOUNT AND PERCENTAGE OF CHANGE UNDER REFORM AND RELIEF PROVISIONS UNDER H.R. 13270 WHEN FULLY EFFECTIVE AND UNDER $1,000 PERSONAL EXEMPTION AND $1,000 LOW INCOME ALLOWANCE IN PLACE OF H.R. 13270 RELIEF PROVISIONS

Adjusted gross income class	Tax under present law [1] (millions)	Increase (+) decrease (−) from reform and relief provisions			
		H.R. 13270		$1,000 personal exemption and $1,000 low income allowance	
		Amount (millions)	Percentage	Amount (millions)	Percentage
0 to $3,000	$1,169	−$773	−66.1	−$957	−81.9
$3,000 to $5,000	3,320	−1,007	−30.3	−1,589	−47.9
$5,000 to $7,000	5,591	−948	−17.0	−1,947	−34.8
$7,000 to $10,000	11,792	−1,291	−10.9	−3,348	−28.4
$10,000 to $15,000	18,494	−1,907	−10.3	−3,662	−19.8
$15,000 to $20,000	9,184	−789	−8.6	−1,242	−13.5
$20,000 to $50,000	13,988	−1,013	−7.2	−1,123	−8.0
$50,000 to $100,000	6,659	−318	−4.8	−131	−2.0
$100,000 and over	7,686	+203	+2.6	+780	+10.1
Total	77,884	−7,843	−10.1	−13,219	−17.0

[1] As approved by the Senate Committee on Finance.

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

Mr. GORE. I yield.

Mr. LONG. Mr. President, to really reflect properly the tax burden paid by high-bracket taxpayers we need information about the tax increases on corporations. I am not referring so much to high-bracket taxpayers as to people who are making a lot of money. The Senator well knows the difference between the high-bracket taxpayer and someone making a lot of money. The one is paying a lot of taxes, and the other one is making a lot of money, even though he might not be paying any taxes at all.

To really reflect the burden properly, one has to take into account, on some basis, the biggest tax reform in the bill—the repeal of the investment tax credit. The Senator from Tennessee has been 100 percent consistent about the investment tax credit. He was against its ever being enacted to begin with, he was for its being suspended, he was against its being reinstated, and he has been for repealing it. I am one of those who was persuaded that this might be a great incentive—and I now believe perhaps it was too much of an incentive, in wartime in particular—for the construction of new plants. But let us look for a moment at the people who own the companies which have received the benefit of the investment tax credit. Make whatever reasonable assumption one wants to as to how much of the tax increase from the repeal of the credit is going to be passed along to the public in terms of prices, there still will be plenty left to reduce earnings and dividends. If we relate those effects to the taxpayers and group them by their income levels, we would see that most stock appears to be held by those earning above $20,000. I think it is clear that people making over $100,000 will have very heavy increases in taxes as a result of this bill, taking into account their share of the corporate increases. I am not saying there should not be a change of this type; I am just saying that there will be large increases for these people under the committee bill. But there would be even greater increases under the Senator's amendment. Even with regard to taxpayers making $50,000 and up, the tax reductions under the committee bill are not likely to be actual reductions for many of those people.

As a matter of fact, it is my understanding that when the investment tax credit repeal and other corporate changes are taken into account all taxpayers with incomes of $20,000 and over taken together instead of having a tax decrease will have an increase equal to 67 percent of the total reductions as a result of this bill. This assumes that three-quarters of the corporate tax increase will be borne by those who own the corporation, and that one-quarter of it will be passed along to the consumer.

One can make any one of a number of assumptions about who bears the corporate income tax; undoubtedly, some of it is passed on to the public, but I think most economists still think much of it, in the long run at least, is borne by the shareholders.

When you make the calculation I have in mind, taking into account the taxes borne by shareholders you will find that those with high incomes would have a very major tax increase as a result of this bill. Of course, when we speak in percentage terms, as the Senator is well aware, we will be putting a considerable number of people who are paying no income tax at all back on the tax rolls with this bill. And well we should. As a matter of fact, I still have some doubts whether we did it quite right. Maybe, we should tax those who are paying little or no taxes, even more. I believe the Senator has been thinking along those lines also.

Nevertheless, there is a very big tax increase in the bill as it now stands for

people with incomes of $20,000 and over, compared with those who are in the lower-income brackets. The rates themselves do not reflect it. But that is not all the bill does. One also has to take into account the fact that we are taxing sheltered income. In fact, I believe we are taxing nearly every phase of sheltered income, or almost every phase, that the Senator wanted to tax. Perhaps we are not taxing certain items as heavily as the Senator would like, but we are taxing them. Insofar as taxpayers who have considerable amounts of sheltered income are concerned, the reduction in rates in this bill does not begin to offset the increase in their taxes which will result from the other provisions of the bill.

Mr. President, I say that it does not begin to offset it. That is a relative term. It does not offset it; I will put it that way.

Mr. GORE. Mr. President, the geniality of the distinguished Senator is equalled only by his resourcefulness. He now makes a particularly ingenious argument based upon certain assumptions. The Senator starts out with the assumption that the individual taxpayers with more than $20,000 in income can have imputed to them a pro rata or percentage share of the taxes on corporations. With that ingenious imputation, he then arrives at the ingenious conclusion that the bill greatly increases the personal tax of the taxpayers in the high brackets.

I do not hear the suggestion that such a result, however ingeniously arrived at, is based upon unfairness. If people in the affluent elements of our society are required to pay more taxes as a result of the tax reform provisions of the pending bill, then it is assumed that this result flows from a conclusion on the part of the committee that, because of the provisions of tax favoritism in existing law, those individuals are not bearing their fair share of the tax burden at the existing rates.

Mr. President, to show how ingenious this argument really is, though, and how fallacious it becomes, the implication is made that because we have proposed tax reforms striking out some of the preferential and unfair tax loopholes, which will require certain individuals to pay some additional taxes, we, therefore, should now reduce the rates.

We start out, on the one hand, to require them to pay more taxes. Because we succeed in a limited way in doing that through tax reform, then the implication of the argument of the distinguished chairman is that we should therefore give it back to them through an unfair reduction in their rates.

I marvel at the resourcefulness of my distinguished chairman. When he is on my side, I take great reliance in his talents. When I have to cross swords with him, I am always wary.

Mr. LONG. Mr. President, one of the most effective advocates of the various reforms contained in the tax bill is Mr. Stanley Surrey. He thinks much along the same lines as I am thinking.

Mr. Surrey's argument has been pretty much the same as mine—that the tax rates should be reduced for people who are actually paying an income tax on all their income, but that it should be raised for people who are not paying an income tax on most of their income.

Mr. Surrey, as the Senator is well aware—and I am not sure that Mr. Surrey convinced the Senator from Tennessee, although I was thinking that way before I knew that Mr. Surrey was—felt that 50 percent of a man's income is plenty to collect from a taxpayer provided we are taxing him on all his income.

The Senator is well aware of the fact that the Treasury estimates that people who are making $100,000 and over are paying an effective rate of around 30 percent of their income if you take all of their income—both taxable and nontaxable—into account. They are not paying 57 percent, 67 percent, or 70 percent. They are paying about 30 percent. And the attitude of Mr. Surrey, as well as the attitude of the people in the Treasury Department in the present administration, is that the first order of business ought to be to find out who the people are who are paying less than say, 35 percent, on such large incomes and start to move them into the higher taxpaying brackets in a substantial way. Having done that, it seems to me that we ought to have a tax reduction on the rates for those who are paying a tax on all their income.

While the Senator does not buy the argument, he must admit that some experts who have very good credentials as tax reformers feel that the rates are too high if we make the other individuals pay taxes on all their income.

Mr. GORE. Mr. President, the able Senator has introduced the question of effective rates. I agree that there is a vast difference between the rate stated in the law and the effective rate paid, particularly in the higher brackets. Effective rate refers to the actual tax payment made compared to a person's total economic income.

I am glad the Senator introduced that concept because the Treasury has provided data which indicate that upon analysis the House bill, which the committee amended in some substantial and in some inconsequential ways, will provide a lower effective tax rate than the present law with respect to people in adjusted gross income brackets from $20,000 to $100,000.

I think I detect that the able chairman may be a bit surprised at that. However, this is our conclusion from the data supplied by the Treasury Department.

Mr. LONG. Mr. President, the Senator is not taking into account the tax increases in the corporate structure as a result of the repeal of the investment tax credit.

Mr. GORE. I do not think we should. I do not think we can impute to individual taxpayers a share of the corporate taxes. We can talk about present income and effective rates upon that income; and according to the Treasury data, the House bill will bring a lower effective rate on people in the $20,000 to $100,000 income range than present law. For persons who have adjusted gross incomes of more than $100,000 a year, the House bill will provide an increase in effective rate of only two points.

Mr. President, I have not yet been able to prepare comparable tabulations with respect to the committee bill. I think they will show similar results, but I will have those tabulations prepared by next week.

Frankly, I think this situation is outrageous. We have a bill that is hailed as the major tax reform bill in U.S. history. But it totally fails to achieve the purpose it started out to achieve. We have a culprit of the regressive rate changes that the bill contains, and the rate changes are the same in the House bill and in the Senate bill.

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

Mr. GORE. I yield.

Mr. LONG. Mr. President, the Senator may arrive at a different calculation than that available to us. However, the best information we have to show with respect to what the House bill would do in terms of percentage tax reductions is to be found on page 4 of the committee report. The Senator may quarrel with that information. However, would the Senator be willing to have that printed in the RECORD at this point? If he prefers not to do so, I shall not do it.

Mr. GORE. Mr. President, I am perfectly willing to have the Senator do that.

Mr. LONG. Mr. President, I ask unanimous consent that the tabulation appearing on page 4 of the committee report be printed in the RECORD.

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

Percentage tax increase or decrease from committee amendments

Adjusted gross income (in thousands):	
$0 to $3	−66.1
$3 to $5	−30.3
$5 to $7	−17.0
$7 to $10	−10.9
$10 to $15	−10.3
$15 to $20	−8.6
$20 to $50	−7.2
$50 to $100	−4.8
$100 and over	+2.6
Total	−10.1

Mr. LONG. Mr. President, that table indicates that there is an increase of 2.6 percent in the taxes of those with adjusted gross incomes of $100,000 and over. That does not take into account the repeal of the investment tax credit or any of the other corporate changes. These are left completely out of it. I think they ought to be considered as a part of the overall increase in the tax burden and who is paying it.

The committee report figures, it seems to me, to support the least argument I have made, would indicate that those with $100,000 and over do have a tax increase of 2½ percent, even without regard to the corporate changes.

Mr. GORE. At the same time, the proposal I make would bring about a percentage increase in taxes of 10.1 for those with adjusted gross income above $100,000. The House bill, 2.6 percent; my amendment, 10.1 percent. If the Senator will compare the two, it will show the result.

Effective rates are something about which I believe the American people may

not be adequately informed. It is generally and popularly believed that people with high incomes pay taxes at high rates. This is true in many instances. But in a great many instances, it simply is not true. The example is cited of a man in the real estate business who for 7 years had income of $7½ million. His effective rate of tax was only 11 percent because of tax privileges for real estate—about the same effective rate as is paid by a family of four with wage income of $10,000.

This is not right, Mr. President. We need to approach effective rates more vigorously. We are doing a good deal about that in the pending bill, and I compliment the chairman, the committee, and the House. I think we are making some rapid strides, but by no means enough.

I must rebel at the argument that because we are removing some of the tax preference provisions—"loopholes" is the common word used—thereby requiring high income people to pay taxes on their income in a more equitable way, we should then give them a rate cut. What is the point in adding to their tax burden on the one hand, and removing it on the other, if the object is to require people to pay a fair share of the tax burden?

I yield to the Senator from Louisiana.

Mr. LONG. Mr. President, the point I have in mind is that a tax system should try to treat taxpayers in similar situations in the same way, and in this bill we try to equalize as among people making a lot of money. It has always seemed unfair to me, as between two people making $100,000, a half million dollars, or even a million dollars, as the case may be, that one would pay a great deal of tax, and the other would pay little or nothing. This is what is known as horizontal equity—namely, that at a given level of income, the tax burden on all the taxpayers at that income level should be approximately the same.

I believe I was the initial sponsor of the suggestion that we ought to have both a minimum and a maximum tax. I appeared before the Democratic platform committee at the last convention and advocated that general concept. Some people were paying altogether too much, because they were actually paying taxes on all their income, while others were paying little or nothing. We ought to have a minimum tax on those people who are paying very little and give some relief to those who are actually paying on all their income.

I believe that if we actually try to wed ourselves to a tax structure in which those who are making $100,000 a year or more are paying on all their income, or about the structure that we have here, a great number of people will simply say that if they cannot keep as much as half of what they make, they do not feel like taking the risk to go into new endeavors.

It is my feeling that if we do that, it will cost the workingman more than he can imagine at this time. It is the kind of thing that our good friends in the labor movement, who represent laboring people, do not like to discuss. It is like talking about outlawing featherbedding when you sit down at a bargaining table, and contend that it would benefit the workingman in the long run. They do not want to talk about it, because that discussion gets them away from what they want to talk about, which is higher wages and more fringe benefits.

The incentive necessary to encourage people who have the resources and the ability to go forward with new endeavors is something that I hope will never be removed from this economy. It is something that will become, in my judgment, a very severe problem if we get a tax structure that is as discouraging as it is in the highest brackets we have today, when people actually pay the excessively high tax rate in those brackets. That is why the argument is made that we should have a lower top rate but that we should tax more of the income that people are making. Call it closing loopholes or broadening the base, it is urged that the tax base should be increased and the top rate should be reduced.

In this bill, we are removing many so-called preferences from the tax law. In fact they are the main items making up the $6 billion of so-called tax reforms in this bill. I hope that in doing so we are not going to remove so much of the incentive that people will not go ahead with endeavors which will provide more opportunities and more wages—which will bring in additional taxes, as well as the taxes on the people who are creating these new endeavors—with the result that the economy and the Nation as a whole will be the loser.

The Senator has been most kind to yield to me, and if I continue trespassing on his time, he will not be able to complete his speech today. I thank him for his gracious kindness in yielding to me, and I assure him that I will try to resist the temptation to expand upon his remarks, at least until he gets well along into his well-prepared speech.

Mr. GORE. Mr. President, I hope the Senator will not be able to contain himself. He adds to the clarity of the issues. I agree with a good many of the sentiments which the able Senator has just expressed.

Mr. President, it is not that I wish to strike at the capitalistic system. I believe in it; I participate in it. I think it brings the greatest measure of fruitfulness of any system that man has yet devised. However, we have a Federal income tax law, the theory of which is that one pays taxes according to his ability to pay. The man with a large income can and should pay more than the man with a small income. It does not mean that we discourage a man from his acquisitive habits. If, instead of giving the president of General Motors a tax deduction of $116,000, he receives a reduction of $16,000, he will still be happy. But the fellow I am thinking about is the man trying to get off the bottom, with a big mortgage on a little house and a family of children, the man who pays more than he can bear. He is the man who needs tax relief, and it is for this group of people—not the lower and not the upper, but the middle-income group of people—for whom the committee bill does not make adequate provision, and it is to that group primarily that my amendment is directed.

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

Mr. GORE. I yield.

Mr. LONG. I thank the Senator. I shall not trespass on the Senator's time after this one remark.

Mr. GORE. I shall try to tempt the Senator further, and I welcome his comments.

Mr. LONG. I hope the Senator will not so stimulate me.

It is that same man the Senator is concerned about who also needs additional earnings. Every time someone is able to start some new endeavor, it enables that man to move from a job paying $2.50 an hour to $5 an hour, apart from the taxes involved. In other words, it is that man who, relatively speaking, will be the largest beneficiary.

All I am urging in considering our overall tax structure is that we should seek to provide justice among taxpayers at all income tax levels and to retain enough incentive in our economy that we do the maximum good for all, we should think in terms of employment, in terms of overall earnings of people, and in terms of the overall standard of living, as well as in terms of the justice of which the Senator was speaking.

Mr. GORE. I thank the able Senator.

In addition to ability to pay, we must also consider the needs in our society, the needs of the Treasury, the needs of the taxpayer, and the needs of his dependents.

I simply say that when we look at the matter objectively, we cannot justify a pitiful allowance of $600 upon which a taxpayer should provide the basic necessities of life; and, in my opinion, we cannot justify allowing only $600 for the cost of caring for a dependent.

Going back to the question of progressivity, taxing according to the ability to pay, I wish to say that our tax system has become steadily less progressive rather than more progressive since 1964. In 1964 the big cuts were given at the top. The top bracket was cut from 91 percent to 70 percent. That was not justified, in my view, when one takes into consideration either the needs of the taxpayers or the ability of the taxpayers to pay.

The rate-reduction provision of the pending bill would continue the process of lessening progressivity. Indeed, the rates are regressive. I think there should be no mistake about this. A reduction in progressivity is another way to increase the tax burden for the average taxpayer. Mr. President, the less we rely on the yardstick of taxation according to ability to pay, the more we approach a system of per capita tax payment, and this is about where we are arriving. When there is a 100-percent increase in progressivity from $500 taxable income to $10,000 taxable income and only 5 percent progressivity in rates from $100,000 taxable income to $200,000 taxable income—and less than that in terms of effective rates—then, we are striking at the heart of progressivity. This is not right; this is antidemocratic.

Mr. President, can you imagine a Democratic Congress, as the House did in its bill, in one 5-year period cutting the top bracket from 91 percent to 50 percent on earned income? I cannot, but that was the bill that came before us. Again, I wish to compliment the Committee on Finance on improving this matter.

The rate reductions in the pending bill, as has been clearly shown, benefit the wealthy far more than they do the middle-income taxpayers. These tax benefits for the wealthy, coupled with removal of the poverty level people from the tax rolls, place the middle-income taxpayer in a vise, and he is being squeezed and squeezed and squeezed from both ends of the economic scale.

My amendment would not deny or withhold tax relief from either the low income or the high income. It would provide some tax relief for both, but it deals far more equitably with the middle-income group.

I turn now to one other phase of the bill and to my amendment. The House bill that was approved by the committee contains an increase in the standard deduction from 10 percent of adjusted gross income or $1,000, to 15 percent or $2,000. The increase is effective over a 3-year period.

Mr. President, this step is intended to provide tax relief and tax simplification primarily for taxpayers in the range of $7,000 to $15,000. But the proposal to increase the standard deduction achieves tax relief for some taxpayers only at considerable cost in tax equity. The increase in the standard deduction will reduce taxes for a family living in an apartment, but it may not provide any tax relief for the family with the same income that is buying a home. Similarly, the provision has unfair results as between taxpayers who live in States that impose high income taxes and those who live in States having low income taxes. This provision of the bill produces a greater tax reduction for the family that already has the smaller combined Federal and State tax burden.

I think it is therefore clear that my proposal, when compared with the committee bill, is a far greater, more effective, and more easily understood method of tax relief. This is the virtue of my proposal. It is simple and easily understood. It does not require a lot of calculation. If the taxpayer has three children, he knows that he has a personal exemption of $1,000 for each of those children. He does not have to use a computer or hire a tax lawyer or an accountant. His wife knows about it, too. There is no provision in the tax law more widely understood and more easily understood than the personal exemption. Simplification should be a goal of tax reform.

Let me say a word about the revenue impact of the proposal that I make. It is sometimes said that we cannot raise the personal exemption because it will cost too much money. That is simply not true.

We did not hear that said when the Secretary of the Treasury asked the committee to cut corporation taxes by 2 percentage points, at a time when corporate profits are the highest in history.

We did not hear that said when the Treasury was pushing to cut the top brackets on earned income from 70 to 50 percent.

Indeed, we did not hear about it when the new loopholes were placed in the bill—to which I shall make further reference later.

No, Mr. President, it simply is not true. Even under the committee bill, the proposal that I make for 1970 would be almost in balance with the revenues that would be produced by the reform measures adopted by the committee.

In 1971, an entirely manageable revenue shortfall of $3 billion might be expected. It might not be that much.

Only last year, within one 6-month period, the Treasury erred in its estimates of revenue by $2 billion. So my proposal involves a manageable revenue shortfall for calendar 1971. My amendment would be virtually in balance for calendar 1970.

But no significant revenue shortfall at all need result if the Senate adopts even a part of the additional reforms I have suggested for consideration, most of them already in the House bill, and if the President will carry through on his intention to end the Vietnam war, or materially to reduce military spending. These reforms alone, would produce more than $5 billion in additional revenues to be added to the $6.6 billion raised by tax reform provisions in the committee bill.

Thus, I am offering a substitute for other provisions of the bill which themselves would lessen the revenue for the Government. For the next calendar year, let me repeat, the tax relief provisions which I propose, and the additional revenue from the tax reform measures already in the bill, will be virtually balanced. For the following year, the shortfall would be certainly manageable. Indeed, revenue and reductions might prove to be in balance.

In my opinion, this is as far as reliable estimates can safely be made. Even in the long range, we could reasonably anticipate $11.7 billion in additional revenue from reform to balance against the estimated $14.9 billion reduction in revenues from my proposal.

This longterm revenue shortfall is close to that resulting from the Finance Committee bill.

So you see, Mr. President, that this proposal meets the requirement of fiscal responsibility. If anyone should rise and say that this proposal is fiscally irresponsible, then he must acknowledge that the tax reduction in the bill are also fiscally irresponsible. I do not think either is fiscally irresponsible. I do think that the rate changes proposed in the bill are unjustifiable from the standpoint of social justice and are unsupportable from the standpoint of tax equity.

On the other hand, the case for raising the personal exemption from the present low, inadequate, unrealistic $600, or $50 a month, is compelling.

What argument can be made against it?

I ask again: Who can live on $50 a month?

Anyone who thinks he can try, let him take the market basket and go to the grocery store or, instead of letting his wife pay the rent, let him do that. And then let him pay the electric and gas bills.

We are talking here about the cost of living, about the ability to live, to make ends meet. This has become an increasingly severe problem for the American people, because the cost of living continues to rise.

I am not sure about the economic future of the country. I know of no one who pretends to be. But at least I see signs which lead me to think that we may be approaching that unusual economic phenomenon of a recession in the middle of inflation.

We had such a period in 1958. It just could happen again. I hope not. But, if we are to have continued increases in prices, if the cost of living continues to go up—I read only this week the predictions of the economic experts within the Government that this was to be our future—then, Mr. President, let us give tax relief where it is already needed most and where it will be needed even more if the cost of living continues to rise.

Since 1940 the cost of living has increased more than 2½ times. This fact impels us to seek to raise the personal exemption in the Federal income tax law. The forecasted trend upward in the cost of living increases the persuasive force of the argument for taking this needed step.

I hope that expenditures for the military can be reduced. I do not wish to inject the Vietnam war into the discussion; I do so only in passing to say that the withdrawal of U.S. forces from Vietnam, in whatever number it occurs, will reduce military expenditures; and to the extent that combat is reduced—and I hope it is reduced greatly—this will reduce the expenditure of ammunition, the wounding of men, the hospitalization of men.

It is estimated that the closing of military bases in our own country, which has already been announced, will save from $3 billion to $4 billion, so I read.

Where better could this saving be applied than to reduce the tax burden according to the number of one's dependents? In what other social area, by what other standard of social justice, would we arrive at a more equitable action?

This step, Mr. President, I have advocated for a long time. We could never in the past obtain the adoption of an amendment to increase the personal exemption, because it would be said that this would break the Treasury. Now we have a chance because it is offered as a substitute for measures that cost a substantial amount. So the choice before the Senate will be between tax relief, on the one hand, by changes in rates which will give 40 percent of the benefits to people having incomes of more than $20,000 per year, and, on the other hand, an increase in personal exemption which will give relief to those with the largest number of dependents.

Increasing the personal exemption to $1,000 and providing a $1,000 low-income allowance is the most effective means of tax relief for the average taxpayer.

I submit for the RECORD tables that

demonstrate the greater benefits accorded under my proposal for low- and middle-income taxpayers than are provided under the committee bill. Table No. 1 is a comparison of the increase in personal exemption with the low-income allowance.

I ask unanimous consent that there be printed in the RECORD at this point, seriatim, sundry tables which I send to the desk.

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

TABLE 1.—COMPARISON OF INCREASE IN PERSONAL EXEMPTION PROPOSAL TO H.R. 13270 LOW INCOME ALLOWANCE

Number in Family	Amount of nontaxable income allowed under present law	Amount of nontaxable income under low income allowance	Amount of nontaxable income under proposal			
			1970	1971	1972	1973
1	$900	$1,700	$1,700	$1,800	$1,900	$2,000
2	1,600	2,300	2,400	2,600	2,800	3,000
3	2,300	2,900	3,100	3,400	3,700	4,000
4	3,000	3,500	3,800	4,200	4,600	5,000
5	3,700	4,100	4,500	5,000	5,500	6,000
6	4,400	4,700	5,200	5,800	6,400	7,000
7	5,100	5,300	5,900	6,600	7,300	8,000
8	5,800	5,900	6,600	7,400	8,200	9,000

Note.—In addition, the increase in the personal exemption, coupled with the new low income allowance-standard deduction. provides more effective relief for low and middle income taxpayers than does the complex mix of provisions for tax reduction in the Committee bill.

TABLE 2.—COMPARISON OF INCREASE IN PERSONAL EXEMPTION PROPOSAL AND H.R. 13270—TAX ON FAMILY OF 4 (ASSUMES NONBUSINESS EXPENSES=20 PERCENT OF INCOME)

AGI	Present law	H.R. 13270[1]	Proposal[1]
3,000	0	0	0
3,500	56	0	0
4,000	112	65	0
5,000	230	200	0
7,500	552	516	290
10,000	924	868	620
12,500	1,304	1,228	1,000
15,000	1,732	1,636	1,380
17,500	2,172	2,056	1,820
20,000	2,660	2,508	2,260
25,000	3,708	3,492	3,260
50,000	11,060	10,452	10,340
100,000	31,948	29,692	31,020

[1] Provisions as effective for taxable years beginning in 1973.

TABLE 3.—COMPARISON OF INCREASE IN PERSONAL EXEMPTION PROPOSAL AND H.R. 13270 TAX ON MARRIED COUPLE WITH NO DEPENDENTS (ASSUMES NONBUSINESS EXPENSES=20 PERCENT OF INCOME)

AGI	Present law	H.R. 13270[1]	Proposal[1]
2,300	87	0	0
3,000	170	91	0
4,000	290	228	140
5,000	418	375	290
7,500	772	724	620
10,000	1,152	1,084	1,000
12,500	1,556	1,468	1,380
15,000	1,996	1,888	1,820
17,500	2,460	2,324	2,260
20,000	2,960	2,784	2,760
25,000	4,044	3,816	3,820
50,000	11,600	10,956	11,240
100,000	32,644	30,316	32,180

[1] Provisions as effective for taxable years beginning in 1973.

TABLE 4.—COMPARISON OF INCREASE IN PERSONAL EXEMPTION PROPOSAL AND H.R. 13270—TAX ON SINGLE PERSON[1] (ASSUMES NONBUSINESS DEDUCTIONS=20% INCOME)

AGI	Present law	H.R. 13270[1]	Proposal
900	0	0	0
1,700	109	0	0
3,000	276	180	145
4,000	424	344	310
5,000	576	524	500
7,500	998	930	900
10,000	1,480	1,358	1,350
12,500	2,022	1,826	1,840
15,000	2,638	2,334	2,360
17,500	3,334	2,882	2,920
20,000	4,096	3,470	3,520
25,000	5,800	4,766	4,870
50,000	16,322	13,218	13,840
100,000	41,394	36,290	38,730

[1] Provisions as effective for taxable years beginning in 1973.

TABLE 5.—COMPARISON OF DISTRIBUTION OF TAX REDUCTION UNDER PROPOSAL AND UNDER H.R. 13270 (CALENDAR YEAR 1969 LEVELS OF INCOME)

Adjusted gross income class	H.R. 13270 (millions)	$1,000 personal exemption and $1,000 low income allowance[1]
0 to $3,000	$781	$965
$3,000 to $5,000	1,001	1,583
$5,000 to $7,000	944	1,943
$7,000 to $10,000	1,286	3,343
$10,000 to $15,000	1,922	3,677
$15,000 to $20,000	806	1,259
$20,000 to $50,000	1,107	1,217
$50,000 to $100,000	464	277
$100,000 and over	657	80

[1] Provisions as effective in tax year 1973 and thereafter.

Note: Figures are rounded and do not necessarily add to totals.

TABLE 6.—COMPARISON OF NUMBER OF RETURNS MADE NONTAXABLE UNDER PROPOSAL AND UNDER H.R. 13270

Adjusted gross income class	H.R. 13270[1] (thousands)	$1,000 personal exemption and $1,000 low income allowance[1]
0 to $3,000	5,149	7,253
$3,000 to $5,000	405	2,168
$5,000 to $7,000	24	1,262
$7,000 to $10,000	8	683
$10,000 to $15,000	4	115
$15,000 to $20,000	2	7
$20,000 to $50,000		
$50,000 to $100,000		
$100,000 and over		
Total	5,592	11,490

[1] Provisions as effective in 1973 and thereafter.

Note: Figures are rounded and do not necessarily add to totals.

Mr. GORE. Mr. President, yesterday I placed in the RECORD letters from three Members of the other body, Representatives CHARLES A. VANIK, PETER W. RODINO, JR., and JOHN P. SAYLOR, two Democrats and one Republican. These gentlemen presented letters and petitions, which purported to bear the approval of considerably more than one-half of the entire membership of the other body, urging the adoption of an amendment to increase the personal exemption for each taxpayer and dependent.

I call special attention to the letter of Representative SAYLOR, a distinguished member of the Republican Party from the State of Pennsylvania, in which he characterizes his letter and support as being in the spirit of bipartisanship.

This, Mr. President, is how it should be.

The cost of living is high. The grocery bill is a burden. But it is not a partisan burden; it is something that all people must try to pay.

Like other Senators and Representatives, I have long advocated this form of tax relief. It is true tax reform. Why should it be treated as a partisan matter? I do not think it should be so treated. Yet, it is common knowledge that administration spokesmen are busy in the Halls of the Capitol right now trying to defeat this amendment.

This is regrettable and unjustified. True, fair tax treatment for the people who need tax relief the most, those having the largest number of dependents, will cost revenue. But so would the recommendations of the administration to reduce taxes on corporations from 48 to 46 percent. Indeed, this recommendation alone, which fortunately was rejected by the Finance Committee, would have cost $1.6 billion in revenue. The Secretary of the Treasury thought the Treasury could stand that. Oh, but he throws his hands up in holy horror when someone suggests raising the personal exemption for a child above $600. That becomes unwarranted.

This is not all that will cost revenue. There are some new loopholes in the bill which were recommended by the administration, loopholes which I propose to delete. These new loopholes would cost $720 million in revenue. And when the Treasury was urging that they be approved, there was no raising of hands in horror that these provisions would cost too much. But suggest raising the exemption above $50 a month for a man's wife, and then "fiscal responsibility" is a dramatic phrase. We are being fiscally responsible, but we are seeking to be fair.

Other proposals supported by the administration would cost hundreds of millions of dollars.

It was at the "sacrifice of San Clemente" that the administration appeased the Wall Street brokers by urging removal of the capital gains reforms; it was the administration which reversed its own Treasury officials to make the oil barons happy with the depletion provisions; it was the administration that instigated the cave-in to millionaires who give appreciated property to charity; it was the administration that completely reversed its own Treasury officials and proposed bigger loopholes for railroads than had been provided in the House bill; it was the administration which made the recommendations that gutted the House minimum tax provision, so as to render it a useless device; it was the administration that supported special tax rates for high-paid corporate executives.

So, too much politics has already been played with this bill. We should put an end to it now, in the interest of the average American taxpayer. But I will say that, to the extent that politics is involved, Mr. President, I am proud to be on the side of the politics of the people—

for they are the ones who will benefit from the increase in the personal exemption.

There has been a great deal of rhetoric about the need for tax reduction for small- and middle-income taxpayers. The time for action is now at hand. I hope the Senate will join in this proposal and support it, so as to provide fair and effective relief for the average American taxpayer.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

MESSAGE FROM THE HOUSE

A mesage from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 944. An act to amend section 404(d) of title 37, United States Code, by increasing the maximum rates of per diem allowance and reimbursement authorized, under certain circumstances, to meet the actual expenses of travel;

H.R. 14227. An act to amend section 1401a(b) of title 10, United States Code, relating to adjustments of retired pay to reflect changes in Consumer Price Index; and

H.R. 14741. An act to amend title 23 of the United States Code to revise the next due date for the cost estimate for the Interstate System, to amend chapter 4 relating to highway safety, and for other purposes.

The message also announced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 345. Concurrent resolution providing for printing as a House document "A Guide to Student Assistance"; and

H. Con. Res. 407. Concurrent resolution to authorize the printing as a House document the pamphlet entitled "Our Flag."

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 2276) to extend for 1 year the authorization for research relating to fuels and vehicles under the provisions of the Clean Air Act, and it was signed by the Acting President pro tempore (Mr. METCALF).

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 944. An act to amend section 404(d) of title 37, United States Code, by increasing the maximum rates of per diem allowance and reimbursement authorized, under certain circumstances, to meet the actual expenses of travel; and

H.R. 14227. An act to amend section 1401a (b) of title 10, United States Code, relating to adjustments of retired pay to reflect changes in Consumer Price Index; to the Committee on Armed Services.

H.R. 14741. An act to amend title 23 of the United States Code to revise the next due date for the cost estimate for the Interstate System, to amend chapter 4 relating to highway safety, and for other purposes; to the Committee on Public Works.

HOUSE CONCURRENT RESOLUTIONS REFERRED

The following concurrent resolutions were referred to the Committee on Rules and Administration:

H. Con. Res. 345. Concurrent resolution providing for printing as a House document "A Guide to Student Assistance"; and

H. Con. Res. 407. Concurrent resolution to authorize the printing as a House document the pamphlet entitled "Our Flag."

BLOODLETTING IN IRAQ

Mr. JAVITS. Mr. President, early this month three more Iraqis were executed and other Iraqis have been sentenced to death, all for so-called political crimes. It is evident that despite protests from all corners of the civilized world the bloodletting in Iraq directed against members of that nation's Jewish remnant—and indeed of other religious faiths—now continues.

Midnight arrests, deprivation of personal liberties, torturing of prisoners, and public executions have shocked the conscience of civilized peoples; that the bloodletting has resumed, albeit quietly, impels the conclusion that public outcry must again be raised and strong protests lodged with Iraq. Earlier assurances that some of the Jewish remnant would be allowed to leave have now been seemingly forgotten and those remaining live in a state of constant terror in that unhappy land.

Iraq seems now to have become a police state. In a letter from a once-prominent Iraqi smuggled out of the country, it is poignantly written that "the days of injustice are very, very long." The writer goes on to say "I am afraid that the good days have gone for everyone and what remains is bad dreams." It is difficult to add to these words.

A recent letter in the New York Times by one of the several thousand Americans of Iraqi origin describes the fate of those left in Iraq who, for some reason—or for no reason—have aroused the displeasure of the authorities. I ask unanimous consent to have printed in the RECORD a letter to the editor of the New York Times written by R. R. Horesh, of Roslyn, Long Island, N.Y., dated October 15, 1969, and an article entitled "More Jewish Prisoners Reported Hanged in Iraq," written by Alfred Friendly, and published in the Washington Post of November 24, 1969.

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

FATE OF IRAQI JEWS

To the EDITOR:

As if their thirst for Jewish blood had not been satisfied even after the massacre of the two innocent Jews in September which followed the massacre of the nine innocent Jews in January, amongst them my brother, the Baath regime of Iraq has now turned to killing Jews by torture while under arrest. The latest two victims who were secretly killed in prison are David Zebaida, a 60-year-old building and road contractor, and Jacob Shohet, a 65-year-old religious teacher in the only Jewish school still open.

Both victims have relatives in the U.S. and Canada. They are ready to testify and give more details of the inhuman torture.

Over fifty heads of families, the most prominent among the Jewish community in Iraq, are now detained in prisons. It is feared some of them might have already been massacred.

What is most painful to me is the fact that while the horrible story is heard and repeated time and again, the civilized world protests every time too late, when the innocent victims are already massacred at the hands of the assassins of the Baath dictatorship who have transformed murder from a secret transgression into a publicly avowed Government policy.

Let everyone who has a conscience speak now. Let everyone who talks about liberty, freedom and civilization make his voice heard. Let them all tell the assassins that their crimes will not go unpunished.

The Jews of Iraq do not want their rights back; they do not want their confiscated properties back. All they want is their right to leave the country in which they are vilified and abused and, now, even murdered.

R. R. HORESH.

ROSLYN, L.I., *October 15, 1969.*

MORE JEWISH PRISONERS REPORTED HANGED IN IRAQ

(By Alfred Friendly)

JERUSALEM, November 23.—At least 11 more Jews imprisoned in Baghdad, in addition to the 11 whose hangings were announced by Iraq earlier this year, have perished in recent months, according to confirmed information here.

Four of them were hanged within the last month and the other seven were either killed in prison or died there of maltreatment or torture.

Newspaper reports from Beirut last Thursday and Friday, based on information from Baghdad, told of the recent, so far unannounced, execution of eight men, allegedly members of an Israeli espionage net. One name, that of a Jew, Naji Sa'ati, was given. It is known here that he was imprisoned soon after the end of the June, 1967, war and had not been heard of since.

Informed sources here have reason to believe that also among the group was a second Jew, his identity unknown, and a third and fourth—the brothers Meir and Sassoon Abraham Sassoon Abdo, aged respectively 63 and 59. On Aug. 18 an official Iraqi announcement named them as members of a spy network that supposedly had just been uncovered and that would be brought to trial.

But, like Sa'ati, the Abdo brothers had also been in prison for at least two years.

Israelis here familiar with the events say they had been informed of the eight executions well before the confirmatory reports surfaced last week in Beirut.

They also have the names of seven more Jews known to have died in prison in Baghdad in the last few months. It is not known, however, who was killed outright, who died of torture or who was a victim of the notoriously terrible prison conditions.

Last Jan. 27, Iraq announced the execution of 14 alleged spies of whom nine were Jews. Their deaths and the carnival display of the bodies outraged world opinion. Subsequently, 30 more executions have been officially published, including two more Jews and 13 Iraquis, all on Aug. 25.

Israeli analysts believe that Iraq has been deterred by adverse world reaction from making further public fanfare of its hangings. Its new technique, it is thought, is that

whenever the government has political scores to settle and wishes to make an end to adversaries it adds a few Jews to the group being hanged in order to pretend that the sentences were for espionage.

BLOODLETTING IN SONG MY

Mr. JAVITS. Mr. President, the Armed Services Committees of both the Senate and the House have now begun hearings on the alleged massacre by U.S. troops of unarmed civilians—including women, children, and infants—in the South Vietnamese village of Song My in March 1968. It is good that the hearings into this dreadfully shocking report have begun so promptly, and I ask unanimous consent that a letter I sent November 24 to Senator STENNIS, chairman of the Armed Services Committee, requesting an immediate hearing, be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. JAVITS. I am a lawyer, and I am well aware that the rights of the defendant already facing court martial charges, as well as of potential defendants, must be safeguarded; and I am well aware of the feelings for our troops involved in such an awful combination of guerrilla and conventional war, with so much controversy as to whether we ought to be there. But neither condition precludes the Congress from making a full-scale inquiry into the 18-month delay by the Army in acknowledging the details of the incident and in its own investigation. Nor should the protection of the rights of the defendants be considered as in any way inconsistent with our need to ascertain how those in authority could remain silent despite having knowledge of the alleged massacre. The statement yesterday by Representative GERALD FORD, as reported in the press, that "top Army officials knew about it, I know" is most disturbing in its implications and surely mandates a full inquiry by the Congress, as well as by the Department of Defense.

One thing should be made clear at the outset. There is no question of the patriotism or the gallantry of the thousands of American fighting men who have risked and given their lives with honor in Vietnam by seeking out alleged brutality and criminal acts wherever they exist and whoever be the defendants. The dignity of the U.S. armed services is at stake, as is the moral standing of our Nation throughout the world. We must prosecute alleged war crimes of our own soldiers with the same objectivity that was used in seeking out the war criminals of our enemies at the end of World War II; our country's standards of equal justice under law will tolerate not less.

EXHIBIT 1

NOVEMBER 24, 1969.

Hon. JOHN C. STENNIS,
Chairman, Senate Armed Services Committee, Washington, D.C.

DEAR MR. CHAIRMAN: In view of the recent report of an alleged massacre of South Vietnamese civilians by an American soldier or soldiers which remained undisclosed since March 1968, I urge that the Committee on Armed Services consider immediate hearings looking into this matter.

I understand, of course, that there is now involved in the matter a justiciable criminal case, as the Army has announced today that one soldier will be tried by court martial for a capital crime; and I would not want to prejudice the rights of any defendant in any such case. The broader questions involved, such as the procedures of the Army in the case and the time-lapse, however, require full and expeditious public disclosure and can be answered without prejudice to any criminal prosecution.

In my judgment, hearings are particularly necessary at this time, because the basic attitude of the United States has been, historically, always to expose, rather than to suppress, the basic elements of our foreign relations and military operations. And further, the situation in the world today, with respect to the Vietnam war, requires that our efforts in behalf of peace not be undermined by undercurrents of partially-disclosed misconduct of any unit of our own forces.

The appointment today of an Army Officer to investigate another Army Officer's previous investigation of the misconduct of yet a third Army Officer will not, in my judgment, be sufficient to dispel the cloud of doubt now apparently hovering over the case.

Accordingly, our international posture and standing as a nation require an immediate and full Congressional hearing to disclose all facts surrounding this incident, and to account for the 18 month delay in the Army's action with respect to it.

With best wishes,
Sincerely,

JACOB K. JAVITS.

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

Mr. JAVITS. I yield.

Mr. DOLE. It is to Secretary Laird's credit that when he did hear this in April he started an investigation then; so, even though it had not been disclosed, it has been under investigation since April by the Secretary of Defense.

Mr. JAVITS. I am proud of that, and I was proud also of the heartbreak which Secretary Laird expressed, and the understanding which Representative FORD expressed of the trials of our troops. I think we must be careful not to make the least intimation of condemnation, but we must also be careful to make sure that nothing is concealed and nothing is done to impede full and complete justice.

I thank my colleague for his comments. They deserve to be heard. Every element of this matter deserves to be put before us, with deep understanding. But I think the basic fact that we will not in any way lend ourselves to suppression, and that we will administer, or at least help to administer, equal justice, must be emphasized.

CONSAD'S REBUTTAL

Mr. HANSEN. Mr. President, the senior Senator from Wisconsin inserted in the November 13 CONGRESSIONAL RECORD a reply by the CONSAD Research Corp. to a critique by the Mid-Continent Oil and Gas Association of an earlier CONSAD report. He seemed to think that the CONSAD rebuttal was a definitive response negating the value of the Mid-Continent criticism. On the contrary, the CONSAD response confirmed the basic thrust of the industry's criticism of CONSAD. I am submitting for the RECORD at the conclusion of my remarks a point-by-point analysis of the CONSAD rebuttal.

Before inserting this analysis, I would like to comment briefly on the main thrust of the Mid-Continent critique and CONSAD's reply thereto. Mid-Continent said that CONSAD actually answered the following question:

> In the event that percentage depletion were eliminated, what would happen to the level of reserves desired for a given level of production, *assuming that this level of production would continue?*

Here is what the CONSAD rebuttal says on this crucial point:

> The CONSAD study was aimed at determining the effectiveness of the special tax provisions in increasing the reserves *above those levels needed solely to support production.* (Emphasis added)

The CONSAD study simply purports to tell us whether percentage depletion stimulates the holding of any additional reserves over those technologically needed to support a particular level of production—and never mind whether it is economic for the industry to produce that level of output. Their study does not attempt to tell us what would happen to the level of U.S. petroleum production and reserves after the full effect of elimination of percentage depletion were felt. CONSAD has, therefore, admitted the truth of the basic Mid-Continent argument.

In my opinion, CONSAD's question is trivial. As has been amply demonstrated in the hearings of the Committee on Finance, the petroleum industry earns a below-average rate of return. Under these conditions, it is a matter of simple economic logic that an increase in tax cannot be absorbed by the industry in the long run. Hence, a tax increase will ultimately lead to a reduction in the level of production—and, accordingly, in the level of reserves—provided, of course, that the tax increase is not offset by a price increase. CONSAD assumed that there would be no price increase. Thus, by assuming no change in production, CONSAD has given us an answer to a highly hypothetical question which has little, if any, relevance in the real world.

Mr. President, the question of real significance to the national interest is not whether, at a particular level of output, somewhat less reserves would be held without depletion than with. The real question is how much less would be produced without depletion than with. How much would the overall level of activity in the industry ultimately decline if percentage depletion were eliminated? We can measure activity either by annual production or by the level of reserves required to support that amount of production.

I should like to call to the attention of the Senate two studies which did attempt to answer this kind of question. One was by Prof. Edward Erickson, who appraised past response of oil discoveries to changes in price. A recently updated version of his study estimated—on the basis of past response—that supply in the industry would ultimately change in proportion to a change in price. That is, a 27.5-percent decrease in price would ultimately cause a 27.5-percent decrease in production and reserves.

In testimony before the Subcommittee on Antitrust and Monopoly of the Senate

Committee on the Judiciary, the board chairman of an American Oil Co. revealed the results of a study by their geologists of future drilling prospects in the United States. The geologists estimated that supply in the industry would ultimately change considerably more than a change in price—about two-thirds more. Thus, a 27.5-percent decrease in price would ultimately cause about a 46-percent decrease in production and reserves.

It is not surprising that both of these answers far exceed the 3-percent reduction in desired reserves which CONSAD estimated for a particular level of output if that output were produced, since CONSAD did not attempt to determine how much would be produced.

Let me sum up, Mr. President. CONSAD did not evaluate the question they are widely believed to have evaluated, namely the ultimate long run effect on the industry of eliminating percentage depletion. Professor Erickson's independent study of the past shows a percentage decline in production equal to a percentage decrease in price. An exhaustive study of the future by experts from the petroleum industry shows an even larger decline based on an economic appraisal of the prospects expected to be available.

Mr. President, I hope that my review of the situation will put this controversy to rest once and for all. At this point I ask unanimous consent to have printed in the RECORD my comments on the CONSAD rebuttal to which I referred in my opening remarks. My analysis is presented in setting forth statements made in the CONSAD rebuttal in one column with relevant observations based on the Mid-Continent Oil and Gas Association critique of the original CONSAD report in the other column.

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

ANALYSIS OF CONSAD REBUTTAL OF CRITICISM OF EARLIER CONSAD REPORT PREPARED BY MID-CONTINENT OIL AND GAS ASSOCIATION

CONSAD statement No. 1: "The MC report is notably lacking in constructive criticism."

Comment No. 1: The MC report was constructive in that it attempted to point out the question that is relevant for public policy in this area. Beyond this, it attempted to point out the problems inherent in using the available industry data for scholarly empirical research. Under the circumstances, suggestions as to how to improve an analysis that was directed towards answering an irrelevant question could hardly be considered constructive.

CONSAD statement No. 2: "The inability of the MC report to find any serious fault with the CONSAD report conclusions after apparently concerted study only serves to increase the credibility of these conclusions."

Comment No. 2: At the time, it seemed to point out that whatever CONSAD's conclusions they were irrelevant since they answered an irrelevant question. Since that time, however, a number of researchers have addressed the relevant question and in general, their findings support the industry view that a significant change in percentage depletion would produce a substantial reduction in production and reserves.

CONSAD statement No. 3: ". . . the MC report indicates that extrapolation beyond the range of the data is justification for placing no credence in the results, then proceeds to extrapolate even further to illustrate the "inappropriateness" of CONSAD's model."

Comment No. 3: Extrapolation affects primarily the statistician's confidence in his results. Since CONSAD's analysis required it to extrapolate far beyond the range of historical data, there can be little statistical confidence in its precise statistical results. The question of the appropriateness of CONSAD's model has its roots in the logical structure of that model. Totally apart from questions of data, the model that CONSAD tested is inappropriate in part because it is not designed to exclude the possibility that the industry will want to hold reserves in the long run even if price is less than cost.

CONSAD statement No. 4: "The price change equivalent to the elimination of percentage depletion is about 35 cents (not 75 cents as stated in the MC report) which is a comparatively small extrapolation—the largest year-to-year price change in the data was 30 cents."

Comment No. 4: 27½% of $2.93 (CONSAD's assumed wellhead price) is $.81, but the net effect of percentage depletion is reduced somewhat by the 50% of net limitation and by the loss of cost depletion when percentage depletion is taken. Hence, about $.75 is correct.

CONSAD statement No. 5: "The CONSAD study was aimed at determining the effectiveness of the special tax provisions in increasing reserves above those levels needed solely to support production . . . If the intent of the special tax provisions is to encourage consumption of petroleum products by keeping prices below their free market levels, the CONSAD study offers no evidence as to the effectiveness of the tax provisions."

Comment No. 5: The principal point of the MC critique was the CONSAD's question, the question of the effect of depletion on the quantity of reserves the industry would want to hold for a given level of production, assuming that that level of production would be produced, is "basically trivial and is not the question that is relevant for public policy."

As noted in the MC report "The question of real public policy significance is one having two parts. First, what quantity of output would firms want to produce at various prices? And second, what level of reserves is implied by those levels of output?"

These questions have been addressed in a number of responsible studies. As CONSAD's statement implies, they were not addressed nor can they be addressed using the CONSAD methodology.

CONSAD statement No. 6: "The concluding statement in the summary says that 'The model used is especially subject to criticism because it is based on the improper assumption that industry exploration and development expenditures are not dependent on an adequate rate of return.' No such assumption is either explicit or implicit in the CONSAD models and such a statement implies a rather extreme lack of knowledge of the CONSAD report."

Comment No. 6: CONSAD's failure to recognize the rate of return implications of a model that allows for continued long run production even though price is less than cost implies a "rather extreme lack of knowledge" of (a) its model, (b) fundamental economic principles or (c) the real world.

CONSAD statement No. 7: "The results obtained from (CONSAD's) third model *did* substantiate the results of the first (or neoclassical) model."

Comment No. 7: Several comments are possible on this point: First, the neoclassical model (inadequately) answers an irrelevant question. If the third model substantiates the first it is not clear that CONSAD's case is advanced.

Second, even if the neoclassical model had been directed toward the relevant question there is no escaping the fact that the magnitude, rather than the direction of the response is the significant consideration. Since the third model is not statistically significant, it can offer nothing in the way of verification for the magnitudes shown by the first.

CONSAD statement No. 8: ". . . much of the MC report is devoted to specific criticisms of minor points concerning the other models discussed in the CONSAD report."

Comment No. 8: If a defense of thoroughness is necessary, the reason why the second and third models were criticized is that both appear to offer far more promise than the one which CONSAD used for its conclusions—and both received extensive treatment in the CONSAD report.

CONSAD statement No. 9: ". . . the MC report is somewhat erroneous in stating that the CONSAD report assumes perfect knowledge. The report does not assume this . . ."

Comment No. 9: Not only does the CONSAD neoclassical model assume perfect knowledge, it assumes that all petroleum reserves are homogeneous and that new reserves can be added simply by going to a warehouse and taking them down from the shelf.

CONSAD statement No. 10: "(the CONSAD model is credited to the Eisner article quoted in the MC report)."

Comment No. 10: The CONSAD neoclassical model adopts only Eisner's version of the production function. Additional problems common to the Jorgenson and Eisner studies are embodied and exacerbated in the CONSAD formulation.

CONSAD statement No. 11: "The MC report appears confused . . . where the CONSAD report is taken to task for using a 12:1 reserve ratio in the model."

Comment No. 11: The MC point was that since the CONSAD methodology was sensitive to technological change, and since CONSAD was (or should have been) aware that technology was changing, as evidenced by its references to changing reserve production ratios, CONSAD should have made some attempt to take changing technology into account or to qualify its conclusions accordingly.

CONSAD statement No. 12: "The MC report seems confused again on page 31 when it indicates that 'this approach leads CONSAD to compare the price of a full barrel of reserves with the cost of only a fraction of a barrel.'"

Comment No. 12: The MC critique noted that CONSAD appeared to have compared the price of a full barrel of reserves with the "user cost" of that same barrel spread out over the life of the well. CONSAD has yet to offer an explanation or justification for its strange and, in our view, inappropriate formulation.

CONSAD statement No. 13: "The use of 1968 data, which were obviously not available when the report was written . . . to illustrate the incorrectness of statements in the CONSAD report cannot be interpreted in any other way than as an obvious attempt to discredit the CONSAD report . . ."

Comment No. 13: Viewed somewhat less defensively, the use of 1968 data can indeed be used to "illustrate the incorrectness of statements in the CONSAD report . . ." In the first place, the CONSAD model assumes that the industry is in long-run equilibrium. If the 1968 data differ substantially from the 1966 data used in the CONSAD report, then clearly the industry was not in long-run equilibrium and CONSAD's model is inappropriate. In the second place, even if the model were somehow appropriate, the fact that the 1968 data differ from the 1966 data implies that the results, if valid for 1966, would not be valid for 1968, 1969, or for the 1970's—the period that is relevant for public policy. In short, conditions in the industry have changed dramatically since the CONSAD base years; hence, those years are of doubtful value for predicting the future.

THE HAYNSWORTH CODE FOR FEDERAL JUDICIAL NOMINEES

Mr. DOLE. Mr. President, article II, section 2, clause 2 of the Constitution empowers the President of the United States to nominate and, by and with the advise and consent of the Senate, appoint Judges of the Supreme Court and all other Federal courts.

On November 20, 1969, the Senate of the United States by a vote of 55 to 45 gave its advice but not its consent to the nomination of Judge Clement F. Haynsworth to be a Justice of the United States Supreme Court.

The action of the Senate on that date adds new dimensions to the "advise and consent" powers of the Senate in the confirming process of Federal judges. From here on it is not only necessary that any nominee for the Federal Bench must be well-qualified by education, experience, integrity, and judicial temperament, but he should also meet the newly imposed test of not having any "appearance of impropriety." The majority vote against confirmation implied that while Judge Haynsworth was not guilty of any impropriety, maybe there was the appearance of impropriety, or that he was not "adequate" for the times.

Is it not fair to suggest that in the future the Senate should apply the same rules to all future nominees for the Federal Bench as was used by the majority in denying Judge Haynsworth a seat on the Supreme Court.

Not only will all future nominations for the Federal judiciary have to be well-qualified by education, experience, integrity, and judicial temperament but they must also be free from any vague appearance of impropriety.

If a nominee to the Federal Bench has been sitting as a State or lower Federal court judge his entire record of decisions must be minutely examined with the view of determining whether he sat on cases in which he might have had some pecuniary interest or that he might have had a stock interest in one of the litigants before him, or that there could be any possible conflict of interest that he should have removed himself from hearing such a case. Furthermore, each nominee should be required to disclose every single possible financial interest that might or could have any bearing on any case over which he presided.

In the light of the Haynsworth vote before consent of the Senate be given to the confirmation of future Federal judgeship nominations, the nominees must make full financial disclosure to demonstrate that there could be no possible conflict caused by any financial interest in any corporation or business which might be affected by any decision of the sitting Judge.

If the nominee has not had prior judicial experience, then the Senate must examine his record as a lawyer and the cases that he handled during his practice which in any way would pose any possible conflict if he was called upon to sit on cases of former clients.

The Senate action on Judge Haynsworth sets up new guidelines which the Senate itself, the Judiciary Committee of the Senate, the Department of Justice and the President should take note. Henceforth the Haynsworth case shall stand as a precedent for the Senate to view most carefully any nomination to the Federal Bench submitted by the President of the United States. Obviously it is impossible to set up rigid ethical standards to measure each judicial nomination. Yet it appears that the Senate did just that on November 20, 1969.

As one Member of this body, I intend to follow the Haynsworth precedent on all future nominations and it would seem to me that the Members of the Senate who voted to deny Judge Haynsworth his seat on the Court should adhere to precisely those guidelines they imposed. These guidelines should apply equally to any nominee, irrespective of his political views or judicial philosophy.

MAJ. JAMES ROWE: ANOTHER GEN. EDWIN WALKER?

Mr. YOUNG of Ohio. Mr. President, in the person of Maj. James N. Rowe, the Army has another Gen. Edwin A. Walker. It will be recalled that he was the John Birch-"sap" in command of our soldiers in West Germany who was recalled to the United States, under circumstances which could be regarded in disgrace, for the reason that he went all out to indoctrinate soldiers under his command with the extremist right-wing propaganda of the John Birch Society and also with his segregationist views.

Now we have Maj. James Rowe ascending, or rather descending, to this unenviable position. While still in uniform and enjoying a favored assignment at the Pentagon, he has been assailing U.S. Senators seeking to bring an end to the immoral, undeclared major war we have been waging in Southeast Asia since 1963—the longest war in the history of our Republic and the most unpopular; also the bloodiest of all our wars except World War II in the total of priceless American lives lost in combat and our soldiers seriously maimed and permanently injured in combat.

Major Rowe, from his Pentagon sinecure, is issuing pronouncements questioning and assailing the patriotism of our colleague, the distinguished junior Senator from South Dakota (Mr. MCGOVERN). He apparently is ignorant of the fact that in World War II, as a bomber pilot, GEORGE MCGOVERN challenged death in death's own domain in the skies above Austria and Germany. This puppet of the Pentagon propagandists, Maj. James N. Rowe, has the unmitigated effrontery to question the patriotism of a U.S. Senator who was decorated by his Government with the Distinguished Flying Cross for his heroism in World War II. I assert that Senator MCGOVERN's combat record in World War II exceeds tremendously the war record of his critic, Maj. James Rowe. Furthermore, it is astonishing that, according to published reports, Gen. William Westmoreland, Army Chief of Staff, knows of Rowe's activities and approves of them.

Reading the comment of Bernard D. Nossiter, Washington Post staff writer and an outstanding journalist whose professional integrity is beyond challenge, we learn that Major Rowe is not only engaging in the practice of making verbal attacks on the Members of Congress who have raised questions regarding our involvement in a civil war in South Vietnam, but he is also attacking editors of newspapers and magazines whose editorial comment has been against the war we are waging in Vietman and who have been urging deescalation and withdrawal of hundreds of thousands of our half million soldiers, marines, airmen, and naval personnel now stationed in Vietnam and Thailand and off the coast of Vietnam.

Mr. President (Mr. SYMINGTON in the chair), this fellow Rowe in recent weeks has filmed more than 20 television interviews and a number of radio tapes with Members of the other body. Then, these outlandish warhawk statements have been sent to television and radio stations in the districts of those Congressmen.

In addition, he has filmed a 30-minute television show for the Republican National Committee, presumably for showing in the districts of Representatives and in the home States of Senators whose integrity and patriotism have been assailed by this Major Rowe.

No doubt public relations men in the Pentagon are promoting these assaults on Senators and Congressmen, seeking to discredit them or to bring about their defeat in the 1970 elections. If Pentagon officials had any sense whatever, they should know that they cannot possibly intimidate U.S. Senators such as J. WILLIAM FULBRIGHT, chairman of the Committee on Foreign Relations, majority leader MIKE MANSFIELD, GEORGE MCGOVERN, three Senators specifically attacked by Rowe, or any other of a large number of Senators—including the distinguished senior Senator from Missouri, who is now presiding over this Chamber—and Representatives in Congress who have been speaking out loud and clear denouncing our involvement in what was termed "Lyndon's war" and now in the minds and hearts of many Americans, particularly those whose sons have been killed and wounded in Vietnam this year, is likely to be regarded as "Nixon's war."

This Army major has the unmitigated effrontery to denounce as disloyal the November moratorium, the broad-based demonstration for peace in Washington, on November 15. I participated in that moratorium march. I walked for 10 or 15 blocks, and I am proud to say that I was on the platform with my colleagues, Senators MCGOVERN and GOODELL, several Members of the House of Representatives, and others including my friends Leonard Bernstein, Dr. Benjamin Spock, and Coretta King, widow of the late Reverend Martin Luther King, Jr. We saw on the Mall and around the Washington Monument a huge assembly of at least 400,000 Americans, most of them young men and young ladies who had come by bus, train, automobile, and airplane from their homes and colleges to peaceably assemble and to petition their Government for a redress of grievances. They cried out in unison "Peace now." They listened to eloquent addresses by Coretta King, Wayne Morse, GEORGE MCGOVERN, and others, and most of all they sang and shouted in unison for "peace now."

Maj. James Rowe would do well to read the very first amendment to the Constitution of our country and cool off a whole lot. This was a peaceful demonstration in accord with the traditions of our Republic and entirely compatible with the first amendment of the 10 amendments which we affectionately term our Bill of Rights. These amendments—these rights for all Americans—were written in our Constitution on the demand of those patriots who had won the War for Independence and who denounced the Constitution as first drafted and as published in the gazettes of that time. As a result of this uproar of protest from patriots in the 13 Original States, this Bill of Rights was written in our Constitution nearly 200 years ago.

Apparently, Maj. James Rowe is ignorant of the fact that this massive peaceful demonstration has won the acclaim of all liberty-loving Americans. He is definitely off base in denouncing those who met in peace and proclaimed their yearning and hope for an end this year to the bloodletting of priceless lives of young Americans in a faraway small agrarian country, Vietnam, which is of no importance whatsoever to the defense of the United States.

It is my hope, Mr. President, that the temporary duty of this Maj. James Rowe in Washington will be immediately ended. I assert that his un-American denunciation of Members of both branches of Congress and of civilians throughout the country is a definite breach of the historic separation of the military from politics and the formation of public policy by the executive and legislative branches of our Government. It is a definite intrusion on the part of Army officers and officials in the Defense Department in civilian matters. This is contrary to constitutional principles and to American tradition. It should not be tolerated if we are to continue as a Republic of free men and women.

Also, perhaps the Secretary of the Army should consider whether Major Rowe's intemperate attacks on Members of Congress come within the purview of article 88 of the Uniform Code of Military Justice. It reads:

> Any commissioned officer who uses contemptuous words against the President, Vice-President, Congress, the Secretary of Defense, the Secretary of a Military Department, the Secretary of the Treasury, or the Governor or Legislature of any state, territory, commonwealth, or position on which he is on duty or present shall be punished as a Court Martial may direct.

Mr. President, what this fellow is doing in seeking to emulate what Gen. Edwin A. Walker did some years back is really threatening and almost terrifying. This is another manifestation of the arrogance and power of the military-industrial complex against which General Eisenhower, in his farewell statement to the American people as he left the White House, warned. President Eisenhower said:

> In the councils of government we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist. We must never let the weight of this combination endanger our liberties and democratic processes.

This was a somber warning to the American people of the power and arrogance of the military-industrial complex as a threat to our free institutions and our American tradition and way of life. This warning of President Eisenhower should be reread and heeded in the Pentagon. Then, Major Rowe should be silenced or assigned to some other post of duty. A tour in the Aleutian Islands or some post in remote Turkey might cause his mouthings to be silenced.

Gen. Edwin A. Walker, it will be recalled, following termination of his service in the Army for his attempts to indoctrinate youngsters in our armed forces under his command with the crazy notions of the John Birch Society—or "Birch-saps"—returned to civilian life and became a candidate for Governor of Texas. There were a number of candidates, 10 as I recollect, and ex-General Walker ran 10th. The next thing we read of him, he was on the campus of the University of Mississippi, allegedly seeking to prevent registration of James Meredith, a Negro, who had made application to be admitted as a student at the university law school and encouraging rioters who were assaulting U.S. deputy marshals who were seeking to maintain law and order in ending segregation at this university. Then, oblivion for him. So much for Gen. Edwin A. Walker. So let it be with Maj. James N. Rowe.

When we contemplate incidents such as those involving Walker and now Rowe, we know there is reason for Americans to be fearful that if our Republic were ever to be brought abruptly to an end, it would not be caused by some rag-tag Communists or ignorant radical left-wingers, but more likely by generals of our Joint Chiefs of Staff and fascist-minded leaders of our military-industrial complex suddenly taking over.

Mr. President, Major Rowe's recent outbursts, apparently made with the encouragement of the Chief of Staff of the Army and officials of the Defense Department, are another manifestation of the serious erosion taking place in the constitutional principle of separation of powers and in the constitutional balance that places the military under civilian control and direction. Every effort must be made to counteract the pressure of the generals and admirals who strive to override the decisions of their civilian supervisors and who encourage their subordinates to viciously attack Members of the Congress. The patriots who drafted our Constitution and Bill of Rights wisely provided that in the United States civilian authority should always be supreme over military. So be it.

ALLEGED KILLING OF CIVILIANS IN VIETNAM

Mr. PELL. Mr. President, when a great people loses its capacity for outrage, that people has permitted dry rot to start an erosion of the standards and principles which made that people great.

This is just what has happened recently. We hear of a massacre at Mylai of civilians, including old people and babies, and find relatively little public reaction or, except for Secretary Laird's response, outcry from our administration or from our people's representatives. I would hope it is because we are stunned, not because we don't care.

We accept the name "Pinkville" as being a perfectly proper designation of the little Vietnamese hamlet, showing our respect and regard for the Vietnamese people by not bothering to use the proper name. At least we have the civility not to call Moscow, "Redville."

We see newsclips of our South Vietnamese allies beating North Vietnamese prisoners on television on the same night of President Nixon's November 3 speech.

We know that we turn over our North Vietnamese and Vietcong prisoners of war to the South Vietnamese who use torture as a normally accepted method of prisoner interrogation.

These are all facts. Our acceptance of them are all elements of the dry rot that is creeping into the fabric of our national life.

And, this is one more reason why this war, based on incorrect premises, is wrong and should be ended as soon as possible.

JUDICIAL SALARY ADJUSTMENTS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 549, S. 3180.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. S. 3180, a bill to adjust the salaries of judges in the Government of the District of Columbia.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–554), explaining the purposes of the measure.

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

LEGISLATIVE AND JUDICIAL SALARY ADJUSTMENTS

Purpose

This bill increases the salaries of the judges of the District of Columbia Court of Appeals, the District of Columbia Court of General Sessions, and the District of Columbia Tax Court as follows:

	Present salary	Proposed salary	Increase
Court of Appeals:			
Chief judge (1)	$29,000	$38,500	$9,500
Associate judges (5)	28,500	38,000	9,500
Court of general sessions:			
Chief judge (1)	28,000	37,500	9,500
Associate judges (22)	27,500	37,000	9,500
Board of Tax Appeal:			
judge (1)	27,500	37,000	9,500

There are six judges of the District of Columbia Court of Appeals, 23 judges in the District of Columbia court of general sessions, and one judge of the Tax Court of the District of Columbia. In its consideration of salary adjustments for Members of Congress and oth-

ers, the Commission on Executive, Legislative, and Judicial salaries decided that because of the language of section 225 of the Postal Revenue and Federal Salary Act of 1967, which specified that justices and judges of the United States would be considered by the Commission, the Commission did not have authority to recommend adjustments for judges in the government of the District of Columbia. The salaries of these positions, therefore, were not increased by the recommendations of President Lyndon B. Johnson earlier this year. The result is that judges of the District of Columbia courts are now paid salaries which are less than salaries of some legal officers in the District of Columbia government in grades 16, 17, and 18 and substantially less than the salary of the U.S. attorney in Washington, who is paid at level V of the executive salary schedule ($36,000).

Earlier this year, the Civil Service Commission recommended that salaries for these positions be increased. The committee has accepted the recommendation of the Civil Service Commission, but has increased the annual rate for these judges so that the historic relationship between the judges of these courts vis-a-vis Federal courts for the District of Columbia and the Tax Court of the United States will be restored. Judges of the U.S. district courts are now paid $40,000 per annum; salaries for judges of the District of Columbia Court of Appeals have been increased from $28,500 to $38,000; for judges of the court of general sessions from $27,500 to $37,000; and for the judge of the Tax Court of the District of Columbia from $27,500 to $37,000.

The cost of the bill is $285,000 a year.

The PRESIDING OFFICER. The bill is open to amendment.

If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3180

A bill to adjust the salaries of judges in the government of the District of Columbia

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 11–702(d) of the District of Columbia Code is amended by striking out "$29,000" and "$28,500" and inserting in lieu thereof "$38,500" and "$38,000", respectively.

(b) Section 11–902(d) of the District of Columbia Code is amended by striking out "$28,000" and "$27,500" and inserting in lieu thereof "$37,500" and "$37,000", respectively.

(c) The first sentence of the second paragraph of section 2 of the District of Columbia Revenue Act of 1937, as amended (D.C. Code, sec. 47–2402), is amended by striking out "$27,500" and inserting in lieu thereof "$37,000".

BOXCAR SHORTAGE

Mr. CURTIS. Mr. President, in speaking to the Senate the last couple of days on the boxcar shortage in Nebraska, I stated that there were approximately 10 million bushels of grain on the ground because the elevators were filled and no boxcars were available. I wanted my estimate to be on the conservative side. I find I was in error.

A high official in agricultural circles in Nebraska has made a survey. This survey has reached every nook and corner of the State that is involved in the car shortage. This survey shows that the actual figure is more like 40 million bushels of grain on the ground than 10.

Again I remind the Senate that the spoilage on this grain, in addition to all other hardships, will run about 5 or 10 percent. I wonder how many of the members of the Interstate Commerce Commission and their employees, and the officials and employees of the offending and law-violating railroads, would like to take a 10-percent cut in the light of rising costs?

The midwestern and western railroads have done their share in building new boxcars. Some of our larger eastern and southern railroads have not. They resort to a sort of sophisticated embezzlement. This is true of some shippers. When an offending railroad or some shippers get a car that originated in the Midwest or the West, they hold it overtime instead of returning it to the place where it is needed. They hold it because the daily charge for keeping a car is cheaper than building their own cars, if it is a railroad; and if it is a shipper, it is cheaper than building their own storage.

The act that was passed a few years ago and signed by President Johnson was intended to give the ICC authority not only to order these cars back, but to see that it is done. The ICC has proved itself to be spineless, indifferent, lacking both will and courage to do the right thing. This is not true of all members of the ICC. It is true of the Commission as a whole.

The offending railroads should be called on the carpet and ordered to do that which is right in this instance or else face whatever consequences the present law carries or future law might impose.

I am totally disgusted with the Interstate Commerce Commission. If they cannot regulate in the public interest, they should get off of the payroll and make a living in some other way. They might even try the hazards of farming.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination of William C. Black, of Texas, for the office of U.S. marshal for the northern district of Texas.

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

DEPARTMENT OF JUSTICE

The PRESIDING OFFICER. The nomination will be stated.

The assistant legislative clerk read the nomination of William C. Black, of Texas, to be U.S. marshal for the northern district of Texas.

The PRESIDINNG OFFICER. Without objection, the nomination is confirmed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

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

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ALLEGED KILLING OF CIVILIANS IN VIETNAM

Mr. DOMINICK. Mr. President, I want to start these remarks by saying I am glad the Senator from Missouri (Mr. SYMINGTON) is in the chair. He and I were briefed this morning on the horrible situation that is being alleged as having occurred in Vietnam—one that, if true, and proved to be true, is not only a blot on the country and the military but on humanity as a whole. Persons are charged with crimes—one with murder, and one with assault with intent to kill.

Yesterday I expressed my very strong feelings about the legal and judicial ramifications of the extensive pretrial publicity, particularly in a case as explosive and emotional in nature as this one. I referred to published interviews including an interview by CBS with one of the persons who will be a witness before the trial. I discussed it at some length on the floor, and then before the media.

I think what is overlooked often is a basic belief—which I share with most Americans, I believe—that the system of justice which we have in this country is one of the strong central fibers of our Nation's survival.

When that system is jeopardized by any means so that a person is unable to obtain a fair trial, or so that a witness is not informed of his own constitutional rights, then we have endangered the operation of one of the central elements in our national framework.

I have not commented on the accuracy of the reported facts. I have not repeated any of the interviews or so-called testimony. However, I wish to refer just a little bit today to the question of accuracy and full reporting, since some news media references to the statement yesterday of the military judge can hardly be considered as full and complete.

First, for purposes of the RECORD, I ask unanimous consent that the texts of the following items be printed at the conclusion of my remarks: First, a transcript of Military Judge Kennedy's courtroom statement in ruling on the issue of pretrial publicity; second, a CBS reply regarding my remarks yesterday and the CBS interpretation of the judge's statement, and third, a Washington Post article of this morning reporting on the judge's statement.

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

(See exhibits 1, 2, and 3.)

Mr. DOMINICK. Let us compare what the judge said, and what appears was said according to the CBS reply and Washington Post article.

The CBS reply last night to the discussions I had with them included the following:

It is worth noting that, at the pretrial session at Fort Benning, Georgia, Judge Lt. Col. Reed Kennedy said he felt that the news media was sincerely attempting to assist furtherance of the investigation of what happened at Mylai.

I do not wish to impugn the integrity of the media, but they left out a very crucial distinction made by the judge in the next sentence. The judge said:

As I understand the previous military press release, this case was under investigation. Thus, I can understand how responsible news media did not deem it improper to assist the military in furthering its investigation.

We are now past that stage of the proceedings. I agree completely with counsel that further news contact with witnesses and premature out of court disclosure of testimony would be in violation of law.

That portion of his statement was completely omitted from what CBS said last night.

The judge went on to say he was reluctant to issue an order to the media because he felt responsible news media is capable of policing its own activity and would self-impose sanctions to insure fairness of the upcoming trial.

I said yesterday in my discussion that I felt the media should police themselves in this matter, to assure the man would have a fair trial.

Here is the balance of the CBS interpretation of the judge's statement:

Judge Lt. Col. Kennedy made this observation (that the news media was assisting the investigation) when he rejected a United States Government motion to restrain the news media from further publicizing statements of witnesses, photographs, sketches or any other such matter which might be used as evidence. Judge Kennedy said such an order would be premature as well as unprecedented in civil and military law.

While it is true the judge did not directly order the news media to do anything, the CBS reply conveniently omitted any reference whatsoever to the real heart of the judge's statement. Here is what the judge said:

Therefore, I am declining the request of counsel today to issue a show-cause order. A reasonable time will be granted the news media to act in a responsible legal manner. *And, I am confident you will find that witnesses will not be contacted further by any responsible news agency.* The issue will be held in abeyance at this time, with leave to counsel to re-petition this court for relief at any later time.

In all candor and fairness, the Washington Post article reports a much more balanced version of the judge's statement.

Where, however, is any reference in the Post article to Judge Kennedy's key point—one which he twice repeated—regarding what he personally thought responsible news media would respect:

I am confident you will find that witnesses will not be contacted further by any responsible news agency.

An incomplete statement was given by CBS, but I can understand their limitations in terms of time. It does seem to me, however, that when quoting a judge's order, they ought to point out clearly the implication of it, which is that if witnesses continue to make statements and the media continue publishing them, which statements might have an effect on the fairness of the trial, the court is going to have to take some action to reverse the situation.

The judge's order regarding potential witnesses and his statement about pretrial publicity were announced between 3 and 3:30 p.m. on Tuesday. The news media was present.

Now, let us take a look at how pretrial publicity was treated by some of the news media last night and this morning.

Opinions will vary on what is responsible self-policing by the news media, but in view of the foregoing, I do not see how there can be any doubt about the expressed desires of the man sitting as military judge in the case.

On the Huntley-Brinkley show 2 hours after the judge had issued his order, Mr. Huntley and Mr. Brinkley came on with another witness. I do not know whether that witness was still in the service or not, and that is quite an important distinction. But this is what was said on Huntley-Brinkley:

At Fort Benning, attorneys for the Army and Calley asked the trial judge to stop public interviews of witnesses. The judge ordered potential witnesses not to talk, but some continued.

Then a witness was put on, and this particular witness—and I am not going to put this in the RECORD, because I do not want to participate in publication of this material—in effect said that he himself was involved in the massacre. If the man was, at that point, a member of the military, he is obviously subject to charges if these allegations are in fact proved true, upon investigation. If the man is not a member of the military, there are still, as I understand from counsel for the Army, at least two or three ways, which are now being considered, by which this person, or other persons, might be charged with a criminal action.

There are at the present time 24 people under investigation, nine of whom are still on active duty. Any one of those giving evidence or testimony which might implicate himself should, it seems to me, be forewarned by a lawyer as to what it might mean. He should have all the rights that any civilian would have before any court.

CBS charges:

As for the free press-fair trial issue raised by Senator Peter Dominick, Republican of Colorado—

Think of this, Mr. President—

it is the belief at CBS News that it is not applicable in this situation, inasmuch as Lieutenant William L. Calley, Jr., would not be tried by a civilian jury, but a board of professional soldiers who are disciplined to make their decision on the basis of military law.

Mr. President, I raise this question: I do not know how they interpret it, but since the right of a fair trial is a constitutional right of every citizen of this country, it would look as though CBS is saying if you are in the military, you waive your constitutional rights. This seems to me to be a pretty tough way to try to look at the situation, particularly when a man has been charged with a crime which is as heinous, as horrible and as terrible as this one. If there ever was a need for the right of a fair trial without having prejudice injected, this is one of those times.

I might also add that if it happens that publicity gets over the country to such an extent that potential military jurors are unable to say honestly that they have no feeling of bias one way or another on a case of this kind, it is entirely possible that the people who are charged cannot get a fair trial, and may, even though the facts might be proved to most people's satisfaction, find themselves freed because of the inability to obtain a fair trial.

What a miscarriage of justice that might be, if the facts are fully proved, as is required.

Mr. President, this same statement was put on a CBS news program last night. And I sincerely hope they will change this, because it has a very poor ring, I think, as far as the news media are concerned. And I still believe our networks are responsible if they really think about these problems.

Here is something that was said on the news last night:

CBS said tonight Meadlo was entitled to make his story known, if that was his decision, and that what it called free press—free trial issue raised by Dominick does not apply because Lt. Calley will be tried not by a civilian jury but by a military court.

Again, Mr. President, that is a strong indication that because one is a member of the military, he is deemed by the news service to have waived his right to a fair trial.

I cannot buy that. I do not believe that the news media mean that. I hope that they will correct the statement in any future broadcasts.

Mr. President, the country is facing a very serious situation. It is a situation which has international implication. It is a situation in which two men have already been charged with violent crimes, a situation in which 24 more are under investigation with the possibility that future charges will be filed, a situation in which at all time under our system, it seems to me, we should be operating on the principle that anyone charged with crime is innocent until proved guilty.

That is a constitutional right guaranteed to everyone, whether in the Senate, the military or anywhere else in this country. We should try to respect these constitutional rights as they have been set forth by the Supreme Court in civilian and military cases. The Court has strongly said over and over again that an atmosphere of prejudice created by wide publicity prior to a trial can be so

adverse that a person cannot get a fair trial and that therefore we cannot determine under our legal system whether a man is guilty or not guilty.

Mr. President, I made these statements over and over again last night. I might say I found out through a transcript that two media people, Tom Braden and Frank Mankiewicz, came out and implied that I did not care what might have happened in Vietnam, that I was only interested in protecting someone. I am not interested in protecting any individual. I am interested only in protecting the system of legal justice in our country.

And if we cannot take a position like that, even in an unpopular case, then I would say that the country is further down the road to ruin than I thought it was.

After the appearance I made last night on the media, I received a number of telegrams, some of them in favor of my position and some of them against.

I am really somewhat confused—and I think that is the best way in which to put it—by those who are against. What they say apparently is that they do not care whether anyone gets a free trial. They just want someone punished, already assuming that a man is guilty despite the confused facts and the contradiction of evidence and despite the fact that no one has yet put the responsibility firmly before the court to determine whether a man is in fact guilty of the crimes charged.

Mr. President, I ask unanimous consent to have these telegrams printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 4.)

Mr. DOMINICK. Mr. President, I am not trying to be difficult. I am not trying to make an attack on the press. I am not trying to restrict its freedom. What I am trying to do is to say that they have to balance their obligations. They have an obligation to present the news. However, they also have the obligation of preserving the rights of the people of this country under our system of justice.

It seems to me that any objective reporter looking at this situation would recognize this and try to strike some kind of balance. I do not think that balance has been struck to date. I am not sure it is going to be struck, but I am going to continue to talk to get them to see this in that light as long as I can.

Someone came up to me and wanted to know if this was part of a pattern, a Republican attack on the press. The only pattern is that I got up and looked at this program yesterday morning, knowing that a man was on trial for his life. I watched some of the show and watched a man spread a story around the country. He was not under oath. He was not subject to cross-examination. He was obviously in an emotional state. It seems to me, to say the least, to be prejudicial to our system of justice.

The interview last night on Huntley and Brinkley, immediately following the judge's recommendation asking that the networks police themselves, it seems to me, was a blatant disregard of that order.

I feel so sorry for the citizens who have made their statements in many cases, I am convinced, without knowing what their rights are and, in many cases, I am convinced, without knowing that they might be subject to charges themselves, and therefore, have jeopardized their own freedom.

Let us have them wait. And that certainly is what the order says which was entered by the judge in this case.

I will not read the entire order, but I will read a good deal of it here. This is the order that was issued yesterday, not the court's statement that I referred to before concerning the news media, but the order concerning the witnesses.

It is addressed to the trial counsel, both for the prosecution and for the defense.

It reads:

UNITED STATES VERSUS WILLIAM L. CALLEY

Order issued to Captain Aubrey M. Daniel III, Trial Counsel.

You are hereby directed to notify by the most expeditious means each known witness in this case that, pursuant to the order of this Court, he is directed not to discuss with or disclose to anyone any information or evidence he may possess concerning the alleged offense charged as occurring on or about 16 March, 1968, in the village of My Lai 4, Quang Ngai Province, Republic of Vietnam.

Each witness will be informed that he is authorized to discuss or disclose his information or real evidence to you, Mr. George Latimer, Major Kenneth A. Raby, and 1st Lt. William L. Calley, Jr. only.

From time to time, heretofore unknown witnesses may be uncovered by both sides. The Trial Counsel will, on his own, in the case of prosecution witnesses, or upon the request of the Defense Counsel, promptly notify each newly discovered witness of this prohibition against pretrial disclosure of his testimony.

Moreover, should any charges be added or modified so as to include additional witnesses not heretofore disclosed as potential witnesses in this trial, those witnesses will also be immediately informed of this prohibition against extra-judicial disclosure of his testimony or real evidence.

The notification to witnesses will also contain a provision permitting disclosure in any criminal proceeding other than the trial of Lt. Calley, provided such disclosure is made at a quasi-judicial or judicial hearing only.

Lastly, the Trial Counsel will deliver to this Court the name and address of each witness so notified.

It is so ordered this 25th day of November, 1969, at Fort Benning, Georgia.

REID W. KENNEDY,
Military Judge.

Following the issuance of that order, Huntley and Brinkley televised another witness. I would suggest that at the very least that person could find himself—if it had not been taped some time before—in trouble with the court already.

It further indicates, in my opinion, the complete disregard of the clear intent of that order by NBC and Huntley-Brinkley, especially when one reads the comments of the court concerning pretrial publicity by the news media, to which I have previously referred.

Mr. President, I want to say again that this whole situation really needs to be reviewed in some detail. I am not going to repeat what I said before. I have confidence in the responsibility of most of the major news media; but I am not a bit sure that, in their interest in getting an explosive story before the public, they have balanced this against what I hope also is their concern—that each person charged with a crime in this country shall receive a fair trial, as defined in our Constitution and as governed by our court system. If that right is ever broken down, we will have destroyed one of the central elements of our system of government. No one's freedom will be secure.

EXHIBIT 1

NEWS MEDIA

(Transcript of Military Judge Reid W. Kennedy. Re: Portion of joint motion by military prosecutor and defense counsel concerning pretrial publicity, Tuesday, November 25, 1969)

The news coverage you are talking about occurred for the most part before this case was sent to trial.

As I understand the previous military press release, this case was under investigation. Thus, I can understand how responsible news media did not deem it improper to assist the military in furthering its investigation.

We are now past that stage of the proceedings. I agree completely with counsel that further news contact with witnesses and premature out of court disclosure of testimony would be in violation of law.

On the other hand, I am reluctant to issue any show cause order immediately to prohibit publicizing the testimony of potential witnesses. I believe the responsible news media are capable of policing their own activity and will self-impose the necessary sanctions to insure that the fairness of these proceedings are not jeopardized. Therefore, I am declining the request of counsel today to issue a show cause order. A reasonable time will be granted the news media to act in a responsible legal manner. And, I am confident you will find that witnesses will not be contacted further by any responsible news agency. The issue will be held in abeyance at this time, with leave to counsel to repetition this court for relief at any later time.

EXHIBIT 2

NEW YORK TIMES, WEDNESDAY NOVEMBER 25, 1969—CBS REPLY

Following is a reply of the Columbia Broadcasting System to the attack on it by Senator Dominick for having broadcast the interview with Mr. Meadlo:

"C.B.S. News broadcast the interview with Paul Meadlo in the belief there was an overriding public need for full disclosure about what happened at Mylai, particularly in view of previous statements made by other eyewitnesses and then the statement issued by the Government of South Vietnam that nothing untoward had happened there.

"This South Vietnamese official position was then contradicted by the United States Army decision yesterday to try an American officer on charges of premeditated murder at Mylai.

"C.B.S. News believes that Paul Meadlo was entitled to make his story public if that was his decision, and having established to our satisfaction that Paul Meadlo was qualified to speak on the subject as a bona fide participant in that incident, we would be guilty of not reporting information to which the American public was entitled.

"As for the free press-fair trial issue raised by Senator Peter Dominick, Republican of Colorado, it is the belief at C.B.S. News that it is not applicable in this situation inasmuch as Lieut. William L. Calley Jr. would not be tried by a civilian jury but by a board of professional soldiers who are disci-

plined to make their decision on the basis of military law.

"It is worth noting that, at the pretrial session at Fort Benning, Ga., Judge Lieut. Col. Reed Kennedy said he felt that the news media was sincerely attempting to assist furtherance of the investigation of what happened at Mylai.

"Judge Lieutenant Colonel Kennedy made this observation when he rejected a United States Government motion to restrain the news media from further publicizing statements of witnesses, photographs, sketches or any other such matter which might be used as evidence. Judge Kennedy said such an order would be premature as well as unprecedented in civil and military law."

EXHIBIT 3

SILENCE ORDERED ON MYLAI—JUDGE ENJOINS WITNESSES IN MASSACRE CASE

(By Peter Braestrup)

FT. BENNING, GA., November 25.—A military judge today ordered all potential witnesses in the court-martial of an Army lieutenant charged with murdering Vietnamese civilians to remain silent about the case.

The judge, Lt. Col. Reid W. Kennedy, deferred decision on other requests from lawyers that he order the press to curb pretrial publicity about the case.

The accused officer is 1st Lt. William J. Calley Jr. He is charged with the murder of 109 Vietnamese during an operation at Mylai 4 Hamlet (also known as Tucong) in Quangngai Province on March 16, 1968.

The two restraining orders sought from Col. Kennedy were requested jointly by the government prosecutor, Capt. Aubrey M. Daniel III, and Calley's military counsel, Maj. Kenneth A. Raby, at an emergency 30-minute hearing here.

[Three legal experts agreed that Col. Kennedy's order silencing witnesses was highly unusual and expressed doubt that it could be enforced, especially in the case of prospective witnesses who are now civilians.

[Charles Schoefer, managing editor of the Selective Service Law Reporter, a Washington-based publication, cited the decision of the Supreme Court in the 1955 case of Toth v. Quarles holding that it is unconstitutional to hold anyone subject to the Uniform Code of Military Justice after the termination of his military service.]

The hearing came after 12 days of mounting worldwide publicity, including public statements and interviews by six former members of Calley's unit in Vietnam. No date has yet been set for Calley's trial by general court-martial. He was formally charged here yesterday, after a seven-month Army investigation.

Referring to the reported sale and publication of photographs of the alleged massacre by Ronald Haeberle, a former Army photographer in Quangngai, Raby said:

"It seems as if the evidence in this case is being auctioned off in the press."

Calley, 26, in well-pressed Army greens, with chest ribbons and blue four-starred Americal Division shoulder patch, accompanied Raby to the hearing.

It lasted less than 30 minutes in a bare courtroom in Building 5, a low, shabby Community Service center just across the pine-shaded street from the home of Maj. Gen. Orwin C. Talbott, Fort Benning's commander, who ordered Calley's court-martial.

The lieutenant, a short (5-foot 3-inch) man with carefully combed widow's peak, said nothing.

If convicted, he could be sentenced to death or life imprisonment.

It was here, the Army's sprawling 50,000-man training center for infantry officers and Vietnam replacements, that Calley 26 months ago earned his second lieutenant's commission after dropping out of Palm Beach Junior College.

Six months later, while Calley led an understrength platoon of Company C, 1st Battalion, 20th Infantry, 11th Brigade, came the alleged massacre in the enemy-controlled area, known as Pinkville, in Quangngai Province.

Company C's former commander, Capt. Ernest Medina, 33, is also now in a make-work job at Ft. Benning. His original plans for an Army-aided college education have been suspended pending the outcome of an investigation. On the advice of his counsel, Medina has refused to talk to newsmen.

Today, in decrying "prejudicial pretrial publicity," both Raby and Daniel said they had no desire to curb freedom of the press. But both contended that the volume and character of publicity to date, notably the public statements by known witnesses, left them no choice but to ask for an unprecedented court order to assure a fair trial.

"This is probably the only time the two of us will see eye to eye on anything," said Raby, referring to himself and Capt. Daniel.

Raby said, "All we're asking is that witnesses be allowed to come in court and testify first." He emphasized the "first."

In this connection, Raby cited the case of one witness, Sgt. Michael Bernhardt, who appeared here Sept. 5 at the opening of the pretrial investigation and then last week, gave his version of the March 16, 1968, events on television.

Sgt. Lawrence LaCroix, a member of Co. C, now at Ft. Riley, Kans., told The Post he was ordered not to talk about Mylai. "If you want to talk to someone about this, talk to Lt. Calley's lawyer, George Latimer. He's helping me out."

In passing, Raby chided Robert Jordan III, Army general counsel, for what he called a "brief dissertation" at a Pentagon news conference last Friday on the legal questions involved in military leaders' responsibilities for crimes committed by subordinates. "This fell far short of full discussion," Raby said, adding that it was one of the key issues in the case.

All told, the military judge, Col. Kennedy, today acted on three motions brought by Raby and Daniel.

He ordered that all present and future witnesses discuss the case only with the opposing lawyers and Lt. Calley. He ordered members of the court-martial panel to avoid "intentional" exposure to press, radio and television stories on the case. But he said he was "reluctant" to issue an order, as requested in Raby and Daniel's third motion, to the news media directing them to show why they should not be restrained from publishing interviews from witnesses and other materials in the case.

"I believe the responsible news media are capable of policing themselves," the judge said.

A "reasonable time" will be granted to news media "to act responsibly," the judge added, saying that meanwhile "this issue will be held in abeyance."

Army lawyers present at today's hearing said such a show-cause order would be unprecedented in the history of U.S. military or civilian jurisprudence, although the Supreme Court has overturned at least one lower-court verdict on grounds that publicity ruined chances for a fair trial.

EXHIBIT 4

HANOVER, N.H.,
November 25, 1969.

Senator PETER H. DOMINICK,
Senate Office Building,
Washington, D.C.:

Agree without qualifications your indictment of CBS Mike Wallace's repugnant interviews of Meadlo, also tonight CBS Stanton equally repugnant statement.

E. L. PALMER.

BEVERLY, MASS.,
November 25, 1969.

Hon. PETER DOMINICK,
Washington, D.C.:

Agree with you totally regards CBS broadcast about alleged massacre and young man interviewed. Please pursue this as we are unable to understand double standard; that is, prominent cases not discussed in public to avoid pretrial judgment and individual rights protected. What is difference in this case.

PAT HARMELING.

SANTA FE, N. MEX.,
November 25, 1969.

Senator DOMINICK,
Senate Office Building,
Washington, D.C.:

Hooray for you in today's newscast.

FRED MANG.

CAMP HILL, PA.

Senator PETER H. DOMINICK,
U.S. Senate,
Washington, D.C.:

Strongly support your criticism of television interview of Meadio.

Mr. and Mrs. EDGAR I. KING.

DALLAS, TEX.,
November 26, 1969.

Senator PETER DOMINICK,
Senate Office Building,
Washington, D.C.:

We are with you Peter. A man should be tried in court not by building public clamor through TV and radio with questionable and unverified reports.

Mr. and Mrs. JAMES R. SHELDON.

DENVER, COLO.,
November 26, 1969.

Senator PETER H. DOMINICK,
Senate Office Building,
Washington, D.C.:

We agree heartily with your disapproval of Mike Wallace interview. War used to be war but now its show biz.

MARIAN E. OSTBERG.

LORAIN, OHIO,
November 26, 1969.

Senator PETER DOMINICK,
U.S. Senate,
Washington, D.C.:

Wallace's sensationalism interview of Meadlo is brash news media corruption. As a veteran I consider the interview an insult upon unfettering shame. We highly respect your stand.

VENNY J. VAROUSE.

HENDERSONVILLE, N.C.
November 26, 1969.

Senator PETER DOMINICK,
Senate Office Building,
Washington, D.C.:

Concur wholly your condemnation CBS Wallace interview.

J. E. FAIN,
Editor, Times News.

HILLSBOROUGH, CALIF.,
November 26, 1969.

SENATOR DOMINICK,
U.S. Senate,
Washington, D.C.:

One Republican former captain infantry appalled your response CBS report Meadlow report mass Vietnam murder. Are you unfamiliar Nuremberg Trials? These murders deliberate. What morals do you really represent for our country?

JOHN A. STEEL.

NEW HAVEN, CONN.,
November 25, 1969.

Senator PETER DOMINICK,
Senate Office Building,
Washington, D.C.:

Legal insensitivity and political defensiveness can not bring back to life South Vietnamese massacre victims.

HERBERT SAX, M.D.

HUGO, COLO.,
November 26, 1969.

Senator PETER DOMINICK,
Senate Office Building,
Washington D.C.:

Have just heard your recent statement regarding the Lieutenant charged with murder of Vietnamese citizens as usual I am in disagreement with your position and I totally disagree with your statement and your position on this matter having been a former infantry officer this alleged offense is inexcusable. I wish you to again recognize my disagreement with your position as my senatorial representation.

THOMAS L. NICHOLS.

TAX REFORM ACT OF 1969

The Senate resumed the consideration of the bill (H.R. 13270), the Tax Reform Act of 1969.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, immediately following the prayer and the disposition of the reading of the Journal on Monday next, there be a period for the transaction of routine morning business not to exceed 1 hour, and that statements made therein be limited to 3 minutes.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the period for the transaction of routine morning business on Monday next, the pending amendment offered by the able senior Senator from Louisiana (Mr. ELLENDER) be laid before the Senate and made the unfinished business before the Senate.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to vote not later than 3 p.m. on Monday, December 1, 1969, on the so-called Ellender amendment, No. 290, and that following the vote on the Ellender amendment, debate on the amendment by the Senator from Delaware (Mr. WILLIAMS), No. 291, be limited to 1 hour, to be equally divided and controlled by the Senator from Delaware (Mr. WILLIAMS) and the Senator from Louisiana (Mr. LONG). The understanding is that the vote on amendment No. 291 would then occur.

The PRESIDING OFFICER (Mr. BELLMON in the chair). Without objection, it is so ordered.

Mr. WILLIAMS of Delaware. Mr. President, who will control the time on the so-called Ellender amendment?

Mr. BYRD of West Virginia. Mr. President, I included nothing in my request with regard to controlled time on the Ellender amendment. The time would not be controlled.

Mr. President, I amend my previous unanimous-consent request to provide that when the amendment offered by the able senior Senator from Louisiana (Mr. ELLENDER) is laid before the Senate at the conclusion of the morning business on Monday next, the time be equally divided and controlled by the mover of the amendment, the senior Senator from Louisiana (Mr. ELLENDER), and the minority leader or whomever he may designate.

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

Mr. BYRD of West Virginia. Has the Chair presented the entire request?

The PRESIDING OFFICER. Yes.

Mr. BYRD of West Virginia. So that it is agreed that the vote will occur not later than 3 p.m. on Monday next on the so-called Ellender amendment.

The unanimous-consent request, subsequently reduced to writing, is as follows:

Ordered, That the Senate proceed to vote not later than 3 p.m. on Monday, December 1, 1969, on the so-called Ellender amendment (No. 290), with the time after the conclusion of the morning business to be equally divided and controlled by the Senator from Louisiana (Mr. ELLENDER) and the minority leader or their designees.

Following the vote on the Ellender amendment, debate on the amendment by the Senator from Delaware (Mr. WILLIAMS) (No. 291) be limited to one hour to be equally divided and controlled by the Senator from Delaware (Mr. WILLIAMS) and the Senator from Louisiana (Mr. LONG).

Mr. JAVITS. Mr. President, inasmuch as next week what many consider a very important amendment to the tax reform bill will be considered—to wit, the amendment on foundations—I thought it would be appropriate, so that my fellow Senators might have an opportunity to consider the question over the Thanksgiving Day recess, to put some concepts in the RECORD with respect to what we might expect.

The amendment I intend to propose will have one affirmative and one negative aspect which are critical.

First, the negative aspect. My foundation amendment will strike out that part of the bill which limits the life of private foundations to 40 years. In my judgment this is an absolutely arbitrary limitation, without any basis in law, reason or fact and raises some very serious questions.

The rule against perpetuities at the common law, which is very well known throughout the law of trusts and estates, generally deals with lives in being. The classic example is lives in being plus 21 years, that is, at least one life plus the minority of another life. Any skillful draftsman can create a noncharitable trust whose existence runs for far more than 40 years. But under the bill we have an absolutely arbitrary limitation of time upon the tax-exempt life of foundations which places an effective limit on their life—it should be observed that charitable trusts are traditionally exempt from the rule against perpetuities and that this tradition is hundreds of years old.

In view of that fact, and many others which flow from it, the general feeling has spread abroad to those who give and those who receive—and this represents a tremendous cross section of American life—that an enormous social overturn in our whole Nation is contemplated by the Congress. Should we enact many of the provisions of either the House or the Senate bill, or both on foundations, we are likely to have a very chilling effect of philanthropy and pluralism in our society and I consider this most serious.

Second, the affirmative aspect of my amendment. The subject of philanthropy and pluralism in our society is so serious to our society, in terms of voluntarism, for philanthropy, for education, for health, for many other causes, I believe that the matter is worthy of examination on the highest possible level. Therefore, my amendment would establish a Presidential commission, with a mandate to report within approximately 2 years—we will fix the date—in order to determine exactly what we ought to do about, first, the whole concept of philanthropy, pluralism and voluntarism upon which our society is based, and second, the question of giving and having exemption from the payment of taxes for what we consider to be highly desirable social purposes.

It is very interesting to me that the President, himself, in announcing the start of the national fundraising drive for the United Community Chests, struck a note which is what I would deeply hope is symptomatic of the true feeling in our country. The President characterized philanthropic activity as a sacred American tradition of private initiative which gives a freedom, a quality of innovation, a quality of competition in the marketplace of ideas and of accomplishments which is tremendously useful to our society.

I hope very much that the fundamental question before the Senate in respect of what we do about foundations and philanthropic giving will be whether or not what we do in the tax law is bound to destroy it in a material way and therefore likely to change the whole basis of our American society.

Mr. President, there is no question about the fact that the Senate has done a great deal through its committee to improve the House measure. I have pointed out what many of us consider to be the most difficult aspect of the Senate bill, which is the arbitrary life of private foundations.

Another area of question is the distinction made between foundations established by one or a small group of givers (what are now called private foundations), and those foundations supported by multiple and broad scale public giving. Whether or not that is the right standard or, whether we should look to performance as a standard, and what is done with money for which a charitable deduction is given, are serious questions.

Then, there is also a question concerning the requirement for income distribution of a mandatory nature. A 5-percent minimum payout of the assets annually for all practical purposes may be very much superior to the 40-year arbitrary provision in the bill. But also it may be entirely too rigid and deserving of much further relaxation than the Senate Finance Committee made of the House bill.

No question exists between me and other Senators similarly interested in

the matter about prohibitions on self-dealing, about increased disclosures and publicity, and other matters which time and experience have shown to be deserving of reform, and that is what this measure is, a tax reform bill. I hope the amendment I shall offer will be judged on the basis, not only of what is reform—even if there is an argument about the propriety of giving reform—but also as to how it deals with what strikes at the heart of the whole American system which allows philanthropic giving.

All of us who have raised money for philanthropic purposes and I know that I have and practically all other Senators have done so. This includes large giving in major fundraising drives of the Nation.

We know—I have been enough of a fundraiser to know—that the basis on which to build a structure of giving is the large giver. Without that base one finds it extremely hard to have any appreciable philanthropic contributions.

Mr. President, these are serious questions. However, beside the other areas to which I referred, there is also a serious question as to whether particular foundations or philanthropic enterprises shall be limited or restricted in the amount of a particular enterprise, they may own. I understand why we want to be careful to avoid control by foundations or philanthropic organizations of the operating enterprises, but I cannot see why we should have any particular concern about how much of those enterprises they own in the absence of the exercise of active control which prejudices charitable purposes. This also mitigates against substantial gifts. The practicality of getting the most for philanthropic purposes may dictate the absence of such a restriction which would cancel the possibility of getting the most for these highly desirable purposes.

Finally, I think we must be leery of allowing the inequities, the excesses, the abuses, which may have arisen—and we have far too little evidence on this—from changing the fundamental concept, which we have had in mind so long in this country; this concept has worked well; it has tended to ennoble our people, as well as to do highly desirable social things which our people eventually need to have done. We must be careful of restraints and restrictions so designed to deal with the excesses and abuses as to literally throw out the baby with the bath, and end what has been so fundamentally an element worthy of praise in the American system.

Next week and the week after major amendments to the tax reform bill will be forthcoming. I urge Senators to think during the Thanksgiving recess about this problem of foundations and philanthropic giving. If it is practical, I hope they are able to give some attention to the home community, hospitals, Community Chest, foundations, and other philanthropic activities which are recipients of this kind of giving, and also with givers themselves, large and small, in order to determine for themselves what should be done in the way of a fair effort to deal with the abuses and excesses, but at the same time, to be sure in the correction of doing that we are not jeopardizing a fundamental institution, philanthropic giving, which is an essential element of our society.

I hope Senators will be thoughtful in this matter. I have made these remarks in an effort to encourage them to do so in the next few days.

THE TAX BATTLE BEGINS

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "The Tax Battle Begins," published in yesterday's Washington Daily News.

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

THE TAX BATTLE BEGINS

One of the chief purposes of taxation is to provide the money to keep government in business.

The Senate now begins debate on the so-called "tax reform act of 1969." As it left the House, this bill did not provide enough revenue to keep the Federal Government out of the red. As it goes to debate on the Senate floor, it has been modified, but still is far short of providing income to match the outgo.

The Senate Finance Committee, however, argues that the timetable of tax relief it has proposed, stretched over 10 years, would avoid any serious threat to balanced Federal budgets.

That would depend, of course, on whether the country's general economic growth would produce enough additional tax income to offset the rate reductions. The Finance Committee apparently is confident this will happen.

But some of the amendments to the tax bill to be offered on the Senate floor pose an immediate threat to the Government's budget balance.

Sen. Gore of Tennessee wants to raise the personal exemption in the income tax law from the present $600 to $1000 over the next four years. This, in itself, would cut the Government's income by an estimated $12 billion.

And this would come at a time when there finally is an Administration which seems determined to put an end to the everlasting string of Government deficits which have spurred inflation, pushed up interest rates and sent the national debt into orbit.

Sen. Gore claims his proposals are designed to "give the most tax relief where it is needed"—to low and middle income taxpayers. Well, some of us would be delighted to spend our money in our own way, instead of having the Government spend it for us.

But if it means more and bigger Government deficits, and increased inflation, as it surely would—then it would be cheaper to pay the taxes. The best thing the Government can do for the low and middle income people is to stop inflation—and creating more Government deficits is not the way to do it.

LETTER TO PRESIDENT NIXON WITH REGARD TO REVERSION OF OKINAWA TO JAPAN

Mr. HOLLINGS. Mr. President, yesterday I made certain remarks to the Senate regarding proposed negotiations and resulting agreement or treaty affecting Okinawa. In my judgment, Okinawa, bound by a treaty with the advice and consent of the Senate, could only be disposed of with the advice and consent of the Senate. In that regard, I addressed a letter stating my position to the President of the United States requesting his interpretation as to the responsibility of the legislative branch of Government in the disposition of Okinawa. I would ask unanimous consent that this letter be included in its entirety in the RECORD.

My main concern, Mr. President, is that the United States retain the uninhibited right for the launching of combat operations from the Okinawa bases. I feel this is necessary in order to fulfill our commitments to world peace. We do not want Okinawa as an island. We do not seek to control the people of Okinawa. We are vitally interested in maintaining friendly relations with Japan. Continued friendly relations cannot be maintained with misunderstanding, and as problems arise, we should seek to solve the problem rather than create others. Unfortunately, it is not easy to reconcile the domestic and political problems of Japan with the international commitments of the United States. This is not the fault of the United States. Some clear arrangement should be negotiated whereby the island and people of Okinawa can be returned to the Japanese and the military bases continue to operate without restriction. We do this in the enemy area of Cuba with the Guantanamo base. It seems that with friends in Okinawa our base problem could be negotiated.

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

NOVEMBER 25, 1969.

Hon. RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I would appreciate your understanding as to the responsibility of the Legislative Branch of government in the disposition of Okinawa.

It appears that Okinawa, bound by a treaty with the advice and consent of the Senate, could only be disposed of with the advice and consent of the Senate. Accordingly, to reaffirm this requirement, the United States Senate recently enacted the Byrd Resolution expressing the sense of the Senate to this effect. Feeling still that you have adhered to this requirement in your talks with Prime Minister Sato, Senator Harry Byrd of Virginia has just commended the language of the Communique between the Prime Minister and yourself. And Senator Byrd commended you for recognizing this role of the Legislative Branch. However, I have just returned from Japan and a conference with Prime Minister Sato. It is my impression that Prime Minister Sato's view is best expressed in the *Japan Times* of November 11 in the article entitled "Sato Tells Opposition U.S. Will Okay Reversion Under 1972 Formula" in which the Prime Minister discounts the necessity for ratification of any agreement affecting Okinawa. Senator Byrd interprets the language under Section 6 of the Communique ". . . with necessary legislative support" as recognizing the necessity under the Constitution for ratification by the United States Senate. On the contrary, the use of the word "support" rather than "advice and consent" leads me to the conclusion that as long as substantial support is obtained you do not believe that a ratification by a two-thirds vote of the United States Senate is necessary. Specifically, I am sure you would receive substantial support for the return of Okinawa without the uninhibited right of launching combat operations from members of the Democratic leadership and the Foreign Relations Committee. But this does not constitute "advice and consent."

As a result of my discussion with our commanders in the Far East, I do not believe that we can fulfill our commitments with the restrictions of the 1972 formula. I believe our commitments in the Far East and to world peace transcend the domestic and political problems of Japan, the textile problems here at home and other considerations that have been confused into the "Okinawa question." I believe in the ultimate return of Okinawa, but not now.

Accordingly, I would like an opportunity to vote on any agreement or treaty made affecting Okinawa. Please tell me whether or not Senator Byrd is correct in his understanding. Please tell me whether or not you believe that I, as a Senator, have this right on the Okinawa question.

Most respectfully, I am,

ERNEST F. HOLLINGS.

THE PHILIPPINE HEARINGS

Mr. SYMINGTON. Mr. President, a recent column was critical of hearings held by the Senate Subcommittee on United States Security Agreements and Commitments Abroad of the Foreign Relations Committee with respect to our agreements with, and monetary payments to, the Philippine Government.

The Secretary of State has expressed to me his appreciation of the cooperation that was given the State Department by the subcommittee with respect to what should be deleted from the transcript of said hearings.

There is major discrepancy between the testimony of United States witnesses and subsequent statements by members of the Philippine Government as to how and where many millions of dollars given the Philippines by the United States were expended. This matter is being turned over to the General Accounting Office by the subcommittee in effort to ascertain the facts.

PENAL REFORM

Mr. BYRD of West Virginia. Mr. President, in the October–November issue of Trial magazine the cover story deals with the case for penal reform. In an editorial the magazine takes a very favorable stand on reform of our prisons. I invite the attention of Senators to the editorial entitled "Morally Right, Economically Sound." I also invite the attention of Senators to an article in the same magazine written by our colleague, the able senior Senator from Connecticut (Mr. DODD), entitled "Corrections Do Not Correct."

Mr. President, I ask unanimous consent that both the editorial and the article be printed in the RECORD.

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

[From Trial magazine, October–November 1969]

MORALLY RIGHT, ECONOMICALLY SOUND

At a time when the words Law and Order are steeped in controversy, in bitter emotion-filled debate, there is one facet of the crime problem in America on which experts are in solid agreement: our prison system is abysmal and our rate of recidivism (repeat offenses) is shocking.

We operate a revolving door; prisoners who enter, invariably are released more embittered against society and far better equipped for a continued life of crime. Eventually, the door opens again to readmit a majority of them.

Can we do anything to alleviate this problem?

Indeed we can.

But first, we must rid ourselves of some misconceptions. We must recognize that America has not been "soft" on criminals. The average length of sentence in America is much greater than that imposed in England or throughout Europe. We must learn that long sentences for most criminals are unnecessary and usually provide less protection to society than shorter ones.

The problems in rehabilitating one who has spent a major part of his life in prison are so profound that recidivism is almost assured. We must be willing to stop practicing custody and start practicing correction.

And above all, we must resolve to spend the time and the money required to develop suitable alternatives to incarceration, while at the same time, providing a prison system whose main function will be rehabilitation.

Included in this issue of TRIAL are articles from experts whose suggestions could bring many needed improvements. Senator Dodd, a member of the Senate Juvenile Delinquency Subcommittee, has introduced Senate Bill 2905 to provide a billion dollars of federal funds over a five year period to enable our states to set up better correctional systems for juveniles.

At present about 93% of the nation's juvenile courts have no separate juvenile facilities available for juvenile offenders. Confining them with hardened adult offenders produces juveniles whose next offense is almost always a more serious one.

Senate Bill 2905 deserves our support.

Various communities are introducing alternate methods of handling those accused of crime. The programs of the Vera Institute of Justice, set forth in this issue, should be studied by communities everywhere. The Model Sentencing Act of 1963, promulgated by the National Council on Crime and Delinquency, should be examined by every legislator and every trial judge in America. It logically attempts to create two categories of offenders—"dangerous" and "nondangerous"—and provides for longer sentences for the former to remove them from society. But for the "non-dangerous" ones, it recommends that the maximum sentence should be five years—with emphasis on training and rehabilitation. Other communities are demonstrating the value of work programs, particularly for youthful offenders or those found guilty of less serious crimes.

Closer relations should be developed everywhere with private agencies who are involved in retraining and rehabilitating prisoners. The work of Synanon with drug offenders and other malfunctioning persons demonstrates how effective the offenders themselves can be in helping others with similar problems.

Above all, we need to eliminate the attitude that one who wishes to stop the inhuman treatment of our prisoners, who is not satisfied with locking them up out of sight, is "soft," or an impractical "do-gooder."

We should indeed be concerned with the immorality of our past indifference.

We should also realize that it is bad business to continue developing criminals in our prisons. Rehabilitation, properly run with well trained, well paid experts who are given reasonable workloads, is expensive. So are separate institutions for juveniles and sufficient salary levels for prison guards to provide better personnel with less motivation for corruption.

But these programs are a lot cheaper than our present system of custodial care.

Paul W Keve, Commissioner of Corrections for Minnesota in St. Paul, stated in the August/September 1969 issue of *Judicature* that the cost of sending an offender to the Minnesota State Reformatory for Men is about the same as sending a student to Harvard. Further, the present expensive method results in over 70% of former inmates becoming repeat offenders.

Crime is our most serious social problem today. We can make inroads on this problem by an all-out program in which our efforts and our wealth will be devoted to the morally right and economically sound practice of reform and correction.

[From Trial magazine, October–November 1969]

CORRECTIONS DO NOT CORRECT

(By U.S. Senator THOMAS J. DODD, Democrat of Connecticut)

When the Senate Juvenile Delinquency Subcommittee began public hearings into the problems of juvenile institutions and prisons on March 3, 1969, it was our task to determine how well the country's training schools, reformatories and penitentiaries are handling and rehabilitating their inmates.

From preliminary investigations we suspected that the rehabilitation of confined offenders was inadequate.

We have now confirmed that inadequacy in full measure.

In fact, we have been told by experts that rather than rehabilitating the inmates, our institutions release "finely honed" criminals who are more disturbed, more deviant, more hardened, and more dangerous than ever.

Administrators of juvenile programs testified that it would be better if many of the delinquents were never apprehended because they deteriorate rather than improve under the guardianship of the state. The Subcommittee was given case histories of young people who entered juvenile institutions as simple truants and received enough criminality education to leave with attitudes of hardened felons.

And inmates themselves said that they actually look forward to renewing a life of crime, violence, and revenge upon release from confinement.

One of the most distinguished experts in this field suggested that perhaps the only solution was to ask judges not to commit offenders to institutions due to atrocious conditions.

The logical conclusion: we are probably giving better protection to the public by releasing offenders back into the streets rather than sending them to institutions where they become more dangerous and more crime prone.

Too long we have shut our eyes to what happens to confined offenders.

Too long we have deceived ourselves by fostering the belief that correctional institutions correct, that training schools train, and that rehabilitation centers rehabilitate.

Too long we have listened only to those "correctional experts" who told us what we wanted to hear.

Today, we are paying for this apathy and self-deception with a critical problem in the nation, much of which is fostered and encouraged in our penal institutions.

Let me tell you what we found in the Subcommittee's inquiry.

The first witness who testified, the district attorney from Philadelphia, told of widespread homosexuality and brutal homosexual attacks on inmates not only in Philadelphia's prisons but in prisons across the nation. His testimony has been confirmed by virtually every witness who has appeared since, no matter what part of the country they were from.

Other witnesses outlined the problems of suicide, torture, sexual exploitation and even murder that characterize our so-called correctional system.

We were told of tragic suicides among the 7,000 juveniles committed to the county jails in Minnesota, inmates going insane because of extensive confinement, month after

month, in isolation cells in Virginia, of inmates being tortured and burned to death in jail cells in Chicago, of sexually exploited young girls in New York's Youth House, where one young inmate had to deliver her own baby for lack of medical care and facilities.

The Subcommittee was also told of the brutal torture, beatings, and solitary confinement in the Ohio penitentiary and of even worse torture practiced in Arkansas.

While the reaction of Arkansas penologists was "so what else is new," I can report that since our hearings 19 persons have been indicted on 47 counts by a federal grand jury for brutality and excessive punishment perpetrated on the inmates of that state's penal institutions.

The Subcommittee was told of brutal beatings suffered by young boys in the juvenile institutions in Texas. Again, the administrators denied this. But one week after the hearings a guard named by our witness was fired for beating a young boy so badly he was confined to a hospital with a broken jaw.

There is evidence in our hearing record that prisoners have been murdered by the guard force or other inmates with no legal action taken, and evidence in the record submitted by competent investigators that 75% of the guards in some institutions are crooked and corrupt.

The public and the Congress find it hard to believe the horror stories that are enacted within prison walls because this society has for many years confused the concepts of punishment and rehabilitation. We have considered them as one and the same and we have believed that because of punishment, offenders leave the prison walls better citizens.

The truth is the public has been grossly mistaken in this belief. Offenders do not leave as better citizens.

We must, at long last, face the fact that punishment is not rehabilitation; that punishment cannot be confused with rehabilitation; and that the kind of treatment I have described above can in no way turn a criminal into a law-abiding citizen. When we treat men like wild animals we teach them to act like wild animals.

This is our posture today with respect to prison inmates.

Because of public apathy, because of lack of funds and because of the fear and shortsightedness of the public and the government, we practice custody rather than correction, we are preoccupied with security rather than treatment.

The institutions receive the social failures, the misfits and the psychologically disturbed offenders. These are men who come from the bottom of the heap of humanity, who are most difficult to understand and who, in turn, do not understand society. They are confused, frustrated and ridden with anxiety. It is often for these very reasons that they have turned to crime.

They have been punished enough by chance or circumstance or the social conditions in which they developed. These men need treatment and education and the kind of trained professional help that could enable them to adjust to life in the community.

Instead, we have gone in the other direction. We have placed the offenders under the charge of the least competent, the least trained, and the lowest paid personnel—the prison guards who often know only one means of controlling the inmate: brute force.

In most cases, from the guard to the warden, institutional personnel have been conditioned to prevent escape as the main justification for their being. This is a system that has developed for over 100 years—a system the public expects and demands. But it is a system that allows no experimentation with innovative programs.

In this regard let me quote from the testimony of one witness who appeared before our hearings:

We want dedicated, professionally trained individuals to work with these difficult cases, as long as they are willing to be hired for less money than comparable employment would offer them in beneficial, therapeutic settings, as long as the plant is drab and foreboding enough to remind them that they are to be punished and isolated.

We want experimental, innovative approaches utilized, as long as the program is in someone else's backyard. We will back them as long as there are no embarrassing incidents.

Why then should program administrators seek to be creative? Why should they not settle for custody and control instead of treatment? Why then should not the goal of institutions be a trouble free tour of duty rather than true attitudinal change on the part of young offenders?

Today we have custody of what has been called warehousing of offenders, but little else.

We have stood by and allowed the development of what I call the "correctional clique," who are willing to whitewash the prison story. These are men conditioned by the public's naive belief that once a criminal is out of sight behind the high wall, he can be put out of mind. These are men who have learned that the basic requirement asked of a warden is to run a "quiet place" and "keep the lid on." These are men who practice back scratching and protect one another against outsiders.

I do not want to judge them too harshly because there are brilliant and dedicated professionals among this group but most of them have been unable to improve conditions because the total system will not allow it. All of them are victims of inadequate support from the public, and all have run too long as a "quiet place."

The men who operate our institutions need help. They cannot run a quiet place forever under the present conditions, as evidenced by the jail and prison riots that occur periodically. The entire system needs to be overhauled.

The public may not understand this need. It certainly has not understood it in the past. The Congress may not want to understand it.

But nothing less than a major overhaul of our institutions can serve to protect the American people from the dangerous criminals that are released by today's kinds of institutions.

Crime is our most serious social problem today. There are over 400,000 offenders in our juvenile and adult institutions, and new offenders come in every day.

In the years to come there will be more such offenders. Statistics indicate a drastic rise in juvenile delinquency, a 60% increase in juvenile crime since the start of the 1960's.

Crime costs our society over $20 billion a year. Operating the criminal justice and correctional systems alone will cost $9 billion a year by 1975.

More public funds are needed to finance reform, to make certain that the billions we already spend in corrections, on the present system of institutions, are not wasted in making worse criminals out of prison inmates. We know today that over 70% of ex-inmates do repeat in new crimes.

In times past, you could send the offenders to isolated islands away from civilization. Today, we must deal with them in our urban society.

Over 90% of the offenders incarcerated will be released in a few years. If we neglect and abuse these men in institutions, thousands of them will again prey on the public, with increased hostility and violence.

Today our training schools and prisons are the "hotbeds" of criminality. It is in the institution where the dangerous and deviant criminals congregate. It is in the institutions where new knowledge in the methods and techniques of crime is passed on to the younger inmates. Thus it must be in the institutions where we try to turn back the threatening tidal wave of lawbreaking.

Because we have so long considered punishment the real answer to criminality, we have built the dungeons and the cell blocks and the high walls and the iron bars. The wardens and penologists have paid lip service to rehabilitation but they have not practiced it. I seek to change these institutions and to develop the kind of procedures that can achieve correction.

Let me explain some of the needs of our institutions and some of the problems faced by states and localities in meeting these needs. Over 100,000 juveniles are today detained in filthy jails with hardened adult offenders—contrary to every accepted correctional standard and in many cases contrary to state and local law. Why? Because there is no money to build detention homes for them. And no money to build regional detention homes for the use of several areas.

I consider it a crime against society to keep juveniles in the jails we have investigated; many of these children are not even delinquent. Their only crime is that they have been neglected or abandoned by their parents.

Yet, judges use the jails because 93% of the nation's juvenile courts have no separate juvenile detention facilities.

Overall, by 1975, the states and localities will need over a billion dollars for the construction and renovation of institutions. The need exists in the face of great financial difficulty already being experienced by most states and localities. State and local tax structures are stretched to the limit. Some cities face the problem of shutting down *schools* if more funds cannot be acquired.

Based on the findings of the Subcommittee's inquiries to date, I introduced a bill, S. 2905 on September 16, 1969, that would make available $1 billion in federal funds over the next five years for the improvement of state and local juvenile and adult training and correctional institutions.

It will call for a cooperative effort among all law enforcement, correctional and criminal justice agencies to help the juvenile and adult correctional systems.

The correctional field cannot extricate itself from its floundering condition without the kind of assistance I propose. Top experts have asked for, pleaded for, this kind of federal aid.

This is not simply a brick-and-mortar-type legislation. It is not simply paying federal funds to states and localities to build buildings. It is designed to improve the entire correctional system nationwide.

It will help eliminate the bastille-like penal institutions and the dungeons, many of which date back to the last century. It will enable the states to build new types of small, decentralized, community-based institutions. It will correct the lack of judicial review of the conditions under which offenders are kept in confinement. This bill will force the judges to be concerned with what goes on in the institutions in which they commit offenders.

I believe the cost of this legislation is small in comparison with the benefits that the law can achieve in cutting down recidivism among inmates. It is a small price to pay for reduction in our crime rates and for more effective control of the crime problem.

Above all, it is the humanitarian approach to one of the central problems of our time.

ALLEGED KILLING OF CIVILIANS IN VIETNAM

Mr. STENNIS. Mr. President, today the Armed Services Committee received a briefing from Secretary of the Army

Resor regarding the alleged massacre in South Vietnam in April 1968.

This was not the beginning of what is ordinarily called an investigation. It was a briefing by the Army for the committee and was within the pattern and the keeping of what has been planned all the while.

The Army had notified me, as chairman of the committee, that events of this nature had been reported to them—this was early in August—and that they had been sorting out and working on the facts. We agreed that they would continue and would make a report to the committee on those developments.

About the middle of October of this year, they reported back to me, as chairman of the committee, with certain pictures that they said they understood represented part of the events that had occurred; and then we had another understanding that they would continue with their investigation and report to the committee, which they did a few days ago. I arranged for the briefing today.

In order that Senators may be informed, as well as the press and the public, I asked Secretary Resor if he would have his statement sanitized, meaning, of course, put in a form that could be released, which he did. I now have a copy of that sanitized statement of his in my hand.

Also following the complete briefing—complete as of now—to the full committee, I issued a short press release reviewing the situation. I ask unanimous consent, Mr. President, that the statement of Secretary of the Army Resor, and my press release with the information on this matter, be printed in the RECORD.

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

STATEMENT BY HON. STANLEY R. RESOR, SECRETARY OF THE ARMY

Mr. Chairman and Members of the Committee: I deeply regret the occasion for this morning's visit. It is difficult to convey to you the feelings of shock and dismay which I and other civilian and military leaders of the Army have experienced as the tragedy of My Lai has gradually unfolded before us. I know you share these emotions and fully appreciate the gravity of this incident. I would like today to discuss the facts surrounding this occurrence and to outline for you the progress of our investigation. Unfortunately, as I have already informed the Chairman and Mr. Braswell, I can only spend a few minutes with you because of a prior commitment to appear before the House Armed Services Committee at 10:30. I have therefore arranged for Mr. Robert Jordan, the Army General Counsel, and General Stilwell, Deputy Chief of Staff for Military Operations, to remain here after my departure and answer your questions. I regret that I cannot spend more time with you today myself.

As you know, it is not normally the policy of the Executive Branch to disclose information pertaining to on-going investigations—especially when, as in the case here, new and perhaps conflicting evidence may come to light as the investigation continues. In addition, there has already been far too much comment in the press on matters of an evidentiary nature, and we are very concerned that prejudicial pretrial publicity may make it difficult to accord the accused in any prosecution a fair trial. We are taking every step to assure that the Government is not responsible for contributing to such publicity, and I must therefore refrain on this occasion from commenting directly upon the evidence.

With this caveat, let me now review the known facts concerning the tragic events which took place at My Lai (4) Hamlet, Son My Village, Quang Ngai Province, on March 16, 1968. My Lai (4) Hamlet is located in an area which is now and has been for several years under Viet Cong control. Intelligence reports indicate that it has been the traditional home of the 48th Local Force Battalion, considered one of the best Viet Cong battalions in the country. Although the area was within the Tactical Area of Operations of the 2d ARVN Division, U.S. Forces had conducted prior operations in the vicinity and had suffered moderate casualties, principally from mines and boobytraps. In March 1968, the 11th Infantry Brigade, a unit of the American Division, made plans to conduct an operation in this area, and a provisional task force known as Task Force Barker was assigned the operation. This task force, commanded by LTC Barker, was composed of three companies, drawn from two battalions, and designated A, B and C.

On the morning of March 16th, following a three-minute artillery preparation on its landing zone which is thought to have produced few if any casualties, Company C, commanded by CPT Medina and consisting of approximately 105 infantrymen, made a helicopter assault immediately west of My Lai (4). Company A simultaneously occupied a blocking position to the north, and Company B made a helicopter assault into an uninhabited area to the south. The 1st Platoon, commanded by 1LT Calley, led the advance and physically occupied the cluster of habitations that constituted the hamlet. Most of the buildings were then burned or otherwise destroyed. The operation terminated at approximately 6:00 p.m. on that day, and Task Force Barker was withdrawn.

The task Force commander's after action report for the entire operation indicated enemy losses as 128 killed; it made no mention of civilian casualties. Friendly losses were given as 2 killed and 11 wounded; however, the only U.S. casualty clearly attributable to the My Lai assault was one soldier who shot himself in the foot.

During the day, reports received from an Army helicopter pilot who had supported the operation suggested there might have been unnecessary killing of noncombatants at My Lai. As a result, the Brigade Commander was directed to conduct an investigation of the incident. During this informal investigation he interviewed the Task Force Commander and S-3, and the commanders of the two companies which had been in the immediate area. He also received some reports of unnecessary killing through Vietnamese channels. The Brigade Commander concluded that approximately 20 noncombatants had been inadvertently killed by preparatory fires and and in crossfires between friendly and enemy forces, and that the reports of unnecessary killing of civilians were merely another instance of a common Viet Cong propaganda technique and were groundless—a view apparently shared by the Vietnamese District Chief. He forwarded this finding to the Commanding General of the American Division. The matter was not brought to the attention of USARV or MACV Headquarters or the Department of the Army.

Over one year later, in early April 1969, the first suggestion that something extraordinary had taken place at My Lai reached the Department of the Army. At this time we received identical letters, dated 29 March 1969 and originally addressed to Secretary Laird and five Members of Congress, from a Mr. Ronald Ridenhour. In these letters Mr. Ridenhour, a former soldier who had heard rumors about a supposed atrocity from fellow soldiers, alleged that Task Force Barker had been assigned the mission of destroying My Lai and all its inhabitants. He went on to describe in considerable detail several instances of alleged murder which he believed had occurred there.

Upon receipt of these letters, the Army immediately initiated a preliminary inquiry, and on April 23, 1969 the Chief of Staff directed the Inspector General to conduct a full-scale investigation of the allegations made by Mr. Ridenhour. This investigation took place both here in the United States and in Vietnam, and involved interviews with 36 witnesses, ranging from the Commander of the 11th Infantry Brigade to riflemen who participated in the operation.

On August 4, 1969 the investigation was transferred to the Provost Marshal General. Since that date, criminal investigators have located and interrogated over 75 witnesses, 28 of whom are still on active military duty. They have also visited the site of the incident and interviewed local Vietnamese officials and former inhabitants of the hamlet who witnessed the alleged killings.

An Army combat photographer present at My Lai took a number of photographs, which he did not turn over to Army officials. We obtained copies of his slides in August of this year, and can show them to you this morning if you wish.

As you know, General Talbott, Commanding General, Fort Benning, has convened a general courtmartial to try 1LT Calley for the premeditated murder of 109 Vietnamese civilians. In addition, charges of assault with intent to kill 30 noncombatants have been filed against one of Calley's squad leaders, SSG Mitchell. An Article 32 investigation of the charge against Sergeant Mitchell is expected to get under way shortly, having been held up for some time by a defense request for time to obtain additional evidence.

A number of critical issues remain to be resolved. Primary among them is the extent to which the members of Company C were acting pursuant to orders from their company commander or higher headquarters when they destroyed My Lai's buildings and fired upon its unresisting inhabitants. This aspect of the case is being accorded a very high priority.

In addition, it is estimated that besides 1LT Calley and SSG Mitchell there are at least 24 former members of Company C, nine of whom are still on active duty, who must be deemed subjects of the continuing criminal investigation. The efforts of seven criminal investigators are currently focused upon the task of developing evidence concerning the actions of these men. It is estimated that several months may elapse before all of the allegations presently under investigation can be fully evaluated.

Finally, there is the question of the adequacy of the investigation of the incident which was conducted in Vietnam immediately after it occurred. Because this is an extremely important and sensitive aspect of our inquiry, General Westmoreland and I have decided that it should be severed from the rest of the investigation and handled separately at a very high level. We have therefore chosen LTG William R. Peers to head a small team whose mission will be to determine the adequacy of both the original investigation and its subsequent review. This action should not be taken as an indication that we believe that investigation to have been inadequate, but merely as a sign of our continuing determination that the matter be carefully and impartially explored.

Mr. Chairman, the story which has been unfolding before the public during the last fortnight, and which I have discussed briefly with you this morning, is an appalling one. I would like to add some personal comments to this chronology.

I have reviewed what we know of the incident at My Lai with a number of officers

who have served in Vietnam. It is their judgment—a judgment which I personally endorse and share—that what apparently occurred at My Lai is wholly unrepresentative of the manner in which our forces conduct military operations in Vietnam. Our men in Vietnam operate under detailed directives from MACV and other higher headquarters which prohibit in unambiguous terms the killing of civilian noncombatants under circumstances such as those at My Lai. During the last few years hundreds of thousands of American soldiers have participated in similar operations in Vietnam. I am convinced that their overall record is one of decency, consideration and restraint towards the unfortunate civilians who find themselves in a zone of military operations. Against this record, the events at My Lai are all the more difficult to understand.

Unfortunately, details concerning the matter did not come to our attention until a year after the events in question. Once we learned of the allegations, the Army immediately commenced an investigation which has already resulted in the filing of criminal charges against two individuals. In pursuing this investigation, and in referring the reports of investigation to responsible court-martial convening authorities, we fully appreciated that the disclosures which would inevitably follow would damage both the Army and the Government of the United States. Despite this, we pursued the only course of action which was consistent with our international obligations, our national policies, and the ethic of American military operations.

I hope that the information which I have presented to you this morning has given each of you a greater understanding of this matter, and that it has renewed your confidence in the Army's willingness and ability to pursue the investigation and attendant prosecutions to a satisfactory conclusion. I assure you that however great may be your dismay and sense of outrage that such a thing could occur in our Armed Forces, it could be no greater than mine, nor than that experienced by the thousands of loyal and brave officers and men who have labored so long and sacrificed so magnificently in search of the just peace we all seek in Vietnam.

PRESS RELEASE BY SENATOR JOHN C. STENNIS CHAIRMAN, SENATE COMMITTEE ON ARMED SERVICES

Senator Stennis today issued the following press release.

The Committee today received a briefing from Secretary of the Army Resor, Mr. Robert E. Jordan, General Counsel of the Army, and other officials of the Army on the so-called My Lai incident. The Chairman made the following observations:

1. If these allegations on the massacre of the non-combatant civilians, including women and children, are fully substantiated, it is indeed a shocking affair. It is contrary to every American idea of protection of the innocent even in the event of war.

It should also be noted that this incident was contrary to every rule and instruction the Army has issued in connection with the conduct of the South Vietnamese operation.

2. It is the intention of the Committee to release all available facts on this matter consistent with the protection of those individuals who have either been charged, or are under investigation in connection with this incident. The Committee would emphasize that court-martial charges have been preferred against two individuals, with a number of other persons under investigation. There is the duty, therefore, of protecting the rights of those individuals who are confronted with these serious criminal charges.

3. The Army for some weeks now has had this matter under a complete and thorough investigation and if these alleged events all took place the Chairman is at a complete loss to understand why such a lapse of time occurred before the highest authorities were apprised of the matter. On this point the Army is conducting a separate investigative effort to determine the reasons why slightly over a year elapsed before the details of this incident were made known to Army authorities in Washington.

4. Senator Stennis emphasized that he did not know of this matter until about two months ago when he received a very preliminary report from the Army indicating that they were undertaking a thorough investigation to ascertain the validity of these charges.

5. The Committee received from the Army today a complete briefing which brings up to date the available information on this matter. Except for certain privileged information the statement of Secretary Resor is being released at this time.

The Committee considers this tragic incident to be of utmost importance and gravity and intends to keep fully informed and follow this matter in close detail, at the same time exercising care in its release of any information which will prejudice the rights of those who are or may be accused.

6. This matter must be vigorously pursued by the Army. The Committee will expect that exposures must be made, not only of those who may be guilty of wrongdoing, but of any personnel, if any, in military or civilian channels who may have suppressed evidence.

Mr. STENNIS. Mr. President, as an additional paragraph, one might say, to the press release which I have just offered for the RECORD, let me say that the committee did not reach any decision to conduct whatever is ordinarily called an investigation. On the other hand, it did not reach a decision not to conduct such an investigation, but held the matter in abeyance until whatever trials are conducted—were completed, contemplating that they would be completed within a few months.

Mr. President, we will continue to follow this matter on behalf of the Senate, the Congress, and the people. We will keep vigilant on it. Then we can take such action as we think the facts justify.

Let me repeat the last point I made in my press release:

> This matter must be vigorously pursued by the Army. The committee will expect that exposures must be made, not only of those who may be guilty of wrongdoing, but of any personnel, if any, in military or civilian channels who may have suppressed evidence.

Mr. President, I repeat that for emphasis as being the general position of the committee.

An inferential charge has been made that there was a withholding of this matter by high officials in the Pentagon, or in the administration, last year. There is no evidence to support that, so far as I know. Secretary of the Army Resor, who was Secretary of the Army last year, and still is Secretary of the Army, stated to the committee that he had no knowledge of this matter whatsoever until April of 1969—about late March or early April of 1969.

When he tells the committee that, I know that he is telling the truth. I have always found him to be that kind of man.

Mr. President, I mention this only to clear up what is apparently a misunderstanding.

Those are the facts, insofar as the Secretary is concerned.

There is also a report that a helicopter pilot, who was supposed to have reported this matter, disappeared or was killed under suspicious circumstances the next day.

That report is without foundation, Mr. President.

The helicopter pilot in question, as I understand it, is very much alive. He is still in the Army.

I mention these points because they are just reports.

Mr. President, of course I am concerned about the seriousness of this matter. It is quite serious with all kinds of complications and implications involved. But I feel that we will get the facts, and when we do, the American people will know them.

PROGRAM FOR MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, in order that all Senators may have ample notice with respect to the program already outlined for Monday next, let me repeat that following the prayer and disposition of reading of the Journal, there will be a period for the transaction of routine morning business, not to exceed 1 hour. It may be less. Statements made during that period will be limited to 3 minutes.

Immediately following the transaction of routine morning business, the pending amendment, offered by the Senator from Louisiana (Mr. ELLENDER), will be laid before the Senate and made the unfinished business.

The time on the amendment will be equally divided and controlled between the author of the amendment, the Senator from Louisiana (Mr. ELLENDER), and the minority leader, or whomever he may designate.

The vote on the Ellender amendment will take place no later than 3 p.m. on Monday next.

Following that vote, the time on the amendment offered by the Senator from Delaware (Mr. WILLIAMS), amendment No. 291, will be equally divided and controlled by the author of the amendment and the able chairman of the Committee on Finance, the Senator from Louisiana (Mr. LONG), the time to be limited to 1 hour.

After the hour has expired, of course, it is understood that the vote will occur on amendment 291.

Mr. President, it was the desire of the distinguished majority leader, Mr. MANSFIELD, that an agreement be worked out today so that all Senators would be put on notice with respect to votes on Monday next.

So, now that we are assured of those votes, I want to express my appreciation for the cooperation of the chairman of the Finance Committee, the distinguished Senator from Louisiana (Mr. LONG), the author of the pending amendment, the distinguished senior Senator from Louisiana (Mr. ELLENDER), the author of amendment No. 291, the able senior Senator from Delaware (Mr. WILLIAMS), the able senior Senator from Nebraska (Mr. HRUSKA), and all other Senators who worked together to reach these agreements.

ADJOURNMENT TO 10 A.M. MONDAY, DECEMBER 1, 1969

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the provisions of Senate Concurrent Resolution 48, as amended, that the Senate stand in adjournment until 10 a.m. on Monday next.

The motion was agreed to; and (at 2 o'clock and 30 minutes p.m.) the Senate adjourned until Monday, December 1, 1969, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate November 26, 1969:

IN THE NAVY

Having designated Rear Adm. Evan P. Aurand, U.S. Navy, for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, I nominate him for appointment to the grade of vice admiral while so serving.

Lt. Comdr. Donald W. Stauffer, U.S. Navy, for appointment to the grade of commander while serving as leader of the U.S. Navy Band in accordance with article II, section 2, clause 2 of the Constitution.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 26, 1969:

AMBASSADOR

Lewis Hoffacker, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Cameroon, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Equatorial Guinea.

U.N. TRUSTEESHIP COUNCIL

Sam Harry Wright, of the District of Columbia, to be the representative of the United States of America on the Trusteeship Council of the United Nations.

U.S. ATTORNEY

Bert C. Hurn, of Missouri, to be U.S. attorney for the western district of Missouri for the term of 4 years.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

George M. Low, of Texas, to be Deputy Administrator of the National Aeronautics and Space Administration.

U.S. MARSHAL

William C. Black, of Texas, to be U.S. marshal for the northern district of Texas for the term of 4 years.

HOUSE OF REPRESENTATIVES—*Wednesday, November 26, 1969*

The House met at 12 o'clock noon.

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

It is good to give thanks unto the Lord, to show forth Thy loving-kindness in the morning and Thy faithfulness every night.—Psalm 92: 1, 2.

Almighty God, our Heavenly Father, on this Thanksgiving eve we come to give Thee the humble and hearty thanks of our hearts for Thy loving-kindness to us and to all men. Thy goodness has created us, Thy providence has sustained us, Thy patience has borne with us, and Thy love has redeemed us. May we reveal our gratitude to Thee and return Thy love by giving ourselves in greater service to our fellowmen, in deeper devotion to our beloved country, and by cheerfully cooperating with Thee in all things.

In Thy holy name we pray. Amen.

THE JOURNAL

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 9906. An act for the relief of J. Burdette Shaft and John S. and Betty Gingas; and

H.R. 14020. An act to amend the Second Liberty Bond Act to increase the maximum interest rate permitted on U.S. savings bonds.

The message also announced that the Senate agrees to the amendment of the House to a concurrent resolution of the Senate of the following title:

S. Con. Res. 48. Concurrent resolution to adjourn from November 26, 1969, until December 1, 1969.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2276) entitled "An act to extend for 1 year the authorization for research relating to fuels and vehicles under the provisions of the Clean Air Act."

AUTHORITY FOR CLERK TO RECEIVE MESSAGES FROM SENATE AND SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS DULY PASSED

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that, notwithstanding the adjournment of the House until Monday, December 1, 1969, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

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

There was no objection.

BIOLOGICAL WARFARE

(Mr. ALBERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALBERT. Mr. Speaker, I believe most Americans, and indeed people throughout the world, applaud President Nixon's announcement yesterday that the United States would never engage in germ warfare. As the New York Times pointed out in an editorial in today's edition:

Unequivocal abandonment of bacterial weapons is especially gratifying, since this particular concept of warfare is as senseless as it is horrifying, disease germs being as great a threat to the user as to the enemy.

In my view, the announcement by the President, in which he also indicated that this country would renounce all but defensive uses of chemical warfare weapons, is convincing evidence that this country and its elected leaders clearly are working for peace for this Nation and for all men.

I agree with the distinguished minority leader that this action on the part of the administration could have a very beneficial effect on the strategic arms limitation talks which are now underway.

Also, Mr. Speaker, I would like to congratulate our distinguished colleague, the gentleman from New York (Mr. McCARTHY), who has taken the lead in the Congress in bringing the dangers of biological warfare to the attention of the Congress and the press, and the people of our country.

BETHLEHEM STEEL CORP. AND THE ECONOMY

(Mr. ROONEY of Pennsylvania asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROONEY of Pennsylvania. Mr. Speaker, the New York Times in its Sunday editions carried a report of an interview with Mr. Edmund F. Martin, chairman and chief executive officer of Bethlehem Steel Corp., and Mr. Stewart S. Cort, the corporation president.

Obviously, problems confronting the American steel industry represent problems of national importance and concern. Steel's problems are problems of the Congress.

Because Mr. Martin and Mr. Cort have outlined the extent of impact of foreign competition and imports on the American steel industry during the course of this interview, and have cited, too, the steel industry's extensive involvement in the conservation of our environment through costly pollution control facilities and equipment, I believe all of my colleagues will be interested to review their comments.

I include the New York Times article in the RECORD at this point:

BETHLEHEM SEES FEW SIGNS OF DIP

(NOTE.—Despite predictions and some evidence of a slowdown in the American economy, the Bethlehem Steel Corporation, the world's second largest steel producer, is enjoying a far better year than was expected earlier. It foresees only a minor decline in shipments for 1970.

(These observations were highlights of a broad-ranging discussion last week of the

outlook for the steel industry by Edmund F. Martin, chairman and chief executive officer of Bethlehem, and Stewart S. Cort, president. With other Bethlehem officials, they accepted an invitation to answer questions from Robert Walker and other members of the financial-news staff of The New York Times. Excerpts follow.)

Question. Mr. Martin and Mr. Cort, would you tell us a little bit about what kind of a year it has been for Bethlehem and what you foresee for 1970.

Mr. MARTIN. I think it's a lot better than we figured a year ago. We've had a lot more business than anybody in the steel industry figured.

Question. Why is that?

Mr. MARTIN. We've been trying to find out, and I think I have the answer now. Better than I had a month ago. We had an International Iron and Steel Institute meeting in Tokyo this year. After that, the president of the American Iron and Steel Institute, Jack [John P.] Roche, took a world tour. He went to Australia; he went to Russia, to Sweden, to Austria, to France, to Belgium, to Italy, and he went to Spain.

And he found out a lot of things that a steel man wouldn't find out. He's a lawyer, originally. The thing that interested me more than anything else was that the Russians say they're going to make 123 million tons of steel this year. And they have use for 150 million. They're trying to build up, and they're buying—trying to buy in this shortage. We knew that the Russians were buying steel, but we didn't have any idea that they were buying concrete bars and anything they could get.

Question. Are they buying it from you?

Mr. MARTIN. No. They're buying it from anybody in Europe that they can get it from. That's why we [the American industry as a whole, not necessarily Bethlehem] are shipping over there.

And that's why the Japanese are shipping over there.

Question. Is any American steel being shipped and finding its way into Russia?

Mr. CORT. I wouldn't doubt it. It's very hard to keep track because most of our shipments have been in slab form, and once they're finished in the hot-rolled bands and cold-rolled, you don't know where it goes.

Question. You say you have the answer, maybe, for 1969. Can you tell us about 1970?

Mr. MARTIN. All I know is that our commercial fellows—it's their business to study the market—think it will be almost as good a year as this year.

Question. Why?

Mr. MARTIN. They just think that the big customers that buy 85 per cent of the steel production—automobiles, appliances, containers and machinery—aren't going to fall off too much.

Mr. CORT. They're estimated to have pretty good backlogs, and they tell us they have very good prospects, and so our people estimate that total consumption might fall off 4 million tons. Which is less than 4 per cent of the 109 million tons we expect to ship [as an industry] this year.

Question. What is the net import situation? You're doing some exporting and, I presume, some steel is still coming in from overseas, but on balance has this thing shifted very sharply?

Mr. CORT. By the end of the year, the total net imports ought to be around 9 million tons. That's compared with 16 million last year.

Mr. MARTIN. The thing that worries us most about this extra business now is shown in another thing that Jack Roche learned from all these [overseas] companies—what their increased capacity is going to be. Everybody is increasing capacity. If Russia stops [buying], there'll be a tremendous excess capacity and then we'll be in worse shape than we are now. That's what scares us more than anything else.

Question. Is it not true that the dollar value of imports is down a great deal less than the tonnage?

Mr. CORT. Yes, the total dollar value, even with the tonnage down, is almost the same, if not higher.

Question. What would you advocate now? What do you think should be proper United States policy with respect to foreign shipments of steel to this country? What should be done?

Mr. MARTIN. I don't think the United States dares to let its steel industry go down. Look at Japan, putting all her money into steel. The Government works hand in glove with the steel industry. I think it's more the Government than the steel industry that's pushing it.

I don't think that, if the United States is going to be a strong country, we dare let our steel industry go. Some way, we've got to get Government help, because we're a private industry trying to fight foreign governments, and the job is to get this sold to the country, and that's what we're trying to do. We aren't doing it, but we're trying.

Question. What, specifically, do you think the help should be from Washington?

Mr. MARTIN. I think eventually you've got to have a government-to-government lineup.

Question. If there is no agreement on the Government basis, what will happen? Do you think that there'll be such a flood of imports of steel that you're going to be severely hurt?

Mr. MARTIN. Well, it's gone up to 18 per cent [of total American shipments] but next time it will probably go to 25 or 30.

Question. To turn to high interest rates and your company, what has the money market done to your own operations?

Mr. MARTIN. We're not different from any other company. You have to look twice at how you spend money. And we're going to. If you have to pay 8½ per cent, you can't approve things that you would have approved two years ago.

Question. You have not gone abroad for money?

Mr. MARTIN. I don't know whether or not I ought to talk about that. We've gotten some. Not in any important amount.

Question. But you've not deeply involved in foreign money markets? As maybe some other steel companies are?

Mr. MARTIN. No.

Question. Have the tightness of money and high interest rates prevented you from doing some specific things that you wanted to do?

Mr. MARTIN. Yes, definitely. We would be doing a lot more things.

Question. How is the removal of the tax credit for capital investment going to affect you?

Mr. MARTIN. Very materially. We're still fighting that. We think it's a terrible mistake for the country. We've fought it—every chance we've had. I talk to everybody. In fact, I even told Mr. Nixon the last time I got a chance—in a receiving line, when I shouldn't have—that he wasn't as popular as he was the last time I saw him, as far as businessmen were concerned.

Mr. CORT. People overlook [the capital investment problems] when they say, "Well, take your coats off. Go out there in the world market and fight these people. You're inventive and ingenious and so forth, and you've always fended them off before." They overlook the difference in the capital structures of the rest of the world's steel industry and the American steel industry. In the United States, the capital structure is an average of 25 per cent debt and 75 per cent equity. And anywhere else in the world, you find the reverse—75 or 80 per cent debt and 20 per cent equity. And people don't think that that creates a rather unequal area to compete in, but let me tell you.

The Japanese, in the steel industry, if they make 2½ per cent net profit on revenue dollars, they're having a fine year. At twice that, we're having a terrible year. We can't pay our equity holders a dividend. The Japanese, at 2½ per cent, can pay a 10 per cent cash dividend to the few stockholders they have and the banks couldn't care less, as long as the steel people cover the debt service. So that if I were over there in Japan, boy, anything over that debt service would look like a good price—as far as setting your price in your market is concerned.

Question. Regarding import controls, what principally is the argument you have to meet from people in Congress, or the academics, who argue against you, that you can't take steel out of context, that you have to look at the whole world as one diplomatic and economic problem?

Mr. MARTIN (Laughing). Well, everybody in Congress that we talk to—from states where we have steel plants—is all in our favor . . . Seriously, we debate among ourselves what we should do. Should we go out and spend money to try and educate some of these people, Congressmen and Senators, from places where they don't have any steel industry or mines, to the problem in the United States? Or shouldn't we? And we just don't have the dollars to do it.

I think we've got too many things to try and sell. We have this under-depreciation, which is so vital to all capital-intensive industries. We have this problem of world competition, from people that have as much as $40 per ton labor advantage over us. And now we're really having the people move in on us on the environment [pollution] control area.

Question. Is this costly?

Mr. MARTIN. To illustrate, over the next five years it's going to be 10 per cent of our required capital outlay. During the last five years, we've spent $105-million on environment control and we face $205-million over the next five years, and the very bad part of this is that for every dollar that you spend to put in these facilities the operating cost is a minus net revenue of 10 cents for every dollar So, at the end of five years' spending, this $205-million will have $20-million charged just to operate this.

Question. Is there any return at all?

Answer. Absolutely not. It doesn't help our quality or service. It's a permanently built-in cost. Everybody sits around and tightens up the rules and regulations and nobody addresses himself to who's paying for it. In the meantime, we're making a major contribution. And it's about time people recognize this. This is a total battle if you want to clean up the air and water. It isn't just the private sectors' responsibility; it's a part of everyone's responsibility.

Q. Question. Regarding Government economic policy, do you feel at this point, with inflation coming at a 6 per cent rate and so forth, should we have controls over wages, prices, credit?

Mr. MARTIN. We've got to stop these wage increases some way. The heck of it is that these construction people are really upsetting the applecart. They're just increasing 11, 12 even up to 15 per cent. . . . General Motors is going to have a negotiations next year, and what are they going to end up at? Are they going to take the construction into it and add onto it? I don't think we can keep on increasing wages the way we are and have a viable economy.

Question. Since we're again on a war footing in reality, would you at this time favor a return to a wage-price program?

Mr. MARTIN. Not presently. You can't have war and butter, and that's what we're trying to do.

Question. Which means that you think maybe we shouldn't.

Mr. MARTIN. (After thoughtful pause) Well, we've always done it before.

Mr. CORT. But it hasn't worked.

Question. Well, do we have two points of view here?

Mr. CORT. It's been no solution in the past

and if the present Administration will take a statesmanlike enough attitude, and stand firm, and slow this thing up until you've got 7 or 8 per cent unemployed—I'm not recommending it, I'm just saying "if"—I think it would be a more effective retardant action than the other. But it's political suicide. The crux of the problem now, I think, is the impact of a given increase in the over-all unemployment figure on the blacks.

This was not a problem that we had in the Korean war or in World War II, or at least if it was, nobody recognized it.

Question. Do you have any comment on the Government's tough antitrust policy and what the implications of this will be for business?

Mr. MARTIN. In a general way, I can just tell you that I think that the country would have been better off if they'd let Bethlehem merge with Youngstown Sheet and Tube. I think the country would be better off if they'd let Sharon [Steel] and Cyclops [Steel] join up. Here's two small companies that possibly could go out of business in the next 20 years, whereas, together, I think they would have been good.

I think in the beginning it was good. Sure, companies got too big. But here you take the Japanese merging the two biggest steel companies. Why are they doing it? They're doing it so they can compete better with us.

Mr. CORT. I think one of the bad things they're trying to do, or they are accomplishing, is this: If you are in an industry of low return, and it looks as though it's a chronic situation, and you have capital to invest, they won't let you diversify and try to improve the equity for your shareholders. We saw Cerro [a producer and fabricator of copper] as a way to end our problem. We went down and talked to [the Justice Department] for four hours, just three days before we got the adverse reading. And there was absolutely no competition between steel and copper. Even they couldn't find it after a staff of eight lawyers worked for six months on it.

And furthermore, copper is a critical shortage item in the United States . . . We demonstrated to them that there was a 100,000-ton-a-year copper development that was the first thing, if we merged with Cerro, we were going to address out capital and energy to. That would have been 25 per cent of the national shortage on a critical product wiped out. And they ruled it out.

Question. Then how does Bethlehem become a bigger and more progressive company? What can do it?

Mr. MARTIN. We think our ship building is going to pick up. We're one of the most diversified steel companies there is now. We're big in construction and we're pushing the minerals field all over the world. In minerals, I think we're in more places than any other steel company.

We were in Cuba. We lost that. We're in Venezuela; we're in Mexico; we're in Brazil; we're in Chile, in Liberia, in Gabon.

Question. How about buying into an auto company in Italy or France or something like that? Is that something that might be done?

Mr. MARTIN. That's something to take home and mull over.

VIETNAM

(Mr. VIGORITO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VIGORITO. Mr. Speaker, the depressing course of the conflict in Vietnam forces me to speak out on the subject. Up to now I have refrained from publicly voicing my viewpoint because I was hopeful that the natural course of events pursued by the past two administrations would cut out this cancer which is endangering our Nation's health.

However, the war continues. At times I feel as if little or no progress is being made in ending this useless commitment of American lives.

I have always been pessimistic about the outcome of the conflict in Vietnam. It has been and still is a bottomless pit and the United States should start withdrawal as soon as possible. I cannot impress upon my colleagues how strongly I feel about this matter.

If they have been receiving the same volume of mail as I have from the citizens of their congressional districts, then they will know what I mean when I say that these letters indicate the American citizens share my concern over the course of the war.

The Nation is impatient. I want to see this war over with. I want to see our young men back home. Now is the time to end the war.

Back in September, the Meadville Tribune, a fine newspaper in my district, said:

> The administration should move more swiftly and more vigorously toward withdrawing American forces and closing out this ill-fated venture. . . . the cold fact is that we have little to gain and much to lose by pursuing what has proved to be a mistake.

I fully agree. The only problem is that the administration has not moved "more swiftly" since January. I see little evidence that everything possible is being done to terminate this fiasco.

Back in March of this year I joined with several of my distinguished colleagues, of both parties, in sponsoring a resolution, House Concurrent Resolution 187—which would state it was the sense of Congress that the United States begin to reduce its military involvement in Vietnam.

Some may say the administration has started to do so. But I emphasize that not enough has been done and more can be done. There is no earthly and logical reason to procrastinate any longer—let us withdraw now.

COAL MINE HEALTH AND SAFETY

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HECHLER of West Virginia. Mr. Speaker, I am greatly disturbed by reports that the coal mine health and safety bill which passed this House is being weakened in the conference committee as a result of the outside pressure by coal operators. Nearly a week has now passed since the conferees ostensibly finished their work last Thursday evening. Since that time, there have been several unexplained days of delay while the final version of the bill is being written up, and it is going through several different drafts.

The past history of coal mine safety legislation should warn the Congress that when legislation is written behind closed doors, the special interests always win. Time after time in the past, the coal operators have succeeded in weakening the protection of coal miners by cynically writing in the loopholes which have crippled the effective enforcement of the law.

Since last Thursday, what has been happening to the report of the conference committee? I have information that copies of each day's version of the rewritten bill and conference report are being circulated to the coal operators, and not to those most directly concerned with protecting the coal miners. Meanwhile the National Coal Association is using every inside contact in attempting to persuade the staff to insert a little phrase here, a weakening clause there, designed to water down the effectiveness of the bill. This is particularly being done with respect to the coal dust standard, which will mean so much in protecting the health and safety of those who work in the mines.

I hope this practice of slipping advance copies of conference drafts to the lobbyists will stop, I trust that the conference committee will reach a speedy conclusion on this vital bill and send it to the President for signature without further delay.

BUDGET CUTS REMOVE HANDICAPPED, RETARDED STUDENTS FROM PAYROLL AT MALMSTROM AIR FORCE BASE IN GREAT FALLS, MONT.

(Mr. MELCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MELCHER. Mr. Speaker, I have been advised by the Air Force that due to recent actions of Congress in appropriations for the military, they have found that in order to make required budget cuts it is necessary for them to remove seven handicapped, retarded students from their payroll at Malmstrom Air Force Base in Great Falls, Mont. The Air Force expressed to me regrets that an admittedly worthwhile program in cooperation with the Great Falls High School in special education for these handicapped, retarded students must be ended. They tell me that this action, and I am quoting the Air Force "is in accordance with Civil Service Commission and Air Force regulations pertaining to reduction in force." The Air Force cites chapter 351 of the Federal Personnel Manual and tells me they have no alternative nor any discretion in this matter.

Mr. Speaker, the costs of this program to the Air Force, the Department of Defense and U.S. Treasury was $1.60 an hour for 16 hours a week, paid to each of these handicapped, retarded students, for which they performed worthwhile work in a commendable manner. It is necessary work that must be paid for out of Federal funds regardless of whether it is done under this program or by some enlisted personnel or other civilian employees at the base.

I am assured by the Air Force that this action is not their choosing but has been dictated by the action of Congress. They tell me that we left them no discretion in the matter and while it is regrettable and against their better judgment, they are forced to discharge the work-study students.

Mr. Speaker, I find this hard to accept and hard to believe, but since it is the story that is being used to defend the action at Malmstrom, and undoubtedly in hundreds of other cases throughout the country, I believe that there is a need for congressional intent to be redefined. Mr. Speaker, I called this matter to the attention of this body October 20, 1969, and stated then that I would try to find a way to help the seven handicapped, retarded students. I believe that my task in representing the people of my congressional district can only be accomplished by following the collective judgment of the people who pay the bills and perform all of the jobs necessary to make this country thrive and progress. I am sure the people of Montana and of the Nation believe that Federal spending must be curtailed in a sensible manner. But, in the enormous expenditures of the Air Force, the amount of money saved on these youngsters will never be noticed. It costs more than this annual saving every time one of the big SAC airplanes coughs or belches. There are undoubtedly many enlisted personnel impatiently waiting for the end of their term of duty, but kept on the rolls until the very last day whether needed or not, amounting to far more than this program at Malmstrom.

Mr. Speaker, it is time for this House as the constitutional body of appropriation, to investigate the spending procedures of the military and other Federal agencies to make certain that legislative intent is carried out; to make certain that discretion and judgment prevails in curtailing spending so that the worthwhile programs are not eliminated. Our responsibility in the House of Representatives in this area is clear cut. Federal agencies blame Congress for failure to appropriate all of the money that they have been used to spending. Often they eliminate just such sensitive projects to create opposition to budget cuts.

Mr. Speaker, I recommend a task force to study and evaluate the procedures of the agencies in making budget cuts and to determine whether wastes in detaining enlisted personnel unnecessarily, wastes in inventory, wastes in travel expenditures and many, many other places cannot be curtailed at least enough to meet our budget directives, rather than fire seven retarded, handicapped high school students who probably will have no other opportunity to be equipped for useful places in our society.

OPPOSING FOREIGN AID

(Mr. BEVILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEVILL. Mr. Speaker, following the recent hearings by the House Foreign Aid Subcommittee, it was brought out that the United States during 1968 borrowed money from 41 nations of the world. In other words, the United States is borrowing money from the American people to pay for commodities that we are giving free to foreign nations; thus, allowing foreign nations to build up their foreign exchange reserves and short-term dollar claims. As an example, after giving Thailand billions of dollars in grant aid, we are now borrowing money from them. Last year, the United States borrowed $100 million from Thailand to be repaid in 4½ years at 6 percent interest. Thus, we will have to repay Thailand $127 million at the end of 4½ years to repay the $100 million we borrowed.

This is a graphic example of how this Nation's foreign aid effort has deteriorated into nothing more than a vast giveaway program.

Mr. Speaker, the American taxpayer is, understandably, becoming impatient and angry. On the one hand, he is asked to foot the bill for critical domestic programs which run into billions of dollars, while on the other, he sees his hard-earned tax dollars doled out to 99 different nations and five territories.

History has shown that our foreign aid program has often been wasteful and failed to solve the problems of those countries we were trying to help. In 25 years, the American taxpayers have given away $182.5 billion—including the interest on money we have borrowed to give away.

We cannot survive indefinitely as a strong nation if we continue giving away our wealth.

Mr. Speaker, I submit that more foreign aid spending at this time can only contribute to our balance of payments deficit and add to continuing inflationary pressures.

It is my understanding that there are approximately $18.8 billion in all categories of the foreign assistance pipeline—loans, grants, and credits—which could serve to carry out our foreign aid commitments for 18 months.

I strongly favor the elimination of all foreign aid appropriations for this fiscal year and the phasing out of this country's foreign aid program.

ECONOMIC PROBLEMS CONFRONTING FLAT GLASS INDUSTRY

(Mr. EDMONDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDMONDSON. Mr. Speaker, the economic problems confronting America's flat glass industry are fast reaching critical proportions. The most recent blow came in the announcement last week that a major glass producer will close its No. 2 tank in Okmulgee County in my district.

The shutdown will result in 250 employees being out of work for an indefinite period, and if this trend continues, it will jeopardize the livelihoods of nearly 1,800 employees in this one county. The announcement stated the No. 2 tank was being closed because of low orders and high inventory. There is no question but what the flood of foreign glass imports into our country is the major contributing factor in the economic crisis facing the domestic glass industry.

It is of vital importance that both the President and the Congress be aware of the drastic need for restoring our flat glass tariffs to higher levels.

The U.S. Tariff Commission has held hearings on the effects of imports upon the domestic glass industry, and is currently preparing recommendations for tariff adjustment to the President. I sincerely hope that the Commission goes beyond simply recommending that current tariff levels be retained, and recommends an increase in flat glass tariffs. It is essential for the survival of the domestic industry.

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

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

Mr. MONAGAN. Mr. Speaker, I am happy to welcome the gentleman to the fraternity.

Mr. EDMONDSON. I thank the gentleman. I am sure it is a broad fraternity.

VOCATIONAL EDUCATION: VICTIM OF NEGLECT

(Mr. MEEDS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MEEDS. Mr. Speaker, the performance of the Nixon administration on vocational education brings to mind Franklin Roosevelt's warning against "a Government frozen in the ice of its own indifference."

Perhaps this is too generous. In light of recent events, we can say that indifference is being compounded by defiance.

President Nixon and his miserly minions at the Bureau of the Budget have announced that they will impound the $209.5 million in extra funds voted by the Congress to improve job training and education programs in the Nation's public schools.

These fiscal dreadnaughts seem to care more about cold ink in a ledger than about youngsters being turned away from industry payrolls because they lack adequate job skills.

By a unanimous vote the House and Senate passed the far-reaching Vocational Education Amendments of 1968. This bill authorized $812 million for the fiscal year beginning July 1, 1969.

But, President Nixon requested only $279.2 million in his budget message.

By this generous plea for America's youth and their anxious employers, the so-called "new Nixon" repudiated the "old Nixon." Speaking in Portland, Oreg., on May 16, 1968, candidate Nixon said:

> I believe that we should set a goal for ourselves, that every youngster entering public high school shall have the opportunity to learn at least one marketable skill by the time he graduates. For too many young men, the end of education has meant the beginning of unemployment.

Yes, Mr. Speaker, it sounds great, just like what the Congress had in mind when it passed the Vocational Education Amendments of 1968. In that same Portland speech, the "old Nixon" led us to believe that his heart and mind occupied the mainstream of educational thinking when he declared:

> Too many vocational training programs are geared to industries that are becoming obsolete and to skills for which there is no market.
>
> It is partly because of this failing in education that teenagers lead the lists of the unemployed. Their jobless rate (runs) at triple the average rate. For Negro teenagers the unemployment rate hovers at the ap-

palling fraction of fully one-fourth of the labor force.

That do-nothing budget request of $279.2 million—scarcely above the fiscal 1969 level—made the President's real attitude toward vocational education like the title of the popular Broadway musical, "Promises, Promises."

Congress, however, tried to live up to the pledge it made last year. Through the Joelsen and Cohelan amendments to the Labor-HEW appropriations bill, we pegged spending for vocational education at $488.7 million. This is $209.5 million more than the "new Nixon" thought was necessary.

Instead of zero funds budgeted by the "new Nixon" for work-study for disadvantaged youth, the Congress voted $10 million.

Instead of zero funds budgeted by the "new Nixon" for vocational education for students with special handicaps and needs, Congress voted $40 million.

Instead of zero funds budgeted by the "new Nixon" for research into improving vocational education, the Congress voted $34 million.

The facts speak for themselves. The Nixon administration is defying the will of the American people and the Congress in the matter of strengthening and expanding vocational education. Even so puny a step as the national skills survey promised by candidate Nixon in May 1968 has been forgotten along with the other campaign rhetoric.

Mr. Nixon has now had 10 months to demonstrate his intentions in domestic affairs and to begin to live up to his lofty campaign promises. The honeymoon is clearly over in executive-legislative relations, and it is high time to tell the truth about what this administration is doing to weaken basic American institutions.

Frankly, Mr. Speaker, this is one time when I wish the "new Nixon" would heed the advice of the "old Nixon."

AMERICAN BUSINESSMEN MUST BE PROTECTED ON REVERSION OF OKINAWA TO JAPANESE SOVEREIGNTY

(Mr. TIERNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIERNAN. Mr. Speaker, with the arrival of Prime Minister Sato in Washington last week, the United States and Japan appear ready to conclude discussions on a subject of vital importance to both nations and to the future of our alliance: the reversion of Okinawa to Japanese sovereignty. The imminent return of Okinawa to Japan fulfills the promises of all American Presidential administrations since the signing of the Japanese Peace Treaty. It will restore to Japan what was once an integral part of that nation; islands whose people share a cultural, racial, and linguistic heritage with the Japanese, and who themselves overwhelmingly favor return to Japanese rule.

There is, however, Mr. Speaker, one condition which I feel must be agreed to before this transfer is made. That is the guaranteed protection of American businesses in Okinawa following the reversion.

In the 20 years that the United States has administered Okinawa, and the other Ryukyu Islands, a substantial number of American citizens and servicemen have lived there to assist in the government and defense of the island and of East Asia itself. Millions of American Government dollars have been invested in the island to repair the damage wrought by war; and millions of private American dollars have followed with businesses to serve the American and Okinawan citizens of the island.

Today there are 107 private American businesses in Okinawa, ranging from a dairy company to oil refineries. Their total investment amounts to over $220 million. Every one of these companies duly applied for and was granted an operating license by the Okinawan Government; every one of them operates according to the laws of Okinawa. However, these laws are different, in many cases, from those of Japan that will apply after reversion, and therein lies the source of potential harm to American companies if adequate care is not taken.

The American Chamber of Commerce in Okinawa has asked the President to consider the dangers of a total and immediate application of Japanese laws to businesses that have operated under Okinawan laws and within the dollar economy that now exists there. Their requests are reasonable: they ask that their licenses and leases be recognized by Japan, that they not be taxed retroactively, that they be allowed to convert their dollars into yen freely and without penalty, and that an American commercial attaché be assigned to Okinawa to bring any problems to the attention of both Governments.

These proposals are fair and should be heeded. In the aftermath of the harmony surrounding the announcement of reversion, let us not find that fellow Americans have been neglected for political reasons.

LET US NOT FORGET OUR CZECHOSLOVAK BRETHREN

(Mr. MONAGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONAGAN. Mr. Speaker, the continuing developements in Czechoslovakia which involved the removal of Alexander Dubcek as Chairman of the Federal Assembly and have constituted a gradual tightening of Soviet control are indeed sobering, for they are continuing incidents in the political tragedy that has been unfolding in that country since the Communist coup in 1948.

Forced to live under the harsh and oppressive regime of the Stalinist Antonin Novotny for almost 20 years, the Czechoslovak people finally began to enjoy a taste of freedom when Alexander Dubcek replaced Novotny early in 1968. For over 200 days, Dubcek attempted to set a course for Czechoslovakia which would have liberated the Czech people from a life of fear and economic stagnation. His government threatened no man or nation, most certainly not the Soviet Union, unless freedom can be considered a threat. But this freedom was not destined to endure. On the night of August 20, 1968, Czechoslovakia was subjugated and Soviet troops occupied that country armed with guns and tanks.

Today, over 17 months later, the Soviet occupation continues. There are over 70,000 Soviet troops stationed in that unhappy country.

The Soviet occupation of Czechoslovakia is illegal and unjustified. It is a violation of international law and of the Charter of the United Nations. It denies the basic civil and human rights of the Czech and Slovak people.

Mr. Speaker, I am today introducing a resolution expressing the sense of the Congress that the President of the United States should inform the Government of the Soviet Union that the occupation of Czechoslovakia is illegal and unjustified. My resolution would also request the President to put the question of the occupation of Czechoslovakia on every agenda for all future negotiations between the United States and the Soviet Union.

We have been told that the Soviet Union would like better relations with the United States and they have in fact entered into arms limitation talks; that they desire increased contacts between American and Soviet citizens and Government leaders and a recent U.S. parliamentary group of which I was a member met with Soviet representatives in Moscow.

In my opinion such talks have a potential benefit for both countries. But the Soviet Union must be impressed with the fact that the United States cannot and will not condone the Soviet disregard for the sovereign rights of Czechoslovakia or any other nation, large or small, weak or strong.

If the Soviet Union is sincere in its desire for better relations, let it prove it by withdrawing its troops from Czechoslovakia. Let it prove it by turning over the affairs of Czechoslovakia to the people of Czechoslovakia.

Mr. Speaker, I urge the adoption of my resolution.

POSTAL PROBLEMS MAY BE THE FAULT OF MANAGEMENT

(Mr. OLSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSEN. Mr. Speaker, I again quote from the recent statement by Postmaster General Blount during his trip to the Universal Postal Union in Japan:

> Japanese letter sorters can work almost as fast as U.S. machines because unlike Americans, "the Japanese haven't forgotten how to work," Postmaster General Winton M. Blount recently told a news conference here.

Mr. Speaker, such a statement discrediting the postal workers is regrettable. But it is even more regrettable that the Postmaster should compound this ill-advised situation with further derogatory remarks on his Department in the current—November 28—issue of Life magazine.

If the Post Office is "undermanaged and mismanaged," as the Life article

states, I am beginning to wonder if the crux of the postal system's troubles does not lie more at the feet of management than with the 750,000 postal workers?

Since the early 1950's, it has been evident to top postal management that numerous corrective procedures were needed.

The article states:

Soon after taking office in 1953, Postmaster General Arthur Summerfield asked for an operating statement for the previous month; he was told it would be ready in 17 months.

Mr. Speaker, Postmaster Summerfield had 8 years in which to correct the reporting and accounting system of the Post Office. Yet time and again during those 8 years he vociferously defended, in public, and before committees on both sides of Capitol Hill, the outmoded, unwieldy, tortuously slow cost ascertainment system.

It was not until May 22 of this year that top officials of the Post Office Department admitted before a subcommittee of this House that the cost ascertainment system was derelict and would be replaced by a new system.

I submit this was entirely an internal postal management decision. I also submit that when it requires 16 long years for postal management to make a decision on such a matter as providing an efficient costing system, that many of the postal problems developing in those 16 years can hardly be attributed to the American postal worker "forgetting how to work," as Mr. Blount states in his statement in Tokyo.

The article also snidely implies that Postmaster Larry O'Brien, "once wondered aloud about the potential of the carrier pigeon business."

Mr. Speaker, I do not want to be selfish and reserve all of my "accolades" for members of one party. During the time that Mr. O'Brien was putatively the Postmaster General, he most frequently called me from his office in the White House—and though he may have become a bird watcher—especially where carrier pigeons are concerned—I seriously doubt if he ever maintained any close surveillance over the problems that were developing and multiplying in the Post Office.

Today the present administration fumes and fusses over the dire need for postal reform. But that same administration has given "marching orders" to withhold technical and administrative assistance from the House Post Office Committee which has been meeting for weeks now in an attempt to modernize postal laws.

I am wondering if, like the 16 years it took postal officials to abandon the archaic accounting system, it will require another 16 years before postal management decides to work cooperatively with the Congress in postal progress, rather than defend a pie-in-the-sky corporation structure.

Or, will the present administration continue to sing the Summerfield refrains?

In his first appearance before the House Post Office Committee, Mr. Summerfield outlined his major goals. He pontificated especially on his aim, "to reduce the overall deficit of the Postal Establishment substantially through economics and modern management techniques."

This could well be a quotation from statements of the present Postmaster General.

The facts are, that during the Summerfield regime, the postal deficit increased from less than $400 million to $600 million.

Mr. Speaker, I finally submit that before the Congress would be willing to give postal managers a free hand, one that would remove the Department from the hegemony of the elected representatives of the people, that same management must present the Congress with at least some inklings of its plans for modern management techniques, a practical cost accounting system, rate increases that will do away with the shameful subsidies to favored categories of mail, a system of modernization through planned plant facilities and mechanization, and, most especially, firm guidelines for the protection and promotion of personnel.

DOT HAS A CARD-CARRYING CONSERVATIONIST

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, in spite of the sting in my recent telegram to Secretary Volpe concerning the Everglades National Park, I do not believe the cause of conservation is forever lost in the Department of Transportation. Proof of this was brought home to me just yesterday upon reading an interview with the Honorable J. D. Braman, Assistant Secretary of Transportation for Environment and Urban Systems, in the pages of the Christian Science Monitor.

The article on Mr. Braman indicates that he is a man of wide experience in conservation matters as they affect primarily the Nation's urban areas and that he has the political acumen to accurately assess the uphill battle such a person faces in a department not known for much enthusiasm for environmental concerns.

The Monitor article asks the rhetorical question "is Mr. Braman a card-carrying conservationist?" Based solely on the article and the little I have learned of his determination to fight the good fight for the protection of the Nation's environment within DOT, I believe the question can be answered affirmatively. Moreover, we should thank our lucky stars that the former mayor of Seattle is in the Department; let us hope his conservation influence will spread—both up and down DOT's ladder of decision-makers.

A copy of the interview follows:

OPEN SPACES VERSUS ROADS

(By Robert Cahn)

WASHINGTON.—Big-city mayor comes to Washington; takes a high-level job in the Nixon administration; bucks the powers already established in his field of competence; finds unwelcome mat; but after nine months is still fighting the established powers, with only limited success.

This is the story, so far, of J. D. Braman, who left his post as Mayor of Seattle to take the newly created position of assistant secretary of transportation for environment and urban systems.

As a strong mayor and as chairman of the transportation committee of the National League of Cities, Mr. Braman had significant impact in urban affairs. Some observers predicted, however, that he would find himself without power to accomplish anything in Washington and would soon quit.

Though inexperienced in the rough-and-tumble of federal departmental politics, Mr. Braman is a scrappy fighter. In an interview with The Christian Science Monitor, he detailed what he considers some of his successes and failures to date, especially his difficulties with the Federal Highway Administration and the Bureau of Public Roads.

INTERVIEW EXCERPTED

Question. You occupy the only office in the Cabinet at assistant secretarial level that's set up to handle environmental problems. Do you think this is an effective way to deal with these problems?

Answer. Entirely apart from my interdepartmental duties that emanate from Secretary [John A.] Volpe's role in decisions of the Cabinet Environmental Quality Council, my job basically is intradepartmental. The concerns that I am supposed to be looking at as far as the environment is concerned are those in which there is an impact, presumably an adverse impact, from some transportation operation.

This boils down to the highway problem and to the airport-location problem. As urban mass transportation gets to moving forward, undoubtedly environmental problems will develop involving location of corridors, stations, surface facilities, and things of that nature. Also, from time to time something will arise in the Railroad Administration in which, again, a corridor might present some environmental problems.

Concern reflected

I think that the purpose for which the office was set up is certainly well warranted and reflects the President's concern for the affairs of the cities and his concern for the environment in its entirety, including transportation and its effects.

Secretary Volpe was well aware when he came in that inherently there was a lot of controversy in sight, with many people feeling that transportation facilities as they were being constructed were unnecessarily damaging the environment.

Therefore, he felt he needed a unit that could operate for him independent of his administration, independent of his other secretarial offices, to be concerned with two things—urban mass-transit systems and environmental impact.

Question. Have you been successful so far?

Answer. I don't think I was under any illusions when I came here, and I doubt that the Secretary was, as to the ease with which we would accomplish our objectives. It would be quite apparent to anyone who had been involved, as I was in Seattle, with, particularly, highway environment problems, that the Federal Highway Administration and the Bureau of Public Roads were not going to view us as a welcome addition to the department.

Engineer's approach cited

Quite apparently, we were going to disturb the established, long-range approach they had to these problems. I don't mean to imply that they were totally blind to the environmental problems—they were not. But they were operating entirely with the engineer's approach.

And it appeared to them, as I see it, that the principal thing one needed to consider in the environmental impact of a highway is

to make the highway's actual physical structure attractive—embellish it, put some cosmetics on it, perhaps do a little better job of contouring and landscaping, perhaps do something to improve the graceful sweep of the concrete posts, girders, and so forth.

I don't think they ever were very aware that regardless of how well engineered and how beautiful from a structural point of view or monumental point of view a highway structure can be made, it still doesn't answer the environmental problems that relate to the tearing up of neighborhoods, the taking of very valuable land, the contribution that it makes to air pollution as you bring a massively congested highway into the center of a big city. And to the highway people it seems not only the best possibility, but—to their point of view—inevitable, that parklands should be utilized as vacant land.

Each case individually

Question. Do you feel that parkland should never be taken for highways?

Answer. Each case has to be considered individually. I think there are people who are so blindly committed that they think you have to preserve everything just to preserve it, regardless of whether, in balance, it performs enough function to be preserved. But I'm very strongly oriented toward practical conservation. On the value of urban open spaces, I'm all conservationist.

But you have to recognize that some people are in positions where they have to make decisions that are based on practical considerations. Then I think you have to back away and compromise a little once in a while at a reasonable level.

Question. Are you still hopeful that you can make an impression on the forces you are combating?

Answer. We have already made a profound impression. But it's been more or less one that has disturbed those who have been running things their own way. We certainly gained something in New Orleans [where the highway people were prevented from putting an expressway through the historic Vieux Carré]. We gained something even in the Memphis compromise [when freeway builders had to depress at least part of an expressway going through Overton Park]. I think we're going to gain something in San Antonio [where an expressway would go through several park areas].

And I think that whatever we gain in these places can't help but implant in the minds of highway builders who are just now starting projects the idea that there's a new ball game being played. And that whether it's just this little office alone, or whether it's is a whole surge of concern by citizens, which I think is coming, the highway builders are going to have to reevalute their whole deck of cards. They will have to realize that they can no longer bamboozle everybody by simply saying: "We've studied everything and this is the best we can do, and this is what we are going to do, so do you like it—and if you don't like it, we're going to do it anyway."

Question. Do you think that all Cabinet officers or agencies that have anything to do with natural or human resources should have environmental assistants?

Answers. I think they should. But the problem is that, if you go to any of them they'd say they already have people advising on the environment. The Federal Highway Administration, for instance, has people who are concerned with the environment. But these persons are not at policy level. The difference is that in most of these places you are dealing with lower-echelon career people who just can't buck the system.

POSTAL CORPORATION PROPAGANDA

(Mr. GROSS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GROSS. Mr. Speaker, several Members of the House have made reference to public opinion polls they have conducted as evidence of what they call widespread support for conversion of the Post Office Department into a Government-owned Corporation. For example, the gentleman from Ohio (Mr. BROWN) has stated that the polls indicate "massive approval of the Postal Corporation concept."

This, of course, is not surprising, depending upon the question or questions asked. The American people want reform in the Post Office Department. Through many channels of communication they have been fed a steady diet of propaganda extolling the alleged "virtues" of a Postal Corporation and giving the impression that only by travelling this route can there be meaningful reform.

If I were to conduct a poll in the district I represent and ask citizens if they supported a plan which would provide improved service at a savings in tax revenue of $1 billion a year—as claimed by proponents of a Postal Corporation—there is no question of the results: the response would be overwhelmingly favorable.

The trouble is that such a question would be totally misleading and unfair, for a case simply has not been made to support the claims of better service and substantial savings in tax revenue, as alleged by proponents of a Postal Corporation.

On the other hand, I can well imagine the unfavorable response if I would pose a question such as this:

"Do you favor conversion of the Post Office Department into a Government-owned Corporation; a plan under which compulsory unionism would be possible, which easily could result in a 100 percent increase in the first-class letter rate, and reductions in service?"

Why, it is fair to ask, have so many people from the President of the United States on down suddenly become obsessed with the concept of a Corporation as a cure-all for the postal service?

The idea, of course, is not new. What gave it impetus was the report of the so-called Kappel Commission—the Commission on Postal Organization—created by President Johnson in 1967 and which made its report in June 1968.

As expected, that report came out foursquare in favor of a Postal Corporation, and to many newspaper publishers throughout the Nation, that was it—a Corporation was the cure-all and the voices of those of us who happen to believe that there is a better route to follow were drowned out by the propaganda barrage in support of the corporate idea.

One knowledgeable objector, for example, whose views have not been widely disseminated is former Postmaster General J. Edward Day, even though he has provided sound and telling arguments against the corporation concept. As Mr. Day stated in his testimony before the House Post Office and Civil Service Committee:

> To me, it is a remarkable fact that, in spite of the many objections which can be made to the corporation proposal, there has been very little published notice of these objections. On the contrary, there has been a barrage of one-sided propaganda and Chamber of Commerce slogans put forward in support of the Kappel proposal, much of it—I am afraid—by people who have limited qualifications as experts on operation of large organizations generally.

At another point in his testimony, Mr. Day had this to say:

> The members of the (Kappel) Commission were, of course, all important men. However, I think it a remarkable fact that not one of them had any background in postal matters. I doubt if the President of Campbell Soup Co.—who was a member of the Commission—would have been impressed by the results of a critical survey of his company by a group that did not include even one person with the slightest experience in the food business. The same can be said about the president of General Electric, of the Bank of America, and of Cummins Engine Co.—all members of the Commission.

Mr. Speaker, in the weeks ahead it will be my intention to offer further comments in an effort to set the record straight concerning the corporation concept and to keep Members informed of the progress which is being made in the writing of a meaningful postal reform bill by the Post Office and Civil Service Committee.

I harbor no illusion that my views will have the slightest effect on those in the publishing business and the Nation's giant corporations whose minds obviously are closed to any other idea except a postal corporation.

I can only hope that my colleagues will keep an open mind, await the bill which I hope our committee will report at an early date and then view objectively all of the facts—not just the one-sided propaganda of those who, in many instances, have little or no knowledge of the operation of our Nation's postal system and the problems with which that system is faced.

CHICKEN: AMERICAN STYLE

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

Mr. HAMMERSCHMIDT. Mr. Speaker, broilers are a major source of income to thousands of people in the Third Congressional District of Arkansas, which it is my privilege to represent. Arkansas is a very close second to Georgia, which still stands as the No. 1 State in broiler production. I am giving my colleagues in the Congress from Georgia fair notice in the spirit of friendly competition that we will be on their heels and may well surpass them in broiler production in the not too distant future.

In 1964, the last year for which census figures are available, Arkansas produced 267 million broilers. In 1968, statewide production had risen to an estimated 369 million. Far more than half of those broilers are grown in my Third Congressional District. For example, of the 267 million birds produced statewide in 1964, the Third District produced 222 million. My longtime friend, Lex Killebrew, executive secretary of the Arkansas Poultry Federation, tells me that that approximate ratio still exists today.

I wish to refer to speeches given before the recent conference of the National Broiler Council in Washington, D.C. There were especially noteworthy comments on the modern broiler industry by two distinguished Americans, Dr. Jean Mayer, the President's special consultant on nutrition, and Under Secretary of Agriculture, Phil Campbell.

Dr. Mayer said:

As a nutritionist, I always think that you people are the sort of acme of the application of nutritional science and nutritional technology to everyday problems. There is no one industry that has made more effective use of nutrition knowledge than the broiler industry. There is no industry that has managed to really quantitate or put into effect the quantitation of needs as well as the broiler industry, nobody who has been able to think of foods or feeds as a collection of nutrients in certain proportions with the sources interchangeable but the result being the optimum result in being the same as has your industry. In many ways, if we knew as much about human nutrition as we know about chicken nutrition, we would all be very much better off. So, I start by expressing my admiration for your past and present and, I am sure, future efforts.

As somebody who is particularly interested in public health nutrition, the effect on the human system, I may add that you have extraordinarily good food as well. We all need protein, we need animal protein, we enjoy eating it. At the same time we do have problems in this technological, very sedentary society, of both obesity and heart disease, and you have the great advantage of producing a source of excellent, very palatable animal protein which is low in fat, low in saturated fatty acids, low in caries, and it seems to me that the thrust of present research in human nutrition is very much in your direction. If you can convince people to broil the chickens or if they have to fry them, fry them in light polyunsaturated oil, then you are "in" as far as nutritionists are concerned.

The Honorable Phil Campbell, Under Secretary of Agriculture, said:

The thing about the broiler industry is that there is no more dramatic illustration to me of the free enterprise capitalistic system that has made this country so great than the processes by which this industry came into being, primarily since World War II. Of course, we had broiler production before World War II, but great strides and increases and growth of this industry have taken place since that time. This is an industry with initiative and drive; it's an industry attuned to progress; it's an industry continually on the lookout for new ways to increase its efficiency.

To bring the broiler industry to its present position of efficiency, many problems had to be solved. Of course, I could say facetiously that the biggest problem was your competitor, but that's what the system is. Anyone who doesn't believe that broiler producers are efficient ought to take a look at the statistics. Take feeding efficiency, for example. In the 1930s broilers reached 3 lbs. in 14 weeks on 4½ lbs. of feed for each pound of grain. Now 3-pound broilers are produced in 8 weeks with 2½ lbs. of feed per pound of grain.

In the State of Arkansas and in my Third Congressional District the broiler industry is bringing millions of new dollars to our economy, thousands of jobs for people who need them and an expanded tax base which is vital to satisfy the service requirements of our State. May I add that the industry does this by producing and marketing a commodity that is tasty, nutritious, high in protein, low in calories, and easy on the pocketbook.

Mr. Speaker, I bring to my colleagues' attention these facts about the broiler industry today because the story of this great industry has recently been dramatized in a film "Chicken: American Style" produced by the National Broiler Council. This film is a departure in movies depicting facts about an industry. In 28 fast-moving and fascinating minutes this film simplifies the vertically integrated complex which brings to the American dinner table a plentiful supply of delicious chicken meat. The movie shows that this result is achieved through the free flow of cooperation between broiler grower and integrator which characterizes broiler production today. "Chicken: American Style" highlights efficiencies in modern broiler production undreamed of in the old and happily forgotten days when raising chickens was a part-time backyard exercise.

Most interesting to me was the subtle technique used in the film which quietly but clearly establishes the fact that the great progress shown by the broiler industry has been achieved within the framework of—and, yes, largely because of—the free enterprise system which allows for progress. It is not by accident that the film opens on a view of Monticello, home of Thomas Jefferson, or that the movie's hero, a broiler producer, has been chosen to impersonate Jefferson in a Fourth of July parade. But I must not give away the plot.

I want to point out, however, that Tom Banks, broiler grower-movie hero, is a family farmer whose family is obviously happy and prospering. There is much concern about the future of the family farm. It occurs to me that the business partnership between broiler grower and integrator has been one of the most helpful economic developments to have appeared on the American agricultural scene in recent years. This teamwork between grower and integrator has resulted in improved incomes and a better way of life for thousands of farm families.

The movie shows all this and much more. It whets the appetite anew for many refreshing ways in which choice chicken can be prepared, and the message of "Chicken: American Style" can make your heart beat a little faster as it illustrates the benefits of living under a system of free enterprise: American style.

It is a good movie, and I recommend it to all without qualification.

INDIANA STUDENTS OPPOSE IMMEDIATE WITHDRAWAL

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

Mr. MYERS. Mr. Speaker, there has been much said about the student's position on the Vietnam question. One of the most interesting polls I have seen recently was conducted on the campus of Indiana University at Bloomington, Ind. I would like to share the results of that poll with my colleagues. The following article appeared November 20 in the Indiana Daily Student:

STUDENTS VARY ON WAR—MOST OPPOSE QUICK WITHDRAWAL

(By Daniel C. Beggs and Henry A. Copeland)

More than six out of every 10 students polled at I.U. indicated that they would oppose an immediate withdrawal from Vietnam.

This third in a series of collegian polls was conducted the week of Nov. 10 as part of a continuing program to provide readers with a more objective account of student thought.

A randomly selected group of 270 students were asked:

"Would you say that the U.S. should or should not withdraw immediately from Vietnam?"

They replied:

	Percent
Should	30.0
Should not	62.2
No opinion	7.8

There was a significant relationship between sex and the manner in which this question was answered. Forty per cent of all females polled believed the U.S. should withdraw immediately from Vietnam while just under 22 per cent of the males expressed the same feeling.

Concerning President Nixon and Vietnam, the interviewers asked:

"Overall, would you say that you—do support, do not support, or are unfamiliar with—Nixon's policy for ending U.S. involvement in the Vietnam War?"

Responses were:

	Percent
Do support	42.2
Do not support	38.5
Unfamiliar with policy	14.3
No opinion	5.0

As in the previous question, the women and men varied appreciably on their support for the President's policy toward Vietnam. While more than 55 per cent of the males favored Nixon's policy, his support slipped to 28 per cent among the females surveyed.

About the same percentage of students who said that the U.S. should not withdraw immediately from Vietnam indicated they believed the security of the U.S. was at least to a "fair extent" affected by political developments in Southeast Asia.

"To what extent do you feel U.S. security is affected by political developments in Southeast Asia?"

Answers were:

	Percent
A considerable extent	24.1
A fair extent	40.8
A small extent	28.5
No extent	6.0

Concerning the U.S. relationship with its allies, the respondents were asked:

"How important do you consider it that the United States retain the confidence of its allies?" They answered:

	Percent
Highy important	39.3
Fairly important	45.5
Fairly unimportant	11.8
Very unimportant	3.4

About the same margin of more than eight out of 10 students believed an effective military defense was important. When asked:

"How important do you consider it that the United States maintain an effective military defense?" The students replied:

	Percent
Highy important	44.4
Fairly important	41.4
Fairly unimportant	11.5
Very unimportant	2.7

Last, when queried about the effect of public demonstrations on peace negotiations

slightly more students indicated that they were harmful than those who did not.

"Do you or do you not feel that public demonstrations make it more difficult to negotiate peace in Vietnam?" Answers were:

	Percent
Yes—they do	47.4
No—they do not	42.2
No opinion	10.4

COST-OF-LIVING ANNUITY INCREASE

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

Mr. HOGAN. Mr. Speaker, I have today introduced a bill designed to ease the burden for some of the employees who will be affected by the Department of Defense work force reductions.

This legislation will authorize a 5-percent cost-of-living annuity increase for those who retire after November 1, 1969, and before April 2, 1970, and whose retirement is based on involuntary separation.

The immediate purpose of my bill is to extend for a 6-month period a retiree's eligibility for the 5-percent increase. This action is necessary because the October 29 Department of Defense announcement of civilian and military work force reductions allowed only 2 days under the present law for dismissed employees to make the decision to retire.

Many employees found that it was impossible to make a reasoned decision of this importance in a 2-day period. I feel very strongly that they should be given this extension of time in order to benefit from the increased annuities accruing to involuntary retirement.

Because of the large number of Federal Government employees who reside in my congressional district, I have many constituents who will be affected by these reductions. These include civilian employees at the Naval Ordnance Station in Indian Head, Md.; Andrews Air Force Base in Camp Springs, Md.; Naval Technical Research Ship Special Communications Facility in Cheltenham, Md.; Naval Security Group Department of the Naval Communications Station in Cheltenham, Md.; and the Naval Oceanographic Office in Suitland, Md.

STEVE OWENS TO RECEIVE HEISMAN TROPHY

(Mr. CAMP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAMP. Mr. Speaker, I would like to take this time to congratulate Mr. Steve Owens, a member of the Oklahoma University football team on being chosen to receive the Heisman Trophy for the year 1969. Mr. Owens is a gentleman in all senses, a team player, and a leader among his colleagues. All Oklahomans are proud of Steve Owens, and this member of the Oklahoma delegation of Congress is very happy to take this time to commend Mr. Owens on his many accomplishments.

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

Mr. CAMP. I yield to my colleague from Oklahoma, Mr. STEED.

Mr. STEED. Mr. Speaker, one of the most outstanding football players in the history of the sport, Steve Owens of the University of Oklahoma, has been named as winner of the famed Heisman Trophy. He also has been named to the UPI All-American team.

This annual citation, made after balloting by writers throughout the country, is the top individual honor of college football.

Steve Owens has set a long list of records in his 3 years as tailback at Oklahoma. His selection for the trophy is all the more impressive since it usually goes to a member of one of the top-ranking teams, and Oklahoma this year has a record of only five and four.

Among the national marks he has established to some of which he is still adding are these:

Most touchdowns in a 3-year career—54 thus far, with one game to go.

Most points in a 3-year career—324.

Most yards rushing in career—3,607.

Most career rushing carries.

Most rushing carries in one season—357 in 1968.

Most consecutive games with 100 or more yards rushing—17.

Owens is 21 and married, a business major. A graduate of Miami, Okla., high school, he was president of the student body there and won the Masonic award as the outstanding student. He played there for coaches Mac Buzzard and Bill Watkins on teams that amassed a 3-year record of 22 wins, six losses and two ties.

At the University of Oklahoma he has played under Coach "Chuck" Fairbanks on teams with a 3-year record of 22 wins and nine losses, including the Big Eight championship in 1967 and cochampionship in 1968.

Owens is the second Oklahoman to win the Heisman Trophy, his only predecessor being Billy Vessels in 1952.

Steve Owens combines modesty and teamwork with unusual dedication, reliability, steadiness, and talent. All Oklahomans are proud of his record.

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

Mr. CAMP. I yield to the gentleman.

Mr. EDMONDSON. Mr. Speaker, I want to commend my colleague for calling this to the attention of the House.

Steve Owens is a great constituent of mine in the Second District of Oklahoma. I know his fine parents, Mr. and Mrs. Olin F. Owens, and a host of their friends and neighbors in Miami, Okla., share our pride in Steve because of his many accomplishments.

Mr. Speaker, Members will be interested in a few examples of how Steve won the Heisman Trophy. He earned it by breaking the NCAA 3-year record for total yards gained, 3,388; the NCAA record for most times to carry the ball in a season, 337; by gaining 100 yards or more—and often much more—in 17 consecutive games; and by breaking the NCAA 3-year touchdown record, a record that stood since Glenn Davis of Army set it in 1946.

Steve also earned national honors by being an outstanding gentleman and student. He is truly the kind of football hero we can be proud to have our young boys look up to. I have been following Steve's football achievements since he played for Miami High School, and I have never heard anything but praise for him on or off the field.

Mr. Speaker, this week Steve plays his final game for Oklahoma in Oklahoma's annual classic battle against Oklahoma State University. I am certainly not going to take sides on that one, but I will be one of the many Oklahomans who will be pulling for Steve Owens to score at least one more touchdown and rush for at least 147 yards—achievements which will give him the national titles in scoring and rushing for this season.

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

Mr. CAMP. I yield to the gentleman.

Mr. BELCHER. Mr. Speaker, I think one of the really remarkable things about Steve being chosen to get the Heisman award is the fact that he played on a losing ball club. Oklahoma lost four games this year and, yet, in spite of that he got the most votes for "All America." He was given the Heisman Trophy. As a general rule, receivers of the Heisman Trophy play on winning ball clubs. The reason for that is they feel if a man is entitled to the Heisman Trophy, his team should win its games. Steve made such an outstanding record he was chosen in spite of the fact that he played on a losing ball club.

Of course, he has been a great ball player ever since he entered the university in his sophomore year. I have watched his progress all the way through, and I felt sure that in his senior year he was bound to get the Heisman Trophy.

Mr. CAMP. I thank my colleague.

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

Mr. CAMP. I am happy to yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, I join my colleagues in congratulating a great Oklahoman, Steve Owens, a young man who is not only an outstanding athlete but also a fine student and a leader of men. Oklahoma is proud of him.

Mr. CAMP. I thank the gentleman.

WAS THE SEARCH-AND-DESTROY POLICY IN VIETNAM RESPONSIBLE FOR A MASSACRE?

(Mr. SCHWENGEL asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous material.)

Mr. SCHWENGEL. Mr. Speaker, yesterday was a day of great fame for my country and possibly great infamy. The painful possible infamy comes from some things that allegedly have happened in Vietnam in March of 1968, when apparently many innocent people were wantonly murdered. This, if true, will cast a reflection on America that is not good. I read by the papers that this matter is going to be investigated 20 months late. We need to know why it is coming so late. Hopefully, we will find out about that.

I read with great interest, I have listened with great interest to many of the

statements that have been made on this question already, and I along with many Americans feel, as articulated best, I think, by our leader, the gentleman from Michigan (Mr. GERALD R. FORD), yesterday, a certain sympathy for the people involved. I have that sympathy, too, because I have a feeling that this came as a result of a policy that was adopted by somebody in control that did not have a good effect either on the problem, the resolution of the problem in Vietnam or on the mental attitude of our soldiers. That policy was of search and destroy.

Mr. Speaker, I know something about that policy, for 2 years ago, with a group of volunteers, 10 of them, American citizens, who prepared themselves well before going, I went to Vietnam and spent 10 days there, and a portion of the team longer. While there we divided into subcommittees. We investigated, observed, appraised, and made notes, and then we made a report to the Congress. At that time we recommended what has now become the policy. We recommended that the search-and-destroy policy be changed to one we would call "clear and hold." That, I understand, is the recent policy, and it makes a lot more sense.

Mr. Speaker, as the people who are investigating this thing look at this matter, I hope they will investigate the entire picture. Investigate, and let us find out who it was who enunciated the search-and-destroy policy, and this may lay at the base of our trouble.

So I am saying let us get the full story.

In my prepared remarks—and I hope Members of Congress will read them—I will expand on this subject a little more and make some observation that may be worthy of the Members' consideration.

Mr. Speaker, I repeat the reports of the last week regarding the alleged massacre at Mylai in South Vietnam is cause for concern to us all.

It seems to me that we should look beyond the massacre itself and examine the situation and atmosphere which I feel not only allowed, but encouraged an incident such as occurred at Mylai.

In March of 1968 we still were pursuing a policy of search and destroy. This policy was typified by the large sweeps through areas in South Vietnam where the U.S. troops supposedly sought out Vietcong and destroyed them. Too often, however, we had the specter of entire villages and hamlets being destroyed. And now we have an example of not only the physical buildings being eliminated, but the men, women, and children who lived in them as well.

While the actions of our young men in Mylai cannot be excused, there is no doubt in my mind that it was the policy of search and destroy which must share equal if not more blame. The Army officials who continually sent young men out on search-and-destroy missions knew that an incident like this one at Mylai was bound to occur. It was inevitable that the atmosphere created and built up by the search-and-destroy concept would result in mass civilian killings.

So rather than placing all of the responsibility on the young men involved in the incident just revealed, it seems to me that we should also call to account those who formulated and administered the policy which fostered the atmosphere which led to the atrocity.

What now is equally disturbing is the indication that the same high ranking officers responsible for adopting the search and destroy strategy apparently have tried to cover up the results of that strategy. The policy was terribly wrong. The attempt to cover up is indefensible.

When I was in Vietnam in November 1967, we asked military officials how many people were being killed as the result of "friendly action." An incredibly low number was cited. It is even more incredible now. They stated that 374 South Vietnamese had been killed as the result of friendly action from January 1 to November 1, 1967.

When I returned from Vietnam I pointed to the utter failure of search and destroy. It alienated the people in South Vietnam we were supposedly fighting for. It was causing widespread destruction and death of civilians. It was killing a lot of American young men.

At that time I called for a change in policy to what I referred to as clear and hold. If this policy had been pursued it is unlikely that the incident at Mylai or others like it would not have happened.

It is gratifying to note that President Nixon has seen the mistake of search and destroy and has in effect adopted the strategy of clear and hold I recommended 2 years ago. It has reduced the level of violence, encouraged and hightened by search and destroy. It has minimized the likelihood of any more Mylai's because of the change in attitude and atmosphere. It provides a much better basis for eventual American withdrawal from Vietnam.

The lesson of Mylai is not that young men sometimes lack judgment or lose their balance, but that a policy and order such as were in effect in Mylai were wrong. I will be keenly disappointed if the investigation underway now does not cover the entire situation and does not examine the influence of the concept of search and destroy on what happened. I also will be disappointed if the investigation does not include a careful analysis of who gave what orders all the way up to the top brass. And if there were, in fact, an attempt to cover up, those responsible should be stripped immediately of their positions and court martialed along with the others.

In my opening statement I referred to yesterday as a day of fame and possible infamy.

I call yesterday a day of fame because the President issued a most significant statement on the use of biological warfare. This has completely changed our attitude, our position, and our posture. All sane and thoughtful Americans will applaud and the free world will begin to renew their confidence in America.

Mr. Speaker, I repeat President Nixon's announcement that there will be a dramatic change in our Government's policy with regard to chemical and biological weapons certainly is good news.

The decision to submit the Geneva Protocol of 1925, prohibiting use in war of poison gas or bacteriological methods of warfare establishes without doubt this Nation's position on this important issue.

In addition, the President unequivocally stated our Nation was renouncing the use of lethal biological weapons. Recognizing that these weapons could produce global epidemics and impair the health of future generations, the President has ordered the disposal of our existing stocks of bacteriological weapons.

As the coauthor of a recent report which called for the actions the President has taken, I am pleased our Nation and our President has taken these forthright steps to eliminate these terrible weapons from our arsenal.

As the President makes these hard decisions, as he makes his pronouncement and as he sets high goals, I commend him and voice the hope that all Americans will take heart and give support to his farsighted programs.

PRESIDENTIAL COMMISSION TO STUDY TRUCK SAFETY

Mr. Speaker, a good deal of heat, and not an awful lot of light has been generated by the proposed legislation to increase the size and weight of trucks. This is the second year the legislation has been before the Congress. It would appear to me, the most significant point developed to date is the woeful lack of accurate, unbiased data on the present safety record of trucks, and the effect of the proposed increase on highway safety. It also appears that we lack information, or else that available information has not been very well organized and presented, on the questions of economic benefits of this legislation, and the corresponding increase in the costs of our highway programs. With respect to the latter area, it is my feeling that sufficient data should be available through the AASHO road study, the cost allocation study, and other studies. The major effort that is needed here is to correlate the data and put it in more understandable form.

The principal area that needs further original research is that of the effect of this proposed legislation on highway safety. I first recognized this need during hearings on the truck bill in the 90th Congress. Despite efforts of proponents to ride roughshod over those with legitimate questions about the bill, it became clear we did not have sufficient, reliable data on the questions of safety. Hearings this year have clearly justified the position which I took last year. Testifying before our committee in May of this year, Dr. Robert Brenner, Acting Director of the National Highway Safety Bureau stated:

> As to the specific of what the extra width does or does not do in the safety picture, I am not aware of any work specifically in that regard.
>
> I think we have to learn a great deal more about the problem of truck stability.
>
> There is an awful lot we do not know about why some of these vehicles flip over and why some of them do not.

Mr. Speaker, this testimony is especially significant in view of the fact that Dr. Brenner would have to be classified as the one person in the Federal Government who would be most knowledgeable on the safety question. When the Gov-

ernment's leading authority in the area says that "there is an awful lot we do not know," it is high time we establish procedures to obtain sufficient information so that we do know an awful lot before we increase sizes and weights.

Even more incredible, but certainly in accord with Dr. Brenner's statement, is the testimony given by Frank Turner, the Federal Highway Administrator. Mr. Turner stated:

> Our review of the available data bearing on highway safety considerations does not permit the reaching of a definitive conclusion—we do not have sufficiently reliable evidence to make a clear case for or against the proposal on safety grounds.

With the foregoing statements, the need for the safety studies proposed by the bill which I am introducing today appears to be quite obvious.

Mr. Speaker, the whole truck issue was highlighted by President Nixon's statement during the campaign last fall. He stated:

> This proposal raises serious issues, including the safety and convenience of the motoring public. Questions remain about the extent to which greater truck size and weight would impose additional wear and tear on a road network.
>
> I believe these matters are so important to so many of our people that I favor postponement of action on the bill now before the House.
>
> As President, I would want this entire matter most carefully reconsidered. I would direct the Secretary of Transportation to take a hard look to make certain that the interest of the traveling public and also the life of our highways are fully protected as we facilitate the vital movement of goods in the Nation's commerce.

The bill which I am introducing would fulfill the requirements for study of this problem set forth by President Nixon in his statement. I would hasten to add at this point that no "hard look" such as the one directed in the President's statement has been taken. The Department of Transportation belatedly undertook a "quicky 30-day study" after hearings commenced, and after they were reminded of the President's statement. I am certain President Nixon would never let this "quicky study" pass as his "hard look," especially on the question of safety.

The bill which I am introducing today would create a 15-member Presidential Commission to take this "hard look" at the safety and economic considerations involved in the big truck legislation. The Commission would be required to report their findings within 3 years. Membership in the Commission would be representative of the many groups that have a special interest in the outcome of the legislation. The Commission would be directed to study all ramifications of any change in size and weight limits. This would include, in addition to safety, economic benefits to be realized, increased costs which would be incurred for our highway programs, and the Commission would consider the equitability of the costs of highway programs borne by various classes of highway users.

With the exception of the safety question, little new research will be required. As indicated above, much data is available on economic aspects and cost allocation. The safety problems presented will require a good deal of new research. I am confident that with proper supervision it can be completed in the allotted time.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MILLER of Ohio. Mr. Speaker, the gross national product for the United States in 1968 was $861 billion. This is over one-half of the world total of $1,627 billion.

EVENTS IN SONGMY

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

Mr. LOWENSTEIN. Mr. Speaker, it would be inappropriate to celebrate the holiday we call Thanksgiving without saying something about the events in Songmy.

"Inappropriate" is not the word; I am not sure what the word is. We are dealing with an unprecedented situation, a situation no American ever believed he would have to deal with, so no one is really prepared to deal with it, to find words for it. Maybe "unacceptable" is as close as a word can come to describing the situation—I think that is what Robert Kennedy would have called it—but what does it mean to call a situation "unacceptable" that one must, in fact, learn to accept?

In any case I cannot sit here silently, knowing what we already know, and let it appear that the predominant response of America to the events in Songmy is a greater indignation at those who are finally telling us what happened there than at those who are responsible for its having happened.

One reason so many of us fell silent after joining in the demand for a thorough investigation is simply that words are so utterly inadequate, so pointless. It seemed almost necessary to wait in silence, horrified, praying that somehow it would turn out that these awful things had not been done by our countrymen, and praying for God's mercy on this land if it turned out that they had.

But facts pile up, and as they pile up so does a strange cacophony—a defensive ugly jumble of wrong noises and wrong silences, of buck-passing and minimizing, of impugning those who are reporting the facts and finding justifications for "no comments" that suggest a discreet condonation more than a wordless grief.

So, more of us must now speak out to be sure it is clear that millions of Americans feel more deeply grieved and shamed about the killings in Songmy than we would have thought it possible to be grieved or shamed by any action committed by men wearing the uniform of America.

Let it be clear, too, that the national shame will grow, as indeed it should, until this whole terrible story and any other stories like it are known; and until all those responsible, of whatever rank, are brought to justice. Further, all of us will continue to share the guilt for the enormous and continuing tragedy that is our intervention in Vietnam until that intervention has been stopped.

What little there is that might ease the enormity of the horror of Songmy will be lost if these things do not happen soon. We are not, after all, Nazis. We are not Communists. We are not butchers. Lidice is not the way we wage war, nor the Katyn Forest, nor Hue, nor Guernica.

I include in the RECORD at this point an editorial from the Washington Post and articles by two of America's greatest columnists. I hope every Member of the Congress will take the time to read them. They follow:

[From the Washington Post, Nov. 26, 1969]

MYLAI 4

"You have to have been there to know how it is," said an Army rifleman who was there at Mylai 4 hamlet in South Vietnam when it happened—when an undetermined number of civilians, old men, women, infants, perhaps as many as three or four hundred, were apparently shot to death by American troops in March of 1968. We who were not there can only absorb slowly, and perhaps partially, the full horror of it, let alone comprehend how this could happen. Our guess is that Peter Braestrup, who was also not at Mylai, but who has been there in Vietnam, covering the war the hard way, close up, for this newspaper, probably has it about right in a story in last Sunday's Washington Post:

"The tentative picture . . . that emerges indicates that under stress, in a particularly vicious corner of the war, the officers of a tired, understrength rifle company, at the very least, allegedly failed to prevent many of their men from slaughtering hostile but unarmed peasants in revenge for the deaths of some of their comrades."

Stress? Particularly vicious corner of the war? Tired? Understrength? Revenge? Can these words, put together, explain the horror of American soldiers shooting helpless civilians, point-blank? The appalling account offered by Infantryman Paul Meadlo, one who was there, in an interview with Mike Wallace of CBS, suggests that, in a certain sense they can, that decent men *can* crack under the strain and the frustration of a brutal and brutalizing war. The Captain was there, Mr. Meadlo said. "Why didn't he put a stop to it, he knew what was going . . . he was right there . . . at the time I felt like I was doing the right thing . . . I lost buddies . . . I lost a damn good buddy Bobby Wilson and it was on my conscience . . ."

Perhaps it can happen; perhaps it happens more than we know, though probably not on the scale of Mylai. It is hard to say because there is still so much we do not know. What seems clear, however, is that it will never be enough to understand Mylai if one ever can, for this is not simply a matter of a court-martial of one lieutenant, or of whatever number of men in his command who may be under investigation now. This is not just something to do with Company C, 1st Battalion, 20th Infantry, 11th Brigade, American Division. This, in the most extreme form, is the story of the Vietnam war, and it seems safe to say that when we know as much as we can know of this event the American public's perception of the war rightly or wrongly, will never be the same again.

For the questions that are going to have to be answered merely begin with Lt. William L. Calley Jr.'s guilt or innocence. There are more terrible questions that have to do with a system and a state of mind that can allow nearly 20 months to elapse before so monstrous an event is even brought to light, let alone to trial. We need to know how, in a system which positively thrives on operations

reports and progress reports, no honest report of this "incident," as the Army calls it, apparently ever reached the high command. And how, according to reports in this newspaper, the regimental commander could develop strong suspicions that something had gone wrong and then make only the most cursory investigation. The suspicion arises that the Army really didn't want to know, that somehow an atmosphere has developed in which the unthinkable atrocity is of no great matter—until some conscience-stricken enlisted man talks and it comes time to find a scapegoat well down the chain of command. This is what we need to know more about—the system and the state of mind. For Mylai even at best, cannot be written off as an exception that proves the rule, as some isolated aberration. For all its horror, in a certain sense it is part and parcel of the war, removed only in degree from what is known to be commonplace: the indiscriminate killing of South Vietnamese civilians by American saturation bombing, by American artillery fire, by isolated infantry skirmishing. So there is no way that it can be ignored, even without the worldwide uproar it has produced. We can perhaps weather that. What remains to be seen is whether we can withstand the outcry at home, for the massacre at Mylai 4 can only make more anguishing the central question of our capacity in good conscience to wage this war.

THE KILLERS

(By Pete Hamill)

And so it appears, as we move into the Seventies, that we have learned something about ourselves that is large and dark and final. We, all of us, sitting here in our small comforts, worrying about inflation and schools and the coming of winter, preparing for a night at the theater or a short passage with the Knicks, getting our cars repaired, swapping small talk at lunch, making Christmas lists, marrying and divorcing, wrapped in ourselves and our banalities, all of us must sleep tonight in the knowledge that we share in mass murder.

Can we look deep into those photographs by Ronald Haeberle of The Cleveland Plain Dealer and deny what they tell us? That girl with straight clipped bangs: she is about 10, and terrified, hiding behind a shrunken woman. In a moment, she is to be liberated forever by the guns of Americans. We don't know her name; we don't know the names of those in the other photographs, piled in a field like cordwood; and we'll never know. They were "slopeheads"; therefore we can kill them.

One justification for the destruction of Song My is that the villages there were "unfriendly" and had been in the control of the Viet Cong or the Viet Minh since the 1940s. But we must remember several things: the Viet Cong were the only government that many of those places had had since the Japanese left after the Second World War. And more importantly, the Viet Cong are Vietnamese, before anything else. If the U.S. were to break into civil war, and 6,000,000 Chinese troops arrived to fight for one side (using the same ratio as that of American troops to South Vietnamese citizens) we would be unlikely to be friendly, especially if they seemed to spend much of their time bombing, shelling, mortaring, shooting and burning. You cannot expect people to believe your noble intentions when you shoot 10-year-old girls to death.

Ah, but "these things happen in war." Yes, and when a stickup man shoots a grocer in the belly we could say that those things happen in armed robberies. A guy blows his wife's head off with a shotgun; those things happen in domestic quarrels. A girl is raped and strangled; those things happen in an urban society. Lidice was one of those things that happened in a war and we hung people for it.

The Army will court-martial a number of people over what happened that March day at Song My. The defense will be the old one; they were acting under orders. But there will be other issues involved in that trial. Would they have killed those people so easily if they had been in Sweden? If you continually call a man a "gook" or "Charlie" or "slopehead," he is on his way to becoming an object and not a subject. He experiences no terror, no exaltation, no love; he doesn't sweat, feel hunger, suffer remorse; he doesn't care about seasons, or children, or home. He is an object who lives in a "hooch": he is a "kike," a "mick," a "guinea," a "polack," a "spic": but he isn't human, and you are free to obliterate him.

There is another issue. Can a man legitimately defend himself by saying he was "under orders" if the entire action—in this case the war itself—is illegitimate? We seem to forget that the war in Vietnam was never declared, and is clearly illegal. We have something in this country called the Constitution which reserves to Congress the right to declare war. Our contract with the President uses the Constitution as its basis; every day in Vietnam, the terms of that contract are being violated.

But even worse, the contract we have with each other is being violated when something like Song My happens and we do not rise in outrage. This country was supposed to have a kind of fundamental decency at its heart; but we seem to have become at least as calloused as the Germans did. It is easier to forget it all, or blame David Brinkley for inventing it, or claim that "the liberal Communists" (to borrow the phrase of the wife of our Attorney General) were behind its exposure, or simply follow the example of the President and sit down and watch a football game.

But I hope that after this is over, we can remember some of the words of Sgt. Michael Bernhardt, who was at Song My. "We met no resistance," he said, "and I only saw three captured weapons. We had no casualties. It was just like any other Vietnamese village—old papasans, women and kids. As a matter of fact, I don't remember seeing one military-age male in the entire place, dead or alive. The only prisoner I saw was in his 50s." Were the dead members of the Viet Cong? "Some of the people were not old enough to walk yet, so I couldn't see how they could be Viet Cong."

But the government shouldn't get away with sentencing a handful of men, and letting the others escape. The others are not those baffled young men who were conscripted and sent to Asia. The others include everybody who had anything to do with sending them there: Lyndon Johnson, Hubert Humphrey, Walt Rostow, the Bundys, and all the rest. Democrats and Republicans, from three different Administrations, and seven Congresses. Throw in the people who make napalm, M-16s, and the other instruments of liberation, and we might have a trial that is logical and goes after the real villains. I know just the place to hold it. It's a town called Nuremberg.

WHERE OUR CONSCIENCE DIED

(By Mary McGrory)

Song My has revealed the full devastation of the war. Song My has told us not only what Americans have done to Vietnam but what Vietnam has done to Americans. The country's conscience, apparently, died in that Asian village with the old men, the women and the children.

The reaction to the reports of mass murder by American soldiers have been not horror at what happened, but rage at the messengers who are bringing the news.

The South Vietnamese government, anxious to save the American presence, says it never happened. The American government, anxious to save the war, says nothing.

An administration which fulminated at length against even the prospect of violence on Pennsylvania Avenue during the recent peace march, has no comment about slaughter in Song My.

The one expression from an administration official was given behind closed doors. Secretary of Defense Melvin R. Laird, testifying in secret session before the Senate Foreign Relations Committee, said he was "shocked and sick" at the allegations, long suppressed by the Army. The White House press secretary says the President has not been involved in any discussions or decisions about the matter.

In the Senate, two members rose up, one to inveigh against the Army for bringing charges against an officer for "a mistake in judgment . . . under pressure of combat"; the other to condemn the CBS television network for bringing to the home screen a young ex-GI who said he thought he had shot 15 or 20 people under orders from his lieutenant.

The interviewer, Mike Wallace, was inundated by abusive phone calls. Of 110, all but two berated him for "giving that boy a hard time." The network received many messages, a typical one saying, "Agnew was right. Wallace is pimping for the protesters."

Americans, who once united to protest against the Nazis, do not want to hear about atrocities committed by Americans, who like themselves, have become moral casualties of the war.

The war first was presented to them by a previous administration as necessary to avert another Munich, by this one as a struggle for survival. The country has suffered three assassinations, countless riots. And now, it seems the moral standards of a small, fanatical, underdeveloped country have been adopted as our own.

After all, it is said, look what the Communists did at Hue. They destroyed 3,000 "Oriental human beings," to borrow from the terms of the indictment of Lt. Calley. The death toll at Song My is not known, but surely less and the blame reduced proportionately. The quantitative standard is almost certain to prevail in a war where the only known measure for progress, and oft-proclaimed, imminent success was the body count. They were "gooks" to the young soldier who helped shoot them, and Communist gooks besides, even the babies, presumably.

The President understands that Americans do not want to hear bad things about other Americans who are helping to save a gallant little nation from a savage invader. The day after the shame of Song My was proclaimed by the court-martial announcement, President Nixon held a levee for the press. America was abandoning germ warfare and would never strike first with lethal chemical weapons.

He not only told Americans what he had done but what they should think about it. "By the examples we set today, we hope to contribute to an atmosphere of peace and understanding between nations and among men," he said.

The image of a high-minded humanitarian nation was thus restored, by an action delayed 44 years, which the White House says is in no way related to the sick story of Song My.

Once before the administration overcame a report that laid bare the brutalization of Americans by the war. In September it was revealed that Marines had been tortured in the brig of Camp Pendleton, a Marine base that abuts the summer White House in San Clemente.

Four days later, Henry Cabot Lodge stood up and made a 49-minute speech about the inhumane treatment accorded American prisoners by their North Vietnamese captors, blanketing a simultaneous admission by the commandant of Pendleton that there had been mistreatment.

Since then, Americans have been conditioned to equate support of the war with

patriotism and protest with president-breaking.

Song My cannot be so easily bypassed. It is here to stay, a reminder to America that it is really not different from any other country.

A distraught young Wilmington, Del., church worker called this newspaper to say that, after reading the transcript of the GI interview, he thought the only way he could register his revulsion, guilt, and frustration was to renounce his citizenship.

"I read this sign on cars that say 'America, love it or leave it.' How can I love it when it does these things?"

EQUAL RIGHTS AMENDMENT

(Mr. PEPPER asked and was given permission to address the House for 1 minutes, to revise and extend his remarks and include extraneous matter.)

Mr. PEPPER. Mr. Speaker, since my early years in the Senate I have supported the so-called equal rights amendment assuring equal rights for women under the Constitution of the United States. I believe this to be a very meritorious measure.

Mrs. Adele T. Weaver, president-elect of the National Association of Women Lawyers, and legislation chairman of the Florida Federation of Business and Professional Women's Clubs, Inc., has submitted to the Hon. EMANUEL CELLER, chairman of the Judiciary Committee of the House of Representatives, a very able memorandum in support of the equal rights amendment. I commend the excellent statement of president elect Weaver to my colleagues and to my fellow countrymen and include it in the RECORD immediately following these remarks:

EQUAL RIGHTS AMENDMENT

The Equal Rights Amendment Bill has been sponsored by at least 154 members of the House of Representatives in the 91st Congress. The National Federation of Business and Professional Women's Clubs has been urging the adoption of an Equal Rights Amendment for many, many years, and the National Association of Women's Lawyers has consistently favored and supported the adoption of such an Amendment.

However, the Equal Rights Amendment has been opposed by those who take the position that such an Amendment would deprive women of existing "protective" legislation. This may have been a valid position in the days when the Fair Labor Standards Act was first enacted, when women and children worked ten to twelve or more hours a day in sweat shops and factories under atrocious conditions.

Times have changed, however; no one is now working under the labor conditions that prevailed in the "twenties" and early "thirties", and women are no longer in need of legislation limiting their hours of labor, requiring that seats be furnished to them, limiting their weight-lifting activities, etc., etc. What women need now is the opportunity to earn a livelihood in exactly the same manner and for the same remuneration as all their other fellow human beings. Today, more and more women support families or at least themselves, exactly as do men. These women should have the same job opportunities for the same compensation as do men.

It goes without saying that women are not generally going to apply for jobs that require great physical strength and prowess. Moreover, it is a known fact that frequently women must and do exert a good deal of physical energy, many of them lifting thirty-five and fifty pound children without the prohibition of any "protective" legislation. If weight-lifting, for example is a bona fide job requirement, then women as a sex should not be eliminated from qualifying for the particular job, but their individual capabilities should be taken into consideration in exactly the same manner as would the physical capabilities of any man applying for that position. Moreover, any "protective" legislation that exists should apply equally to men and women. The various restrictive State Laws that now exist only serve to deprive women of their right to employment in certain occupations for which they might otherwise be fully qualified.

An Equal Rights Amendment would, of course, make women eligible for jury service on the same basis as men. We have already enacted such a statute in Florida as have other states. Naturally, a woman with little children could be excused the same as are men for various other reasons.

With regard to military service, Congress already has the *power* to include women in any conscription, if it so sees fit. While an Equal Rights Amendment would make women eligible for selection on the same basis as men, there is no reason why healthy young women should not be required to serve their government in a capacity suited to their physical and mental abilities.

The family relationship would not be altered by an Equal Rights Amendment: While women do not now have the legal responsibility for supporting their children, they do have such a moral responsibility and they do in fact assume the responsibility of support where it is not forthcoming from the father. As far as child custody is concerned, an Equal Rights Amendment will not change the basis for the judicial determination of what is best for the welfare of the child, the criterion that is now universally recognized by American courts. As to alimony or support of one spouse by the other after divorce or separation, where based on actual economic dependency or relative ability or inability to provide family support, it would not be prohibited by the Amendment since the criterion would not be sex, but economic need.

While women should be entitled to "equal protection" under the 14th Amendment and "due process" under the 5th Amendment to the United States Constitution, no Supreme Court decision has ever been rendered holding that laws classifying persons on the basis of sex are unreasonable and unconstitutional. A constitutional amendment is needed, therefore, to insure comparable treatment of the sexes before the law.

LETTER TO DADDY

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

Mr. GIBBONS. Mr. Speaker, the city council of Tampa has brought to my attention a very inspiring letter written by Miss Betsy Bryant. I think it would be proper for all Members of Congress to read this letter, particularly in these days of stress, and when so much is said concerning the alleged lack of patriotism and respect of family of our younger generation.

Mr. Speaker, Col. Charles Bryant died over a year ago while on duty with the U.S. Air Force. This letter by his daughter Betsy is an appropriate tribute to her fine father and also to her country. I know Betsy and I know the deep feeling she and the rest of her family had for Colonel Bryant. This letter was written for Veterans Day in connection with an observance of this day by Betsy's school.

I am sure that the reading of it will mean a great deal to all of the Members of the House of Representatives. The letter follows:

NOVEMBER 11, 1969.

DEAR DADDY: Today is Veteran's Day, and though you aren't here physically to honor this day, I know that your thoughts are with us all. This day has never before meant as much to me as it has today. I guess that's because before I never realized what America and what we're fighting for really stood for. Today at school we had a morning assembly to honor the living and dead veterans of all the wars. I've never been as proud of my country or my school as I was today. Watching all of the students standing silently as the flag was raised to halfmast, I felt truly touched and I could feel my heart swelling with pride. I think I might even have felt some of the pride you had carried throughout your life, here on earth. You would have been proud of me today, Dad, and of our school. It was like all of the students could have overcome anything under the unity we stood under today. When they played "Taps" tears filled my eyes, but they weren't tears of sadness, they were tears of gratitude to a country and a heritage that I'm proud of and that I'd fight for if the case should ever arise. No, perhaps they were sad in a sense, but only sad because of the evils of war and fighting and the high price you had to pay for liberty and the freedom to live. And too, they were sad for you. In my own selfish way, I prayed for your presence to be with me this morning. I've never before been so proud, Dad, never. And most of all, I was proud of you. Proud for what you've done to help this whole country in their pursuit for a completely free world. Even though what you did in a life time is only part of this big world and the life we live, it will never be forgotten in days and years to come.

I know it's crazy to write to you since you've been gone for over a year, but I know that you can see and understand this from where you are. Today we honor you and 38 million other veterans of the wars and pray that peace will someday reign over hate and fighting. Help us win that war we fight in Viet Nam, Dad, and pray for us all down here. Put in a good word for the United States of America with your "C.O." up there, and stick by home today. Even though your presence won't be felt physically, your spiritual presence will be. You can feel pride and patriotism no matter what, and I know no matter what, you haven't lost yours.

We all miss you.

Lovingly,

BETSY.

(NOTE.—This is a copy of a letter written by an American teenager to her father who died while serving the Nation in the United States Air Force. Betsy Bryant wrote this letter more than a year after the death of her father, Col. Charles S. Bryant.)

MAJOR ROWE, VIETNAM VETERAN

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

Mr. RUPPE. Mr. Speaker, last week I had the opportunity to have a long, personal discussion with Maj. James N. Rowe. I want to take this opportunity to express my appreciation for having this young man made available to me and my colleagues. Certainly it is beneficial to talk with someone who has had the experiences Major Rowe has and I feel that I have benefited from having talked with the major.

It is hoped that it will be possible for Major Rowe to return to Washington so that more Members of Congress will have

the opportunity to talk with him. I consider it most important, especially at this time, for those in the position of making policy and those in the position of carrying out policy, to have an awareness of all the aspects involved in Vietnam. Major Rowe has presented us with an opportunity to have access to an area before unavailable to us.

LEGISLATIVE PROGRAM FOR WEEK OF DECEMBER 1

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

Mr. GERALD R. FORD. Mr. Speaker, I take this time to ask the distinguished majority leader the program for next week.

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

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the distinguished minority leader, we will, of course, adjourn under the resolution heretofore agreed to until Monday, upon termination of business today.

Monday is Consent Calendar Day, and there is one suspension, H.R. 14517, Joint Funding Simplification Act of 1969.

We have programed for Monday and Tuesday—Tuesday being Private Calendar Day also—the House joint resolution making continuing appropriations for fiscal year 1970, and House Resolution 613, toward peace with justice in Vietnam. We expect to begin consideration of the latter resolution on Monday and probably will finish it on Tuesday.

For Wednesday and the balance of the week, we will have H.R. 12321, Economic Opportunity Act Amendments of 1969, subject to a rule being granted. I understand the Committee on Rules will consider that bill on Tuesday, and we expect the bill to take 3 full days.

Mr. GERALD R. FORD. Mr. Speaker, as I gather from the remarks of the gentleman from Oklahoma, we will dispose of the rule on House Resolution 613 on Monday and at least part of the debate, and undoubtedly vote on final passage on Tuesday sometime.

Mr. ALBERT. It appears that is the way we will do it.

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

Mr. GERALD R. FORD. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

Mr. Speaker, I am surprised to find a closed rule has been granted on House Resolution 613. I supported this resolution in the Foreign Affairs Committee and expect to support it on the floor of the House, but I can see no reason why, on a resolution involving policy as vital as this resolution deals, it should be brought into the House floor under a closed rule.

We had the opportunity in the House Foreign Affairs Committee to work our will on the resolution, including the opportunity to offer amendments. That right ought to be accorded all Members of the House.

I, for one, will vote against ordering the previous question in order to permit the House to work its will upon this highly important resolution.

Mr. GERALD R. FORD. Mr. Speaker, let me respond, if I may. I believe all Members of the House on both sides of the aisle did get the communication from the gentleman from Texas (Mr. WRIGHT) pointing out that historically within the last 5 to 10 years, we have had other comparable resolutions brought from the Committee on Foreign Affairs.

In each instance it was brought to the floor of the House under a closed rule. I believe the precedents are on the side of such a rule. I personally support the action of the Committee on Rules.

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

Mr. GERALD R. FORD. I yield to the gentleman from California.

Mr. WALDIE. May I say I thoroughly concur with the gentleman from Iowa in his criticism of the rule that brings this measure to the floor.

May I say also it does seem to me if the purpose of the resolution is to indicate to the President and to those in Paris on the other side that the country is behind the President's policy in resolving this conflict, then to deny this legislative body the opportunity to examine into and vote upon the differences, the agreements and disagreements on that resolution, seems to me to be acting entirely contrary to the purpose of the resolution, and it would seem to me it would be interpreted by the other side as an attempt to stifle dissent in this legislative body, not an attempt to mold unity in the country.

I could not agree more with the gentleman from Iowa.

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

Mr. GERALD R. FORD. I yield to the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. I thank the gentleman for yielding.

I should like to make the point, in addition to concurring with the gentleman from Iowa in his comments on the closed rule, that our research indicated any previous Foreign Affairs Committee resolutions which were considered under a closed rule were such that the committee invariably had hearings on those resolutions so that the sponsors of the resolutions could be questioned as to their intent, and so witnesses could be called before the Committee on Foreign Affairs to testify on those resolutions.

In this case no such hearings were held by the Foreign Affairs Committee in spite of the efforts of some of the members of that committee, including myself, to see that hearings would be held.

I believe the precedents the gentleman from Michigan cited are not apt. I certainly will join with the gentleman from Iowa in opposing the closed rule on Monday.

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

Mr. GERALD R. FORD. I yield to the gentleman from New York.

Mr. LOWENSTEIN. I would simply support what the distinguished gentleman from Iowa has said about the proposed closed rule. In this situation, as in so many others, this House is indebted to him for his courage and independence for his basic commitment to fair procedures and his willingness to fight for them.

As my distinguished colleague from New York has pointed out, there have been no hearings on the proposed resolution. There is, to say it gently, a certain confusion about what its language means.

Perhaps this confusion is unintentional. Perhaps it has its purposes. If it has purposes, perhaps one of them could be to get as much support as possible by leaving a certain vagueness about the meaning and intent of the resolution. That would ease the mystery of no hearings and closed rules. It would not make them less objectionable.

If we do not have the opportunity for adequate debate and to consider amendments on this of all resolutions, we will simply subject these proceedings to further ridicule. Members not permitted to speak here will not thereby be silenced. They will be angered. Members who cannot propose amendments will not be "unified" by steamroller. They will be more inclined to vote against the steamroller. Nor will all this add even to a facade of national unity.

This is the most pressing question the American people have faced in a long time. We mock democracy when we treat it as if it were a footnote to a bill about fishing rights on Mars. We demean the House of Representatives.

I wonder what possible objection the leadership can have to defeating the previous question so we can debate and amend as the elected representatives of a free people should. That kind of respect for democratic practice might even improve the prospects for some kind of genuine national rapprochement at least on the question of how a free people should decide policy when they are deeply divided about what policy to follow.

Mr. GERALD R. FORD. I can only speak for myself, and let me say there will be an hour of debate on the rule, during which time the views expressed by the gentleman from Iowa (Mr. GROSS), the gentleman from New York (Mr. LOWENSTEIN), the gentleman from New York (Mr. BINGHAM), and others can be developed, if they differ with the recommendation of the Committee on Rules. Then the House will have an opportunity to work its will on a vote on the previous question.

If the previous question is defeated, then of course it would be an open rule. If it is not, there will still be 4 hours of general debate, where the pros and cons of the resolution can be discussed in detail.

I believe the House will have an opportunity on Monday and Tuesday to work its will, and individual Members will have an opportunity to express themselves.

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

Mr. GERALD R. FORD. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I am one of those who signed that letter. I support the President's November 3 speech. I support the program that he has brought

before the country. I believe it is the only meaningful way we can find a disengagement from this war.

I would say to my colleague, whom I respect very highly, and to the leadership, that we would make a great mistake if we tried to bring this resolution in under a closed rule. We ought to take our chances on this floor. I have full confidence in the membership of this House in working its will.

Mr. Speaker, it would be my hope that we would not on such a crucial issue foreclose those who feel that they would want to offer amendments.

The SPEAKER. The time of the gentleman from Michigan has expired.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule on Wednesday next may be dispensed with.

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

Mr. PUCINSKI. Mr. Speaker, reserving the right to object, so I may finish what I was saying when the time of the gentleman from Michigan (Mr. GERALD R. FORD) expired, I say it would be a great mistake if you tried to close off debate on that resolution.

I know this House will work its will. I intend to support the President and I have reason to believe that the majority will support the President as have the 300 who signed that letter. But I do not want to give anyone the opportunity to say that somehow or other we foreclosed the opportunity to amend that resolution.

Mr. Speaker, I withdraw my reservation of objection.

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

Mr. SYMINGTON. Mr. Speaker, further reserving the right to object, I would like to associate myself with the views of those who oppose a closed rule on this momentous question that we face next week. A great many Members of the House are very anxious to support their President in an effort to find a just solution to this war. I think some of them have some pretty good ideas as to how to do it, and I think they should have an opportunity to express those ideas.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

THE PRESIDENT'S STATEMENT ON BACTERIOLOGICAL WARFARE

(Mr. BINGHAM asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous material.)

Mr. BINGHAM. Mr. Speaker, I rise to commend the President on his statement of yesterday on the subject of bacteriological warfare. It was a statesmanlike thing to do.

I also take pleasure in paying tribute at this time to our colleague, the gentleman from New York (Mr. MCCARTHY), who has played such a major role in bringing this development to pass. He has taken the lead from the beginning, acting with great courage and vigor. Although he has had the active support of many other Members of this body, he is entitled to the lion's share of the credit for what happened yesterday.

Mr. Speaker, I was pleased to note that Mr. MCCARTHY's role was explicitly noted in the New York Times and in the Washington Post of today in the editorials which follow:

[From the New York Times]

GERM WARRIORS RETIRED

The Administration's unilateral renunciation of germ warfare and its reaffirmation that the United States will never be the first to use lethal gases is a welcome move that should raise President Nixon's prestige at home and American prestige abroad. The unequivocal abandonment of bacterial weapons is especially gratifying, since this particular concept of warfare is as senseless as it is horrifying, disease germs being as great a threat to the user as to the enemy. Since even in peacetime it poses a threat of accidental epidemics, it is particularly reassuring to have the President's pledge to destroy the army's entire stockpile of germ missiles.

As for chemicals, Mr. Nixon is asking only for ratification of the 1925 Geneva Protocol, which prohibits first use. Unofficially this has been national policy all along—with certain exceptions. Those exceptions, now in evidence in Vietnam, are tear gas and various defoliant chemicals. We regret that the President failed specifically to include these as coming within the scope of the Geneva declaration. The next best hope is that the Senate will express its understanding of their inclusion if and when it ratifies that 44-year-old agreement, as Majority Leader Mansfield seems confident it will.

The tear gas in use today, CS-2, is really a lung gas, far more painful than the simple chemical used when the Geneva Protocol was drawn up—and it has been used in Vietnam to flush enemy soldiers out of hiding places so they can be shot down. The defoliants are triply reprehensible in that they destroy food supply far into the future, upset the ecology and threaten future generations with deformity.

Nevertheless, the President's action is a major step forward and a credit to the Administration. When credits on this score are being distributed, incidentally, it would be grossly unfair to omit the name of Representative Richard D. McCarthy, Democrat, of New York. More than any other man, the Buffalo Congressman took the initiative in revealing the dangers and follies of chemical and biological warfare, exposed the extent of the stockpiling, and fought, sometimes singlehanded, for the renunciation that is now official policy.

[From the Washington Post]

A HISTORIC DECISION TO RENOUNCE GERM WARFARE

For decades the United States has been mindlessly and massively preparing itself to use disease as a weapon of war, despite all the horror summoned up by bacteriological devastation, all the threats it poses to user as well as target, all the irresponsibility involved in tampering with the health of the human race. Now President Nixon has declared that the United States will renounce biological warfare, cut back its BW research to "defensive measures such as immunization and safety," and undertake to dispose of its BW stocks.

The decision is a historic one. In making it, the President took hold of an enterprise that had been abandoned years ago to its practitioners in the military bureaucracy. He examined it systematically, and—like other students of the matter—discovered that BW posed great dangers to the general health and no advantages to the national security. Then, defying the established behavior patterns of Washington, Mr. Nixon acted swiftly and decisively on his findings: he abolished the American BW programs. Such a performance is as refreshing as it is rare. Every American can take pride that his government intends to stop its part in what Congressman Richard McCarthy calls, in the title of his new book on the matter (published today), "The Ultimate Folly."

Of quite another order is Mr. Nixon's decision to ask the Senate to ratify the Geneva Protocol of 1925. The principal instrument of international restraint on biological and chemical attack, the protocol prohibits the first use in war of "asphyxiating, poisonous or other gases and of bacteriological methods of warfare." The United States has suffered serious diplomatic and moral embarrassment from its failure to approve the protocol until now.

Mr. Nixon damages his initiative somewhat by reserving the right to employ the tear gases and chemical defoliants widely used in Vietnam. Many Americans, and most countries which have accepted the Geneva Protocol, believe that those items should not be excluded from protocol coverage. They will surely argue against unilateral interpretation which has the effect of legitimizing practices they question. The pressure on the White House to submit the Geneva Protocol for ratification has been great. But the important point is not ratification; it is the practices the protocol regulates. If Mr. Nixon feels that the exigencies of the Vietnam war require continued use there of tear gas and herbicides, then he might do better to go slow on the protocol until the international community comes near to a consensus on on its application. His pledge to renounce not only "lethal" but "incapacitating" chemical weapons suggests the pitfalls: a herbicide which destroys one's foods has aspects of the "lethal" and the "incapacitating," as does a tear gas which drives one out of a bunker into the range of an iron bomb.

While a President is responsible for his own decisions, the role of Congressman McCarthy in those on CBW is too great to be ignored. From a layman's shock at his first glance at CBW, Mr. McCarthy proceeded to inform himself thoroughly about it, to break through much of the military's thick shrouds of secrecy, and to rouse the public to many of the implications and perils. While a combination of circumstances and accidents help him in his task, his own clarity of conscience and soberness of method underlay his success. The country owes Richard McCarthy an immense debt.

THE EVENTS AT PINKVILLE

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PUCINSKI. Mr. Speaker, there is a great deal of discussion and debate all over the world and in our country today about the massacre that occurred at Pinkville. The wanton destruction of civilians was abhorrent and no one can ever justify that kind of conduct. However, I hope what happened at Pinkville will not overshadow the atrocities com-

mitted by the Communists over the years in South Vietnam, highlighted, perhaps, by the monstrous massacre committed by the Communists at Hue which I recently compared to the massacre at Katyn Forest also committed by the Communists.

Mr. Speaker, I am not about to defend the conduct which occurred at Pinkville, but I think those who have been trying to try this case ought to be mindful of the fact that the Nuremberg trials established a principle that it is no longer a defense to such crimes simply because you were carrying out military orders.

I think we ought to realize that a lot of young Americans may be seriously jeopardizing themselves by the manner in which they discuss these events and are subjecting themselves to prosecution under the doctrine of Nuremberg.

I believe the Defense Department has taken the right action in calling for a full-scale investigation into the facts of the massacre at Pinkville. I believe that if there are charges to be brought against those responsible they should be brought, and they should be tried, but I would suggest some of our colleagues to be mindful of the fact that the whole Pinkville affair may have far-reaching consequences. I hope those who are fulminating on this are mindful of those consequences.

A SALUTE TO THE APOLLO 12 ASTRONAUTS

(Mr. MILLER of California asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, in contrast with all of the remarks that have been made in decrying war, and the costs of war, I would like to present a happier note, and announce to the House that which is already known, but so to make it part of the RECORD, that Apollo 12 has returned to earth. The astronauts are getting along very fine; they are still confined, and will be throughout the period during which they will be quarantined.

The preliminary indications of some of the data that they have acquired or initiated are of great interest to the scientific community and to the world.

I am sure that all Members join with me in congratulating these fine men, and in congratulating NASA for another well-done job.

PESTICIDE CONTAMINATION—TIME FOR ACTION

The SPEAKER. Under a previous order of the House, the gentleman from Connecticut (Mr. MONAGAN) is recognized for 30 minutes.

Mr. MONAGAN. Mr. Speaker, it is time to give the Secretary of HEW the legal authority to ban or limit the use of pesticides whenever the use of such substance is hazardous to public health. The Secretary of Interior should have greater statutory authority to participate in decisions regarding pesticide compounds which constitute a danger to fish and wildlife and contaminate the environment.

The more that I learn about DDT and other persistent pesticides, the more ecologically dangerous to man and other forms of life they seem to be.

I strongly endorse Secretary Finch's acceptance of the Mrak—Secretary's Commission on Pesticides and their Relationship to Environmental Health—Commission's recommendation "to eliminate within 2 years all uses of DDT and DDD in the United States, excepting those uses essential to the preservation of human health or welfare." I am also in agreement with the Commission's recommendation to "restrict the usage of certain persistent pesticides in the United States to specific essential uses which create no known hazard to human health or to the quality of the environment and which are unanimously approved by the Secretaries of the Departments of Health, Education, and Welfare, Agriculture and Interior." The Commission found the pesticides, aldrin, dieldrin, endrin, heptachlor, chlordane, benzene hexachloride, lindane and compounds containing arsenic, lead, or mercury to be persistent, to cause contamination of the environment and to cause damage to various life forms.

The Commission further recommended that human exposure to those pesticides considered a potential health hazard to man be minimized. The Commission found that in recent screening studies in animals several pesticide compounds were judged to be "positive" for tumor induction. In similar screening studies other pesticide compounds were judged to be teratogenic—cause fetal deformities as in the case of the drug, thalidomide. As a result the Commission believed a need existed to reexamine the registered uses of the materials and other relevant data in order to take prudent action. The pesticide compounds so indicted were Aldrin; Amitrol; Aramite; Aradex; Bis (2-chloroethyl) ether; Chlorobenzilate; p, p'-DDT; Dieldrin; Heptachlor (epoxide); Mirex; N-(2-hydroxyethyl) hydrazine; Strobane; Captan; Carbaryl; the butyl, isopropyl and isooctyl esters of 2,4,-D; Folpet; mercurials; PCNB and 2,4,5-T. It is very possible that many of these pesticide compounds may be found as residues on our food crops. Consideration and thought should be given as to the benefit versus risk on the use of 2,4,5-T; 2,4,-D esters; and cacodylic acid as defoliants.

Although Secretary Finch endorsed the recommendations of the Commission he claims he has no authority to ban or limit the use, or to effect the labeling and registration of, these compounds.

The Department of Health, Education, and Welfare now holds that the Delaney clause of the Federal Food, Drug and Cosmetic Act—which provides that no additive shall be deemed to be safe if it is found to induce cancer when ingested by man or animal—does not apply to pesticide residues despite the—aminotriazole—cranberry flap where it was invoked. HEW will act to seize food with high pesticide residue levels. This does not affect the use of the pesticides but merely permits removal of food products after they have been contaminated with a pesticide compound.

The authority to permit the marketing of a pesticide rests in the Secretary of Agriculture under the Federal Insecticide, Fungicide, and Rodenticide Act. The Agriculture Department has consistently ignored the potential public health hazards and freely allowed the use of pesticide compounds dangerous to human health and other forms of life in its administration of the FIFRA Act.

This act provides that before pesticides can be sold in interstate commerce a manufacturer must register his product with the Department of Agriculture and attest to its safety and efficacy. The act gives the Department authority to enforce, revoke or limit such registration. Presently more than 60,000 pesticide formulations, involving more than 900 individual chemical compounds have been registered.

In 1963 the report of the President's Science Advisory Committee urged that greater authority be given to the Department of Health, Education, and Welfare in controlling the use of pesticides. As a result, an interdepartmental agreement was entered into by the Departments of Health, Education, and Welfare; Interior; and Agriculture. Under the agreement, data supplied by the manufacturers was supposed to be evaluated by the three departments prior to registration. Interior was to assess the effects of pesticides on wild birds, mammals and fish, and their habitat. HEW was to assess the effects the pesticides may have on the health of man. Agriculture had the responsibility of assessing the safety and effectiveness of the pesticides when used as directed on the label and registration. Did this agreement work—the answer is "No."

The House Government Operations Committee of which I am a member issued a report on November 17, 1969, entitled, "Deficiencies in Administration of Federal Insecticide, Fungicide, and Rodenticide Act." The report pointed out the lack of interagency cooperation. HEW had objected to a total of 1,663 proposed registrations or reregistrations during a 5-year period from July 1, 1964, through June 30, 1969, but not one of the 1,663 HEW objections was referred to the Secretary of Agriculture in accordance with provisions of the interdepartmental agreement. Annual meetings required by the agreement were not held. HEW officials had concluded that Agriculture had no intention of complying with the terms of the interdepartmental agreement. Interdepartmental meetings when held broke down on differences. Thus the committee concluded from hearings and inquiry:

> The Department of Agriculture failed completely to carry out its responsibility to enforce provisions of the Federal Insecticide, Fungicide and Rodenticide Act intended to protect the public from hazardous and ineffective pesticide products being marketed in violation of the act.

Numerous pesticide products have been approved for registration over objections of HEW as to their safety without compliance with required procedures for resolving such safety questions.

The Department of Agriculture approved pesticide products for uses which it knew, or should have known, were practically certain to result in illegal adulteration of food.

The Pesticides Regulation Division,

Department of Agriculture, failed to take adequate precautions to insure that pesticide product labels approved for registration clearly warn users against possible hazards associated with such products.

Information available to Federal agencies concerning pesticide poisonings is inadequate and incomplete. The Department of Agriculture failed to make effective use of even the limited data available.

The Department of Agriculture did not take prompt or effective cancellation action in cases when it had reason to believe a registered pesticide product might be ineffective or potentially hazardous.

The Department of Agriculture consistently failed to take action to remove potentially hazardous products from marketing channels after cancellation of a pesticide registration or through suspension of a registration.

The Department of Agriculture has no procedures for warning purchasers of potentially hazardous pesticide products.

The Department of Agriculture failed to take appropriate precautions against appointment of consultants to positions in the pesticide area in which their duties might conflict with the financial interests of their private employer.

Accordingly, the House Government Operations Committee recommended drastic review and shakeup of the Department of Agriculture's pesticide operations. The Mrak Commission based on its own inquiry and fact gathering concluded that existing interagency agreement to be inoperable by advocating a new interagency agreement. Further, the Mrak Commission pointed out that the present Department of Agriculture practice under the Interagency Agreement requires the Secretaries of the Department of Health, Education, and Welfare and the Department of the Interior to produce scientific evidence clearly demonstrating a present hazard to health or to the environment in order to remove from registered use or prevent the registration of any specific pesticides. The Commission concluded that the burden of proof should rest upon the manufacturer to demonstrate to the Secretary of Health, Education, and Welfare that appropriate tests do not produce untoward effects upon two or more species of mammals which might indicate a hazard to health. The Commission felt the imposition of this duty was the intent of the act which it appears had been ignored by the Department of Agriculture. The Mrak Commission further stated:

> If the objective of providing to the Secretary of DHEW the authority to meet his responsibility for control of health hazards of pesticides cannot be attained by a new Interagency Agreement, it will be necessary to amend the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).

Will a new interagency agreement work? If past experience is any guide, the probability is that it will not, especially if there is no legal authority in the Secretaries of Health, Education, and Welfare and Interior and all the authority is vested in the Secretary of Agriculture. Under such circumstances any interagency agreement is useless since Agriculture may ignore it at will. In the past, for example, Health, Education, and Welfare objected to registering a product that was a proven carcinogen—cancer producer—for laboratory animals but the Department of Agriculture told FDA, the Department of Health, Education, and Welfare that until FDA could produce evidence that this product produced cancers in human beings from skin contact, Agriculture would continue to register the product.

I submit that the prime priority in the registration or re-registration of the use of pesticide compounds should be the potential hazard to health rather than the benefit to food and fiber. There must be a balancing of benefits versus the risks, but the potential hazard to health cannot be totally ignored as the Department of Agriculture consistently has done.

The President's Environmental Council recently announced several steps to remedy some of the defects that I mentioned together with other constructive steps such as the banning of the use of DDT for all household and community uses, except in emergency cases and when no other alternative is available. The Environmental Quality Council has no statutory authority. The Secretary of Agriculture ordered the above ban on DDT and also a ban on all other DDT uses by December 21, 1970, except for emergency control of diseases and massive crop pest infestations. Further, that beginning in March 1970 the same action being applied to DDT also will be taken as to the other persistent pesticides.

I applaud the action whenever the end result is to protect the public health. I would urge the continued use of either DDT or those other persistent pesticides effective against termites or such uses where the benefit would not appear to create a potential risk on the environment or on human health. The Environment Quality Council release declared that an agreement had been reached with the Department of Interior and Health, Education, and Welfare on joint responsibility for assessing the public health aspects of pesticides and further the Secretary of Health, Education, and Welfare was delegated the power by the Secretary of Agriculture to veto the use of pesticides that might affect public health.

I favor such action if it is for real.

However, the same steps could have been taken under the past agreement. Whenever the Department of Agriculture chose to ignore the past agreement, it did so. There is no assurance that it might not do so again as the sole legislative authority still is vested in the Secretary of Agriculture.

Therefore, I intend to introduce legislation which will assure that this will not occur by granting to the Secretary of Health, Education, and Welfare greater authority to participate in decisions regarding initial or continuing registration of pesticide compounds which present a potential health hazard.

CRACKING DOWN ON THE STOLEN CREDIT CARD RACKET

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 10 minutes.

Mr. HALPERN. Mr. Speaker, I am asking Congress to crack down on the organized credit card racket which costs $100 million a year. I think it should be a Federal crime to fraudulently use a credit card.

Our present Federal laws cannot cope with stolen credit cards even though they are freely used interstate. This irony is due to the fact that the thief can only be charged with a misdemeanor since the intrinsic value of the card—perhaps a few cents—is no gage of its actual value. But the single credit card can well represent a potential theft of $50,000, or even more, before its blacklisting can be caught up with or the thief apprehended.

My bill would make it a felony to transport, use, or sell any counterfeit, stolen, or otherwise fraudulently obtained or altered credit cards between States. The Federal penalty for such an offense would be up to $10,000 or 10 years in prison. It also provides that merely transporting or using such a card shall be prima facie evidence of fraudulent intent. It would not only strike at the thieves, counterfeiters, and forgers, but also "fences" who trade in fake or stolen credit cards.

Fake or stolen credit cards also have great mobility. Credit card thieves are not bound by geography. Police are limited by State lines; crooks ignore them. For instance, local authorities estimate that the traffic in illegal credit cards flowing back and forth between Kennedy Airport in Queens and Los Angeles is now comparable in magnitude to stolen jewelry as a public menace.

The only Federal law that applies to organized rackets, the so-called Stolen Property Act—does not cover credit cards as such, because it applies only in instances of stolen merchandise valued over $5,000. The result is, that of 1.5 million lost credit cards annually, over a third are stolen, costing the issuers and card owners $100 million every year, according to reliable estimates.

With just as many credit cards in America now as people, the organized racket in stolen and forged credit cards is an ever mounting threat to the American economy. And with most American families averaging six credit cards, what with gasoline, department store, restaurant, and travel cards readily available today, the chances of the average family being victimized are very great.

Unfortunately, the card owner often must bear the financial loss when cards are lost or stolen. Most card issuers, that is, banks or gasoline firms, hold the card owner liable for any expenses charged after his card disappears until written notice is given. Police files indicate cases in which issuers recovered amounts of over $2,000 from innocent defenseless card owners.

Credit cards are a useful convenience in our highly mobile American economy. They make it safer and easier to use credit with little disagreeable delay all over the United States and in other parts of the world. But these same cards, in the wrong hands, can be part of the arsenal of thieves and of organized crime.

The real injury done to the public is that a vast criminal underground is

being supported in part with stolen cards. The credit card has often become the wheels and wings of the gangland enforcer, the hired killer. It is a means by which underworld assassins can move swiftly and anonymously, with free airline tickets, leaving scarcely any trail for the law to follow.

Not too many years ago, when a purse snatcher or a pickpocket found credit cards in a stolen wallet or pocketbook, he promptly discarded them. Today, the credit cards are the cream of the stolen crop, because a black market and organized fencing operation have matched the growth of credit cards.

Law enforcers have told him that the theft of credit cards is a highly and skillfully organized racket. Numbers of parking lot attendants, hotel and motel maids, prostitutes, and store clerks have been enlisted in the nationwide racket. A lost or stolen credit card can mean hard cash in the organized black market.

Some examples of increased organized credit card racketeering include:

An investigation is presently underway by the Bronx, N.Y., district attorney concerning infiltration of local post offices by the underworld to divert unsolicited credit cards mailed in bulk by some banks.

Post Office officials report that last year 80 post office employees were arrested in various parts of the country and charged with theft of credit cards.

A counterfeiting ring operating out of New York has been arrested for selling American Express Cards throughout New England, amassing over $170,000 in credit charges.

A Mafia group has been disclosed to have spent over $350,000 for travel and living expenses with stolen cards from the Diners Club.

A huge network of fraudulent transactions was recently uncovered in Chicago involving a conspiracy of swindlers and service station dealers in which cards were sold to dealers who submitted false credit forms.

Police and public prosecutors have also told me of instances in which a single credit card has been used to rack up elicit purchases totaling from $40,000 to $75,000.

The amazing figures are understandable when you realize that the very nature of the credit card puts the thief far ahead in his race with the law. A card picked up in New York City can be used within a few hours in San Francisco, Paris, or Rome.

The retailer who honors the card may return his signed slips in a matter of weeks or even a month or more later. By that time, the fast-moving crook can cover a large piece of the globe, using airline tickets purchased fraudulently with the same stolen card.

It is easy to see why the yearly loss through credit card theft and fraud has been estimated at the staggering sum of $100,000,000. It is also reasonable to conjecture that the true total of credit card losses may be far beyond that figure.

The issuer may consider the possibility of irritating a legitimate customer by mistake, because of the awkward methods of apprehension available under present law. He must balance that possibility against the possible losses. Frequently, he decides that he can afford to write off the loss to avoid the possible bad public relations involved in trying to take action against a suspected thief.

It is unfortunate in this case, as in others, that the forces of law have many more roadblocks in their path than the lawbreakers. A credit card thief has virtually no geographic limitations to his operations, but law-enforcement agencies—especially State and local law enforcers—have limitations of time, money, distance and State lines.

I must point out that in my own county of Queens, N.Y., with two of the busiest airports in the East, and Los Angeles, are the two coastal ends of the cross-continent airline route between which much of the stolen credit card traffic moves.

It is significant to note that New York State recently took the first step toward establishing a model State credit card law. A new law sponsored by State Senator John R. Dunne makes it a felony to steal or receive or unlawfully possess a credit card owned by another person. It also provides stiff penalties for forging, altering or counterfeiting credit cards.

But even such State action cannot be enough. There is a vital need to establish distinct Federal jurisdiction to help counteract the credit card crook's ability to move speedily and in comparative safety, without regard to State lines or areas of jurisdiction. Unfortunately, the most applicable Federal law is still drowsing in the horse-and-buggy era, as far as credit cards are concerned.

It is essential that we change the law to enable Federal law-enforcement agencies to use their full powers most effectively in tracking and catching the credit card racketeers.

THE HAYNSWORTH NOMINATION

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. PRICE) is recognized for 5 minutes.

Mr. PRICE of Texas. Mr. Speaker, I am disheartened and dismayed at the Senate's rejection of Judge Clement F. Haynsworth, President Nixon's nominee to the Supreme Court.

Judge Haynsworth's critics claimed he failed to meet the high standards expected of Supreme Court Judges. However, the so-called high standards the critics employed to arrive at their conclusions were ones never before applied to Presidential nominees; and, in fact, were standards that the Senate has consistently refused to apply to its own Members. In a word, the standards were artificial.

The background and qualifications of Judge Haynsworth have been subjected to extensive congressional inquiry. By a 3-to-1 majority, the Senate Judiciary Committee concluded that the judge had not participated in any cases in which he had a real conflict of interest. During the committee investigation, Judge Haynsworth received the unequivocal endorsement of 16 past presidents of the American Bar Association. In addition, the well-respected ABA Committee on Judicial Selection made an intensive examination of the judge and unanimously approved the nomination. In this connection, the committee reported that it was the "unvarying, unequivocal, and emphatic" opinion of "each judge and lawyer interviewed" that Judge Haynsworth possesses impeccable integrity. Finally, all of his fellow circuit judges, and all of the district judges in the fourth judicial district, which includes the States of Maryland, Virginia, West Virginia, North Carolina, and South Carolina, publicly stated their confidence in and support of the judge.

Mr. Speaker, for anyone to suggest that these distinguished members of the legal profession were motivated by anything but a sincere regard for promoting high judicial standards would be slander of the worst sort.

Based on the record, I think it is obvious that the real opposition to Judge Haynsworth centered on his judicial philosophy. In my opinion, the judge was, in effect, rejected by the Senate because he fully discharged the responsibilities of his judgeship. By the uncontradicted reports of those who came in contact with him in a professional capacity, Judge Haynsworth did his job, and he did it well. He sat on cases on which he had the responsibility to sit. He rendered decisions as a fair-minded individual who believed in upholding the law and the Constitution. He followed the judicial precept that a judge should be responsible, that judicial decisions should be based on established legal principles and not on political moods of the moment.

By judicial standards, Clement F. Haynsworth is a conservative. He sees his judicial responsibilities in clear and simple terms. He considers himself charged with upholding the terms of the Constitution, and strictly enforcing the laws of the land. I agree with this philosophy, as does President Nixon.

During the course of the 1968 campaign, President Nixon promised to restore some semblance of balance to the Supreme Court, a Court that under the leadership of Justice Earl Warren has played havoc with American traditions for over 15 years. President Nixon began restructuring the Court by appointing Judge Warren E. Burger to succeed retiring Justice Warren as Chief Justice. He was continuing his efforts, efforts born of deep personal conviction, with the Haynsworth nomination.

That the confirmation of Judge Haynsworth was rejected is tragic for the Nation, the President, the Senate, and for Haynsworth himself. It is tragic for the Nation because the American people will be denied, even longer, full representation on the Supreme Court. In addition, the principles that the people voted for in voting for President Nixon will not be accorded their full weight in Supreme Court decisions. It is tragic for the President because he handpicked a candidate, and subjected him to exhaustive investigations by the FBI and the Justice Department, both of whom certified his qualifications for the nomination. The end result of these efforts was that his nominee was rejected by the Senate for political reasons. The Senate suffered by the affair and its prestige has been damaged because certain Senators let them-

selves be controlled by labor bosses and civil rights agitators who were unalterably opposed to the nomination. The most tragic casualty is, of course, the judge himself. He has rendered years of distinguished service to the bench and bar, and as a reward was pilloried by self-serving headline hunters and misguided liberals.

Mr. Speaker, the question that must be faced now is where do we go from here. A Presidential nominee has been rejected by the Senate because he failed to meet impossible and artificial standards. The President has declared he will employ the same constitutional standards in choosing his next nominee to the Court that he used in choosing Judge Haynsworth.

At this point in time, it seems that an impasse exists between the Senate and the President. I think the distance can be bridged, and rightly so, if the Senate adheres closer to its constitutional responsibilities, and votes for the next nominee strictly on the basis of his judicial qualifications for the post.

CRIME IN AMERICA

Mr. Speaker, J. Edgar Hoover, the Director of the Federal Bureau of Investigation, recently testified before the National Commission on the Causes and Prevention of Violence. The theme of his remarks was clear: Criminal violence has become the most serious domestic crisis now facing our Nation.

What made Director Hoover's comments particularly telling is the fact that he is one of the Nation's foremost experts on crime. He is in a position to know the true facts about crime, and the facts he related to the National Commission were alarming ones. According to FBI statistics, the United States is experiencing an epidemic of crime and violence unparalleled in the history of the world. No segment of society is safe from the menace of crime. Muggers, sex offenders, and mobsters prey on innocent citizens in ever-increasing numbers.

In an attempt to graphically depict the pattern and amount of crime in America at any given moment, the FBI has instituted "crime clocks" that show the frequency with which certain crimes occur. Last year, for example, violence occurred with the following frequency:

Serious crimes, seven each minute; violent crimes, one each minute;

Murder, one every 43 minutes;

Forcible rape, one every 19 minutes;

Aggravated assault, one every 12 minutes;

Robbery, one every 2½ minutes;

Burglary, one every 20 seconds;

Larceny, one every 30 seconds; and

Auto theft, one every 48 seconds.

Statistics like these are staggering. What is even more staggering, however, is the speed at which the rate of crime and violence is rising. During the first 6 months of this year, crime in general rose 21 percent faster than it did last year. Murder and rape increased 21 percent faster during the first half of 1969, armed robbery increased 34 percent, and aggravated assaults were up 28 percent.

Mr. Speaker, the full story of crime in the United States is contained in Director Hoover's statement to the National Commission on the Causes and Prevention of Violence. I commend the full text of Mr. Hoover's remarks to the attention of my colleagues. I believe his penetrating analysis of the problem of crime and violence, and the conclusions he recommends, deserve thoughtful consideration.

While dealing with this subject, I would like to take the opportunity to urge the Democratic leadership of the House Judiciary Committee to commence action on the many legislative proposals to fight crime that the Nixon administration has sent to the Congress. Contained in these many proposals are new ideas and new approaches that could effectively be employed to combat this growing menace to our Nation.

The material referred to follows:

[From U.S. News & World Report, Oct. 7, 1968]

THE STORY OF CRIME IN THE UNITED STATES

(By J. Edgar Hoover, FBI Director)

Violence is a reality in America today. In the light of events in recent years, it has become the most serious domestic problem confronting the United States.

CRIMES OF VIOLENCE

Every indicator available to the FBI, from its investgative responsibilities in both the criminal and security fields, emphasizes that violence is a rapidly growing malady. This is clearly shown in the statistics compiled by the FBI in its Uniform Crime Reporting program.

Of an estimated 3.75 million serious crimes reported to law-enforcement agencies in 1967, 484,900 were violent crimes in the classifications of murder, forcible rape, robbery and aggravated assault.

This represented a substantial increase over the 421,000 such crimes reported in 1966.

The violent-crime rate in the United States for 1967 reached 250 victims per 100,000 population. This is more than double the 1940 rate, 88 per cent higher than the 1950 rate, and 57 per cent above the 1960 rate.

Over all, crime in the United States rose 21 per cent during the first six months of 1968 over the corresponding period in 1967.

The violent crimes of murder, forcible rape, robbery and aggravated assault increased 21 per cent as a group. Armed robberies increased 34 per cent, and aggravated assaults with firearms 28 per cent in the first six months of 1968, as compared to the same period in 1967.

These statistics represent an epidemic of crime and violence which has affected virtually every segment of American society. The mugger, the rapist, the hoodlum stalk our streets in frightening numbers. Fear of venturing outside the home at night has become a fact of urban life.

Guns are far and away the most common weapons used in murders and nonnegligent homicides. Of the 12,090 murders reported in the United States in 1967, over 7,600 were committed with firearms. They were also used in over 73,000 armed robberies and over 52,000 aggravated assaults. It is significant in these times, when we know too well the tragic stories of senseless sniper killings and the shooting of innocent people by crazed gunmen, that murder by firearms has increased 47 per cent since 1964.

Armed robberies and aggravated assaults with firearms have increased 58 and 76 per cent, respectively, since 1964.

The "crime clocks," as contained in the FI's Uniform Crime Reports for 1967, show that last year these offenses occurred at these time rates:

Serious crimes: Seven each minute.

Violent crimes: One each minute.

Murder: One every 43 minutes.

Forcible rape: One every 19 minutes.

Aggravated assault: One every 2 minutes.

Robbery: One every 2½ minutes.

Burglary: One every 20 seconds.

Larceny: One every 30 seconds.

Auto theft: One every 48 seconds.

VIOLENCE AGAINST LAW-ENFORCEMENT OFFICERS

The violence of the criminal, often cold-blooded and calculated, is especially felt by law-enforcement officers.

In 1967, 76 officers were killed in the United States while performing their official duties. This raised the total of these deaths to 411 for the eight-year period beginning in 1960. In 96 per cent of these murders, firearms were used.

A study of the criminal histories of the 539 offenders involved in these police murders since 1960 reveals that 77 per cent had been arrested on some prior criminal charge before they took an officer's life. In fact, 54 per cent of those offenders with prior criminal arrests had been previously taken into custody for such violent crimes as murder, rape, robbery and assault with intent to kill.

Of the offenders previously convicted, two thirds had been granted leniency in the form of parole or probation. Three of every 10 of the offenders were on parole or probation when they murdered an officer.

Physical assaults against officers are also increasing. A heavy toll of injuries among police officers has resulted from enforcement action taken in connection with riots and civil disobedience.

Nationally, the rate of assaults on law-enforcement officers in 1967 was up 11 per cent, and assaults per 100 officers increased to 13.5 per cent from 12.2 per cent in 1966.

YOUTHFUL CRIMINALITY

A particularly tragic facet of the crime and violence problem in this country is the increasing involvement of young people.

A disproportionate share of national crime is committed by persons under 18 years of age. In 1967, for example, 49 per cent of those arrested for serious crimes were in this age bracket; and arrests of persons under 18 increased a startling 69 per cent from 1960 to 1967, while the number of persons in the age group 10 through 17 increased just 22 per cent.

The majority of juvenile crimes are against property—62 per cent of all persons arrested for car theft in 1967, for example, were under 18 years of age. However, youthful violence has been steadily rising. Arrests of individuals in this age group for violent crimes showed the following percentage increases in 1967 over 1960: murder, 56 per cent; forcible rape, 38 per cent; robbery, 96 per cent, and aggravated assault, 121 per cent.

Violence is particularly prevalent today among young people in large metropolitan areas. Vicious juvenile gangs terrorize the slum sections which spawn them, using weapons easily made or come by to commit crimes of violence, which all too frequently leave their victims killed or maimed. This youthful criminality too often establishes a career in crime.

ORGANIZED CRIME

Although violence is an integral part of the operations of organized crime—whose major syndicate is known as La Cosa Nostra—it is a coldly calculated tactic to maintain the group's dominance over its own members and over the members of the society in which it operates, rather than terror for terror's sake.

The peculiar evil of this type of "corporate" violence is not the individual sadism and brutality of the "enforcers" and "strong-arm men," but the monopolistic position it enables racket leaders to gain and hold in their legitimate, as well as their illicit, activities.

Force and threats of force are employed to eliminate rivals, collect on gambling and loan-sharking debts, frighten potential witnesses, enforce internal discipline, and gain

possession of various business chattels. In the greater Chicago area alone, there have been more than 1,000 gangland slayings since 1919, only 17 of which have been solved; in the greater Boston area, there have been more than 50 during the past four years, only 11 of which have been solved.

CAREERS IN CRIME

The FBI's careers-in-crime program, a study of criminal careers, made possible by the co-operative exchange of criminal-fingerprint data among law-enforcement agencies, has produced the following profile of 12,026 perpetrators of violent crimes who were arrested in 1966 and 1967:

For the murderers, of whom there were 922, the average criminal career was 11 years, and 7 arrests. For the felonious-assault offenders, of whom there were 4,538, the average career was 10 years, and 8 arrests. For the rapists, of whom there were 925, the average career was 8 years, and 7 arrests. And for the robbers, of whom there were 5,641, the average career was 9 years, with 8 arrests.

Seven per cent of the murderers had previously been charged with homicide during their criminal careers, and 18 per cent of the rapists were repeaters of this violation. With respect to the felonious-assault offenders, 30 per cent had previous arrests for serious assaults, and 37 per cent of the robbers had repeated that crime. This is of key interest, because it shows a tendency toward the commission of violent crimes by repeaters.

COST OF CRIME AND VIOLENCE

The enormous cost in money and ruined lives, which the statistics of American crime represent, touches almost every citizen in some manner. The cost in dollars and cents is staggering—estimated at over 27 billion dollars a year.

The damage inflicted by the riots in our cities in recent years has added materially to this figure. The rioting here in Washington, D.C., following the murder of Martin Luther King on April 4, 1968, caused damage estimated at 24 million dollars. Losses sustained during the April rioting in Baltimore amounted to 14 million dollars.

The cost to society of the fear and anguish resulting from violence cannot be assessed monetarily. There is no way to determine accurately the damage to the nation or to individual lives resulting from the harrowing experiences of criminal attacks which maim or mutilate, nor the price of personal grief and suffering for families of those struck down by killers. The corrosion of fear which violence brings saps our strength as a nation and weakens the social fabric of our communities.

ORGANIZATIONS ADVOCATING VIOLENCE

There are in the United States today a number of subversive and extremist organizations which advocate force and violence. They strive in every possible way to disrupt law and order, and to inculcate hatred and bigotry that breed violence.

Communist Party, U.S.A.

Prominent among these is the Communist Party, U.S.A. (CPUSA). Communist statements for public consumption to the contrary, material furnished for study within the CPUSA clearly reveals that the use of force and violence is—as it has always been—the primary technique for the Communist seizure of power.

Communists are in the forefront of civil-rights, antiwar and student demonstrations, many of which ultimately become disorderly and erupt into violence. As an example, Bettina Aptheker Kurzweil, 24-year-old member of the CPUSA's National Committee, was a leading organizer of "free speech" demonstrations on the campus of the University of California at Berkeley in the fall of 1964. There, protests, culminating in the arrest of more than 800 demonstrators during a massive campus sit-in on Dec. 3, 1964, were the forerunner of the current campus upheaval.

In a press conference on July 4, 1968, the opening day of the CPUSA's special National Convention, Gus Hall, the party's General Secretary, stated that there were Communists on most of the major college campuses in the country, and that they had been involved in the student protests.

Mike Zagarell, CPUSA youth leader, claimed that the party had played a leading role in student rebellions and antidraft demonstrations across the country during the past year. For example, he claimed that 60 of the 300 marshals used during "Stop the Draft Week" demonstrations in New York City during December, 1967, were CPUSA members.

These statements are amply supported by the evidence of such Communist participation in student unrest and antidraft protest demonstrations which FBI investigations have disclosed.

The Students for a Democratic Society, for example, has played a key role in many of these demonstrations, and some of its members, as well as some of its national leaders, have publicly admitted that they were Communists. In addition, members of the CPUSA-controlled W.E.B. DuBois Clubs of America and other Communist splinter youth groups, such as the Young Socialist Alliance, the Youth Against War and Fascism, and the Progressive Labor Party, have been very active in these demonstrations.

Communists labor ceaselessly to exploit the racial situation and to incite racial strife and violence in this country. They have been active in exploiting propagandisewise the riots of recent years. One main Communist goal is to alienate Negroes from established authority.

It has long been Communist policy to charge and protest "police brutality" wherever possible—particularly in racial situations—in a calculated effort to discredit law enforcement and to accentuate racial issues. The cumulative effect of this continuing smear campaign proves that it has been immensely successful. This campaign popularized the cry of "police brutality" to the point where it has, unfortunately, been accepted by many non-Communists, especially militants among minority groups and students.

The net effect of the charge of "police brutality" is to provoke and encourage mob action and violence by developing contempt for constituted authority.

Other Communist organizations

Other Communist organizations in this country dedicated to the use of force and violence include the Trotskyite Socialist Workers Party and the pro-Red Chinese Progressive Labor Party (PLP). The activities of William Epton, Negro vice president of the PLP, in connection with the 1964 Harlem riot resulted in his arrest by New York authorities. He was subsequently found guilty of conspiracy to riot, advocacy of criminal anarchy, and conspiracy to advocate criminal anarchy.

Students for a Democratic Society

The emergence of the so-called "New Left" movement in this country in recent years has attracted much public attention because of its flagrant resort to civil disobedience.

The New Left is composed of radicals, anarchists, pacifists, crusaders, socialists, Communists, idealists and malcontents. It is predominantly a campus-oriented movement. A large proportion of the New Lefists was reared in affluent homes.

This movement, which is best typified by its primary component, the Students for a Democratic Society (SDS), has an almost passionate desire to destroy the traditional values of our democratic society and the existing social order. The SDS has been described by Gus Hall, General Secretary of the CPUSA, as part of the "responsible left" which the Communist Party has "going for us."

In recent months, student disturbances have exploded on college and university campuses throughout the United States, initiated by student activists, many of whom are affiliated with the SDS or campus-based black-extremist groups. The riotous activity at Columbia University was spearheaded by Mark Rudd, chairman of the SDS chapter at this university. In an open letter to President Kirk [of Columbia University], which appeared in the public press in May, 1968, Rudd stated, "Your power is directly threatened, since we will have to destroy that power before we take over."

The SDS held a national convention at Michigan State University in June, 1968. At this convention, methods to disrupt Selective Service facilities and law enforcement were discussed in a "sabotage and explosives" workshop. Suggestions included: flushing bombs in toilets to destroy plumbing, using sharp, tripod-shaped metal instruments to halt vehicles; firing Molotov cocktails from shotguns; jamming radio equipment, and dropping "thermite bombs" down manholes to destroy communications systems.

The protest activity of the New Left and the SDS, under the guise of legitimate expression of dissent, has created an insurrectionary climate which has conditioned a number of young Americans—especially college students—to resort to civil disobedience and violence.

Because activists of the New Left are committed to the use of direct action and violence to achieve their objectives, the New Left movement is becoming more and more anarchistic, militant and violent. As an example, a June, 1968, issue of "The Rat," a New Left underground newspaper published in New York City, carried an article and diagram describing the manufacture of a homemade bomb out of ammonium nitrate and a length of pipe. This particular article concluded by noting that a subsequent issue would contain plans for making thermite bombs.

White hate organizations

In addition to Communist and New Left groups, there are a number of organizations which are basically terrorist and hoodlum by nature. These groups are chiefly of a hate or "anti" variety—anti-Negro, antiwhite, anti-Semitic, or anti-minority.

Their common denominator is a distrust for law and order, and a belief in force and violence.

White hate groups include more than a dozen Klan organizations, lineal descendants of the Ku Klux Klan, which was founded over a century ago. The Klan has a tradition of and a penchant for violence. Over the years, murder, arson, bombings and beatings of Negroes have been perpetrated in many areas by Klansmen.

The National States' Rights Party is a white hate group which is composed of former members of Klan organizations, as well as notorious anti-Semites. It, too, has consistently and pointedly advocated a policy of violence.

The National Socialist White People's Party, formerly known as the American Nazi Party, is another organization that espouses a line of hatred against Negroes and Jews.

The Minutemen is a group of "superpatriots" who ostensibly are preparing and training to engage in guerrilla warfare in the United States following a Communist take-over, which they believe is inevitable. Its members have an obsession for weapons of all kinds.

Black-nationalist organizations

The whole problem of violence in American society has been intensified by the recent black-extremist organizations. These organizations contain many vicious hate-filled individuals whose objective is anarchy; whose symbol is the Molotov cocktail; whose slogan of defiance is "burn, baby, burn"; whose manifesto is Frantz

Fanon's "The Wretched of the Earth"; and whose preachers of the gospel of hate include Stokely Carmichael, H. Rap Brown, and Robert Franklin Williams.

The Nation of Islam, the largest of these Negro hate organizations, is in both the extremist and the nonextremist camp. It has achieved a respectability of sorts because it has shrewdly used the shield of religion, and has insisted that its members avoid racial disorders and live moderately. Nevertheless, its meetings are replete with condemnations of the white race and vague references to the physical retribution that will be meted out to oppressors.

The Student Nonviolent Coordinating Committee (SNCC), whose militant top leaders have included Stokely Carmichael and H. Rap Brown, is one of the most publicized of the black-extremist groups. Carmichael, who was recently expelled from SNCC, has stated that black power signifies "bringing this country to its knees' and "using any force necessary" to attain objectives. He has also urged the blacks in this country to "prepare for a bloody revolution."

The impact of extremist spokesmen on the black community and their ability to incite the youth, in particular, cannot be underestimated. These spokesmen are extremely vocal and dedicated to the destruction of the United States. They have a large audience because of the widespread dissemination given to their inflammatory statements by the news media.

Consider the following statements: Carmichael said in Algiers in September, 1967, "Revolution is the only solution for the American Negroes." In August, 1968, he asserted that the black revolution is entering "the period of armed struggle" just before there is guerrilla warfare. Last summer in Cambridge, Md., H. Rap Brown reportedly said, "It's time for Cambridge to explode. Black folks built America. If America don't come around, we're going to burn it."

Earlier this year, Brown wrote, "We must move from resistance to aggression, from revolt to revolution. . . . May the deaths of '68 signal the beginning of the end of this country."

Take the violence in Cleveland, Ohio, in late July, 1968. There, members of the militant black-nationalist group New Libya exchanged gunfire with police, resulting in the deaths of three officers and eight civilians.

Representatives from several Negro universities and colleges attended a black-student conference sponsored by the SNCC and held in mid-April, 1968, in a Southern State. Reportedly, the majority of the men and women at this conference were armed with pistols.

Among the items discussed at a "defense workshop" at this conference were the following: preparation of maps showing the locations of the homes of mayors, chiefs of police, and similar authorities, so they can be eliminated by Mau Mau-type tactics; distribution of forces in several sections of a city to prevent law-enforcement agencies from concentrating in one area; location of snipers along travel routes of National Guard units and police forces; use of Vietnam war veterans to train black people in demolition, use of booby traps, location of vulnerable spots of armored vehicles, and guerrilla warfare; and use of black college students to instruct black people in adjacent communities in the care and use of firearms, preparation of Molotov cocktails, and reloading of spent cartridges.

The Revolutionary Action Movement (RAM) is a militant, black-extremist, pro-Chinese Communist organization dedicated to the overthrow of the United States Government by force and violence. RAM has organized rifle clubs in order to engage in firearms practice and to obtain arms and ammunition.

On June 15, 1968, two RAM members were convicted in New York City of conspiring to murder Roy Wilkins and Whitney Young, Jr., two moderate Negro civil-rights leaders.

The Black Panther Party is an organization which advocates the use of guerrilla tactics and guns to end the oppression of the black race and the drafting of Negroes to fight in Vietnam.

On May 2, 1967, 24 members of this group invaded the California State assembly at Sacramento while it was in session. The invaders were armed with rifles, shotguns and pistols, and claimed they were there to protest a gun-registration law. On two occasions during October, 1967, and April 1968, members of this group engaged in gun battles with the police, resulting in the murder of one policeman, as well as the death of one group member and the wounding of another.

Within the past year, there have been sufficient contacts between militant black nationalists and representatives of unfriendly or hostile countries to indicate a degree of foreign involvement, participation and influence in the activities of black extremists in the United States. These foreign contracts serve to increase the potential for violence by giving inspiration, encouragement and support to the revolutionary aims, doctrines and activities of black extremists in this country.

Stockpiling of arms by black nationalists

Reports of the stockpiling of firearms and other weapons by black-nationalist groups are of great concern to the FBI and law enforcement. Such stockpiling is, of course, a distinct possibility in view of the ease with which firearms can be obtained in this country, and in the light of the inflammatory urgings of such agitators as Stokely Carmichael, H. Rap Brown, and James Forman, director of international relations for the Student Nonviolent Coordinating Committee.

At a meeting of black nationalists in Los Angeles in February, 1968, for instance, Forman told the audience that every Negro should be armed for the eventual revolution of the black people. Brown quoted from Mao Tse-tung that "political power grows out of the barrel of a gun." He added that Negroes should acquire guns because America only understands force. Carmichael exclaimed that all blacks must unite militarily.

FBI investigations of black extremists have uncovered innumerable allegations that these individuals have obtained firearms and are encouraging residents of ghetto areas to procure weapons. The incidents I previously mentioned in California and Ohio are graphic examples that this is being done. Black extremists have also distributed newspapers and leaflets describing methods of making firebombs for use in riots. "The Inner City Voice," a newspaper in Detroit, with a claimed circulation of 10,000 aimed at the ghetto reader, has published such information.

CAUSES OF AND REMEDIES FOR VIOLENCE

The crime and violence that flourish in America cannot be attributed to a single cause. The causes are many and interrelated, for they are rooted in a number of conditions and influences in contemporary life.

Just as there is no one cause, there is no single remedy. Crime and violence cannot be prevented or reduced by concentrating on one or two phases of the problem to the exclusion of the others. A co-ordinated and many-sided effort is required if effective results are to be achieved.

Social and economic

There are a number of vital social and economic factors—such as poverty, inequality of employment opportunities, inferior housing, inadequate education, discrimination, and breakdown of the family—which breed lawlessness and violence. I shall not dwell on them. It is sufficient to say that we must find ways to eliminate the conditions which are causing us so much grief and concern.

Social and economic causes aside, there are other important factors which have a strong bearing on the era of violence we live in. It is my firm conviction that crime and violence are increasing primarily because there is a mass deterioration in the respect shown for the rule of law in our nation and for some who enforce it. In addition, the deterrents to crime have been weakened. Those who choose to break the law or commit acts of violence know that the punishment no longer fits the crime. This mass deterioration is also clearly manifested in the abdication of individual responsibility.

Individual responsibility

Too many individuals eagerly avail themselves of the rights, privileges, opportunities and benefits which this nation affords, but shirk the duties and responsibilities that life in a free society entails. Often, the serious problems and issues that face the nation can be laid directly to the failure of citizens to fulfill their personal and civic obligations.

There is, unfortunately, a reluctance on the part of some of our citizens to act positively in behalf of law and order. Police have been assaulted while spectators stood by idly watching. Crimes have gone unreported. Witnesses have been unwilling to testify. Even jury duty, the ultimate participation of the layman in the judicial process that seeks to protect him and his property, is regarded as something to be avoided if at all possible. This attitude of noninvolvement was tragically illustrated in the slaying of a young woman in New York City while at least 37 persons in the neighborhood witnessed the series of attacks on her lasting over an hour but did not go to her aid. In fact, only one witness went so far as to call the police.

The key ingredient of our nation's social structure is the individual. Each one must realize that in today's complex society he is, in fact, his brother's keeper. He must abide by the golden rule of treating others as he wishes others to treat him. The individual must realize that, as a member of society, he is dependent upon other members of the society. The individual must recognize that the more he contributes to society, the better society will become.

If each individual citizen would exert an extra measure of caution in his daily life in an effort to preclude opportunities for crime and criminals to flourish, the results in the prevention of crime and violence would be immeasurable. Automobile thefts provide a good example. FBI statistics reveal that in 42 per cent of the cars stolen in the United States, the key was left in the ignition, or the ignition was not locked.

Respect for law and authority

The results of the flagrant disregard for law and order are evident in the widespread and purposeful violation of laws and regulations not to one's personal liking. Such a disregard is not limited to those accused or convicted of crimes, and not to any particular group or groups of individuals in our society. Efforts to avoid payment of taxes, attempts to influence police officers in even minor traffic violations, and opposition to loyalty and patriotism as being old-fashioned and out of date are only a few examples of activities and ideas that undermine our system of law and order.

Heightening the atmosphere of resentment of authority and irresponsibility to others in our society is an all-too-prevalent defiance of duly established laws and rules that is euphemistically termed "civil disobedience." It takes the form of draft-card burnings, seizure of property, or loud and disruptive demonstrations.

The demagogic exhortations of a number of civil-rights, peace, and student leaders have done much to encourage and condone lawlessness and civil disobedience. Their unsound doctrine implies that the answers to all social and economic problems are not to be found in legal procedures, but on the streets, behind barricades, and even in looting, shooting, arson and riots.

Lawlessness is not to be equated with legitimate dissent. Dissent is one of this nation's priceless values. It must be pro-

tected at all times and in all areas of thought and action, be it in time of peace or in time of war. But this dissent, of its very nature, requires law for both its expression and its preservation.

The attitude of the public and young people, particularly with regard to the resentment of authority and violence against the Government and other institutions, is not confined to the United States. A number of countries in other parts of the world, such as France and West Germany, have experienced the same attitude of revolt against established authority.

Attitude of permissiveness

An attitude of permissiveness is becoming more and more evident in our society today, leading to the progressive relaxing and discarding of all forms of restraint and discipline. This attitude has actually been fostered and, in effect, promoted by too many educators, sociologists, clergymen, public officials and parents. Its effect can be seen in the recent actions of some young people throughout the nation, with little or no respect being given for tradition or authority. Their actions have been undisciplined and unrestrained.

The abrogation of responsibility on the part of those in authority has developed among young people an "anything goes" attitude in personal and collective moral standards, and has resulted in an alarming breakdown of the moral fabric of American society.

Our increasing affluent, materialistic, and permissive society has encouraged the growth of a psychology of lawlessness and violence. There exist a softness and tolerance toward those who violate laws on the flimsy pretext of "conscience" or personal judgment of the "justness" of some laws. Such permissiveness invites further violation and leads directly to a general disregard for law and order.

Public officials themselves have played a part in the buildup of permissiveness and violence because of their tendency to overlook a little "lawbreaking" by pressure groups, apparently in the hope that this is the way to satisfy the demand and blunt it. Condoning acts of civil disorder makes law enforcement even more difficult. Moreover, capitulation to the perpetrators of violence merely leads to more leniency, more breaking of the law, and more violence.

Discrediting law enforcement

Much of the disrespect for law enforcement has grown up over the years from a general contempt for authority that has evolved in a permissive atmosphere. Attempts are made to depict law-enforcement officers in an unflattering manner or to improperly charge them with misconduct. Such claims tend to create a false image of law enforcement and to give license to those who consider the police as "enemies." Certainly, there is room for improvement in police personnel and operations, and there are instances of police misconduct. However, it is unfair to condemn all of law enforcement for the shortcomings of a few.

An acute problem facing law-enforcement agencies today is the failure to obtain an adequate number of qualified personnel. More trained police officers are urgently needed. The number of trained police officers—local, State and federal—has not kept pace, proportionately, with the increase in crime and violence in the United States.

There are several reasons for this lack of interested applicants: The most obvious reason is the traditionally low salaries paid to law-enforcement personnel. A police officer is expected to have some of the attributes of a sociologist, a criminologist and a lawyer, but is often paid less than an unskilled laborer.

Another factor which creates difficulties for recruiting law-enforcement personnel is a trend away from holding this vocation in high esteem. Every effort should be made by individuals and organizations to attempt to raise the reputation of law enforcement, in order to make this vocation more popular in the eyes of our youth.

Adequate training of law-enforcement personnel is another remedy which will assist in creating a more professional corps among law officers. Police need instruction in the use of new equipment, developed for use in crime detection and prevention. Education in legal matters, such as recent court decisions affecting police work, is necessary for new officers, as well as older members of a police force.

To implement a program along this line, the FBI has long furnished instructors and conducted police schools throughout the United States in co-operation with local police agencies. The Omnibus Crime Control and Safe Streets Act of 1968 authorized the FBI to assist in conducting local and regional training programs for State and local law-enforcement personnel when requested to do so by a State or unit of local government, and Congress has appropriated 3 million dollars for this purpose.

The FBI's training assistance will be materially increased with the construction of our new academy complex at Quantico, Va., a facility that will permit us to train approximately 3,000 police officers annually.

An extremely valuable weapon for combatting all types of criminal activity, including violent crime, is the FBI's National Crime Information Center (NCIC), a computerized index concerning crime and criminals of nationwide interest. The NCIC provides law enforcement with immediately available centralized data pertaining to the instruments of violent crime—such as stolen firearms—and information on violence-prone offenders wanted by local, State and federal jurisdictions.

This system has been very successful not only in identifying stolen firearms in the hands of the criminal element, but also has been of immeasurable aid in removing the repeating offender from society. Police are finding the NCIC of great help in their work, which is attested by the fact that they are using this system over 20,000 times each day at present, and this use is constantly increasing.

Administration of justice

One very important aspect of the atmosphere of increased crime and violence is the administration of justice for the accused and convicted person. Today, prompt justice is thwarted many times by "continuance experts," by perennial browbeaters of witnesses, and by hunters for loopholes and technicalities in the law.

Many citizens, noting that even admitted criminals are being freed on procedural matters and not on the basis of guilt or innocence, are beginning to believe that some judges often seek to find errors rather than truth, thus tipping the scales in favor of the criminal over the rights of society. In addition, to see offenders "get away" with their criminal depredations certainly encourages certain other citizens to commit similar violations.

Some jurisdictions have reputations among the criminal element for "easy" treatment, on the specious ground that society and not the individual is responsible for criminal behavior. It can be said with some certainty, of course, that criminals learn quickly where sentencing is lenient.

Crime "repeaters" add to the threat facing the law-abiding citizen's person and property. I have said often that parole, probation and other clemency have their place in our system of criminal justice. What I strongly object to, however, is the inadequacy of such release measures to protect society when they are improperly implemented or administered.

An FBI program started in 1963 to follow criminal and prosecutive histories has shown that of nearly 18,000 federal offenders released to the street in 1963, 60 per cent were arrested for new crimes within four years, and over 50 per cent were arrested in another State. In addition, of the 87,600 repeaters rearrested in 1966 and 1967, over 55 per cent had received leniency in the form of parole, probation, suspended sentences or conditional releases.

If our system of law is to survive, then the law must be enforced. Those who break the law, acting alone or in concert, must be speedily detected and arrested, promptly prosecuted, and given proper, substantial punishment. The mollycoddling of vicious juveniles and the release of persons with criminal records without bond only encourages contempt for the law, for it permits such individuals to go out and flout the law again. Moreover, respect for the law is not increased by lenient judges, timid prosecutors and misguided writers.

Justice must extend beyond the courtroom back to the site where the victim's rights are violated. When the individual is no longer reasonably secure in his home and on the streets of his community, then justice is not served. Rather, the criminal is being favored at the expense of the law-abiding citizen. We need justice which keeps the balance true, and affords the law-abiding public an even break.

Firearms

United States citizens possess untold millions of pistols, rifles and shotguns. The ease with which firearms may be procured in the United States is a significant factor in the growth of crime and violence. Firearms have been readily obtainable through mail-order houses and across the counter for both the honest citizen and criminally inclined persons.

Thefts of firearms are still another source of weapons that are used in crime. An increase in such thefts from homes, sporting-goods stores, and Government facilities has been noted. As of Sept. 1, 1968, some 171,856 firearms of all types were listed as stolen, missing or recovered in the FBI's National Crime Information Center. These weapons, reported stolen since January, 1967, have been listed through facilities in only 43 States, as our center is still in the process of expanding to include all States.

The mounting number of violent crimes committed with firearms, and the tragic events of the last few months are mute testimony to the urgent need for more stringent and more effective gun controls to help prevent further violence. A recent national poll indicates that 81 per cent of the American people are in favor of stricter gun control.

I will reiterate my long-standing position that tough, comprehensive, uniform gun-control legislation is imperative for the public's safety. Although the passage of laws containing restrictions of weapons and the licensing of their owners would be somewhat of a chore, there can be no valid objection, since automobiles, airplanes, motorcycles, motor boats, and even dogs have long been subject to registration and/or licensing. The benefits to the safety and welfare of all our citizens would tremendously outweigh any disadvantages or inconveniences.

While gun controls obviously cannot end violence, rigidly enforced controls would undoubtedly contribute to a reduction in violence. The gun-control provisions of the Omnibus Crime Control and Safe Streets Act recently enacted by Congress are a step in the right direction; however, it is imperative that further consideration be given to this pressing problem.

Communications media

Entertainment and communications media exert a strong influence upon our national tastes, standards and even our patterns of

conduct. Television, which reaches not only into the living room, but also into the nursery and playroom as well, has been a powerful force in the lives of our youth.

Although the television industry has control over the programs it presents, the extent of violence depicted in many shows is almost unbelievable. Viewers are constantly bombarded with a steady stream of sex, sadism and criminal acts that, through repetition, might appear to some as normal behavior.

Far too much emphasis is also being paid on television to the antics of a publicity-seeking extremist minority. Impressionable youths and immature individuals can easily conclude from television news coverage that everyone is protesting, demonstrating, marching and burning draft cards, when, in some cases, the reporters, camera men and assorted technicians appear to outnumber the demonstrators. Usually, rational explanations or refutations are not supplied.

I am in complete agreement with the observations of some representatives of the mass media who admit that television, radio and the press all too frequently are guilty of distorting the efforts of police to preserve law and order when confronted by large, hostile mobs, as was true in Chicago during the recent Democratic National Convention. These media will highlight and magnify some acts of so-called "police brutality" and completely ignore or minimize the premeditated and viciously provocative acts of demonstrators.

Professional demagogues, extremists and revolutionaries have learned that the news media—television in particular—are their most effective weapon to gain notoriety and to discredit law enforcement. Consequently, they make it a practice, for the benefit of television cameras, to try to goad police into resorting to strong measures necessary to maintain effective control.

Months before the Democratic National Convention was held authorities were fully aware that it was the target for disruption and violence on the part of dissident groups and individuals from all over the country. It was clear that these dissidents intended to deliberately force a direct hostile confrontation with established authority. Pre-Convention plans went so far as to involve assassination plots against Vice President Humphrey, Senator McCarthy and some prominent Negroes. It was against this background that authorities were compelled to devise necessary and effective security precautions.

During the course of the Convention, demonstrators taunted the police and subjected them to unbelievable abuse. Demonstrators called them "pigs" and shouted obscenities at them, spit at them, threw bags of excrement and urine—and dangerous objects such as golf balls with protruding nails—at them. Unruly and menacing mobs gathered, intent on marching to the International Amphitheater and disrupting the Convention. It is true that some innocent people were the victims of unnecessary roughness on the part of the police; it is also true that the Chicago police and the National Guard were faced with vicious attacking mobs who gave them no alternative but to use force to prevent these mobs from accomplishing their destructive purposes. It is a tribute to the authorities that under these chaotic circumstances—deliberately created by ruthless, lawless leaders—the Convention was not disrupted, the city was not paralyzed, not one shot was fired by police at the demonstrators, and not one life was lost.

A seemingly limitless excess of sex, sadism, degeneracy and violence is only too apparent in the offerings of the motion-picture industry. One needs only to scan the lurid advertisements of current or coming film attractions. In some cases, these movies are labeled for adults only. However, the judgment as to just who is an adult is confined for the most part to the ticket salesman or the theater manager. A recent national survey concludes that 62 percent of those polled feel that "movies with violence in them" are major contributors to violence.

Cheap novels and sensual magazines which glorify sex, in both its normal and abnormal context, and mock our traditional standards of morality are becoming increasingly prevalent on the shelves of newsstands and book stores.

I have over the years publicly opposed any form of entertainment that glorifies violence, glamorizes corruption, and depicts criminals as heroes. No standard of decency can tolerate the portrayal of gangsters as modern-day Robin Hoods, concede that crime pays, ridicule decency and honesty, or justify the conclusion that graft and corruption are to be expected in our society.

Properly and intelligently prepared motion pictures and television programs emphasizing that crime is evil and brings misery, despair and even death can serve as a deterrent to the would-be criminal. Such presentations, however, should be restrained, conform to rigid standards of good taste, authenticity and the portrayal of lawlessness in its proper light. The sound adage that crime does not pay should be inherent in them.

Extremism in all of the mass media should be avoided. Certainly, prompt, factual and objective reporting of violent actions, such as riots, is desirable and necessary so the public will be informed. However, overemphasis on the frenzied actions and statements of publicity-peeking extremists and hate-mongers can only beget violence.

The exhortation "burn baby, burn" by militant agitators on a television screen is definitely not conducive to quelling a riot.

As I have said in the past, strict adherence to high journalistic principles is a valuable and essential public service in matters affecting public safety.

CONCLUSION

The foundation of our society is a respect for and an observance of law and order. The mounting volume of crime and violence cannot be condoned or tolerated. The United States cannot have its citizens afraid to walk the streets of its cities, lest they be mugged or beaten or even killed. It cannot allow its public leaders to face constantly the risk of being assassinated.

There is no way, of course, that crime and violence can be completely eliminated. We will continue to have crime and violence in this country and throughout the world, because, unfortunately, criminal and violent behavior is the nature of some men. The answer will be found not in handwringing or self-indictment, but in striving to eradicate the basic sources of crime and violence through direct, positive measures—such as I have outlined—in order to reduce lawlessness to a minimum.

In conclusion, while there is a vital necessity for creating a wholesome social and economic atmosphere in which all citizens will have an equal opportunity to better themselves, we must not lose sight of time-proven deterrents to crime and violence. These deterrents—the certainty of sure detection, swift apprehension, and realistic treatment under law—are indispensable weapons in the never-ending battle to preserve law and order and decency. We need to make respect for law and order the first priority in our national life, for the rule of law is paramount to this nation's continued existence.

SERIOUS CRIMES IN THE UNITED STATES—YEAR-BY-YEAR RISE IN CRIMES AGAINST PEOPLE AND PROPERTY

	1960	1961	1962	1963	1964	1965	1966	1967	1968[1]
Total	2,014,600	2,082,400	2,213,600	2,435,900	2,755,000	2,930,200	3,264,200	3,802,300	4,589,000
Murders	9,000	8,600	8,400	8,500	9,300	9,900	10,900	12,100	14,200
Forcible rapes	16,900	16,900	17,200	17,300	21,000	23,000	25,300	27,100	31,300
Robberies	107,400	106,200	110,400	116,000	129,800	138,100	157,300	202,100	261,500
Aggravated assaults	152,000	154,400	162,100	171,600	200,000	212,100	231,800	253,300	290,000
Burglaries	897,400	934,200	978,200	1,068,800	1,193,600	1,261,800	1,387,200	1,605,700	1,885,000
Larcenies of $50 or over	506,200	528,500	573,100	648,500	732,000	792,300	894,600	1,047,100	1,292,000
Auto thefts	325,700	333,500	364,100	405,200	469,300	493,100	557,000	654,900	815,000

[1] Annual rate, based on crimes reported in first 6 months.

Source: Federal Bureau of Investigation. Copyright © 1968, U.S. News & World Report, Inc.

HEMISFAIR '68

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, history has been made in the Southwest with the successful first world's fair south of St. Louis in the history of our country. I speak of HemisFair '68, a special category world's fair authorized by the Bureau of International Expositions for 1968 in San Antonio; the same type of world's fair as the Seattle 1962 and Montreal 1967. Yes, it was more than a first in several ways. It was the first and only fair which received the sanction and appropriation by the Congress for preliminary planning to see if Federal participation was feasible. No other fair in the history of our country received this kind of approval by the Congress.

It is for this reason that I have at all times reported back to the Congress. Today, I wish to round out the series of reports I have made in this House by inserting at this point in the RECORD a report compiled by the San Antonio Chamber of Commerce entitled "Economic Benefits From HemisFair '68."

But first, let me point out that never in the long history of San Antonio have we experienced the solid community support and the "togetherness" that HemisFair '68 elicited. Oh, yes, we had some dissenters, some obstructionists, some doubters, some skeptics, but they were all but drowned out by the unanimous voice of the overwhelming and preponderant number of citizens who wanted the fair. Oh, yes, we have some of these Miniver Cheevys, even now, in hindsight, sounding doleful noises, saying that the fair was not worth while, some of these voices, jackal-like sit in high places in the local councils of government, but the significant thing about them is that they have offered no constructive suggestions about anything, much less postfair residual end-use ideas. Yet, this report I now place into the RECORD cannot be denied. I offer it now:

SAN ANTONIO
CHAMBER OF COMMERCE,
San Antonio, Tex.

DEAR CHAMBER MEMBER: Was it worth it?

This question has been asked many times as to whether HemisFair 68 was really worth all the time, effort, and money in the planning, development, and implementation of our World's Fair.

Today we are providing you with statistical and economic data we have been able to compile as it relates to the impact of HemisFair on San Antonio.

You will agree that it is impossible for us to completely itemize and evaluate the many indirect benefits that might have been generated by the Fair. Neither can we put a dollar mark on the worldwide exposure and publicity that San Antonio gained.

Of all the individuals and groups that have been recognized, none is due greater recognition than those San Antonio businessmen who were the underwriters. HemisFair could have been staged without some people, but not without the underwriters. San Antonio will be forever indebted to these individuals.

Sincerely,

JOHN T. STEEN,
President.

[From the San Antonio (Tex.) Express, Oct. 7, 1968]

FAIR DECIDEDLY WORTH STAGING SOLELY FOR CITY'S ECONOMIC GAIN

As with any post mortem, HemisFair's history cannot be accurately assessed immediately. And it is probably unfair to use the term, post mortem, anyway, because there will be a lively part of the fair around for a long time.

The least one should accept is that it was a dazzling fair that got a lot of things moving and got a lot of people who wouldn't be caught associating with each other being rather intimately acquainted.

Concretely, the fair generated jobs, new income for the city and state treasury, increased retail sales, salaries, travel and general business activity. These are measurable items.

The city, alone, collected or will collect on the six-month fair approximately $1,260,000 from added sales taxes, parking lot profits and hotel room tax. Also there is an added $100,000 a year in taxes from new property put on the rolls directly because of the fair.

Our town added some $12 million worth of construction at the fair that will return an anticipated $25 million a year within the next two or three years. We would have built the convention center in any case because we needed it to compete in one of the industries for which the city is best suited to compete.

The fair wasn't a shot of permanent magic and nobody claims so. It was a substantial start on a long road this community needs to take on a job of boot-strapping the economy from out of the bottom quarter of the nation. The fair demonstrated that such a task is merely difficult, not impossible.

Unfortunately, only 99 41/100 per cent of our people think the fair was magnificent. The other minute portion is still trying to find something wrong that can be converted into political leverage. Express-News Writer Kemper Diehl dug among the circle of known critics seeking the other side of the balance sheet. He found virtually nothing to refute the claim that the fair was worth the time and effort it took.

Those persons who made the fair happen can take pride in their achievement. There was Marshall Steves who did a magnificent job securing the first underwriting and handling some of the painful personnel and management problems; and H. B. Zachry, whose know-how and resourcefulness saw the project through to a commendable conclusion; and all those in between and along beside.

There will be an inevitable letdown for awhile but the city will be far better off from here on for having had the fair.

[From the San Antonio (Tex.) Sunday Light, Oct. 6, 1968]

A FOND FAREWELL

Today after a six-month run, and a highly successful one by any reasonable standards, San Antonio's World's Fair—HemisFair '68—closes its gates.

All of those hard-working fair executives and employees who labored to make HemisFair a success should be congratulated by San Antonians and all Texas for a job well done.

The fair was an artistic triumph and all knowledgeable persons have so proclaimed it from its inception.

Tremendous long term benefits will accrue to San Antonio from the overall HemisFair project.

Development of the convention center, the Tower of the Americas, the extension of the river, clearance of blighted structures in the area and permanent improvements to the fairgrounds will continue to bring pleasure and economic benefits to citizens of San Antonio for many decades to come.

From the standpoint of its more than 6-million visitors, the fair was extremely well conceived.

In the broadest sense, the fair should be considered a tremendous success.

Again we say to all who had a hand in its production: "Well done!"

ECONOMIC BENEFITS FROM HEMISFAIR '68

(Compiled by San Antonio Chamber of Commerce)

DIRECT BENEFITS FROM HEMISFAIR '68 RELATING TO CONSTRUCTION, EMPLOYMENT, VISITOR IMPACT, ACCOMMODATIONS INDUSTRY, TRAVEL INDUSTRY

Listed below are some of the major construction projects that were carried out on the HemisFair grounds.

Convention center complex	$15,000,000
The Institute of Texan Cultures	12,000,000
Confluence Theatre and the Exhibit Hall (U.S. Pavilion)	7,500,000
Tower of the Americas	5,500,000

The above figures added to construction projects for pavilions, landscaping, parking lots and other related facilities amounted to a total construction expenditure on the Fair site of $71,355,900.

CONSTRUCTION EMPLOYMENT

While there is no complete breakdown on total construction employment figures for the Fair, we received information from the HemisFair staff stating that the average number of workers from February 1967 to April 1968 was 2,040 employees per month. During peak construction in November of 1967 there were 7,900 construction employees on the site, not including engineers, surveyors, architects, city inspectors or foremen.

HEMISFAIR EMPLOYMENT

Nearly 10,000 people, on the average, were working as employees of the many concessionaires, governmental exhibitors and industrial exhibitors during the period of the Fair. Broken down as follows:

Monthly average concessionaire employees	7,796
Monthly average, industrial exhibitors	1,071
Monthly average, governmental exhibitors	703
Total monthly average	9,570

(Does not include employees of San Antonio Fair, Inc.)

From a modest beginning in 1964 when the first staff members were employed and continuing through the end of 1967, when approximately 230 people were on the staff, total San Antonio Fair, Inc. payroll had amounted to $1,930,00.00 for the period. Since January, 1968, and continuing through the end of the Fair, total San Antonio Fair, Inc. payroll amounted to $3,700,000.00. During April the peak employment of nearly 2,400 was reached.

VISITOR IMPACT

Listed below is information on the place of residence of visitors to HemisFair '68.

	Survey period, Apr. 6 to Oct. 2 (percent)	Total attendance, Apr. 6 to Oct. 6
San Antonio-Bexar County	23.2	1,481,200
Other Texas	35.5	2,266,491
Subtotal (Texas)	58.7	3,747,691
Southwest (Louisana, Arkansas, and Oklahoma)	8.4	536,297
Pacific (California, Oregon, Hawaii, Alaska, and Washington)	3.7	236,226
Mountain (New Mexico, Idaho, Montana, Colorado, Arizona, and Utah)	3.4	217,072
West North Central (North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, and Missouri)	4.8	306,455
East North Central (Wisconsin, Illinois, Michigan, Ohio, and Indiana)	6.3	402,222
East South Central (Kentucky Tennessee, Mississippi, and Alabama)	3.1	197,919
Middle Atlantic (New York, New Jersey, and Pennsylvania)	2.5	159,612
South Atlantic (Maryland, Delaware, West Virginia, Virginia, North Carolina, South Carolina, Georgia, and Florida)	4.5	287,302
New England States	.4	25,538
Foreign	4.2	268,148
Subtotal (outside Texas)	41.3	2,636,791
Total	100.0	6,384,482

It is interesting to note that 23% of the total attendance came from San Antonio and Bexar County, and 35% came from other points throughout the State of Texas. This indicates that slightly less than 50% of the total of 6,384,482 came from states outside of Texas as well as a sizeable number of foreign visitors. For many this was a first time visit to San Antonio. Not only did they visit HemisFair, but reports from other major tourist attractions, indicate they spent extra time in seeing our cities numerous attractions. To substantiate this we have information that the Spanish Governors Palace approximately doubled their attendance in 1968 over 1967. Attendance to the Alamo showed an increase of two million visitors over the comparable period in 1967. Mission Concepcion's annual attendance has never exceeded 6,000, but for the six month run of the Fair the total was 41,000. The Hall of Horns had a 61% increase with their guest book showing visitors coming from all 50 states and nineteen foreign countries.

Out of town visitors according to a HemisFair '68 study indicated that 4,903,000 visitors came from outside of San Antonio and Bexar County. The majority of these traveled by private automobile, contributing greatly to increased retail sales in the service station industry. In checking with local firms, we also find there was a substantial increase in business by car rental, taxicab, and commercial bus companies. Considerable new business accrued to local travel agencies and tourguide firms through organized individual and group tour packages sold to HemisFair visitors.

If each of the 4,900,000 out of county visitors stayed only one day in San Antonio, and if each visitor spent an average of $25 that one day, a total of $122,500,000 would have been injected into the local economy.

A substantial increase was noted in airline traffic. In 1966 domestic passengers at San Antonio International Airport reached 536,757, in 1967 the total was 584,279. Through the first eight months of 1968 domestic passengers had totaled 519,002, an actual increase over the comparable period in 1967 of 34.6%. In International boardings the eight months of 1968 have totaled 47,719 compared with 27,013 for the same period in 1967, a gain of 22,706 or 84.1% increase.

One major airline in San Antonio stated that their San Antonio business through the first seven months of 1968 increased by 30% over the comparable period in 1967. Since the Fair opened this company added 31 employees to assist with the increased traffic. Another airline stated that for the first seven months of 1968 their traffic was up 75% over the comparable 1967 period.

RELATED BENEFITS

Hotels and motels

Since the first of 1967, more than 2,170 new motel units were added to the motel units available in San Antonio. A partial list of the new and expanded units is below.

During the same period, 672 hotel rooms were added to the San Antonio inventory.

Assuming an average construction cost of $5,000 for each hotel and motel unit, over $14,000,000 in new accommodation facilities have been constructed (2,842 x $5,000). Using the anticipated city tax rate of $1.89 per $100.00 valuation, and an assessment ratio of 45%, annual property tax revenue of approximately $119,000 should result to the City of San Antonio. Other taxing agencies, Bexar County, independent school districts and others will realize additional tax revenue because of the added valuations.

Also during the pre-HemisFair period, more than 1,200 permanent trailer or camper units were constructed, with another 1,500 constructed on a temporary basis. The permanent facilities will fill a void that has existed since this rapidly developing concept of camper travel began.

	Rooms
Hotel rooms added:	
Palacio del Rio (new)	496
Menger Hotel (addition)	111
Crockett Motor Inn (new)	65
Total	672
Motor hotel/motel units added:	
Holiday Inn:	
Downtown (new)	325
Northeast (addition)	62
Northwest (addition)	62
Pa Posada Motor Hotel (new)	180
La Quinta Motor Inn:	
Downtown (new)	125
North (new)	128
Rodeway Inn:	
N. Panam Exp. (new)	95
Northwest Exp. (new)	106
N. Main (addition)	32
Travelodge:	
IH35 (now Rio Motel) (new)	124
Northwest (new)	63
Elmira Motor Hotel (addition)	52
Travelodge, Broadway (new)	83
Total	1,437

New tax dollars

As was stated in the previous section we will see an increase of tax revenue from new Hotel and Motel construction alone amounting to over $100,000.00. In the past three years we have experienced a boom in overall construction. Only a portion of this was actual HemisFair construction. The creation of the Fair has resulted in an overall economic increase in the City resulting in related new construction in restaurants, apartment complexes, and commercial and residential construction. While we cannot pinpoint the increase in taxes from this construction, it of course would be a sizeable figure. The following section on General Statistics will bear out this overall economic increase. As stated in the previous section other taxing agencies, such as Bexar County, independent school districts and others will realize additional tax revenue as a result of this new construction.

Sales tax

An estimate from City Officials indicates that as much as $750,000 in additional sales tax revenue will accrue to the City as a result of increased retail sales activity generated by HemisFair visitors.

Hotel-motel occupancy tax

The 1% voluntary tax agreed to by the San Antonio Hotel-Motel Industry to be set aside for San Antonio's Convention promotion amounted to $122,766.00 for the period April 1, 1968 through August, 1968.

GENERAL ECONOMIC STATISTICS

Retail sales

San Antonio's retail sales as estimated by the Bureau of Business Research, the University of Texas, have increased as follows:

	1966	1967	1968
January	$73,639,000	$77,855,000	$86,115,000
February	75,849,000	76,560,000	88,961,000
March	106,532,000	122,555,000	134,345,000
April	98,160,000	99,121,000	123,085,000
May	104,433,000	115,831,000	134,594,000
June	103,384,000	112,970,000	123,505,000
July	103,585,000	112,547,000	128,622,000
7 months	665,582,000	717,439,000	819,227,000

Seven months of 1968 are up 14.2% over seven months of 1967.

Business-activity index

According to the Texas Business Review, Bureau of Business Research, The University of Texas, the Business Activity Index of San Antonio has experienced the following changes:

April 1966	162.7
April 1967	160.8
April 1968	189.4
July 1968	211.0

The index is based on bank debits reported by the Federal Reserve Bank of Dallas and adjusted for seasonal variation and changes in the price level by the Bureau of Business Research.

Employment

The District Office of the Texas Employment Commission has supplied the following data relating to employment in the San Antonio Labor Market since 1966:

GENERAL ECONOMIC STATISTICS

	April 1966	April 1967	April 1968	July 1968	Percent change April 1966 to July 1968
Total employment	251,390	265,190	277,580	279,990	+11.4
Wage and salary employees	215,350	228,720	240,900	243,160	+12.9
Employed in:					
Manufacturing	26,290	27,330	29,270	29,580	+12.5
Construction	14,160	14,690	15,720	14,970	+5.7
Retail trade	31,425	33,240	35,240	36,240	+15.3
Restaurants	7,925	8,170	8,980	9,050	+14.2
Services	31,525	34,005	38,530	39,680	+25.9
Hotels-motels	3,085	[1] 2,735	3,520	3,850	+24.8

[1] Reflects loss due to closing of 1 of the major downtown hotels.

Construction

Since the beginning of 1966 and continuing through August 1968, construction contracts amounting to $491,036,000 have been awarded in Bexar County. Of this, $206,245,000 has been in non-residential construction and $192,972,000 in residential construction with the remainder in public works and utilities construction.

Year	Total construction	Non-residential	Residential
1965	$148,574,000	$57,945,000	$52,686,000
1966	177,481,000	76,878,000	52,503,000
1967	180,872,000	72,625,000	74,917,000
1968 (8 months)	132,683,000	56,742,000	65,552,000

Source: F. W. Dodge Corp. reports.

Bank deposits:	
June 29, 1968	$1,182,991,000
Dec. 30, 1967	1,163,922,000
Dec. 31, 1966	1,039,071,000
Dec. 31, 1965	1,030,306,000
Bank clearings:	
9 months, 1968	9,910,096,400
1967	11,650,154,405
1966	11,195,456,139
1965	10,471,208,868
New motor vehicle sales:	
9 months, 1968	32,186
1967	34,501
1966	33,907
1965	33,367

INDIRECT BENEFITS

Convention Center

The Fair, of course, was the catalyst that created San Antonio's Convention Center that is undoubtedly one of the finest and

most practical complexes in the United States. This facility will now enable us to bid for 90% of all the conventions held in the country. Already we have booked extremely large convention groups that would have been impossible in the past. We now have approximately 7,000 rooms available with 2,842 new, permanent hotel and motel rooms constructed as a result of the Fair. In checking with the Convention Bureau we find that we definitely are booking larger conventions, such as the State Bar of Texas in 1970 that will bring 4,000 delegates to the City at one time, or the Texas State Teachers Association in 1969 that will bring in over 6,000 delegates. There are numerous other examples that could be cited from the hundreds of advance convention bookings. Let us consider the economic impact that these two groups alone will mean to the City. When you consider that each delegate spends approximately $30.00 per day, these two groups will bring in over one million new dollars to San Antonio's economy.

HemisFair VIP program

This national promotion program was created by the Chamber of Commerce and the City Public Service Board to attract business executives to HemisFair. The ultimate goal was to have an opportunity to meet these executives and show them the assets we have for business location in San Antonio. The program was a success, and we now have a number of excellent prospects that could result in new business and industry for the City.

Urban renewal credits

Urban renewal projects are financed ⅓ by the City and ⅔ by Federal funds. A city may in lieu of cash payments construct civic projects within urban renewal projects areas. On the 140 acres cleared as the Civic Center urban renewal project the City of San Antonio will receive credits from the Federal Government on construction projects such as the Convention Center, Parking Garage, parking lots, utilities, and rebuilding of streets. The amount of credit to be received by the City on these projects should amount to approximately $8,000,000.00. The City's ⅓ share of this project will amount to approximately $6,000,000.00. This will give the City a surplus of $2,000,000.00 in credits to apply on the Rosa Verde and Vista Verde urban renewal projects. This credit will eliminate the need for the City to make cash payments for their share of the above urban renewal projects.

SUMMARY OF ECONOMIC BENEFITS FROM HEMISFAIR '68

Total construction on the HemisFair site amounted to $71,355,900.00.

Total construction since the beginning of 1966 through August of 1968 amounted to $491,036,000.00.

Over 10,000 people on the average were working as employees of concessionaires, governmental exhibitors, industrial exhibitors, and Fair employees during the six month period of the Fair.

Visitors from outside Bexar County amounted to 4,903,000.

It is estimated these visitors spent a total of $122,500,000.00 while in San Antonio.

A tremendous increase was registered in airline traffic during the period of the Fair. Through eight months of 1967 there was an average of 48,186 domestic boardings per month at International Airport, compared to 64,875 per month during the eight months of 1968. An overall increase of 34.6% over a like period for 1967.

Since the first of 1967, 2,842 new motel and hotel units were added to the accommodations industry in San Antonio.

The construction on these new motel and hotel units amounted to over $14,000,000.00.

The property tax revenue on these motel and hotel units will amount to over $100,000.00 per year to the City of San Antonio.

Other taxing agencies, such as Bexar County and a number of the independent school districts, will realize considerable additional tax revenue from all private construction relating to HemisFair.

An estimate from City Officials indicates that as much as $750,000.00 in additional sales tax revenue could be realized as a result of increased retail sales generated by HemisFair visitors.

San Antonio's Convention Center became a reality as a result of HemisFair.

It is a proven fact that this new convention facility will assist in attracting new and larger convention groups, thus bringing millions of new dollars into San Antonio's economy.

The HemisFair VIP Program resulted in new business and industrial prospects.

Of the estimated $8,000,000.00 in urban renewal credits accruing from HemisFair construction by the City, approximately $6,000,000.00 will apply on the one-third share of the Civic Center project. This leaves a balance of $2,000,000.00 in credits that can be applied on additional urban renewal projects.

In retail sales we had an increase of over $100,000,000.00 for the like period during 1967, an increase of 14.2%.

The business activity index compiled by the Bureau of Business Research shows a jump from 160.8 in April of 1967 to 211.0 in July of 1968.

Total employment was at an all time high in July of 1968 showing considerable percentage increases in practically all employment groups.

Bank deposits were at an all time high in the summer of 1968 with the total being $1,182,991,000.00.

Through September 1968, bank clearings had reached nearly $10,000,000,000.00 running approximately 14% over the like period for 1967.

Was it worth it?

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PEPPER, for December 1 through December 8, on account of official business, Crime Committee work.

Mr. HOSMER, for 10 days commencing December 1, on account of eye surgery.

Mr. SANDMAN (at the request of Mr. GERALD R. FORD), for the week of December 1, on account of official business as delegate to the Inter-Governmental Committee on European Migration.

Mr. RAILSBACK (at the request of Mr. GERALD R. FORD), for the week of December 1, on account of official business as delegate to the Inter-Governmental Committee on European Migration.

Mr. MESKILL (at the request of Mr. GERALD R. FORD), for the week of December 1, on account of official business as a delegate to the Inter-Governmental Committee on European Migration.

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. MONAGAN, for 30 minutes, today; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. MCCLOSKEY) to revise and extend their remarks and include extraneous material:)

Mr. HALPERN, for 10 minutes, today.

Mr. PRICE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. ROE), to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BENNETT in three instances and to include extraneous matter.

Mr. MEEDS.

(The following Members (at the request of Mr. MCCLOSKEY) and to include extraneous matter:)

Mr. GUDE.
Mr. KEITH in three instances.
Mr. WHALEN.
Mr. DUNCAN in two instances.
Mr. WYATT in two instances.
Mr. GOODLING.
Mr. CONTE in two instances.
Mr. PRICE of Texas in two instances.
Mr. HASTINGS.
Mr. KLEPPE.
Mr. PETTIS.
Mr. ZWACH.
Mr. ASHBROOK in two instances
Mr. HOGAN.
Mr. CHAMBERLAIN in three instances.
Mr. REID of New York.
Mr. CRAMER.
Mr. SCHWENGEL in three instances.
Mr. ROBISON.
Mr. NELSEN.
Mr. KUYKENDALL.
Mr. MICHEL.

(The following Members (at the request of Mr. ROE) and to include extraneous matter:)

Mr. JOHNSON of California in two instances.
Mr. THOMPSON of New Jersey in two instances.
Mr. PATTEN.
Mr. LEGGETT.
Mr. LONG of Maryland.
Mr. EDWARDS of California.
Mr. BRADEMAS in six instances.
Mr. REES in two instances.
Mr. FARBSTEIN in four instances.
Mr. BINGHAM in three instances.
Mr. HICKS in two instances.
Mr ASHLEY in two instances.
Mr. GONZALEZ in two instances.
Mr. WALDIE.
Mr. OLSEN.
Mr. SCHEUER.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 2276. An act to extend for 1 year the authorization for research relating to fuels and vehicles under the provisions of the Clean Air Act.

ADJOURNMENT

Mr. ROE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER. In accordance with Senate Concurrent Resolution 48, the Chair declares the House adjourned until 12 o'clock noon on December 1 next.

Thereupon (at 12 o'clock and 45 minutes p.m.) pursuant to Senate Concurrent Resolution 48, the House adjourned until Monday, December 1, 1969, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FISHER: Committee on Armed Services. H.R. 8022. A bill to amend title 37, United States Code, to authorize travel, transportation, and education allowances to certain members of the uniformed services for dependents' schooling, and for other purposes; without amendment (Rept. No. 91-694). Referred to the Committee of the Whole House on the state of the Union.

Mr. PRICE of Illinois: Committee on Armed Services. H.R. 9654. A bill to authorize subsistence, without charge, to certain air evacuation patients; without amendment (Rept. No. 91-695). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASHLEY:

H.R. 14996. A bill to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs; to the Committee on Public Works.

By Mr. BENNETT:

H.R. 14997. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. BROYHILL of Virginia (for himself, Mr. MCMILLAN, Mr. ABERNETHY, and Mr. DOWDY):

H.R. 14998. A bill to require an applicant for a permit to hold a demonstration, parade, march, or vigil on Federal property or in the District of Columbia to post a bond to cover certain costs of such demonstration, parade, march, or vigil; to the Committee on Public Works.

By Mr. DAVIS of Wisconsin:

H.R. 14999. A bill to amend title XVIII of the Social Security Act to permit medical electronic data services to participate in the administration of benefits under the program of health insurance for the aged in the same way as health insurance carriers; to the Committee on Ways and Means.

By Mr. DUNCAN (for himself, Mr. CARTER, Mr. CUNNINGHAM, Mr. HOSMER, Mr. LUKENS, Mr. BLACKBURN, Mr. RUTH, Mr. FREY, Mr. HAGAN, Mr. TEAGUE of Texas, Mr. WHITEHURST, Mr. GERALD R. FORD, Mr. BEVILL, Mr. MYERS, Mr. DERWINSKI, Mr. CHAPPELL, Mr. JONES of Tennessee, and Mr. PETTIS):

H.R. 15000. A bill to prohibit the use of the name of any of certain deceased servicemen unless consent to so use the name is given by the next of kin of the serviceman; to the Committee on the Judiciary.

By Mr. DUNCAN (for himself, Mr. DICKINSON, Mr. WINN, Mr. BLANTON, Mr. SEBELIUS, Mr. WATSON, Mr. DON H. CLAUSEN, Mr. WILLIAMS, Mr. CAMP, Mr. FULTON of Pennsylvania, Mr. HUNT, Mr. ESHLEMAN, Mr. HALEY, Mr. MONTGOMERY, Mr. KLUCZYNSKI, Mr. STEIGER of Arizona, and Mr. FISHER):

H.R. 15001. A bill to prohibit the use of the name of any of certain deceased servicemen unless consent to so use the name is given by the next of kin of the serviceman; to the Committee on the Judiciary.

By Mr. DUNCAN (for himself, Mr. ROUDEBUSH, Mr. QUILLEN, Mr. GARMATZ, Mr. KUYKENDALL, Mr. GOODLING, Mr. EDWARDS of Louisiana, Mr. WHALLEY, Mr. FLOWERS, Mr. RANDALL, Mr. CLARK, Mr. MCKNEALLY, Mr. NICHOLS, Mr. WIDNALL, Mr. JOHNSON of Pennsylvania, Mr. BRINKLEY, Mr. BYRNE of Pennsylvania, and Mr. BROCK):

H.R. 15002. A bill to prohibit the use of the name of any of certain deceased servicemen unless consent to so use the name is given by the next of kin of the serviceman; to the Committee on the Judiciary.

By Mr. EDMONDSON:

H.R. 15003. A bill to amend certain Federal laws relating to the State of Oklahoma; to the Committee on Interior and Insular Affairs.

By Mr. HALPERN:

H.R. 15004. A bill to amend chapter 113 of title 18, United States Code, to prohibit the transportation, use, sale, or receipt, for unlawful purposes, of credit cards in interstate or foreign commerce; to the Committee on the Judiciary.

By Mr. HANNA:

H.R. 15005. A bill to amend title II of the Social Security Act to increase, in the case of individuals having 40 or more quarters of coverage, the number of years which may be disregarded in computing such individual's average monthly wage, and to provide that, for benefit computation purposes, a man's insured status and average monthly wage will be figured on the basis of an age-62 cutoff (the same as presently provided in the case of women); to the Committee on Ways and Means.

By Mr. HOGAN:

H.R. 15006. A bill to amend section 8340 of title 5, United States Code, to provide a 5-percent increase in certain annuities; to the Committee on Post Office and Civil Service.

By Mr. JOHNSON of California:

H.R. 15007. A bill to amend the Organic Act of Guam to clarify the application of tax on transfer of funds to a U.S. corporation from a Guam subsidiary; to the Committee on Interior and Insular Affairs.

By Mr. KEITH:

H.R. 15008. A bill to establish the Plymouth-Provincetown Celebration Commission; to the Committee on the Judiciary.

By Mr. MIKVA (for himself and Mr. MORSE):

H.R. 15009. A bill to amend the Clean Air Act to provide for the adoption of national standards governing emissions from stationary sources, to create a Federal duty not to pollute the atmosphere, to provide additional public and private remedies for the abatement of air pollution, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mrs. MINK:

H.R. 15010. A bill to waive the statute of limitations with respect to a certain claim against the United States by the State of Hawaii; to the Committee on the Judiciary.

By Mr. RIVERS:

H.R. 15011. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. SKUBITZ:

H.R. 15012. A bill to authorize a study of the feasibility and desirability of establishing a unit of the National Park System to commemorate the opening of the Cherokee Strip to homesteading, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. TAYLOR:

H.R. 15013. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. THOMPSON of Georgia (for himself, Mr. TIERNAN, Mr. OTTINGER, Mr. HASTINGS, Mr. KEITH, Mr. ROGERS of Florida, Mr. CARTER, and Mr. PREYER of North Carolina):

H.R. 15014. A bill to amend the United States Code, title 49, section 1472, which is titled "Criminal Penalties Generally"; to the Committee on Interstate and Foreign Commerce.

By Mr. WATSON:

H.R. 15015. A bill to amend title 10 of the United States Code to provide pensions for widows of certain retired members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. WHALEN:

H.R. 15016. A bill to amend title 10, United States Code, in order to improve the judicial machinery of military courts-martial by removing defense counsel and jury selection from the control of a military commander who convenes a court-martial and by creating an independent trial command for the purpose of preventing command influence or the appearance of command influence from adversely affecting the fairness of military judicial proceedings; to the Committee on Armed Services.

By Mr. WHALLEY:

H.R. 15017. A bill to prohibit the use of the name of any of certain deceased servicemen unless consent to so use the name is given by the next of kin of the serviceman; to the Committee on the Judiciary.

By Mr. MICHEL:

H.R. 15018. A bill to designate Route 74 of the National System of Interstate and Defense Highways in the State of Illinois as the Everett McKinley Dirkser Highway; to the Committee on Public Works.

By Mr. WALDIE (for himself, Mr. EDWARDS of California, Mr. MCCLOSKEY, Mr. HANNA, Mr. TUNNEY, Mr. CHARLES H. WILSON, Mr. LEGGETT, Mr. REES, Mr. BURTON of California, Mr. MAILLIARD, Mr. MILLER of California, Mr. HOLIFIELD, Mr. MCFALL, Mr. LIPSCOMB, Mr. MOSS, and Mr. BROWN of California):

H.R. 15019. A bill to designate the San Joaquin Wilderness, Sierra National Forest, and Inyo National Forest in the State of California; to the Committee on Interior and Insular Affairs.

By Mr. FASCELL:

H.J. Res. 1015. 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. MATHIAS:

H.J. Res. 1016. 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. MONAGAN:

H. Con. Res. 457. Concurrent resolution expressing the sense of Congress condemning the Soviet occupation of Czechoslovakia; to the Committee on Foreign Affairs.

By Mrs. MINK (for herself, Mr. BRADEMAS, Mr. BRASCO, Mr. CORMAN, Mr. HELSTOSKI, Mr. KARTH, Mr. MOORHEAD, Mr. REES, Mr. REUSS, Mr. ROYBAL, Mr. ST GERMAIN, Mr. SCHEUER, Mr. WALDIE, Mr. YATES, Mr. O'HARA, and Mr. HAWKINS):

H. Res. 730. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. MCCLOSKEY introduced a bill (H.R. 15020) for the relief of Mrs. Edith Berke, which was referred 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:

342. By the SPEAKER: Petition of Thomas G. Staley, Eagle Point, Oreg., relative to preservation of the Rogue River in Oregon; to the Committee on Interior and Insular Affairs.

343. Also, petition of Louis Teplitsky, Bronx, N.Y., relative to redress of grievances; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

CONGRESSIONAL REFORM: A BACKGROUND SERIES—II, III, IV

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. REES. Mr. Speaker, the Special Subcommittee on Congressional Reorganization of the Committee on Rules has now completed its draft bill on congressional reorganization. Because of many requests by Members interested in congressional reform, and in order to be of help to these Members, I am inserting into the RECORD three items of background information: First, the final report of the first Special Committee on the Organization of Congress, dated March 5, 1946, which accompanied S. 2177, the Legislative Reorganization Act of 1946; second, the Legislative Reorganization Act of 1946; and third, a report by Dr. George B. Galloway during the 1951 hearings on the Evaluation of the Effects of Laws Enacted To Reorganize the Legislative Branch of the Government.

The special subcommittee headed by the Honorable B. F. SISK has held 5 days of public hearings on their preprint of the reform bill and has scheduled 3 more days of hearings for December 3, 4, and 5. In the near future this draft will be recommended to the full Rules Committee, which I hope will report it to the House for action in January of 1970. It is for this reason that I feel that the following information, along with other material to be inserted into the RECORD by my colleague from New Hampshire (Mr. CLEVELAND), will be especially useful to Members of the House:

CALENDAR NO. 1427: LEGISLATIVE REORGANIZATION ACT OF 1946

The Special Committee on the Organization of Congress, to whom was referred the bill (S. 2177) to provide for increased efficiency in the legislative branch of the Government, having considered the same, report favorably thereon with amendments and recommend that the bill, as amended, do pass.

The most important amendment made by the special committee was to eliminate from the bill Title VII—Self-Government for the District of Columbia. The Committee on the Judiciary has favorably reported a bill, S. 1942, to incorporate the Federal City Charter Commission. Title VII of S. 2177 and S. 1942 are similar measures, having the same objective of home rule for the District of Columbia. Attainment of this desirable objective will be expedited, we believe, by the enactment of S. 1942.

GENERAL STATEMENT

S. 2177 incorporates the recommendations contained in the report of the Joint Committee on the Organization of Congress Report No. 1011 of March 4, 1946. This report was based upon a year's full and complete study of the organization and operation of the Congress of the United States. Its almost unanimous findings and recommendations reflect a consensus of opinion among Members of Congress, political scientists, efficiency engineers, and students of government concerning the conditions that handicap Congress in the performance of its proper functions and suitable remedies.

Since 1941 a series of independent surveys of the machinery and methods of our National Legislature have been made by public and private organizations. These surveys, including that by the Joint Committee on the Organization of Congress, have reached substantially the same conclusions as to the defects in our legislative structure and operation and as to appropriate correctives. They are agreed that Congress today is neither organized nor equipped to perform adequately its main functions of determining policy, authorizing administrative organizations to carry out policy, and supervising execution of the resultant programs.

Devised to handle the simpler tasks of an earlier day, our legislative machinery and procedures are by common consent no longer competent to cope satisfactorily with the grave and complex problems of the post-war world. They must be modernized if we are to avoid an imminent break-down of the legislative branch of the National Government.

Determining policy

Cited as the Legislative Reorganization Act of 1946, S. 2177 is designed to reconvert our inherited and outmoded congressional machinery to the needs of today. One group of provisions deals with strengthening the policy determining function of Congress. Because of the volume and specialized character of the legislative business, Congress has logically delegated the initial work of policy making to standing committees of its Members. These committees have had a long and useful history, some of them dating back to the early days of the Republic. There have been several major and minor reorganizations of the congressional committee system through the years, as new problems have arisen and old ones have disappeared. The system has not been revamped to meet modern needs and conditions, however, since 1921. It is now in need of a complete overhaul to enable Congress to handle efficiently the expanding problems of the postwar world.

Today there are more than twice as many standing committees in the Senate as there are principal provinces of public policy. Responsibility for legislative action is scattered among 33 little legislatures which go their own way at their own pace and cannot act in concert. Their jurisdictions are undefined in the Senate rules, and there are many committees functioning in the same problem areas. For example, three Senate committees deal with problems of commerce and industry, five deal with public land problems, and six with the rules and administration of the Senate. Furthermore, some committees are inactive and seldom or never meet.

To remedy this crazy-quilt pattern, S. 2177 would replace our jerry-built committee structure with a simplified system of standing committees corresponding with the major areas of public policy and administration and having authority to hold joint hearings with the parallel committees of the House of Representatives on matters of common interest. The correlation of the committee systems of the two Chambers with each other would facilitate joint action on specific measures by means of joint hearings.

It would also increase the efficiency of the committee structure, facilitate closer liaison between the two Houses, and economize the time of busy legislators and administrators alike. And the coordination of the congressional committee system with the pattern of the administrative branch of the National Government would improve the performance by Congress of its legislative and supervisory functions, provide direct channels of communication and cooperation between the two branches, promote more harmonious and unified action in the development of public policies, and go a long way to bridge the gap between the legislative and executive branches of the Government.

CONSOLIDATION OF SENATE STANDING COMMITTEES

Existing committees	Reorganized committees
1. Agriculture and Forestry	1. Agriculture and Forestry.
2. Appropriations	2. Appropriations.
3. Military Affairs	3. Armed Services.
4. Naval Affairs	
5. Banking and Currency	4. Banking and Currency.
6. Civil Service	5. Civil Service.
7. Post Offices and Post Roads	
8. District of Columbia	6. District of Columbia.
9. Expenditures in the Executive Departments	7. Expenditures in Executive Departments.
10. Finance	8. Finance.
11. Foreign Relations	9. Foreign Relations.
12. Interstate Commerce	10. Interstate and Foreign Commerce.
13. Commerce	
14. Interoceanic Canals	
15. Manufactures	
16. Judiciary	11. Judiciary.
17. Patents	
18. Immigration	
19. Education and Labor	12. Labor and Public Welfare.
20. Public Lands and Surveys	13. Public Lands.
21. Mines and Mining	
22. Territories and Insular Affairs	
23. Irrigation and Reclamation	
24. Indian Affairs	
25. Public Buildings and Grounds	14. Public Works.
26. Rules	15. Rules and Administration.
27. Audit and Control	
28. Library	
29. Privileges and Elections	
30. Printing	
31. Enrolled Bills	
32. Pensions	16. Veterans' Affairs.
33. Claims	(Abolished.)

Moreover, the burden of committee work is especially onerous in the Senate. At present the combined membership of all the standing committees in the upper House is 481 and of the 11 major committees is 220. In addition, there are 10 special committees of the Senate, with a total membership of 87. Altogether, the 96 Senators of the Seventy-ninth Congress occupy 568 seats on its standing and special committees, an average of 6 seats per Senator. Nor are there any exclusive committees in the Senate as there are in the House, the members of which serve on no other committees. Today no Senator serves on less than 3 committees; and one sits on 10 committees, not counting the service on subcommittees, of which there are 67 in the Senate. In short, the committeee work load of United States Senators today is too heavy to bear. Many Senators have so many committee assignments that they find it impossible to attend their meetings because of conflicts and are present by proxy or not at all. Under S. 2177 Senators would serve on two standing committees each and no more, with the exception of the District and Expenditures Committees, whose members would serve on three committees each.

S. 2177 would also define the jurisdiction of each reorganized committee so as to avoid jurisdictional disputes between them. It would expand the present meager staff facilities of our standing committees, which are the real workshops of Congress; permit each committee to appoint four experts in its field; and strengthen the legislative reference and bill-drafting services which are our own unbiased research and legal arms. The bill would also authorize each senatorial and congressional office to employ a high-caliber administrative assistant to perform nonlegislative duties and thus allow Members more time for the study and consideration of national legislation.

As further steps toward improving the policy-determining machinery of Congress, S. 2177 would regularize committee procedure as regards hearings, meetings, and records. It would expedite the reporting and clarify the understanding of bills. Committee powers are defined, and permission to sit while the Senate is in session is restricted. The bill would also confine conference committees to the consideration of matters in disagreement between the two Houses and outlaw legislative riders on appropriation bills.

With a view to crystallizing the determination of party policy on major issues, and to strengthen party government as an offset to organized group pressures, S. 2177 provides for the establishment of majority and minority policy committees in each House. Each of these four committees would be composed of seven members appointed in its entirety at the opening of each New Congress. The majority and minority policy committees in both Houses would be appointed by their respective majority and minority conferences. There is no unity of command in Congress today. Responsibility for the development and coordination of legislative policy is scattered among the chairmen of 81 standing committees, who compete for jurisdiction and power. As a result, policy making is splintered and uncoordinated. The proposed policy committees would formulate over-all legislative policy of the respective parties and strengthen party leadership. They would also help to promote party responsibility and accountability for the performance of platform promises.

In order to facilitate the formulation and carrying out of national policy, and to promote better teamwork between the executive and legislative branches of the Government, the bill further provides for the creation of a Joint Legislative-Executive Council. This Council would be composed of the majority policy committees in Congress and of the President and his Cabinet. It would seek to bridge the gap between the two branches created by our inherited system of separated powers and to avoid those periodic deadlocks between Congress and the President which have hitherto caused dangerous crises in the conduct of the Federal Government.

In the last analysis, Congress is the center of political gravity under our form of government because it reflects and expresses the popular will in the making of national policy. Too often, however, the true attitude of public opinion is distorted and obscured by the pressures of special-interest groups. Beset by swarms of lobbyists seeking to protect this or that small segment of the economy or to advance this or that narrow interest, legislators find it difficult to discover the real majority will and to legislate in the public interest. As Government control of economic life and its use as an instrument of popular welfare have increased, the activities of these powerful groups have multiplied. As the lawmaking, money-raising, and appropriating agency in the Federal Government, the acts of Congress affect the vital interests of these organized groups, many of which maintain legislative agents on or near Capitol Hill. These agents seek to transform the aims and programs of their groups into public policy by having them embodied in general legislation, by changing the tax laws to suit their own purposes, by using their influence to reduce or eliminate the appropriations for agencies they dislike and to increase the appropriations of agencies they favor, and by pressing for the ratification or rejection of treaties, Presidential nominations, and constitutional amendments. A pressure-group economy gives rise to government by whirlpools of special-interest groups in which the national welfare is often neglected. The pulling and hauling of powerful pressure groups create delays and distortions which imperil national safety in wartime and threaten paralysis and bankruptcy in time of peace. The public welfare suffers in the warfare of private groups and Congress becomes an arena for the rationalization of group and class interests.

Without impairing in any way the right of petition or freedom of expression, S. 2177 provides for the registration of organized groups and their agents who seek to influence legislation. It also requires them to file detailed quarterly accounts of their receipts and expenditures. Full information regarding the membership, source of contributions, and expenditures of organized groups would prove hopeful to Congress in evaluating their representations and weighing their worth. Publicity is a mild step forward in protecting government under pressure and in promoting the democratization of pressure groups.

Improved fiscal procedures

A second set of provisions in S. 2177 is designed to strengthen Congress in the performance of its appropriating function for the administrative establishment. Hitherto the efforts of Congress to compel compliance with the laws making specific appropriations have been too often frustrated. Congress has permitted transfers between appropriations, authorized the unlimited use of departmental receipts, and set up credit corporations with separate budgets. The executive has mingled appropriations, brought forward and backward unexpended and anticipated balances, incurred coercive deficiencies, and otherwise escaped the rigors of congressional control.

To correct these conditions, at least in part, S. 2177 provides for several improvements in the legislative phase of the budget process. It would provide for open hearings on appropriation bills and require all such bills to be fully and carefully considered by the entire Appropriations Committees of both Houses. It would allow members time to study the committee hearings and reports on appropriation bills before their floor consideration. It would provide each appropriation subcommittee with a staff of four qualified specialists in its particular expenditure province with a view to making a more thorough scrutiny of departmental estimates and to serve both the majority and minority members. The bill would also forbid the reappropriation of unobligated balances except for continuing public works, which were estimated at 12.3 billion dollars for the fiscal year 1946; prevent transfers between appropriations; and take steps toward limiting permanent appropriations which amounted to 5.6 billion dollars in the fiscal year 1946.

Although Congress is charged by the Constitution with the power of the purse, there now is no correlation between income and outgo. Control of the spending power is divided between the Senate and the House of Representatives, and within each House between its revenue and appropriating committees. Taxes are levied and appropriations made by many separate committees. The right hand does not know what the left hand is doing.

To strengthen fiscal control, S. 2177 provides for the adoption of annual Federal budget totals by joint action of the revenue and appropriating committees of both Houses. If total expenditures recommended by the appropriating committees for the coming fiscal year exceed total Federal income as estimated by the revenue-raising committees, Congress would be required by record vote to authorize creation of additional Federal debt in the amount of the excess. And if it appears midway through the fiscal year that total appropriations are going to exceed the total approved budget figure, the President shall by proclamation reduce them by a uniform percentage (except for certain fixed charges), so as to bring total expenditures within the limit previously set. These limitations would not apply, however, during a wartime emergency.

Oversight of administrative performance

A third group of provisions in the bill is designed to strengthen congressional surveillance of the execution of the laws by the executive branch. Congress has long lacked adequate facilities for the continuous inspection and review of administrative performance. We often delegate the rule-making power to administrative departments and commissions, without making any provision for follow-up to see if administrative rules and regulations are in accord with the intent of the law. Several of the postwar acts, for example, require certain agencies to submit quarterly reports to Congress, but assign the responsibility for scrutinizing these reports to no legislative committees.

To remedy this situation, S. 2177 would authorize the standing committees of both Houses to exercise continuous surveillance of the execution of the laws by the administrative agencies within their jurisdiction. Armed with the power of subpena and staffed with qualified specialists in their respective provinces of public affairs, these committees would conduct a continuous review of the activities of the agencies administering laws originally reported by the legislative committees. The reconstructed standing committees will, it is hoped, roughly parallel the reorganized administrative structure of the executive branch of the Government and will be utilized as vehicles of consultation and collaboration between Congress and the corresponding administrative agencies within their respective jurisdictions.

Under this arrangement, it will no longer be necessary to create special committees of investigation from time to time. Sporadic investigations of the conduct of public affairs in the past have often served a salutary purpose by exposing administrative incompetence or corruption and by improving the execution of the laws. But they have lacked continuity and have not provided the members of standing committees with direct knowledge of the information they have

gathered. In cases where legislative action is indicated, standing committees find it necessary to do much of the work over again. S. 2177 proposes, therefore, to ban the use of special committees hereafter.

As a further check upon the financial operations of the Government and its care in handling public funds, the bill authorizes and directs the Comptroller General to make administrative management analyses of each agency in the executive branch, including Government corporations. Such analyses, with those made by the Bureau of the Budget, will furnish Congress a double check upon the economy and efficiency of administrative management. Reports on such analyses would be submitted by the Comptroller General to the Expenditures, Appropriations, and appropriate legislative committees, and to the majority and minority policy committees, of the two Houses.

Saving congressional time

Congress is overburdened by many local and private matters which divert its attention from national policy making and which it ought not to have to consider. It functions as a common council for the District of Columbia. It serves as a tribunal for the settlement of private claims. It spends much time on pension bills, the construction of bridges over navigable waters, and other private and local matters. S. 2177 bans the introduction in either House of private claims and pension bills, bridge bills, and other local and private legislation. Title IV provides for the administrative and judicial adjustment of tort claims against the United States which Congress is poorly equipped to settle. Title V grants the consent of Congress to the construction of bridges over navigable waters, subject to the approval of the Chief of Engineers and the Secretary of War. Self-government for the District of Columbia—a reform long overdue and a step toward reducing the legislative work load—is separately provided for in legislation introduced by Senator McCarran and pending on the Senate Calendar.

Congressmen are also handicapped by a host of routine chores for constituents which they are glad to perform, but which leave them little time for the adequate study of national legislative problems. From one-half to three-fourths of the time of the average Member is consumed with running errands and knocking on departmental doors on behalf of constituents. S. 2177 authorizes each Senator and Representative to employ a well-qualified administrative assistant to aid in receiving callers and handling departmental business. The bill also provides for the creation of a stenographic pool to help congressional offices with their mail during busy seasons. These provisions will enable Members to make more efficient use of their time, making for a better balance between national and local, public and private business.

S. 2177 also proposes an experimental modification of the present meeting schedules by staggering committee meetings and Chamber sessions on alternate days. This arrangement will make for closer concentration on committee work, on the one hand, and for fuller attendance on the floor, on the other. Nor would Senate committees be permitted to meet during the sitting of the Senate, without special leave.

These time- and labor-saving devices will not only make for a more efficient use of congressional time. They will also enable the Congress, which has been in almost continuous session since 1940, to take a regular annual recess. S. 2177 provides that, except in time of war or national emergency, the two Houses shall stand adjourned during July, August, and September each year, reconvening on the second Tuesday in October. Such a regular recess at definite annual intervals will insure the return of Members to their constituencies for that refreshment of contact and exchange of opinion and experience so essential to responsive representative government.

Improving congressional services and facilities

Another group of provisions in S. 2177 is designed to improve the administrative services and facilities available within the legislative establishment. The internal administration of the Congress has long been characterized by duplicating housekeeping services and obsolete methods of personnel administration. Each House has its separate postal, document, folding, stationery, mailing, disbursing, doorkeeping, messenger, and other services. And most of these positions are subject to the hazards of the patronage system.

In order to modernize the internal housekeeping services of our National Legislature and install up-to-date methods of personnel administration, S. 2177 provides for the establishment of an Office of Congressional Personnel. The Director of this Office shall be appointed on merit by the majority and minority leaders of the two Houses and shall prepare plans for a modern personnel system for all congressional employees and for the efficient coordination of the existing housekeeping services within the legislative establishment.

The bill also provides for remodeling the Senate and House caucus rooms, for the more efficient assignment of available space within the Capitol, and more convenient dining facilities. The education and discipline of page boys would be improved by selecting pages from among boys who live at home or in orphanages in the District of Columbia and by arranging for their education in the public schools of the District.

The usefulness of the Congressional Record to all its readers would be increased under this bill by the printing in it of a daily calendar of legislative events, together with a résumé of congressional activities and an index of its contents.

Improving the composition of Congress

While the quality of the present personnel of our Federal Legislature is as high as it ever was in the good old days of Webster, Clay, and Calhoun, the average level of ability and energy is still possible of improvement. In the last analysis, of course, the composition of Congress depends upon the alertness, public interest, and education of the electorate. Nevertheless, steps can be taken by Congress itself to attract even abler persons to the legislative service. One such step would be to pay higher salaries to Senators and Representatives. S. 2177 would increase the compensation of Members of Congress to $15,000 a year, effective January 1, 1947. The present salary of $10,000 a year has been in effect since 1925. Impartial studies of the cost of living show that, on the average, it costs more to be a Congressman than the position pays.

The bill would also encourage Members to retire by permitting them to join the Federal retirement system on a contributory basis. To be eligible for retirement pay, Members would be required to deposit 6 percent of their basic salary, to have served at least 6 years in Congress, and have attained the age of 62 years. Those with at least 5 years of service could be retired for disability and receive an annuity. The annuity would amount to 2½ percent of a Member's average annual basic salary multiplied by the number of his years of legislative service. But no annuity could exceed three-fourths of the salary received at the time of separation from the service. All other Federal employees may now participate in the Federal retirement system, but Congressmen are the forgotten men of social security.

This inducement to retirement for those of retiring age or with other infirmities is a recognition of the arduous labors now imposed upon all Members. The resulting sense of security would contribute to independence of thought and action on the part of Members. It would also tend to bring into the legislative service a larger number of younger members with fresh energy and new viewpoints concerning the economic, social, and political problems of the Nation.

What S. 2177 would cost

Enactment of the entire program embodied in S. 2177 would increase the cost of the legislative establishment only $12,000,000—a negligible sum compared with the resultant gains. The following table itemizes the added cost:

Administrative assistant for each Member	$4,272,000
Government share of retirement plan	3,000,000
Salary raise for Members	2,655,000
Staff experts for standing committees	952,000
Staff experts for Appropriations Committees	768,000
Expansion of Legislative Reference Service	300,000
Policy committee staffs	120,000
Stenographic pool	100,000
Expansion of office of legislative counsel	60,000
Increase in compensation of congressional officers	44,235
Salary of director of congressional personnel	10,000
Total estimated increase	12,281,235

Surely this a modest price to pay for increased efficiency in the legislative branch of the Government. Even with this modest increase, the total cost of the legislative branch would be $6,000,000 less than the 1947 budget estimate for the office of the Administrator of Civil Aeronautics alone. It would be more than offset by the abolition of the patronage system, the reduced cost of shorter sessions, the reduction from 33 to 16 in the number of standing committees to be staffed and supported, and the great economies in public expenditures to be brought about by the fixing of Federal Budget totals.

The national interest involved in the development of a stronger, more efficient, and more representative Congress needs no emphasis here. Congress itself and the entire Nation will derive immeasurable benefits from the enactment of this bill.

These are critical days for the Government of the United States. Congress and the President are beset by a host of postwar problems at home and abroad. Our machinery of government, which was devised for the simpler tasks of the nineteenth century, is breaking down under its tremendous work load. Democracy itself is in grave danger of disintegrating from internal dissensions under the terrific pressures of the postwar world.

Congressional reform will not solve all the problems that beset us. That will require good men, good will, and good policies as well as good governmental machinery. But modernized machinery will greatly increase the efficiency of Congress. By revising our antiquated rules and improving our facilities, we can at once revitalize our National Legislature, expedite the adjustment of our postwar problems, and renew popular faith in American democracy. The time has come for Congress to reform itself. The time to act is now.

SECTION BY SECTION ANALYSIS

INTRODUCTORY MATTER

The matter preceding title I of the bill provides a short title for the bill, namely the "Legislative Reorganization Act of 1946"; sets up a table of contents; and provides the usual separability clause.

TITLE I—CHANGES IN RULES OF SENATE AND HOUSE

This title either specifically or by implication makes changes in the rules of the Senate and House. These changes are extensive, although in great measure they relate di-

rectly or indirectly to realinement, jurisdiction, and procedure of committees. This is one of the fundamental reforms proposed to be brought about by this bill. In that connection it will be noted that the bill as written contains no realinement of House committees or specification of their jurisdiction, although the report of the Joint Committee on the Organization of Congress pursuant to House Concurrent Resolution 18 (Rept. No. 1011) made recommendations bearing thereon. Your committee felt that this matter was of such fundamental importance that it would be in the interest of comity and expedition to leave that subject to be handled by way of amendment in the House.

Section 101. Rule-making power of the Senate and House

Inasmuch as this title, as indicated, makes changes in the rules of the two Houses it is provided in this section that these provisions are enacted as an exercise of the rule-making power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply; and such rules shall supersede other rules only to the extent that they are inconsistent therewith. It is further provided that these provisions are enacted with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

This procedure will be recognized as that provided with regard to congressional action on resolutions under recent reorganization acts.

PART 1. STANDING RULES OF THE SENATE

Section 102. Standing committees of the Senate

This section amends rule XXV of the Standing Rules of the Senate relating to standing committees. In short it provides for 16 standing committees in lieu of 33 under existing rules, fixes the membership of each such standing committee at 13 Senators, in lieu of the varying memberships of existing committees, and specifies in considerable detail, by subject matter, the jurisdiction of each such committee, a matter not provided for under existing rules except in isolated instances.

It is not the purpose of this report to present the considerations which moved the committee in each case in distributing the rather imposing list of subjects for legislative consideration among the various committees. It is sufficient to say that the assignments were made as nearly as may be on a functional basis, although the committee is frank to concede, and it is believed the Senate will appreciate, that such a rule could not be followed to the letter. However, the committee has made an earnest effort to set up a workable committee structure.

It will be noted that whereas the report made pursuant to House Concurrent Resolution 18 recommends a Committee on Interior, Natural Resources, and Public Works in which would be consolidated some eight Senate committees, your committee felt that this committee would be heavily overburdened and recommends instead the distribution of this jurisdiction to two committees, namely, a Committee on Public Lands and a Committee on Public Works.

Although, as has been indicated, the committee has deemed it wise not to explain in detail the assignment of the various subject matters, the following tables, first, will suggest in a general way the consolidation effected insofar as it affects the status of the existing standing committees of the Senate and, second, will show the jurisdiction by subject matter under present committee structure and under the proposed realinement.

TABLE I.—CONSOLIDATION OF SENATE STANDING COMMITTEES

Existing committees	Reorganized committees
1. Agriculture and Forestry	1. Agriculture and Forestry.
2. Appropriations	2. Appropriations.
3. Military Affairs	3. Armed Services.
4. Naval Affairs	
5. Banking and Currency	4. Banking and Currency.
6. Civil Service	5. Civil Service.
7. Post Office and Post Roads	
8. District of Columbia	6. District of Columbia.
9. Expenditures in Executive Departments	7. Expenditures in Executive Departments.
10. Finance	8. Finance.
11. Foreign Relations	9. Foreign Relations.
12. Interstate Commerce	10. Interstate and Foreign Commerce.
13. Commerce	
14. Interoceanic Canals	
15. Manufactures	
16. Judiciary	11. Judiciary.
17. Patents	
18. Immigration	
19. Education and Labor	12. Labor and Public Welfare.
20. Public Lands and Surveys	13. Public Lands.
21. Mines and Mining	
22. Territories and Insular Affairs	
23. Irrigation and Reclamation	
24. Indian Affairs	
25. Public Buildings and Grounds	14. Public Works.
26. Rules	15. Rules and Administration.
27. Audit and Control	
28. Library	
29. Privileges and Elections	
30. Printing	
31. Enrolled Bills	
32. Pensions	16. Veterans' Affairs.
33. Claims	(Abolished.)

TABLE II.—JURISDICTION OF PRESENT AND PROPOSED COMMITTEES

Subject	Present committee	Proposed committee
(a) Committee on Agriculture and Forestry, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:		
1. Agriculture generally	Agriculture and Forestry	Agriculture and Forestry.
2. Inspection of livestock and meat products	do	Do.
3. Animal industry and diseases of animals	do	Do.
4. Adulteration of seeds, insect pests, and protection of birds and animals in forest reserves	do	Do.
5. Agricultural colleges and experiment stations	do	Do.
6. Forestry in general, and forest reserves other than those created from the public domain	do	Do.
7. Agricultural economics and research	do	Do.
8. Agricultural and industrial chemistry	do	Do.
9. Dairy industry	do	Do.
10. Entomology and plant quarantine	do	Do.
11. Human nutrition and home economics	do	Do.
12. Plant industry, soils, and agricultural engineering	do	Do.
13. Agricultural educational extension services	do	Do.
14. Extension of farm credit and farm security	Agriculture and Forestry; Banking and Currency	Do.
15. Rural electrification	Agriculture and Forestry	Do.
16. Agricultural production and marketing and stabilization of prices of agricultural products	do	Do.
17. Crop insurance and soil conservation	do	Do.
(b) Committee on Appropriations, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subject:		
1. Appropriation of the revenue for the support of the Government	Appropriations	Appropriations.
(c) Committee on Armed Services, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:		
1. Common defense generally	Naval Affairs; Military Affairs	Armed Services.
2. The War Department and the Military Establishment generally	do	Do.
3. The Navy Department and the Naval Establishment generally	Naval Affairs	Do.
4. Soldiers' and sailors' homes	Military and Naval Affairs	Do.
5. Pay, promotion, retirement, and other benefits and privileges of members of the armed forces	do	Do.
6. Selective service	Military Affairs	Do.
7. Size and composition of the Army and Navy	Military and Naval Affairs	Do.
8. Forts, arsenals, military reservations, and navy yards	do	Do.
9. Ammunition depots	do	Do.
10. Maintenance and operation of the Panama Canal, including the administration, sanitation, and government of the Canal Zone.	Military Affairs	Do.
11. Conservation, development, and use of naval petroleum and oil-shale reserves	Naval Affairs	Do.
12. Strategic and critical materials necessary for the common defense	Military Affairs	Do.

TABLE II.—JURISDICTION OF PRESENT AND PROPOSED COMMITTEES—Continued

Subject	Present committee	Proposed committee
(d) Committee on Banking and Currency, to consist of 13 Senators, to which committee shall be referred al. proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:		
1. Banking and currency generally	Banking and Currency	Banking and Currency.
2. Financial aid to commerce and industry, other than matters relating to such aid which are specifically assigned to other committees under this rule.	do	Do.
3. Deposit insurance	do	Do.
4. Public and private housing	Banking and Currency; Education and Labor	Do.
5. Federal Reserve System	Banking and Currency	Do.
6. Gold and silver, including the coinage thereof	do	Do.
7. Issuance of notes and redemption thereof	do	Do.
8. Valuation and revaluation of the dollar	do	Do.
9. Control of prices of commodities, rents, or services	do	Do.
(e) Committee on Civil Service, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:		
1. The Federal civil service generally	Civil Service	Civil Service.
2. The status of officers and employees of the United States, including their compensation, classification, and retirement.	do	Do.
3. The postal service generally, including the railway-mail service, and measures relating to ocean mail and pneumatic-tube service; but excluding post roads.	Post Offices and Post Roads	Do.
4. Postal-savings banks	do	Do.
5. Census and the collection of statistics generally	Commerce	Do.
6. The National Archives	Library	Do.
(f) Committee on the District of Columbia, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:		
1. All measures relating to the municipal affairs of the District of Columbia in general, other than appropriations therefor including—	District of Columbia	District of Columbia.
2. Public health and safety, sanitation, and quarantine regulations	do	Do.
3. Regulation of sale of intoxicating liquors	do	Do.
4. Adulteration of food and drugs	do	Do.
5. Taxes and tax sales	do	Do.
6. Insurance, executors, administrators, wills, and divorce	do	Do.
7. Municipal and juvenile courts	do	Do.
8. Incorporation and organization of societies	do	Do.
9. Municipal code and amendments to the criminal and corporation laws	do	Do.
(g) (1) Committee on Expenditures in the Executive Departments, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:		
(A) Budget and accounting measures, other than appropriations	Expenditures in the Executive Departments	Expenditures in the Executive Departments.
(B) Reorganizations in the executive branch of the Government	Judiciary	Do.
(2) Such committee shall have the duty of—		
(A) receiving and examining reports of the Comptroller General of the United States and of submitting such recommendations to the Senate as it deems necessary or desirable in connection with the subject matter of such reports;		Do.
(B) studying the operation of Government activities at all levels with a view to determining its economy and efficiency;		Do.
(C) evaluating the effects of laws enacted to reorganize the legislative and executive branches of the Government;		Do.
(D) studying intergovernmental relationships between the United States and the States and municipalities, and between the United States and international organizations of which the United States is a member.		Do.
(h) Committee on Finance, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:		
1. Revenue measures generally	Finance	Finance.
2. The bonded debt of the United States	do	Do.
3. The deposit of public moneys	do	Do.
4. Customs, collection districts, and ports of entry and delivery	do	Do.
5. Reciprocal trade agreements	do	Do.
6. Transportation of dutiable goods	do	Do.
7. Revenue measures relating to the insular possessions	do	Do.
(i) Committee on Foreign Relations, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:		
1. Relations of the United States with foreign nations generally	Foreign Relations	Foreign Relations.
2. Treaties	do	Do.
3. Establishment of boundary lines between the United States and foreign nations	do	Do.
4. Protection of American citizens abroad and expatriation	do	Do.
5. Neutrality	do	Do.
6. International conferences and congresses	do	Do.
7. The American National Red Cross	Judiciary	Do.
8. Intervention abroad and declarations of war	Foreign Relations	Do.
9. Measures relating to the diplomatic service	do	Do.
10. Acquisition of land and buildings for embassies and legations in foreign countries	do	Do.
11. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.	do	Do.
12. United Nations Organization and international financial and monetary organizations	Foreign Relations; Banking and Currency	Do.
13. Foreign loans	Banking and Currency	Do.
(j) Committee on Interstate and Foreign Commerce, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:		
1. Interstate commerce generally	Interstate Commerce	Interstate and Foreign Commerce.
2. Regulation of interstate railroads, busses, trucks, and pipe lines	do	Do.
3. Communication by telephone, telegraph, radio, and television	do	Do.
4. Civil aeronautics	Commerce	Do.
5. Merchant marine generally	do	Do.
6. Registering and licensing of vessels and small boats	do	Do.
7. Navigation and the laws relating thereto, including pilotage	do	Do.
8. Rules and international arrangements to prevent collisions at sea	do	Do.
9. Merchant marine officers and seamen	do	Do.
10. Measures relating to the regulation of common carriers by water and to the inspection of merchant marine vessels, lights and signals, lifesaving equipment, and fire protection on such vessels.	do	Do.
11. Coast and Geodetic Survey	do	Do.
12. The Coast Guard, including life-saving service, lighthouses, lightships, and ocean derelicts	do	Do.
13. The U.S. Coast Guard and Merchant Marine Academies	do	Do.
14. Weather Bureau	do	Do.
15. Except as provided in paragraph (c), the Panama Canal and interoceanic canals generally	Interoceanic Canals	Do.
16. Inland waterways	Commerce	Do.
17. Fisheries and wildlife, including research, restoration, refuges, and conservation	do	Do.
18. Bureau of Standards, including standardization of weights and measures and the metric system	do	Do.

TABLE II.—JURISDICTION OF PRESENT AND PROPOSED COMMITTEES—Continued

Subject	Present committee	Proposed committee
(k) Committee on the Judiciary, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:		
1. Judicial proceedings, civil and criminal, generally	Judiciary	Judiciary.
2. Constitutional amendments	do	Do.
3. Federal courts and judges	do	Do.
4. Local courts in the territories and possessions	do	Do.
5. Revision and codification of the Statutes of the United States	do	Do.
6. National penitentiaries	do	Do.
7. Protection of trade and commerce against unlawful restraints and monopolies	do	Do.
8. Holidays and celebrations	do	Do.
9. Bankruptcy, mutiny, espionage, and counterfeiting	do	Do.
10. State and Territorial boundary lines	do	Do.
11. Meetings of Congress, attendance of Members, and their acceptance of incompatible offices	do	Do.
12. Civil liberties	do	Do.
13. Patents, copyrights, and trade-marks	Patents	Do.
14. Patent Office	do	Do.
15. Immigration and naturalization	Immigration	Do.
16. Apportionment of Representatives	Commerce	Do.
17. Measures relating to claims against the United States	Judiciary	Do.
18. Interstate compacts generally	do	Do.
(l) Committee on Labor and Public Welfare, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:		
1. Measures relating to education, labor, or public welfare generally	Education and Labor	Labor and Public Welfare.
2. Mediation and arbitration of labor disputes	do	Do.
3. Wages and hours of labor	do	Do.
4. Convict labor and the entry of goods made by convicts into interstate commerce	Judiciary; Interstate Commerce	Do.
5. Regulation or prevention of importation of foreign laborers under contract	Immigration	Do.
6. Child labor	Education and Labor	Do.
7. Labor statistics	do	Do.
8. Labor standards	do	Do.
9. School-lunch program	Agriculture	Do.
10. Vocational rehabilitation	Education and Labor	Do.
11. National social security, except revenue measures relating thereto	Finance	Do.
12. Railroad labor and railroad retirement and unemployment, except revenue measures relating thereto.	Interstate Commerce	Do.
13. United States Employees Compensation Commission	Education and Labor	Do.
14. Columbia Institution for the Deaf, Dumb, and Blind; Howard University; Freedmen's Hospital; and St. Elizabeths Hospital.	District of Columbia	Do.
15. Public health and quarantine	Education and Labor	Do.
16. Welfare of miners	Mines and Mining	Do.
(m) Committee on Public Lands, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:		
1. Public lands generally, including entry, easements, and grazing thereon	Public Lands and Surveys	Public Lands.
2. Mineral resources of the public lands	do	Do.
3. Forfeiture of land grants and alien ownership, including alien ownership of mineral lands	do	Do.
4. Forest reserves and national parks created from the public domain	do	Do.
5. Military parks and battlefields, and national cemeteries	do	Do.
6. Preservation of prehistoric ruins and objects of interest on the public domain	do	Do.
7. Measures relating generally to Hawaii, Alaska, and the insular possessions of the United States, except those affecting their revenue and appropriations.	Territories and Insular Affairs	Do.
8. Irrigation and reclamation, including water supply for reclamation projects, and easement of public lands for irrigation projects.	Irrigation and Reclamation	Do.
9. Interstate compacts relating to apportionment of waters for irrigation purposes	do	Do.
10. Mining interests generally	Mines and Mining	Do.
11. Mineral land laws and claims and entries thereunder	do	Do.
12. Geological survey	do	Do.
13. Mining schools and experimental stations	do	Do.
14. Petroleum conservation and conservation of the radium supply in the United States	Public Lands and Surveys; Mines and Mining	Do.
15. Relations of the United States with the Indians and the Indian tribes	Indian Affairs	Do.
16. Measures relating to the care, education, and management of Indians, including the care and allotment of Indian lands and general and special measures relating to claims which are paid out of Indian funds.	do	Do.
(n) Committee on Public Works, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials and other matters relating to the following subjects:		
1. Flood control and improvement of rivers and harbors	Commerce	Public Works.
2. Public works for the benefit of navigation, and bridges and dams (other than international bridges and dams).	do	Do.
3. Water power	do	Do.
4. Oil and other pollution of navigable waters	do	Do.
5. Public buildings and occupied or improved grounds of the Unted States generally	Public Buildings and Grounds	Do.
6. Measures relating to the purchase of sites and construction of post offices, customhouses, Federal courthouses, and Government buildings within the District of Columbia.	do	Do.
7. Measures relating to the Capitol Building and the Senate and House Office Buildings	do	Do.
8. Measures relating to the maintenance and care of the buildings and grounds of the Botanic Gardens, the Library of Congress, and the Smithsonian Institution.	do	Do.
9. Public reservations and parks within the District of Columbia, including Rock Creek Park and the Zoological Park.	do	Do.
10. Measures relating to the construction or maintenance of roads and post roads	Post Offices and Post Roads	Do.
Committee on Rules and Administration, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:		
(A) Matters relating to the payment of money out of the contingent fund of the Senate or creating a charge upon the same; except that any resolution relating to substantive matter within the jurisdiction of any other standing committee of the Senate shall be first referred to such committee.	Audit and Control the Contingent Expenses of the Senate.	Rules and Administration.
(B) Except as provided in par. (n) 8, matters relating to the Library of Congress and the Senate Library; statuary and pictures; acceptance or purchase of works of art for the Capitol; the Botanic Gardens; management of the Library of Congress; purchase of books and manuscripts; erection of monuments to the memory of individuals.	Library	Do.
(C) Except as provided in par. (n) 8, matters relating to the Smithsonian Institution and the incorporation of similar institutions.	do	Do.
(D) Matters relating to the election of the President, Vice President, or Members of Congress; corrupt practices; contested elections; credentials and qualifications; Federal elections generally; Presidential succession.	Privileges and Elections	Do.
(E) Matters relating to parliamentary rules; floor and gallery rules; Senate Restaurant; Senate Office Building; Senate wing of the Capitol; assignment of office space; and services to the Senate.	Rules	Do.
(F) Matters relating to printing and correction of the Congressional Record.	Printing	Do.
(2) Such committee shall also have the duty of examinaning all bills. amendments. and joint resolutions after passage by the Senate; and, in cooperation with the Committee on House Administration of the House of Representatives, of examining all bills and joint resolutions which shall have passed both Houses, to see that the same are correctly enrolled; and, when signed by the Speaker of the House and the President of the Senate, shall forthwith present the same, when they shall have originated in the Senate, to the President of the United States in person, and report the fact and date of such presentation to the Senate. Such committee shall also have the duty of assigning office space in the Senate wing of the Capitol and in the Senate Office Building.	Enrolled Bills	Do.

TABLE II.—JURISDICTION OF PRESENT AND PROPOSED COMMITTEES—Continued

Subject	Present committee	Proposed committee
(p) Committee on Veterans' Affairs, to consist of 13 Senators, to which committee shall be referred all proposed legislation. messages, petitions, memorials, and other matters relating to the following subjects:		
1. Veterans' measures generally	Finance	Veterans' Affairs.
2. Pensions of all the wars of the United States, general and special	Pensions	Do.
3. Life insurance issued by the Government on account of service in the Armed Forces	Finance	Do.
4. Compensation, vocational rehabilitation, and education of veterans	do	Do.
5. Veterans' hospitals, medical care and treatment of veterans	do	Do.
6. Soldiers' and sailors' civil relief	Military Affairs	Do.
7. Readjustment of servicemen to civil life	do	Do.

It is provided that each Senator shall serve on two standing committees and no more; except that Senators of the majority party who are members of the Committee on the District of Columbia or of the Committee on Expenditures in the Executive Departments may serve on three standing committees and no more. Your committee will frankly explain the reason for this latter provision. It had been hoped that committee service of each Senator would be limited to two standing committees and in the light of generally increased jurisdiction of committees that would normally be sufficient. However, it was discovered that with a close alinement of the two major parties in the Senate that arrangement would leave many committees of the Senate in which the majority party did not have control, that is, the members would be evenly divided. The committee felt that that was not a satisfactory arrangement and hit upon the expedient of permitting Senators of the majority party who are members of the two committees named above (District of Columbia and Expenditures in the Executive Departments), whose jurisdiction was relatively light as compared with other committees, to serve on three standing committees.

Section 103. Appropriations

This section amends rule XVI dealing with amendments to appropriation bills and while rewritten in its entirety this was due in great measure to the change in the names of the committees under the revised committee structure. The only substantial change made in this section is the provision which prohibits the Committee on Appropriations from reporting an appropriation bill containing amendments proposing "any restriction on the expenditure of the funds appropriated which proposes a limitation not authorized by law," and further provides that any such restriction shall not be received by way of an amendment to any general appropriation bill.

It is specifically provided that when a point of order is made against any limitation on expenditure of funds appropriated in a general appropriations bill on the ground that the limitation violates this rule (whether for violation of the limitation just discussed or any limitation now contained in rule XVI), the rule shall be construed strictly and, in case of doubt, in favor of the point of order.

Section 104 and section 105. Printing and rules

These sections made formal changes to conform to changes in the rules relative to committee structure, but in view of section 224 of the bill dealing with transfer of functions to the new committees, these sections are unnecessary and have been stricken from the bill.

PART 2. PROVISIONS APPLICABLE TO BOTH HOUSES

Section 121. Private bills banned

This section bans private bills, resolutions, and amendments authorizing or directing the payment of property damages for personal injuries or death or for pensions; the construction of bridges across navigable streams; or the correction of military or naval records. It is provided, however, that the provisions of this section shall not apply to private bills or resolutions conferring jurisdiction on the Federal courts to hear, determine, and render judgment in connection with private claims otherwise cognizable under the Federal Tort Claims Act if the claim accrued between January 1, 1939, and December 31, 1944, the last day being the day before the effective date (for the purpose of accrual of claims) of the Federal Tort Claims Act. This will permit consideration of bills or resolutions covering claims going back for a period of 6 years and would seem to be ample to prevent any inequities.

Section 122. Joint hearings

This section authorizes the standing committees of the two Houses to hold joint hearings with respect to subject matter within their respective jurisdictions.

Section 123. Congressional recesses

This section fixes a definite adjournment period for the Congress for each year, from the last of June until the second Tuesday in October, except in time of war or during a national emergency proclaimed by the President. It is provided, however, that the Members of the Congress may be called back by the President of the Senate and the Speaker of the House whenever in their opinion legislative expediency warrants it or whenever the majority leader or the minority leader of the Senate and the majority leader or the minority leader of the House, acting jointly, file a written request with the Secretary of the Senate and the Clerk of the House that the Congress reassemble for the consideration of legislation.

Section 124. Committee procedure

Various provisions relating to committee procedure are set forth in this section. Some of these procedures are now in effect in the case of many committees of the Congress. This section will make specific provision therefor.

Each standing committee must set aside a regular period during each month to permit Members to appear before the committee on bills or resolutions which they have introduced; each such committee must fix regular weekly, biweekly, or monthly meeting days for the transaction of business, and additional meetings may be called by the chairman; each such committee shall keep a complete record of all committee action, which shall include attendance and a record of votes on any question on which a record vote is demanded, which record vote shall be printed in the Congressional Record. It is made the duty of the chairman of each committee to report promptly to the Senate or House, as the case may be, any measure approved by his committee and to take necessary steps to bring the matter to a vote; but no measure or recommendation shall be reported from any committee unless a majority of the committee were actually present and voted in favor of the report.

Further, each committee report shall contain an outline of proposed legislation in nontechnical digest form, together with a supporting statement of reasons for its enactment and a statement of the national interest involved. This report shall also include estimates of cost. All such outlines, statements, and estimates shall be prepared by the committee staff.

Each standing committee shall, so far as practicable, require witnesses to file in advance written statements of their testimony and to limit oral presentations to brief summaries. The staff of each committee shall prepare digests of such statements for use of committee members. All hearings are required to be open to the public except executive sessions for marking up bills or for voting or where the committee by a majority vote orders a secret executive session in the interest of national security.

Section 125. Committee powers

This section embodies the procedural powers normally given to Senate committees and extend it generally to standing committees of the House. Owing to the greater volume of work imposed on the smaller number of committees under the bill, it is recommended that expenditures for any Congress be fixed at not in excess of $10,000 for each committee in lieu of $5,000 now fixed for Senate committees.

It is further provided that no standing committee of the Senate or the House, except the Committee on Rules of the House, shall sit without special leave while the Senate or the House, as the case may be, is in session. This will extend to the Senate the rule now applicable to House committees except in the case of the Committee on Rules.

Section 126. Special committees banned

This section provides that no special or select committee, including a joint committee, shall be established or continued by bill, resolution, or amendment.

Section 127. Conference rules on amendments in nature of substitute

This section in effect makes specific the application to amendments in the nature of a substitute of the conference rules now applicable to numbered amendments, and will outlaw the expedient resorted to in recent years of conferees bringing back legislation not passed by either House.

Section 128. Legislative oversight by standing committees

In effect, this section directs each standing committee of the Senate and the House to exercise continuous surveillance of the execution by the administrative agencies concerned of laws within the jurisdiction of the respective committees.

Section 129. Decisions on questions of committee jurisdiction

This section provides that questions with respect to committee jurisdiction shall be decided by the Presiding Officer of the Senate or the House, as the case may be, without debate, in favor of that committee which has jurisdiction over the subject matter which predominates; but the decision is subject to an appeal.

Section 130. Estimates of receipts and expenditures

This section requires the Committee on Ways and Means and the Committee on Appropriations of the House and the Committee on Finance and the Committee on Appropriations of the Senate to meet jointly at the beginning of each session and after study and consultation to report to their respective Houses estimated over-all Federal receipts and expenditures for the ensuing fiscal year. The report is to be made within 60 days after

the opening of the session or by April 15, whichever first occurs. If the estimated expenditures exceed the estimated receipts the report must be accompanied by a concurrent resolution reciting that it is the sense of the Congress that the public debt should be increased in an amount equal to the amount by which the estimated expenditures exceed the estimated receipts. Until this resolution has been agreed to by both Houses no general appropriation bill appropriating money for the ensuing fiscal year shall be received or considered in either House. The section is not applicable in time of war or during a national emergency proclaimed by the President.

Section 131. Hearings and reports by Appropriations Committees

This section provides that general appropriation bills shall not be considered unless prior to the consideration printed committee hearings and reports have been available for at least three calendar days for the Members of the House in which such bill is to be considered. The Appropriations Committees are further authorized and directed, acting jointly, to develop standard appropriation classification schedules, and it is required that the part of the printed hearings containing any agency's request for appropriations shall be preceded by such a schedule.

The section further provides that no general appropriation bill or amendment thereto shall be in order if it contains any provision reappropriating unexpended balances; but this provision shall not apply to appropriations in continuation of appropriations for public works on which work has commenced.

The Appropriations Committees are also directed to make a study of permanent appropriations with a view to limiting their number, and also a study of the disposition of funds resulting from the sale of Government property or services with a view to recommending a uniform system of control with respect to such funds.

Section 132. Records of Congress

The Secretary of the Senate and the Clerk of the House, acting jointly, are directed by this section to obtain at the close of each Congress all noncurrent records and transfer them to the National Archives; and the Clerk of the House is directed to collect the noncurrent records of the House of Representatives from the First to the Seventy-six Congress, inclusive, and transfer them to the National Archives.

Section 133. Preservation of committee hearings

This section requires the Librarian of Congress to have bound the printed hearings of testimony taken by each committee of the Congress.

Section 134. Effective date

This title takes effect on the day on which the Eightieth Congress convenes; except that the provisions relative to reports, just discussed, take effect on the date of enactment.

TITLE II—MISCELLANEOUS

This title contains miscellaneous provisions relating to congressional personnel, committees of Congress, the Capitol Building, and policy committees.

PART 1. STATUTORY PROVISIONS RELATING TO CONGRESSIONAL PERSONNEL

Section 201. Office of Congressional Personnel

This section creates the Office of Congressional Personnel headed by a Director appointed by the majority and minority leaders of the Senate and House of Representatives, acting jointly. The Director will receive compensation at the rate of $10,000 a year and is to be appointed without regard to political affiliations and solely on the ground of fitness to perform the duties of the office.

One of the initial functions of the Director (others will be noted hereinafter) is to prepare a plan for a modern personnel system for all employees of the Senate and House (including employees under the Architect of the Capitol), to make a complete study of overlapping and duplicating services within the legislative establishment, and to prepare a plan for the establishment of efficient services and to report to Congress at the earliest practicable date. Any plan or schedule prepared by the Director must contain as an integral part provisions that appointments to any office or position under the Senate or the House shall be made only upon certification by the Director that the appointee is qualified, and in addition, in the case of committee staffs, upon recommendation of the Director; and that service employes of the Capitol shall be appointed on a merit basis established by the Director to the end that the so-called patronage system shall be discontinued and the fee system for guides abolished.

The provisions of this section do not apply and the authority of the Director does not extend to elected officers of the Senate or House or to personnel of Members' offices or to personnel of party policy committees provided for in the bill.

Section 202. Stenographic pool

Under this section the Director is required to establish a stenographic pool in each of the Senate and House Office Buildings for use of Members during peak periods.

Section 203. Increase in compensation for certain congressional officers

This section increases the basic compensation of elected officers of the Senate and House (not including the presiding officers) by 50 percent, effective January 1, 1947; and increases the appropriations for the Office of the Vice President and the Office of the Speaker by approximately 50 percent.

Section 204. Administrative assistant to Members

This section authorizes each Senator, Representative, Delegate, and the Resident Commissioner from Puerto Rico to appoint an administrative assistant at a salary of $8,000 a year.

Section 205. Committee staffs

This section authorizes each standing committee to appoint four professional staff members (in addition to the clerical staffs), who are to be appointed on a permanent basis upon the recommendation and certification of the Director, without regard to political affiliations and solely on the basis of fitness to perform the duties of the office. These staff members may not engage in any work other than committee business and no other duties may be assigned to them.

In the case of the Committees on Appropriations, each such committee and each subcommittee thereof is to be provided with a professional staff, two members of which shall be assigned to the chairman of the committee and each subcommittee thereof and two members to the ranking minority member of each such committee and subcommittee thereof.

The clerical staff of each standing committee will consist of six clerks, two to be attached to the office of the chairman, two to the ranking minority member, and two to the professional staff; and the office of committee janitor is abolished.

It is required that all committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Member serving as chairman; and such records are declared to be the property of the Congress and all members of the committee and the respective Houses shall have access to such records.

Until the Director submits a plan for revision of legislative pay schedules and such plan is accepted by the Congress, the professional staff members will receive annual compensation, to be fixed by the chairman, ranging from $6,000 to $8,000, and the clerical staff will receive annual compensation ranging from $2,000 to $6,000. When the Director has submitted a plan for revision of pay schedules and such plan is accepted by Congress, all provisions of law authorizing chairmen of standing committees to rearrange or change the salaries and number of committee empolyees are repealed, and the personnel of Members' offices shall not be assigned any committee work.

It is specifically provided that no committee shall appoint to its staff any experts or other personnel detailed or assigned from any department or agency of the Government except with the written permission of the Committee on Rules and Administration of the Senate or the Committee on House Administration of the House of Representatives, as the case may be.

Section 206. Legislature Reference Service

This section gives specific statutory authority for the Legislative Reference Service of the Library of Congress and prescribes detailed statutory functions for that Service. In addition to the other functions the Director of the Service is to assign competent persons to the press and radio galleries of the Senate and the House of Representatives.

The Director and Assistant Director of the Service are to be appointed by the Librarian upon recommendation and certification of the Director of Congressional Personnel. All personnel of the Service are to be appointed without regard to the civil-service laws and solely on the ground of fitness to perform the duties of their offices. Specific provision is made for the appointment of senior specialists in certain broad fields and such specialists, together with such other members of the staff as may be necessary, are to be available for special work with the committees of Congress.

Increased appropriations for the work of the Legislative Reference Service are authorized as follows: (1) For the fiscal year ending June 30, 1947, $550,000; (2) for the fiscal year ending June 30, 1948, $650,000; (3) for the fiscal year ending June 30, 1949, $750,000; and (4) for each fiscal year thereafter such sums as may be necessary to carry on the work of the Service.

Section 207. Office of the Legislative Counsel

This section authorizes appropriations for the Office of the Legislative Counsel as follows:

(1) For the fiscal year ending June 30, 1947, $150,000.

(2) For the fiscal year ending June 30, 1948, $200,000.

(3) For the fiscal year ending June 30, 1949, $250,000.

(4) For the fiscal year ending June 30, 1950, $250,000.

(5) For each fiscal year thereafter such sums as may be necessary to carry on the work of the Office.

These figures are increases over past appropriations for this office; for example, the appropriation contained in the pending legislative appropriation bill is $105,000.

Section 208. Reductions in appropriations

This section provides that if on December 31 in any fiscal year, and after the budget resolution discussed above (sec. 130 (b) of title I) has been agreed to, the President is of opinion that the expenditures for that fiscal year will exceed receipts in an amount greater than the excess specified in the resolution the President shall so proclaim; and thereupon all appropriations (except permanent appropriations and appropriations for

servicing the public debt, for veterans' pensions and benefits, and to trust funds) shall be reduced by a uniform percentage which will reduce the aggregate amount of funds appropriated for that fiscal year in an amount equal to the difference between the excess proclaimed by the President and the excess specified in the resolution. The section is not to be applicable in time of war or during a national emergency proclaimed by the President.

Section 209. Transfer of appropriations

This section, effective July 1, 1947, prohibits the transfer of funds from one appropriation account to another or from one organization unit to another in the executive departments and other executive agencies.

Section 210. Studies by the Comptroller General

This section authorizes and directs the Comptroller General to make a study of restrictions in general appropriation accounts limiting expenditure of specified appropriations, with a view to determining the cost to the Government incident to comply with such restrictions and to report to the Congress with respect thereto.

Section 211. Administrative management analyses by Comptroller General

This section authorizes and directs the Comptroller General to make an administrative management analysis of each agency in the executive branch, to enable Congress to determine whether public funds have been economically and efficiently administered and expended. Reports on such analyses are to be submitted to the Committees on Expenditures in the Executive Departments, the Appropriations Committees, the legislative committees having jurisdiction over legislation relating to the operations of the respective agencies, and each of the majority and minority policy committees.

PART 2. STATUTORY PROVISIONS RELATING TO COMMITTEES OF CONGRESS

Section 221. Improvement of Congressional Record

This section authorizes and directs the Joint Committee on Printing to make provision for printing in the daily Record the legislative program for the day, together with a list of congressional committee meetings and hearings; and to cause a brief résumé of congressional activities for the previous day to be incorporated in the Record, together with an index of its contents. The data will be prepared under the supervision of the Secretary of the Senate and the Clerk of the House, respectively.

Section 222. Joint Committee on Printing

This section provides that the Joint Committee on Printing shall consist of the chairman and two members of the Committee on Rules and Administration of the Senate and the chairman and two members of the Committee on House Administration of the House of Representatives. This provision is made necessary by reason of the fact that the Committees on Printing of the respective Houses are abolished in the rearrangement of committees, heretofore discussed.

Section 223. Joint Committee on the Library

Similarly, under this section the Joint Committee on the Library will consist of the chairman and four members of the Committee on Rules and Administration of the Senate and the chairman and four members of the Committee on House Administration of the House.

Section 224. Transfer of functions

Owing to the rearrangement of committees this section transfers the function, powers, and duties imposed on a standing committee of the Senate or the House to the standing committee created by this act to which is transferred legislative jurisdiction over the subject matter to which such functions, powers, and duties relate; except that respective chairmen of the Civil Service Committees are to be members of the National Archives Council since under the bill the National Archives come under the jurisdiction of the Civil Service Committees.

PART 3. PROVISIONS RELATING TO CAPITOL AND POLICY COMMITTEES

Section 241. Remodeling of caucus rooms and restaurants

This section authorizes and directs the Architect of the Capitol to prepare and submit to Congress plans for the remodeling of the caucus rooms in the Senate and House Office Buildings and the Senate and House restaurants. By a committee amendment the provision relating to the Chambers of the two Houses has been stricken out as this project has already been authorized by law.

Section 242. Assignment of Capitol space

Under this section the President pro tempore of the Senate and the Speaker of the House are to cause a survey to be made of available space which could be utilized for joint committee meetings, meetings of conference committees, and other meetings requiring attendance of both Senators and Members of the House, and to recommend the reassignment of such space to accommodate such meetings.

Section 243. Senate and House pages

This section provides that pages for the Senate and House shall be appointed by the Director of Congressional Personnel from among boys from the metropolitan area of the District of Columbia. The Secretary of the Senate and the Clerk of the House are directed to enter into an arrangement with the Board of Education of the District of Columbia for the education of these pages and pages of the Supreme Court in the public school system of the District, with provision for reimbursement to the District for any additional expenses incurred.

Section 244. Majority and minority policy committees

This section recommends the establishment of policy committees by the majority party and the principal minority party in each of the two Houses, for the formulation of over-all legislative policy, and authorizes an appropriation of $30,000 annually for each policy committee for the maintenance of a staff. The members of each such staff are to be appointed and their compensation fixed by the policy committee concerned, but no such compensation shall be fixed at a rate in excess of $8,000 per annum.

Section 245. Joint legislative-executive council

This section provides that when the majority policy committees are established they shall serve on a formal council to meet at regular intervals with the Executive and members of his Cabinet to consult and collaborate in the formulation and carrying out of national policy. It is further provided that from time to time the minority policy committees shall be included in such conferences on broad questions of foreign and domestic policy.

Section 246. Experimentation with meeting schedules

This section, in effect, recommends that there be experiments with schedules for meeting of the two Houses to determine whether business might not be more efficiently transacted by providing for alternate days for Chamber sessions and committee meetings, or by providing for three full days for committee meetings and three full days for sessions in the Chamber, or by providing some other schedule, including night sessions.

Section 247. Effective date

This section fixes an effective date for this title. With the exception of sections 205 (a), (b), and (c), 222, 223, 224, and 243, the title is made effective on the day on which the Eightieth Congress convenes.

TITLE III—REGULATION OF LOBBYING ACT

This title deals with a subject that has frequently been before the Congress, in the form of bills to regulate lobbying activities. In order that there may be no misunderstanding of the purposes of this title the committee desires to make a statement as to what the title does and what it does not do. There follow some of the things that the title does not do:

First. It does not curtail the right of free speech or freedom of the press or the right of petition.

Second. It has no application to the publishers of newspapers, magazines, or other publications, acting in the regular course of business.

Third. It has no application to persons who appear openly and frankly before the committees of Congress and engage in no other activities to influence legislation.

Fourth. It does not require any reports of any persons or organizations now required to report under the provisions of the present Corrupt Practices Act.

Fifth. It does not apply in any manner to persons who appear voluntarily without compensation.

Sixth. It does not apply to organizations formed for other purposes whose efforts to influence legislation are merely incidental to the purposes for which formed.

On the other hand the title applies chiefly to three distinct classes of so-called lobbyists:

First. Those who do not visit the Capitol but initiate propaganda from all over the country in the form of letters and telegrams, many of which have been based entirely upon misinformation as to facts. This class of persons and organizations will be required under the title, not to cease or curtail their activities in any respect, but merely to disclose the sources of their collections and the methods in which they are disbursed.

Second. The second class of lobbyists are those who are employed to come to the Capitol under the false impression that they exert some powerful influence over Members of Congress. These individuals spend their time in Washington presumably exerting some mysterious influence with respect to the legislation in which their employers are interested, but carefully conceal from Members of Congress whom they happen to contact the purpose of their presence. The title in no wise prohibits or curtails their activities. It merely requires that they shall register and disclose the sources and purposes of their employment and the amount of their compensation.

Third. There is a third class of entirely honest and respectable representatives of business, professional, and philanthropic organizations who come to Washington openly and frankly to express their views for or against legislation, many of whom serve a useful and perfectly legitimate purpose in expressing the views and interpretations of their employers with repect to legislation which concerns them. They will likewise be required to register and state their compensation and the sources of their employment.

Section 301. Short title

This section provides a short title, namely, the "Federal Regulation of Lobbying Act."

Section 302. Definitions

This section contains definitions and for convenience or reference the definitions of "contribution," "expenditure," and "legislation" are included herein as follows:

(*a*) The term "contribution" includes a gift, subscription, loan, advance, or deposit of money or anything of value and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution.

(*b*) The term "expenditure" includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure.

* * * * *

(*e*) The term "legislation" means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House.

Section 303. Detailed accounts of contributions

This section makes it the duty of every person soliciting or receiving contributions (as defined above) to any organization or fund for the purposes defined in section 307 (post) to keep a detailed and exact account of all contributions; the name and address of every person making a contribution of $500 or more and the date thereof; all expenditures made by or on behalf of the organization or fund; and the name and address of every person to whom any expenditure was made, and the date thereof. It is further made the duty of such person to keep receipted bills for expenditures in excess of $10, and to preserve the receipted bills and accounts required to be kept for at least 2 years from the date of filing of the statement containing such items.

Section 304. Receipts for contributions

This section requires every individual who receives a contribution of $500 or more for the purposes specified in section 307 (post), within 5 days after receipt, to render to the person or organization for which it was received a detailed account thereof, including the name and address of the person making the contribution and the date on which received.

Section 305. Statements to be filed with Clerk of House

This section requires every person receiving any contributions or expending any money for the purposes specified in section 307 (post) to file with the Clerk of the House a statement showing the names and addresses of persons contributing $500 or more; the total sum of the contributions made to or for such person during the calendar year and not stated under the foregoing requirement; the total sum of all contributions made to or for such person during the calendar year; the name and address of each person to whom an expenditure of $10 or more has been made within the calendar year by or on behalf of such person and the amount, date, and purpose of such expenditure; the total sum of all expenditures made by or on behalf of such person during the calendar year and not stated under the foregoing requirement, and the total expenditures made by or on behalf of such person during the calendar year. Statements required to be filed hereunder shall be cumulative during the calendar year to which they relate.

Section 306. Statement preserved for 2 years

Statements required to be filed with the Clerk must be preserved for a period of 2 years from the date of filing, shall constitute part of the public records of his office, and shall be open to public inspection.

Section 307. Persons to whom applicable

This section defines the application of the title and includes any person who by himself or through any agent or employee or other person in any manner whatsoever, directly or indirectly, solicits, collects, or receives money or any other thing of value to be used principally to aid, or the principal purpose of which person is to aid, in the accomplishment of any one of the following purposes:

(*a*) The passage or defeat of any legislation by the Congress of the United States. It will be noted in this connection that under the definition set forth above "legislation" means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House and includes any other matter which may be the subject of action by either House.

(*b*) To influence, directly or indirectly, the passage or defeat of any legislation by the Congress.

(*c*) To influence, directly or indirectly, the election or defeat of any candidate for any elective Federal office.

Section 308. Registration with Secretary of Senate and Clerk of House

This section requires any person who engages himself for pay or for any consideration, for the purpose of attempting to influence the passage or defeat of legislation, to register with the Clerk of the House and the Secretary of the Senate, giving full details of his employment, and to report each calendar quarter details concerning money received and expended by him during the preceding calendar quarter in carrying on his work. There are excepted from the provisions of this section persons who merely appear before committees in support of or in opposition to legislation but who engage in no further or other activities in connection with the passage or defeat of such legislation; public officials acting in their official capacity; and newspapers and periodicals acting in the regular course of business. All information required to be filed with the Clerk and Secretary shall be compiled by them, acting jointly, and printed in the Congressional Record.

Section 309. Reports and statements to be made under oath

This section requires all reports and statements to be made under oath.

Section 310. Penalties

This section makes it a misdemeanor to violate any of the provisions of the title and provides punishment by fine of not more than $5,000 or imprisonment for not more than 12 months, or both. In addition to these penalties any person convicted of the misdemeanor specified above is prohibited for a period of 3 years from attempting to influence directly or indirectly the passage or defeat of any proposed legislation or from appearing before a committee of the Congress in support of or in opposition to proposed legislation; and any person who violates this provision is guilty of a felony and subject to punishment by a fine of not more than $10,000 or imprisonment for not more than 5 years, or both.

Section 311. Exemption

This section provides that the title shall not apply to practices or activities regulated by the Federal Corrupt Practices Act nor be construed as repealing any portion of said act.

TITLE IV—FEDERAL TORT CLAIMS ACT

This title waives, with certain limitations, governmental immunity to suit in tort and permits suits on tort claims to be brought against the United States. It is complementary to the provision in title I banning private bills and resolutions in Congress, leaving claimants to their remedy under this title.

In addition, the title extends the existing authority of heads of Government departments to adjust tort claims. Under existing law such authority is restricted to claims for property loss and damage not exceeding $1,000. This title would extend it to cases of personal injury or death, but retains the maximum limitation of $1,000.

The title applies to claims accruing on and after January 1, 1945, thus going back for one full session of Congress, and together with the provision in section 121 (ante) permitting bills and resolutions to be considered covering claims accruing between January 1, 1939, and December 31, 1944, will in effect permit an 8-year period for disposing of past claims.

Attention is called to the fact that there is now on the House Calendar a bill (H.R. 181, 79th Cong.) almost identical with this title. The essential difference is that the House bill puts a maximum limitation of $10,000 on claims for which suit may be brought, whereas this title as reported by your committee contains no such limitation. The committee is of the opinion that in view of the banning of private claim bills in the Congress no such limitation should be imposed, and that with respect to this type of claim the Government should be put in the same position as any private party.

For the information of the Senate the following statement from the House Committee report on H.R. 181 (H. Rept. No. 1287, 79th Cong., 1st sess.), covering the history of this legislation and a summary of existing law is incorporated and made a part of this report:

"HISTORY OF LEGISLATION

"Under existing law, while the Government may be sued in contract, it is not generally subject to suit in tort, except as to admiralty and maritime torts.

"Heads of departments are permitted to make administrative adjustments of certain types of tort claims for small amounts. Other claims, if adjusted at all, are handled individually by private bills, which either make a direct appropriation for the payment of the claim or else remit the claimant to suit either in the Court of Claims or in a United States district court.

"For many years the present system has been subjected to criticism, both as being unduly burdensome to the Congress and as being unjust to the claimants, in that it does not accord to injured parties a recovery as a matter of right but bases any award that may be made on considerations of grace. Moreover, it does not afford a well-defined continually operating machinery for the consideration of such claims. For many years bills on this subject have been introduced from time to time attempting to approach the matter in various ways. During the Seventieth Congress a bill, H.R. 9285, which endeavored to deal with this matter passed both Houses but encountered a pocket veto at the hands of President Coolidge, which it is understood was princally based on the fact that the function of acting as counsel for the Government in such cases was to be reposed by that bill in the Comptroller General instead of in the Attorney General.

"In the Seventy-sixth Congress H.R. 7236 passed the House on September 12, 1940, but the pressure of other urgent matters prevented its consideration in the Senate before the close of the session.

"In the Seventy-seventh Congress a similar bill, S. 2221, was passed by the Senate and was approved in substance by this committee. Previous to such action, hearings were held before a subcommittee of the Committee on the Judiciary on H.R. 6463 and an earlier bill, H.R. 5373, both introduced by Representative Celler.

"The magnitude of the task of considering and disposing of private claims can be gathered from the following statistics:

"In the Sixty-eighth Congress about 2,200 private claim bills were introduced, of which 250 became law, then the largest number in the history of the Claims Committee.

"In the Seventieth Congress 2,268 private claim bills were introduced, asking more than $100,000,000. Of these, 336 were enacted, appropriating about $2,830,000, of which 144, in the amount of $562,000, were for tort.

In each of the Seventy-fourth and Seventy-fifth Congresses over 2,300 private claim bills were introduced, seeking more than $100,000,000. In the Seventy-sixth Congress approximately 2,000 bills were introduced, of which 315 were approved, for a total of $826,000.

In the Seventy-seventh Congress, of the 1,829 private claim bills introduced and referred to the Claims Committee, 593 were approved for a total of $1,000,253.30. In the Seventy-eighth Congress 1,644 bills were introduced; 549 of these were approved for a total of $1,355,767.12. So far during the present Congress about 1,279 private claim bills have been introduced. Of these, 225 have been enacted, appropriating about $965,353.06.

"SUMMARY OF EXISTING LAW

"Since 1855 the Government has been subject to suit on contract in the Court of Claims (act of February 24, 1855; 10 Stat. 612, amended by act of March 3, 1863; 12 Stat. 765). By the act of March 3, 1887, known as the Tucker Act, concurrent jurisdiction was conferred on the United States district courts over such contract claims and other claims "not sounding in tort" against the Government as involve a sum not exceeding $10,000. By the act of June 25, 1910 (36 Stat. 851; U.S.C., title 35, sec. 68), the United States submitted itself to suit for patent infringement. Such suits may be brought only in the Court of Claims.

"By the act of March 9, 1920 (41 Stat. 525; U.S.C., title 46, sec. 742), the Government was subjected to being sued in the district courts in respect to admiralty and maritime torts involving merchant vessels or tugboats owned or operated by the Government. By the act of March 3, 1925 (43 Stat. 1112; U.S.C., title 46, sec. 781), the right to sue the Government in respect to admiralty and maritime torts was extended so as to include damages caused by a public vessel of the United States. This authority was without limitation as to the amount of the claim.

"As a result of the statutes briefly summarized above, the Government is subject to suit in contract, on admiralty and maritime torts, and for patent infringement. On the other hand, no action may be maintained against the Government in respect to any common-law tort. The existing exemption in respect to common-law torts appears incongruous. Its only justification seems to be historical. With the expansion of governmental activities in recent years, it becomes especially important to grant to private individuals the right to sue the Government in respect to such torts as negligence in the operation of vehicles.

"In respect to certain classes of small claims the heads of departments are permitted by existing law to make administrative adjustment. However, in no case, is a court review now provided, if the claimant feels aggrieved at the disposition made of his claim by the head of the department. Thus by the act of December 28, 1922 (42 Stat. 1066; U.S. Code, title 31, sec. 215), the head of each department or independent establishment was authorized to adjust any claim for property loss or damage caused by the negligence of an officer or employee of the Government acting within the scope of his employment if the amount of the claim does not exceed $1,000. It will be observed that this authority does not extend to claims for personal injuries or death. There are special statutes in existence permitting the heads of a few departments to adjust claims of a character defined in such statutes, generally not exceeding $500 in amount. For example, the Postmaster General is vested with power to settle claims not exceeding $500 involving either personal injuries or property damage caused by operations of the Post Office Department.

"The present bill would establish a uniform system authorizing the administrative settlement of small tort claims and permitting suit to be brought on any tort claim not exceeding $10,000, with the exception of certain classes of torts expressly exempted from the operation of the act."

PART 1. SHORT TITLE AND DEFINITIONS

Section 401. Short title

This section provides a short title, namely, the "Federal Tort Claims Act."

Section 402. Definitions

This section defines the terms used in the title and makes it clear that its provisions cover all Federal agencies, including Government corporations, and all Federal officers and employees, including members of the military and naval forces (in the case of the latter it is noted that section 421(j) excludes from the application of the title claims arising out of the activities of the military and naval forces or the Coast Guard, during time of war).

PART 2. ADMINISTRATIVE ADJUSTMENT OF TORT CLAIMS

Section 403. Claims of $1,000 or less

This section authorizes the head of each Federal agency, or his designee, to adjust claims accruing on and after January 1, 1945, not exceeding $1,000 on account of property loss or damage or personal injury or death caused by the negligence or wrongful act or omission of a Government employee of such agency while acting within the scope of his employment. In general, any award or determination is final and conclusive, except when procured by means of fraud. The acceptance of any award, compromise, or settlement releases both the Government and the employee from liability.

Section 404. Reports

Under this section the heads of Federal agencies are required to make an annual report to Congress of all claims paid under this part.

PART 3. SUITS ON TORT CLAIMS

Section 410. Jurisdiction

This section vests exclusive jurisdiction in the United States district courts over claims against the United States, accruing on and after January 1, 1945, on account of property loss or damage or personal injury or death caused by the negligence or wrongful act or omission of a Government employee while acting within the scope of his employment. The trial will be without a jury as is now the case in suits under the Tucker Act. The liability of the United States will be the same as that of a private person under like circumstance, in accordance with the local law, except that no punitive damages and no interest prior to judgment may be recovered.

Suit may not be instituted on a claim presented to a Federal agency under part 2 until it has been finally disposed of by the agency or withdrawn from consideration of the agency, and in any case suit shall not be brought for any sum in excess of the amount of the claim presented to the Federal agency except where based upon newly discovered evidence or evidence of intervening facts.

Section 411. Procedure

This section provides that the practice and procedure shall be in accordance with the Rules of Civil Procedure, and the same provision for counterclaim and set-off, for interest upon judgments, and for payment of judgments are applicable as in cases brought in the district courts under the Tucker Act.

Section 412. Review

Final judgments in the district courts are made subject to review by appeal to the circuit court of appeals or, with the written consent of all appellees, to the Court of Claims. Judgment would then be subject to review by the Supreme Court to the same extent as in other cases in the circuit courts of appeal.

Section 413. Compromise

This section authorizes the Attorney General to arbitrate, compromise, or settle any claim cognizable under this part, after the institution of suit thereon.

PART 4. PROVISIONS COMMON TO PART 2 AND PART 3

Section 420. Statute of limitations

This section prescribes a limitation period of 1 year for presentation of claims to Federal agencies or filing of suits in the district courts. If the claim is presented to a Federal agency an additional period of 6 months is provided from the time of disposition by the agency or withdrawal of the claim within which to file suit.

Section 421. Exceptions

This section specifies types of claim which would not be covered by the title. They include claims based upon the performance or nonperformance of discretionary functions or duties; claims based upon the act or omission of a Government employee exercising due care in the execution of a statute or regulation; claims based upon action of the Treasury Department under its blacklisting or freezing powers; claims seeking to test the constitutionality of legislation or the legality of a rule or regulation; claims arising from the administration of the Trading With the Enemy Act; and claims which relate to certain governmental activities which should be free from the threat of damage suit, or for which adequate remedies are already available. These exemptions cover claims arising out of the loss or miscarriage of postal matter; the assessment or collection of taxes or assessments; the detention of goods by customs officers; admiralty and maritime torts; deliberate torts such as assault and battery; and others. There are also excluded claims arising out of the activities of the military and naval forces, or the Coast Guard, during time of war, and claims arising in a foreign country.

Section 422. Attorney's fees

This section authorizes the court or the administrative officer, as the case may be, to fix reasonable attorney's fees. If the recovery is $500 or more, such fees may not exceed 10 percent of the administrative award or 20 percent of the judgment; but in any case the attorney's fees allowed must be paid out of, but not in addition to, the judgment or award. Criminal penalties are provided for charging or collecting fees in excess of the maximum.

Section 423. Exclusivity of remedy

This section provides that after the effective date of the title, the authority of any Federal agency to sue and be sued in its own name will no longer be applicable to torts cognizable under this title. This will place torts of "suable" agencies of the United States upon precisely the same footing as torts of "nonsuable" agencies. In both cases, the suits would be against the United States, subject to the limitations and safeguards of the bill; and in both cases the exceptions of the bill would apply either by way of preventing recovery at all or by way of leaving recovery to some other act, as, for example, the Suits in Admiralty Act. It is intended

that neither corporate status nor "sue and be sued" clauses shall, alone, be the basis for suits for money recovery sounding in tort.

Section 424. Certain statutes inapplicable

This section provides that as to claims cognizable under part 2 of the title existing provisions of law authorizing administrative adjustment of such claims are repealed. Provisions of law authorizing adjustment of claims not cognizable under part 2 would remain unaffected as to such claims.

TITLE V—GENERAL BRIDGE ACT

The object of the proposed title is to eliminate the necessity of a special act of Congress to authorize the construction of each individual bridge by giving general consent to all bridges the location, plans, and specifications of which are approved by the Secretary of War and the Chief of Engineers.

The title does not apply to bridges over waters the navigable portion of which lies wholly within one State, and in such cases under the act of March 3, 1899 (30 Stat. 1151; U.S. Code, title 33, sec. 401) authorization by the State legislature will still be necessary. The plans and specifications for these bridges will still need the approval of the Secretary of War and the Chief of Engineers.

This title does not repeal the General Bridge Act of 1906 (34 Stat. 84; U.S.C., title 33, sec. 491), but supersedes such act with respect to bridges over navigable waters of the United States, the construction of which is hereafter approved, and it is contemplated that all such bridges will hereafter be constructed under the provisions of this title. However, it may be noted that even though section 121 of the bill prohibits the receipt or consideration in either House of Congress of a private bill or resolution authorizing the construction of a bridge across a navigable stream, the two Houses may suspend such rule and grant such consent by a special act in accordance with the provisions of the General Bridge Act of 1906. In any case in which that event occurs, the provisions of the 1906 act will apply.

This title does not apply to the bridges specified in the act of August 21, 1935 (49 Stat. 670; U.S.C., title 33, secs. 503–506). That act permits the Secretary of War to set reasonable tolls on bridges constructed under the authority of acts prior to the act of March 3, 1899, cited above; nor does it apply to the act of June 21, 1940 (54 Stat. 497; U.S.C., title 33, secs. 511–523), which is an act to provide for the alteration of railroad bridges and for the apportionment of the cost of such alterations between the United States and the owners of such bridges.

Section 501. Short title

This section provides a short title, namely, the "General Bridge Act of 1946."

Section 502. Consent of Congress

This section contains a general grant of the consent of Congress for the construction, maintenance, and operation of bridges over navigable waters in accordance with the provisions of this title. Location and plans are to be approved by the Chief of Engineers and the Secretary of War who may impose any specific conditions that they deem necessary in the interest of public navigation. In the case of privately owned highway toll bridges the location and plans must be approved by the highway departments of the State or States in which the bridge and its approaches are situated, and if in any such case the States are unable to agree or they, or either of them, fail or refuse to act upon the location and plans submitted, the location and plans will then be submitted to the Federal Public Roads Administration, and, if approved by the Public Roads Administration, approval by the State highway departments is not required.

Section 503. Tolls

This section provides for the regulation of tolls over interstate bridges and authorizes the Secretary of War from time to time to prescribe reasonable rates of toll.

Section 504. Acquisition by public agencies

This section authorizes acquisition by public agencies of any interstate toll bridge and limits the damages or compensation to be allowed, after 5 years after the completion of the bridge, to cost of construction, acquiring interests in real property, financing and promotion costs not to exceed 10 percent of the sum of the foregoing, and actual expenditures for necessary improvements. In such cases no allowances will be made for good will, going value, or prospective revenues or profits.

Section 505. Statements of cost

Under this section the owner is required to file with the Secretary of War and the highway departments detailed statements of cost. Provision is made for investigation of such costs by the Secretary of War and his findings shall be conclusive for purposes of section 504, subject only to review in a court of equity for fraud or gross mistake.

Section 506. Sinking fund

This section provides that in the case of interstate toll bridges constructed or taken over by a public agency, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of construction or acquisition. After a sinking fund sufficient for such amortization has been provided the bridge shall thereafter be maintained and operated free of tolls.

Section 507. Applicability of title

This title is to apply only to bridges over navigable waters of the United States the construction of which is hereafter approved under the provisions of this title.

Section 508. International bridges

This section specifically excepts from the application of the title bridges which will connect the United States or any Territory or possession of the United States with any foreign country.

Section 509. Eminent domain

This section grants the right of eminent domain to persons or public agenices authorized to build bridges between two or more States.

Section 510. Penalties

This section imposes criminal penalties for violation of orders of the Secretary of War or the Chief of Engineers, and for refusal to produce books, papers, or documents required under the title.

Section 511. Rights reserved

This section is the usual reservation of the right to alter, amend, or repeal.

TITLE VI—COMPENSATION AND RETIREMENT PAY OF MEMBERS OF CONGRESS

This title accomplishes two purposes. First, it increases the compensation of Members of Congress to $15,000 per annum, and the compensation of the Speaker and the Vice President to $20,000 per annum. Second, it provides a system of retirement pay for Members of Congress similar to that accorded to Government officers and employees generally.

Section 601. Compensation of Members of Congress

This section increases the compensation of Senators, Representatives in Congress, Delegates from Territories, and the Resident Commissioner from Puerto Rico to $15,000 per annum; and the compensation of the Speaker of the House of Representatives and the Vice President to $20,000 per annum. As an incident to these increases the section contains two additional provisions:

(1) It provides that for the purpose of section 23(a)(1)(A) of the Internal Revenue Code (relating to the deductibility of trade and business expenses), in the case of Senators, Representatives, Delegates, and Resident Commissioners their home shall be considered to be their place of residence within the State, Territory, or possession from which they are such a Member, Delegate, or Resident Commissioner. This will in effect permit these officials to deduct business expenses, including board and lodging in Washington, and other expenses incident to their absence from home on congressional service.

(2) The provision of the Legislative Branch Appropriation Act, 1946, providing for the $2,500 expense allowance for Representatives, Delegates, and the Resident Commissioner from Puerto Rico is repealed.

Section 602. Retirement pay of Members of Congress

Subsection (a) of this section amends section 3(a) of the Civil Service Retirement Act of May 29, 1930, so as to remove the exclusion contained therein with respect to Members of Congress. Section 3(a), which relates to coverage under the act, reads in part as follows:

"SEC. 3. (a) This Act shall apply to all officers and employees in or under the executive, judicial, and legislative branches of the United States Government * * * except elective officers and heads of executive departments."

The amendment would insert after the words "elective officers" the words "in the executive branch of the Government", thus confining the exclusion of elective officers to the President and the Vice President.

Subsection (b) of the section would add a new section 3A to the Retirement Act. This new section would outline the respects in which the Retirement Act would operate differently in the case of a Member of Congress, and, except as provided in this section, the provisions of the Retirement Act would apply in the same manner to Members of Congress as to other persons covered by such act.

Paragraph (1) provides that no Member of Congress shall be subject to the provisions of the act unless he so elects. His election could be made at any time within 6 months after the date of enactment or at any time within 6 months after taking an oath of office as a Member of Congress. He would be required, however, to make his election while serving as a Member of Congress. Thus a Member could not wait until he is out of office and then elect to come under the act; nor would the amendment confer any rights upon former Members of Congress. Any such person who later becomes a Member of Congress would, of course, have a further opportunity at that time to elect to come within the purview of the act, and, if he so elected, he would get credit for his prior service as a Member of Congress.

Members of Congress electing to become subject to the provisions of the act would be required, from the date of such election, to contribute to the retirement fund at the rate of 6 percent of their pay rather than at 5 percent as in the case of other persons subject to the act. Deposits made for the purpose of purchasing credit for past service performed prior to the date of enactment, however, would be made at the same rates as in

the case of other persons, that is, 5 percent for service between July 1, 1942, and the date of enactment; 3½ percent for service between July 1, 1926, and July 1, 1942; and 2½ percent for service between July 31, 1920, and July 1, 1926. No deposit is required for service prior to July 31, 1920.

A Member of Congress would not be eligible for a superannuation annuity under these provisions unless he had served as a Member of Congress for at least 6 years, and unless he contributes or makes deposit for his last 5 years of congressional service. If his last 5 years of service are performed after the date of enactment, the contribution or deduction would be at the rate of 6 percent. However, if any portion of his last 5 years of service shall have been performed prior to the date of enactment, the deposit for that portion would be at the rates (set forth in the preceding paragraph) in effect at the time such service was performed, and would be based on the salary he received at such time. An exception to the rule that the last 5 years of congressional service must be contributed for is contained in paragraph 7 of the amendment and perhaps should be mentioned at this point. In a case in which a Member of Congress qualifies for and receives an annuity but thereafter is again elected to Congress, his annuity will be suspended during the period in which he holds office. Although this subsequent service will now form at least a part of his last 5 years of service, his annuity will be resumed when he relinquishes office even though he does not elect to have deductions made during this period. As hereafter explained, however, the annuity will not be recomputed to allow credit for the subsequent service unless such deductions are made.

If the Member of Congress is 62 or over when he leaves office his annuity would become payable on the first day of the month following the month in which he leaves office. If, however, he leaves office prior to attaining the age of 62, his annuity would not commence until the first day of the month following the month in which he reaches age 62.

As in the case of other persons subject to the Retirement Act, a Member of Congress could, irrespective of age, retire after 5 years' service if he were to become totally disabled for useful and efficient service, and be paid an annuity computed in the manner set forth in the following paragraph. In order to qualify for a disability annuity, the Member of Congress, however, must have contributed or made deposit for his last 5 years of service as required in the case of the annuity based on age and service.

The annuity of a Member of Congress under this section would, if he contributed or made deposit for all congressional service subsequent to July 31, 1920, be an amount equal to 2½ percent of the average annual pay he received as a Member of Congress multiplied by his years of service as a Member of Congress, but no annuity would be permitted to exceed three-fourths of the annual rate of compensation received by such Member at the date of his separation from the service. For the purposes of computing average annual pay, only basic compensation would be considered. The compensation provided by law for the Speaker of the House and of the President pro tempore of the Senate when there is no Vice President would, of course, be considered pay for service as a Member of Congress for such purposes.

If the Member of Congress failed to contribute or make deposit for all his years of congressional service the years for which he did not contribute or make deposit would nevertheless be included in computing his annuity, but the annuity would be reduced by an amount equal to the amount of annuity which his contributions or deposit including interest thereon for such years would purchase if made. Since service other than as a Member of Congress cannot be used in computing the annuity under this provision, failure to make deposit for such service would not result in reduction of such annuity.

The amount of annuity payable to a Member of Congress would also be affected by any election which he might make under section 4 (c) or (d) of the Retirement Act. Ordinarily, any unexpended part of the principal of an annuity is returned, upon the annuitant's death, to his beneficiary. Under section 4(c), however, he may elect to receive an increased annuity with forfeiture at his death of any unexpended part of the principal. Also, under section 4(d), he may elect to receive a reduced annuity during his life, and an annuity after his death payable to his beneficiary.

A Member who becomes separated without having served at least 6 years as a Member of Congress will be entitled under paragraph 6 to a refund of all amounts deducted from his pay for retirement purposes, with interest at 4 percent to the date of separation, unless, of course, he is receiving a disability annuity. In any case in which a Member receives a refund under this paragraph, and later has additional service which qualifies him for annuity, he must redeposit the amount refunded to him with interest, in order to receive such annuity.

No annuity will be payable to any person under the act during any period in which he holds office under, or is employed by, the United States. Paragraph 7 provides that if a person qualifies for and receives an annuity and later takes office as a Member of Congress, the payment of his annuity will be suspended so long as he holds such office. When he relinquishes office, however, his annuity will be resumed and, if he has elected to have deductions made from his salary for such period, his annuity will be recomputed to reflect credit for the additional service.

Under the Retirement Act at present service as a Member of Congress is creditable for annuity purposes in cases where the annuitant had other governmental service which was within the purview of the act. This would be changed under the amendment so that in any case in which a person can qualify for a congressional annuity (i.e., if he has 6 years of service as a Member of Congress any of which occurs after the date of enactment of the amendment) his service as a Member of Congress cannot be credited for the purposes of a regular annuity under the act, and any amounts which he may have contributed with respect to his other governmental service, if less than 5 years, would be refunded. If, however, he has less than 6 years of service as a Member of Congress, or if all of his congressional service was performed prior to the enactment of the amendment, such service can be credited for the purposes of a regular annuity provided he has other Government service bringing him under the act. In no case can service other than service as a Member of Congress be considered in computing a congressional annuity under the amendment. There may be instances, of course, where a person has six or more years of service as a Member of Congress thus qualifying him for an annuity under the amendment, and also has five or more years of other governmental service performed either prior to or after his congressional service, also qualifying him for an annuity under other provisions of the act. In such a case the annuity payable would be equal to the aggregate of the two annuities separately computed. It should be emphasized, however, that a period of service credited for the purposes of the one computation may in no event be credited for the purposes of the other computation.

Certain provisions of the Retirement Act are obviously incompatible with constitutional provisions relating to terms of office and removal of Members of Congress. Thus the provisions of the act relating to automatic separation from the service and to retirement at the request of the head of a department, branch, or agency of the Government, would not be applicable to Members of Congress who come within the provisions of the act.

The amendment would apply only to the Senators and Representatives in Congress, to the Delegates from Alaska and Hawaii and to the Resident Commissioner from Puerto Rico.

The following table indicates the amounts of annuity payable under S. 2177 to Members of Congress whose services are terminated January 2, 1947, according to indicated entry date into service and whether full contributions for all prior service or only contributions for the last 5 years of service have been made. In the latter case the annuity payable is shown for indicated select ages.

Date of entry into service	Annuity payable if full contributions for all prior service are made	Annuity payable at indicated ages if contributions are made only for the last 5 years of service[1]			
		62	65	70	75
Jan. 3, 1941	$1,500	$1,465	$1,463	$1,458	$1,451
Jan. 3, 1939	2,000	1,892	1,884	1,868	1,816
Jan. 3, 1937	2,500	2,313	2,299	2,271	2,233
Jan. 3, 1935	3,000	2,727	2,707	2,666	2,611
Mar. 4, 1933	3,458	3,100	3,074	3,020	2,949
Mar. 4, 1931	3,958	3,500	3,467	3,398	3,307
Mar. 4, 1929	4,458	3,892	3,851	3,766	3,653
Mar. 4, 1927	4,958	4,275	4,226	4,123	3,987
Mar. 4, 1925	$5,458	$4,673	$4,616	$4,498	$4,341
Mar. 4, 1923	5,833	4,975	4,913	4,783	4,612
Mar. 4, 1921	6,208	5,271	5,203	5,061	4,875
Mar. 4, 1919	6,583	5,621	5,551	5,406	5,215
Mar. 4, 1917	6,958	5,996	5,926	5,781	5,590
Mar. 4, 1915	7,333	6,371	6,301	6,156	5,965
Mar. 4, 1913	7,500	6,538	6,468	6,323	6,132

[1] The paradoxical situation of persons receiving less at the older ages where full contributions have not been made for all service rendered after July 1920 is due to the fact that the full annuity is reduced by the actuarial equivalent of the amount of indebtedness to the fund. The actuarial equivalent therefore increases with age.

The above table is computed on the basis of compensation heretofore received and, of course, the amounts will be increased as time goes on if the provisions of section 601, providing for increased compensation for Members of Congress, are enacted.

TITLE VII—SELF-GOVERNMENT FOR THE DISTRICT OF COLUMBIA

This title, which provided for the preparation of a charter designed to provide a form of municipal government for the District of Columbia, and a referendum thereon of District residents, was stricken from the bill by the committee, for the reasons given in the general statement above.

[Reproduced by the Library of Congress, Legislative Reference Service, June 27, 1969]

S. 2177

An act to provide for increased efficiency in the legislative branch of the Government

Mr. La Follette; Special Committee on the Organization of Congress, 4881.—Reported with amendment (S. Rept. 1400), 5958.—Debated in Senate, 6344, 6365–6375, 6390–6398, 6439–6454, 6455–6466, 6466–6469, 6517–6521, 6522–6541, 6547–6575.—Amended and passed Senate, 6578.—Made special order (H. Res. 717), 10037.—Debated, amended, and passed House, 10039–10104.—Senate concurs in House amendment, 10139–10152.—Examined and signed, 10329, 10411.—Presented to the President, 10412.—Approved [Public, No. 601], 10740.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SHORT TITLE

That (a) this Act, divided into titles and sections according to the following table of contents, may be cited as the "Legislative Reorganization Act of 1946":

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Sec. 401. Short title.
Sec. 402. Definitions.

PART 2—ADMINISTRATIVE ADJUSTMENT OF TORT CLAIMS AGAINST THE UNITED STATES

Sec. 403. Claims of $1,000 or less.
Sec. 404. Reports.

PART 3—SUITS ON TORT CLAIMS AGAINST THE UNITED STATES

Sec. 410. Jurisdiction.
Sec. 411. Procedure.
Sec. 412. Review.
Sec. 413. Compromise.

PART 4—PROVISIONS COMMON TO PART 2 AND PART 3

Sec. 420. One year statute of limitations.
Sec. 421. Exceptions.
Sec. 422. Attorneys' fees.
Sec. 423. Exclusiveness of remedy.
Sec. 424. Certain statutes inapplicable.

TITLE V—GENERAL BRIDGE ACT

Sec. 501. Short title.
Sec. 502. Consent of Congress.
Sec. 503. Tolls.
Sec. 504. Acquisition by public agencies.
Sec. 505. Statements of cost.
Sec. 506. Sinking fund.
Sec. 507. Applicability of title.
Sec. 508. International bridges.
Sec. 509. Eminent domain.
Sec. 510. Penalties.
Sec. 511. Rights reserved.

TITLE VI—COMPENSATION AND RETIREMENT PAY OF MEMBERS OF CONGRESS

Sec. 601. Compensation of Members of Congress.
Sec. 602. Retirement pay of Members of Congress.

SEPARABILITY CLAUSE

(b) If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

TITLE I—CHANGES IN RULES OF SENATE AND HOUSE

RULE-MAKING POWER OF THE SENATE AND HOUSE

SEC. 101. The following sections of this title are enacted by the Congress:

(a) As an exercise of the rule-making power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply; and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(b) With full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

PART 1—STANDING RULES OF THE SENATE

STANDING COMMITTEES OF THE SENATE

SEC. 102. Rule XXV of the Standing Rules of the Senate is amended to read as follows:

"RULE XXV

"STANDING COMMITTEES

"(1) The following standing committees shall be appointed at the commencement of each Congress, with leave to report by bill or otherwise:

"(a) Committee on Agriculture and Forestry, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Agriculture generally.

"2. Inspection of livestock and meat products.

"3. Animal industry and disease of animals.

"4. Adulteration of seeds, insect pests, and protection of birds and animals in forest reserves.

"5. Agricultural colleges and experiment stations.

"6. Forestry in general, and forest reserves other than those created from the public domain.

"7. Agricultural economics and research.

"8. Agricultural and industrial chemistry.

"9. Dairy industry.

"10. Entomology and plant quarantine.

"11. Human nutrition and home economics.

"12. Plant industry, soils, and agricultural engineering.

"13. Agricultural educational extension services.

"14. Extension of farm credit and farm security.

"15. Rural electrification.

"16. Agricultural production and marketing and stabilization of prices of agricultural products.

"17. Crop insurance and soil conservation.

"(b) Committee on Appropriations, to consist of twenty-one Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Appropriation of the revenue for the support of the Government.

"(c) Committee on Armed Services, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Common defense generally.

"2. The War Department and the Military Establishment generally.

"3. The Navy Department and the Naval Establishment generally.

"4. Soldiers' and sailors' homes.

"5. Pay, promotion, retirement, and other benefits and privileges of members of the armed forces.

"6. Selective service.

"7. Size and composition of the Army and Navy.

"8. Forts, arsenals, military reservations, and navy yards.

"9. Ammunition depots.

"10. Maintenance and operation of the Panama Canal, including the administration, sanitation, and government of the Canal Zone.

"11. Conservation, development, and use of naval petroleum and oil shale reserves.

"12. Strategic and critical materials necessary for the common defense.

"(d) Committee on Banking and Currency, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Banking and currency generally.

"2. Financial aid to commerce and industry, other than matters relating to such aid which are specifically assigned to other committees under this rule.

"3. Deposit insurance.

"4. Public and private housing.

"5. Federal Reserve System.

"6. Gold and silver, including the coinage thereof.

"7. Issuance of notes and redemption thereof.

"8. Valuation and revaluation of the dollar.

"9. Control of prices of commodities, rents, or services.

"(e) Committee on Civil Service, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. The Federal civil service generally.

"2. The status of officers and employees of the United States, including their compensation, classification, and retirement.

"3. The postal service generally, including the railway mail service, and measures relating to ocean mail and pneumatic-tube service; but excluding post roads.

"4. Postal-savings banks.

"5. Census and the collection of statistics generally.

"6. The National Archives.

"(f) Committee on the District of Columbia, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. All measures relating to the municipal affairs of the District of Columbia in genereal, other than appropriations therefor, including—

"2. Public health and safety, sanitation, and quarantine regulations.

"3. Regulation of sale of intoxicating liquors.

"4. Adulteration of food and drugs.

"5. Taxes and tax sales.

"6. Insurance, executors, administrators, wills, and divorce.

"7. Municipal and juvenile courts.

"8. Incorporation and organization of societies.

"9. Municipal code and amendments to the criminal and corporation laws.

"(g) (1) Committee on Expenditures in the Executive Departments, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"(A) Budget and accounting measures, other than appropriations.

"(B) Reorganizations in the executive branch of the Government.

"(2) Such committee shall have the duty of—

"(A) receiving and examining reports of the Comptroller General of the United States and of submitting such recommendations to the Senate as it deems necessary or desirable in connection with the subject matter of such reports;

"(B) studying the operation of Government activities at all levels with a view to determining its economy and efficiency;

"(C) evaluating the effects of laws enacted to reorganize the legislative and executive branches of the Government;

"(D) studying intergovernmental relationships between the United States and the States and municipalities, and between the United States and international organizations of which the United States is a member.

"(h) Committee on Finance, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Revenue measures generally.

"2. The bonded debt of the United States.

"3. The deposit of public moneys.

"4. Customs, collection districts, and ports of entry and delivery.

"5. Reciprocal trade agreements.

"6. Transportation of dutiable goods.

"7. Revenue measures relating to the insular possessions.

"8. Tariffs and import quotas, and matters related thereto.

"9. National social security.

"10. Veterans' measures generally.

"11. Pensions of all the wars of the United States, general and special.

"12. Life insurance issued by the Government on account of service in the armed forces.

"13. Compensation of veterans.

"(i) Committee on Foreign Relations, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Relations of the United States with foreign nations generally.

"2. Treaties.

"3. Establishment of boundary lines between the United States and foreign nations.

"4. Protection of American citizens abroad and expatriation.

"5. Neutrality.

"6. International conferences and congresses.

"7. The American National Red Cross.

"8. Intervention abroad and declarations of war.

"9. Measures relating to the diplomatic service.

"10. Acquisition of land and buildings for embassies and legations in foreign countries.

"11. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.

"12. United Nations Organization and international financial and monetary organizations.

"13. Foreign loans.

"(j) Committee on Interstate and Foreign Commerce, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Interstate and foreign commerce generally.

"2. Regulation of interstate railroads, busses, trucks, and pipe lines.

"3. Communication by telephone, telegraph, radio, and television.

"4. Civil aeronautics.

"5. Merchant marine generally.

"6. Registering and licensing of vessels and small boats.

"7. Navigation and the laws relating thereto, including pilotage.

"8. Rules and international arrangements to prevent collisions at sea.

"9. Merchant marine officers and seamen.

"10. Measures relating to the regulation of common carriers by water and to the inspection of merchant marine vessels, lights and signals, life-saving equipment, and fire protection on such vessels.

"11. Coast and Geodetic Survey.

"12. The Coast Guard, including life-saving service, lighthouses, lightships, and ocean derelicts.

"13. The United States Coast Guard and Merchant Marine Academies.

"14. Weather Bureau.

"15. Except as provided in paragraph (c), the Panama Canal and interoceanic canals generally.

"16. Inland waterways.

"17. Fisheries and wildlife, including research, restoration, refuges, and conservation.

"18. Bureau of Standards including standardization of weights and measures and the metric system.

"(k) Committee on the Judiciary, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Judicial proceedings, civil and criminal, generally.

"2. Constitutional amendments.

"3. Federal courts and judges.

"4. Local courts in the Territories and possessions.

"5. Revision and codification of the statutes of the United States.

"6. National penitentiaries.

"7. Protection of trade and commerce against unlawful restraints and monopolies.

"8. Holidays and celebrations.

"9. Bankruptcy, mutiny, espionage, and counterfeiting.

"10. State and Territorial boundary lines.

"11. Meetings of Congress, attendance of Members, and their acceptance of incompatible offices.

"12. Civil liberties.

"13. Patents, copyrights, and trade-marks.

"14. Patent Office.

"15. Immigration and naturalization.

"16. Apportionment of Representatives.

"17. Measures relating to claims against the United States.

"18. Interstate compacts generally.

"(l) Committee on Labor and Public Welfare, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Measures relating to education, labor, or public welfare generally.

"2. Mediation and arbitration of labor disputes.

"3. Wages and hours of labor.

"4. Convict labor and the entry of goods made by convicts into interstate commerce.

"5. Regulation or prevention of importation of foreign laborers under contract.

"6. Child labor.

"7. Labor statistics.

"8. Labor standards.

"9. School-lunch program.

"10. Vocational rehabilitation.

"11. Railroad labor and railroad retirement and unemployment, except revenue measures relating thereto.

"12. United States Employees' Compensation Commission.

"13. Columbia Institution for the Deaf, Dumb, and Blind; Howard University; Freedmen's Hospital; and Saint Elizabeth's Hospital.

"14. Public health and quarantine.

"15. Welfare of miners.

"16. Vocational rehabilitation and education of veterans.

"17. Veterans' hospitals, medical care and treatment of veterans.

"18. Soldiers' and sailors' civil relief.

"19. Readjustment of servicemen to civil life.

"(m) Committee on Public Lands, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Public lands generally, including entry, easements, and grazing thereon.

"2. Mineral resources of the public lands.

"3. Forfeiture of land grants and alien ownership, including alien ownership of mineral lands.

"4. Forest reserves and national parks created from the public domain.

"5. Military parks and battlefields, and national cemeteries.

"6. Preservation of prehistoric ruins and objects of interest on the public domain.

"7. Measures relating generally to Hawaii, Alaska, and the insular possessions of the United States, except those affecting their revenue and appropriations.

"8. Irrigation and reclamation, including water supply for reclamation projects, and easements of public lands for irrigation projects.

"9. Interstate compacts relating to apportionment of waters for irrigation purposes.

"10. Mining interests generally.

"11. Mineral land laws and claims and entries thereunder.

"12. Geological survey.

"13. Mining schools and experimental stations.

"14. Petroleum conservation and conservation of the radium supply in the United States.

"15. Relations of the United States with the Indians and the Indian tribes.

"16. Measures relating to the care, education, and management of Indians, including the care and allotment of Indian lands and general and special measures relating to claims which are paid out of Indian funds.

"(n) The Committee on Public Works, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials and other matters relating to the following subjects:

"1. Flood control and improvement of rivers and harbors.

"2. Public works for the benefit of navigation, and bridges and dams (other than international bridges and dams).

"3. Water power.

"4. Oil and other pollution of navigable waters.

"5. Public buildings and occupied or improved grounds of the United States generally.

"6. Measures relating to the purchase of sites and construction of post offices, customhouses, Federal courthouses, and Government buildings within the District of Columbia.

"7. Measures relating to the Capitol building and the Senate and House Office Buildings.

"8. Measures relating to the construction or reconstruction, maintenance, and care of the buildings and grounds of the Botanic Gardens, the Library of Congress, and the Smithsonian Institution.

"9. Public reservations and parks within the District of Columbia, including Rock Creek Park and the Zoological Park.

"10. Measures relating to the construction or maintenance of roads and post roads.

"(o) (1) Committee on Rules and Administration, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"(A) Matters relating to the payment of money out of the contingent fund of the Senate or creating a charge upon the same; except that any resolution relating to substantive matter within the jurisdiction of any other standing committee of the Senate shall be first referred to such committee.

"(B) Except as provided in paragraph (n) 8, matters relating to the Library of Congress and the Senate Library; statuary and pictures; acceptance or purchase of works of art for the Capitol; the Botanic Gardens; management of the Library of Congress; purchase of books and manuscrips; erection of monuments to the memory of individuals.

"(C) Execpt as provided in paragraph (n) 8, matters relating to the Smithsonian Institution and the incorporation of similar institutions.

"(D) Matters relating to the election of the President, Vice President, or Members of Congress; corrupt practices; contested elections; credentials and qualifications; Federal elections generally; Presidential succession.

"(E) Matters relating to parliamentary rules; floor and gallery rules; Senate Restaurant; administration of the Senate Office Building and of the Senate Wing of the Capitol; assignment of office space; and services to the Senate.

"(F) Matters relating to printing and correction of the Congressional Record.

"(2) Such committee shall also have the duty of examining all bills, amendments, and joint resolutions after passage by the Senate; and, in cooperation with the Committee on House Administration of the House of Representatives, of examining all bills and joint resolutions which shall have passed both Houses, to see that the same are correctly enrolled; and when signed by the Speaker of the House and the President of the Senate, shall forthwith present the same, when they shall have originated in the Senate, to the President of the United States in person, and report the fact and date of such presentation to the Senate. Such committee shall also have the duty of assigning office space in the Senate Wing of the Capitol and in the Senate Office Building.

"(3) Each standing committee shall continue and have the power to act until their successors are appointed.

"(3) Each standing committee is authorized to fix the number of its members (but not less than one-third of its entire membership) who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee, subject to the provisions of section 133(d) of the Legislative Reorganization Act of 1946.

"(4) Each Senator shall serve on two standing committees and no more; except that Senators of the majority party who are members of the Committee on the District of Columbia or of the Committee on Expenditures in the Executive Departments may serve on three standing committees and no more."

APPROPRIATIONS

SEC. 103. Rule XVI of the Standing Rules of the Senate is amended to read as follows:

"RULE XVI

"AMENDMENTS TO APPROPRIATION BILLS

"1. All general appropriation bills shall be referred to the Committee on Appropriations, and no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or Act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate submitted in accordance with law.

"2. The Committee on Appropriations shall not report an appropriation bill containing amendments proposing new or general legislation or any restriction or the exenditure of the funds appropriated which proposes a limitation not authorized by law if such restriction is to take effect or cease to be effective upon the happening of a contingency, and if an appropriation bill is reported to the Senate containing amendments proposing new or general legislation or any such restriction, a point of order may be made against the bill, and if the point is sustained, the bill shall be recommitted to the Committee on Appropriations.

"3. All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are considered, be referred to the Committee on Appropriations, and when actually proposed to the bill no amendment proposing to increase the amount stated in such amendment shall be received; in like manner, amendments proposing new items of appropriation to river and harbor bills, establishing post roads, or proposing new post roads, shall, before being considered, be referred to the Committee on Public Works.

"4. No amendment which proposes general legislation shall be received to any general appropriation bill, or shall any amendment not germane or relevant to the subject matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; nor shall any restriction on the expenditure of the funds appropriated which proposes a limitation not authorized by law be received if such restriction is to take effect or cease to be effective upon the happening of a contingency; and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate; and

any such amendment or restriction to a general appropriation bill may be laid on the table without prejudice to the bill.

"5. No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

"6. (a) Three members of the following named committees, to be selected by their respective committees, shall be ex officio, members of the Committee on Appropriations, to serve on said committee when the annual appropriation bill making appropriations for the purpose secified in the following table oposite the name of the committee is being considered by the Committee on Appropriations:

Name of committee and purpose of Appropriation:

Committee on Agriculture and Forestry, for the Department of Agriculture.

Committee on Civil Service, for the Post Office Department.

Committee on Armed Services, for the Department of War; for the Department of the Navy.

Committee on the District of Columbia, for the District of Columbia.

Committee on Public Works, for Rivers and Harbors.

Committee on Foreign Relations, for the Diplomatic and Consular Service.

"(b) At least one member of each committee enumerated in subparagraph (a), to be selected by his or their respective committees, shall be a member of any conference committee appointed to confer with the House upon the annual appropriation bill making appropriations for the purposes specified in the foregoing table opposite the name of his or their respective committee.

"7. When a point of order is made against any restriction on the expenditure of funds appropriated in a general appropriation bill on the ground that the restriction violates this rule, the rule shall be construed strictly and, in case of doubt, in favor of the point of order."

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

SEC. 121. (a) Rule X of the Rules of the House of Representatives is amended to read as follows:

"RULE X

"STANDING COMMITTEES

"(a) There shall be elected by the House, at the commencement of each Congress, the following standing committees:

"1. Committee on Agriculture, to consist of twenty-seven Members.

"2. Committee on Appropriations, to consist of forty-three Members.

"3. Committee on Armed Services, to consist of thirty-three Members.

"4. Committee on Banking and Currency, to consist of twenty-seven Members.

"5. Committee on Post Office and Civil Service, to consist of twenty-five Members.

"6. Committee on the District of Columbia, to consist of twenty-five Members.

"7. Committee on Education and Labor, to consist of twenty-five Members.

"8. Committee on Expenditures in the Executive Departments, to consist of twenty-five Members.

"9. Committee on Foreign Affairs, to consist of twenty-five Members.

"10. Committee on House Administration, to consist of twenty-five Members.

"11. Committee on Interstate and Foreign Commerce, to consist of twenty-seven Members.

"12. Committee on the Judiciary, to consist of twenty-seven Members.

"13. Committee on Merchant Marine and Fisheries, to consist of twenty-five Members.

"14. Committee on Public Lands, to consist of twenty-five Members.

"15. Committee on Public Works, to consist of twenty-seven Members.

"16. Committee on Rules, to consist of twelve Members.

"17. Committee on Un-American Activities, to consist of nine Members.

"18. Committee on Veterans' Affairs, to consist of twenty-seven Members.

"19. Committee on Ways and Means, to consist of twenty-five Members.

"(b)(1) The Speaker shall appoint all select and conference committees which shall be ordered by the House from time to time.

"(2) At the commencement of each Congress, the House shall elect as chairman of each standing committee one of the Members thereof; in the temporary absence of the chairman, the Member next in rank in the order named in the election of the committee, and so on, as often as the case shall happen, shall act as chairman; and in case of a permanent vacancy in the chairmanship of any such committee the House shall elect another chairman.

"(3) All vacancies in standing committees in the House shall be filled by election by the House. Each Member shall be elected to serve on one standing committee and no more; except that Members who are elected to serve on the Committee on the District of Columbia or on the Committee on Un-American Activities may be elected to serve on two standing committees and no more, and Members of the majority party who are elected to serve on the Committee on Expenditures in the Executive Departments or on the Committee on House Administration may be elected to serve on two standing committees and no more."

(b) Rule XI of the Rules of the House of Representatives is amended to read as follows:

"RULE XI

"POWERS AND DUTIES OF COMMITTEES

"(1) All proposed legislation, messages, petitions, memorials, and other matters relating to the subjects listed under the standing committees named below shall be referred to such committees, respectively: *Provided*, That unless otherwise provided herein, any matter within the jurisdiction of a standing committee prior to January 2, 1947, shall remain subject to the jurisdiction of that committee or of the consolidated committee succeeding generally to the jurisdiction of that committee.

"(a) Committee on Agriculture.

"1. Agriculture generally.

"2. Inspection of livestock and meat products.

"3. Animal industry and diseases of animals.

"4. Adulteration of seeds, insect pests, and protection of birds and animals in forest reserves.

"5. Agricultural colleges and experiment stations.

"6. Forestry in general, and forest reserves other than those created from the public domain.

"7. Agricultural economics and research.

"8. Agricultural and industrial chemistry.

"9. Dairy industry.

"10. Entomology and plant quarantine.

"11. Human nutrition and home economics.

"12. Plant industry, soils, and agricultural engineering.

"13. Agricultural educational extension services.

"14. Extension of farm credit and farm security.

"15. Rural electrification.

"16. Agricultural production and marketing and stabilization of prices of agricultural products.

"17. Crop insurance and soil conservation.

"(b) Committee on Appropriations.

"1. Appropriation of the revenue for the support of the Government.

"(c) Committee on Armed Services.

"1. Common defense generally.

"2. The War Department and the Military Establishment generally.

"3. The Navy Department and the Naval Establishment generally.

"4. Soldiers' and sailors' homes.

"5. Pay, promotion, retirement, and other benefits and privileges of members of the armed forces.

"6. Selective service.

"7. Size and composition of the Army and Navy.

"8. Forts, arsenals, military reservations, and navy yards.

"9. Ammunition depots.

"10. Conservation, development, and use of naval petroleum and oil shale reserves.

"11. Strategic and critical materials necessary for the common defense.

"12. Scientific research and development in support of the armed services.

"(d) Committee on Banking and Currency.

"1. Banking and currency generally.

"2. Financial aid to commerce and industry, other than matters relating to such aid which are specifically assigned to other committees under this rule.

"3. Deposit insurance.

"4. Public and private housing.

"5. Federal Reserve System.

"6. Gold and silver, including the coinage thereof.

"7. Issuance of notes and redemption thereof.

"8. Valuation and revaluation of the dollar.

"9. Control of prices of commodities, rents, or services.

"(e) Committee on Post Office and Civil Service.

"1. The Federal civil service generally.

"2. The status of officers and employees of the United States, including their compensation, classification, and retirement.

"3. The postal service generally, including the railway mail service, and measures relating to ocean mail and pneumatic-tube service; but excluding post roads.

"4. Postal-savings banks.

"5. Census and the collection of statistics generally.

"6. The National Archives.

"(f) Committee on the District of Columbia.

"1. All measures relating to the municipal affairs of the District of Columbia in general, other than appropriations therefor, including—

"2. Public health and safety, sanitation, and quarantine regulations.

"3. Regulation of sale of intoxicating liquors.

"4. Adulteration of food and drugs.

"5. Taxes and tax sales.

"6. Insurance, executors, administrators, wills, and divorce.

"7. Municipal and juvenile courts.

"8. Incorporation and organization of societies.

"9. Municipal code and amendments to the criminal and corporation laws.

"(g) Committee on Education and Labor.

"1. Measures relating to education or labor generally.

"2. Mediation and arbitration of labor disputes.

"3. Wages and hours of labor.

"4. Convict labor and the entry of goods made by convicts into interstate commerce.

"5. Regulation or prevention of importation of foreign laborers under contract.

"6. Child labor.

"7. Labor statistics.

"8. Labor standards.

"9. School-lunch program.

"10. Vocational rehabilitation.

"11. United States Employees' Compensation Commission.

"12. Columbia Institution for the Deaf, Dumb, and Blind; Howard University; Freedmen's Hospital; and Saint Elizabeths Hospital.

"13. Welfare of miners.

"(h) (1) Committee on Expenditures in the Executive Departments.

"(A) Budget and accounting measures, other than appropriations.

"(B) Reorganizations in the executive branch of the Government.

"(2) Such committee shall have the duty of—

"(A) receiving and examining reports of the Comptroller General of the United States and of submitting such recommendations to the House as it deems necessary or desirable in connection with the subject matter of such reports;

"(B) studying the operation of Government activities at all levels with a view to determining its economy and efficiency;

"(C) evaluating the effects of laws enacted to reorganize the legislative and executive branches of the Government;

"(D) studying intergovernmental relationships between the United States and the States and municipalities, and between the United States and international organizations of which the United States is a member.

"(i) Committee on Foreign Affairs.

"1. Relations of the United States with foreign nations generally.

"2. Establishment of boundary lines between the United States and foreign nations.

"3. Protection of American citizens abroad and expatriation.

"4. Neutrality.

"5. International conferences and congresses.

"6. The American National Red Cross.

"7. Intervention abroad and declarations of war.

"8. Measures relating to the diplomatic service.

"9. Acquisition of land and buildings for embassies and legations in foreign countries.

"10. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.

"11. United Nations Organization and international financial and monetary organizations.

"12. Foreign loans.

"(j) (1) Committee on House Administration.

"(A) Employment of persons by the House, including clerks for Members and committees, and reporters of debates.

"(B) Expenditure of the contingent fund of the House.

"(C) The auditing and settling of all accounts which may be charged to the contingent fund.

"(D) Measures relating to accounts of the House generally.

"(E) Appropriations from the contingent fund.

"(F) Measures relating to services to the House, including the House Restaurant and administration of the House Office Buildings and of the House wing of the Capitol.

"(G) Measures relating to the travel of Members of the House.

"(H) Measures relating to the assignment of office space for Members and committees.

"(I) Measures relating to the disposition of useless executive papers.

"(J) Except as provided in paragraph (o) 8, matters relating to the Library of Congress and the House Library; statuary and pictures; acceptance or purchase of works of art for the Capitol; the Botanic Gardens; management of the Library of Congress; purchase of books and manuscripts; erection of monuments to the memory of individuals.

"(K) Except as provided in paragraph (o) 8, matters relating to the Smithsonian Institution and the incorporation of similar institutions.

"(L) Matters relating to printing and correction of the Congressional Record.

"(M) Measures relating to the election of the President, Vice President, or Members of Congress; corrupt practices; contested elections; credentials and qualifications; and Federal elections generally.

"(2) Such committee shall also have the duty of—

"(A) examining all bills, amendments, and joint resolutions after passage by the House; and in cooperation with the Senate Committee on Rules and Administration, of examining all bills and joint resolutions which shall have passed both Houses, to see that they are correctly enrolled; and when signed by the Speaker of the House and the President of the Senate, shall forthwith present the same, when they shall have originated in the House, to the President of the United States in person, and report the fact and date of such presentation to the House;

"(B) reporting to the Sergeant at Arms of the House the travel of Members of the House;

"(C) arranging a suitable program for each day observed by the House of Representatives as a memorial day in memory of Members of the Senate and House of Representatives who have died during the preceding period, and to arrange for the publication of the proceedings thereof.

"(k) Committee on Interstate and Foreign Commerce.

"1. Interstate and foreign commerce generally.

"2. Regulation of interstate and foreign transportation, except transportation by water not subject to the jurisdiction of the Interstate Commerce Commission.

"3. Regulation of interstate and foreign communications.

"4. Civil aeronautics.

"5. Weather bureau.

"6. Interstate oil compacts; and petroleum and natural gas, except on the public lands.

"7. Securities and exchanges.

"8. Regulation of interstate transmission of power, except the installation of connections between Government water power projects.

"9. Railroad labor and railroad retirement and unemployment, except revenue measures relating thereto.

"10. Public health and quarantine.

"11. Inland waterways.

"12. Bureau of Standards, standardization of weights and measures, and the metric system.

"(l) Committee on the Judiciary.

"1. Judicial proceedings, civil and criminal, generally.

"2. Constitutional amendments.

"3. Federal courts and judges.

"4. Local courts in the Territories and possessions.

"5. Revision and codification of the statutes of the United States.

"6. National penitentiaries.

"7. Protection of trade and commerce against unlawful restraints and monopolies.

"8. Holidays and celebrations.

"9. Bankruptcy, mutiny, espionage, and counterfeiting.

"10. State and Territorial boundary lines.

"11. Meetings of Congress, attendance of Members, and their acceptance of incompatible offices.

"12. Civil liberties.

"13. Patents, copyrights, and trade-marks.

"14. Patent Office.

"15. Immigration and naturalization.

"16. Apportionment of Representatives.

"17. Measures relating to claims against the United States.

"18. Interstate compacts generally.

"19. Presidential succession.

"(m) Committee on Merchant Marine and Fisheries.

"1. Merchant marine generally.

"2. Registering and licensing of vessels and small boats.

"3. Navigation and the laws relating thereto, including pilotage.

"4. Rules and international arrangements to prevent collisions at sea.

"5. Merchant marine officers and seamen.

"6. Measures relating to the regulation of common carriers by water (except matters subject to the jurisdiction of the Interstate Commerce Commission) and to the inspection of merchant marine vessels, lights and signals, lifesaving equipment, and fire protection on such vessels.

"7. The Coast Guard, including lifesaving service, lighthouses, lightships, and ocean derelicts.

"8. United States Coast Guard and Merchant Marine Academies.

"9. Coast and Geodetic Survey.

"10. The Panama Canal and the maintenance and operation of the Panama Canal, including the administration, sanitation, and government of the Canal Zone; and interoceanic canals generally.

"11. Fisheries and wildlife, including research, restoration, refuges, and conservation.

"(n) Committee on Public Lands.

"1. Public lands generally, including entry, easements, and grazing thereon.

"2. Mineral resources of the public lands.

"3. Forfeiture of land grants and alien ownership, including alien ownership of mineral lands.

"4. Forest reserves and national parks created from the public domain.

"5. Military parks and battlefields, and national cemeteries.

"6. Preservation of prehistoric ruins and objects of interest on the public domain.

"7. Measures relating generally to Hawaii, Alaska, and the insular possessions of the United States, except those affecting the revenue and appropriations.

"8. Irrigation and reclamation, including water supply for reclamation projects, and easements of public lands for irrigation projects, and acquisition of private lands when necessary to complete irrigation projects.

"9. Interstate compacts relating to apportionment of waters for irrigation purposes.

"10. Mining interests generally.

"11. Mineral land laws and claims and entries thereunder.

"12. Geological survey.

"13. Mining schools and experimental stations.

"14. Petroleum conservation on the public lands and conservation of the radium supply in the United States.

"15. Relations of the United States with the Indians and the Indian tribes.

"16. Measures relating to the care, education, and management of Indians, including the care and allotment of Indian lands and general and special measures relating to claims which are paid out of Indian funds.

"(o) Committee on Public Works.

"1. Flood control and improvement of rivers and harbors.

"2. Public works for the benefit of navigation, including bridges and dams (other than international bridges and dams).

"3. Water power.

"4. Oil and other pollution of navigable waters.

"5. Public buildings and occupied or improved grounds of the United States generally.

"6. Measures relating to the purchase of sites and construction of post offices, customhouses, Federal courthouses, and Government buildings within the District of Columbia.

"7. Measures relating to the Capitol Building and the Senate and House Office Buildings.

"8. Measures relating to the construction or reconstruction, maintenance, and care of the buildings and grounds of the Botanic Gardens, the Library of Congress, and the Smithsonian Institution.

"9. Public reservations and parks within the District of Columbia, including Rock Creek Park and the Zoological Park.

"10. Measures relating to the construction or maintenance of roads and post roads, other than appropriations therefor; but it shall not be in order for any bill providing general legislation in relation to roads to contain any provision for any specific road, nor for any bill in relation to a specific road to embrace a provision in relation to any other specific road.

"(p) Committee on Rules.

"1. The rules, joint rules, and order of business of the House.

"2. Recesses and final adjournments of Congress.

"(q)(1) Committee on Un-American Activities.

"(A) Un-American activities.

"(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

"The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

"For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

"(r) Committee on Veterans' Affairs.

"1. Veterans' measures generally.

"2. Pensions of all the wars of the United States, general and special.

"3. Life insurance issued by the Government on account of service in the armed forces.

"4. Compensation, vocational rehabilitation, and education of veterans.

"5. Veterans' hospitals, medical care, and treatment of veterans.

"6. Soldiers' and sailors' civil relief.

"7. Readjustment of servicemen to civil life.

"(s) Committee on Ways and Means.

"1. Revenue measures generally.

"2. The bonded debt of the United States.

"3. The deposit of public moneys.

"4. Customs, collection districts, and ports of entry and delivery.

"5. Reciprocal trade agreements.

"6. Transportation of dutiable goods.

"7. Revenue measures relating to the insular possessions.

"8. National social security.

"(2) (a) The following-named committees shall have leave to report at any time on the matters herein stated, namely: The Committee on Rules—on rules, joint rules, and order of business; the Committee on House Administration—on the right of a Member to his seat, enrolled bills, on all matters referred to it of printing for the use of the House or the two Houses, and on all matters of expenditure of the contingent fund of the House; the Committee on Ways and Means—on bills raising revenue; the Committee on Appropriations—on the general appropriation bills; the Committee on Public Works—on bills authorizing the improvement of rivers and harbors; the Committee on the Public Lands—on bills for the forfeiture of land grants to railroad and other corporations, bills preventing speculation in the public lands, bills for the reservation of the public lands for the benefit of actual and bona fide settlers, and bills for the admission of new States; the Committee on Veterans Affairs—on general pension bills.

"(b) It shall always be in order to call up for consideration a report from the Committee on Rules (except it shall not be called up for consideration on the same day it is presented to the House, unless so determined by a vote of not less than two-thirds of the Members voting, but this provision shall not apply during the last three days of the session), and, pending the consideration thereof, the Speaker may entertain one motion that the House adjourn; but after the result is announced he shall not entertain any other dilatory motion until the said report shall have been fully disposed of. The Committee on Rules shall not report any rule or order which shall provide that business under paragraph 7 of rule XXIV shall be set aside by a vote of less than two-thirds of the Members present; nor shall it report any rule or order which shall operate to prevent the motion to recommit being made as provided in paragraph 4 of rule XVI.

"(c) The Committee on Rules shall present to the House reports concerning rules, joint rules, and order of business, within three legislative days of the time when ordered reported by the committee. If such rule or order is not considered immediately, it shall be referred to the calendar and if not called up by the Member making the report within seven legislative days thereafter, any member of the Rules Committee may call it up as a question of privilege and the Speaker shall recognize any member of the Rules Committee seeking recognition for that purpose. If the Committee on Rules shall make an adverse report on any resolution pending before the committee, providing for an order of business for the consideration by the House of any public bill or joint resolution, on days when it shall be in order to call up motions to discharge committees it shall be in order for any Member of the House to call up for consideration by the House any such adverse report, and it shall be in order to move the adoption by the House of said resolution adversely reported notwithstanding the adverse report of the Committee on Rules, and the Speaker shall recognize the Member seeking recognition for that purpose as a question of the highest privilege.

"(d) The Committee on House Administration shall make final report to the House in all contested-election cases not later than six months from the first day of the first regular session of the Congress to which the contestee is elected except in a contest from the Territory of Alaska, in which case the time shall not exceed nine months.

"(e) A standing committee of the House (other than the Committee on Appropriations) shall meet to consider any bill or resolution pending before it (A) on all regular meeting days selected by the committee; (B) upon the call of the chairman of the committee; (C) if the chairman of the committee, after three days' consideration, refuses or fails, upon the request of at least three members of the committee, to call a special meeting of the committee within seven calendar days from the date of said request, then, upon the filing with the clerk of the committee of the written and signed request of a majority of the committee for a called special meeting of the committee, the committee shall meet on the day and hour specified in said written requst. It shall be the duty of the clerk of the committee to notify all members of the committee in the usual way of such called special meeting.

"(f) The rules of the House are hereby made the rules of its standing committees so far as applicable, except that a motion to recess from day to day is hereby made a motion of high privilege in said committees."

DELEGATES AND RESIDENT COMMISSIONER

SEC. 122 Rule XII of the Standing Rules of the House of Representatives is amended to read as follows:

"RULE XII

"DELEGATES AND RESIDENT COMMISSIONER

"1. The Delegates from Hawaii and Alaska, and the Resident Commissioner to the United States from Puerto Rico, shall be elected to serve as additional members on the Committees on Agriculture, Armed Services, and Public Lands; and they shall possess in such committees the same powers and privileges as in the House, and may make any motion except to reconsider."

REFERENCE OF PRIVATE CLAIMS BILLS

SEC. 123. Paragraph 3 of rule XXI of the Standing Rules of the House of Representatives is amended to read as follows:

"3. No bill for the payment or adjudication of any private claim against the Government shall be referred, except by unanimous consent, to any other than the following committees, namely: To the Committee on Foreign Affairs and to the Committee on the Judiciary."

PART 3—PROVISIONS APPLICABLE TO BOTH HOUSES

PRIVATE BILLS BANNED

SEC. 131. No private bills or resolution (including so-called omnibus claims or pension bills), and no amendment to any bill or resolution, authorizing or directing (1) the payment of money for property damages, for personal injuries or death for which suit may be instituted under the Federal Tort Claims Act, or for a pension (other than to carry out a provision of law or treaty stipulation); (2) the construction of a bridge across a navigable stream; or (3) the correction of a military or naval record, shall be received or considered in either the Senate or the House of Representatives.

CONGRESSIONAL ADJOURNMENT

SEC. 132. Except in time of war or during a national emergency proclaimed by the President, the two Houses shall adjourn sine die not later than the last day (Sundays excepted) in the month of July in each year unless otherwise provided by the Congress.

COMMITTEE PROCEDURE

SEC. 133. (a) Each standing committee of the Senate and the House of Representatives (except the Committees on Appropriations) shall fix regular weekly, biweekly, or monthly meeting days for the transaction of business before the committee, and additional meetings may be called by the chairman as he may deem necessary.

(b) Each such committee shall keep a complete record of all committee action. Such record shall include a record of the votes on any question on which a record vote is demanded.

(c) It shall be the duty of the chairman of each such committee to report or cause to be

reported promptly to the Senate or House of Representatives, as the case may be, any measure approved by his committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(d) No measure or recommendation shall be reported from any such committee unless a majority of the committee were actually present.

(e) Each such standing committee shall, so far as practicable, require all witnesses appearing before it to file in advance written statements of their proposed testimony, and to limit their oral presentations to brief summaries of their argument. The staff of each committee shall prepare digests of such statements for the use of committee members.

(f) All hearings conducted by standing committees or their subcommittees shall be open to the public, except executive sessions for marking up bills or for voting or where the committee by a majority vote orders an executive session.

COMMITTEE POWERS

SEC. 134. (a) Each standing committee of the Senate, including any subcommittee of any such committee, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to take such testimony and to make such expenditures (not in excess of $10,000 for each committee during any Congress) as it deems advisable. Each such committee may make investigations into any matter within its jurisdiction, may report such hearings as may be had by it, and may employ stenographic assistance at a cost not exceeding 25 cents per hundred words. The expenses of the committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

(b) Every committee and subcommittee serving the Senate and House of Representatives shall report the name, profession and total salary of each staff member employed by it, and shall make an accounting of funds appropriated to it and expended by it to the Secretary of the Senate and Clerk of the House of Representatives, as the case may be, at least once every six months, and such information shall be published periodically in the Congressional Directory when and as the same is issued and as Senate and House documents, respectively, every three months.

(c) No standing committee of the Senate or the House, except the Committee on Rules of the House, shall sit, without special leave, while the Senate or the House, as the case may be, is in session.

CONFERENCE RULES ON AMENDMENTS IN NATURE OF SUBSTITUTE

SEC. 135. (a) In any case in which a disagreement to an amendment in the nature of a substitute has been referred to conferees, it shall be in order for the conferees to report a substitute on the same subject matter; but they may not include in the report matter not committed to them by either House. They may, however, include in their report in any such case matter which is a germane modification of subjects in disagreement.

(b) In any case in which the conferees violate subsection (a), the conference report shall be subject to a point of order.

LEGISLATIVE OVERSIGHT BY STANDING COMMITTEES

SEC. 136. To assist the Congress in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the Senate and the House of Representatives shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the Congress by the agencies in the executive branch of the Government.

DECISIONS ON QUESTIONS OF COMMITTEE JURISDICTION

SEC. 137. In any case in which a controversy arises as to the jurisdiction of any standing committee of the Senate with respect to any proposed legislation, the question of jurisdiction shall be decided by the presiding officer of the Senate, without debate, in favor of that committee which has jurisdiction over the subject matter which predominates in such proposed legislation; but such decision shall be subject to an appeal.

LEGISLATIVE BUDGET

SEC. 138. (a) The Committee on Ways and Means and the Committee on Appropriations of the House of Representatives, and the Committee on Finance and the Committee on Appropriations of the Senate, or duly authorized subcommittees thereof, are authorized and directed to meet jointly at the beginning of each regular session of Congress and after study and consultation, giving due consideration to the budget recommendations of the President, report to their respective Houses a legislative budget for the ensuing fiscal year, including the estimated over-all Federal receipts and expenditures for such year. Such report shall contain a recommendation for the maximum amount to be appropriated for expenditure in such year which shall include such an amount to be reserved for deficiencies as may be deemed necessary by such committees. If the estimated receipts exceed the estimated expenditures, such report shall contain a recommendation for a reduction in the public debt. Such report shall be made by February 15.

(b) The report shall be accompanied by a concurrent resolution adopting such budget, and fixing the maximum amount to be appropriated for expenditure in such year. If the estimated expenditures exceed the estimated receipts, the concurrent resolution shall include a section substantially as follows: "That it is the sense of the Congress that the public debt shall be increased in an amount equal to the amount by which the estimated expenditures for the ensuing fiscal year exceed the estimated receipts, such amount being $."

HEARINGS AND REPORTS BY APPROPRIATIONS COMMITTEES

SEC. 139. (a) No general appropriation bill shall be considered in either House unless, prior to the consideration of such bill, printed committee hearings and reports on such bill have been available for at least three calendar days for the Members of the House in which such bill is to be considered.

(b) The Committees on Appropriations of the two Houses are authorized and directed, acting jointly, to develop a standard appropriation classification schedule which will clearly define in concise and uniform accounts the subtotals of appropriations asked for by agencies in the executive branch of the Government. That part of the printed hearings containing each such agency's request for appropriations shall be preceded by such a schedule.

(c) No general appropriation bill or amendment thereto shall be received or considered in either House if it contains a provision reappropriating unexpended balances of appropriations; except that this provision shall not apply to appropriations in continuation of appropriations for public works on which work has commenced.

(d) The Appropriations Committees of both Houses are authorized and directed to make a study of (1) existing permanent appropriations with a view to limiting the number of permanent appropriations and to recommend to their respective Houses what permanent appropriations, if any, should be discontinued; and (2) the disposition of funds resulting from the sale of Government property or services by all departments and agencies in the executive branch of the Government with a view to recommending to their respective Houses a uniform system of control with respect to such funds.

RECORDS OF CONGRESS

SEC. 140. (a) The Secretary of the Senate and the Clerk of the House of Representatives are authorized and directed, acting jointly, to obtain at the close of each Congress all of the noncurrent records of the Congress and of each committee thereof and transfer them to the National Archives for preservation, subject to the orders of the Senate or the House, respectively.

(b) The Clerk of the House of Representatives is authorized and directed to collect all of the noncurrent records of the House of Representatives from the First to the Seventy-sixth Congress, inclusive, and transfer such records to the National Archives for preservation, subject to the orders of the Senate or the House, respectively.

PRESERVATION OF COMMITTEE HEARINGS

SEC. 141. The Librarian of the Library of Congress is authorized and directed to have bound at the end of each session of Congress the printed hearings of testimony taken by each committee of the Congress at the preceding session.

EFFECTIVE DATE

SEC. 142. This title shall take effect on January 2, 1947; except that this section and sections 140 and 141 shall take effect on the date of enactment of this Act.

TITLE II—MISCELLANEOUS

PART 1—STATUTORY PROVISIONS RELATING TO CONGRESSIONAL PERSONNEL

INCREASE IN COMPENSATION FOR CERTAIN CONGRESSIONAL OFFICERS

SEC. 201. (a) Effective January 1, 1947, the annual basic compensation of the elected officers of the Senate and the House of Representatives (not including the Presiding Officers of the two Houses) shall be increased by 50 per centum; and the provisions of section 501 of the Federal Employees Pay Act of 1945, as amended by section 5 of the Federal Employees Pay Act of 1946, shall not be applicable to the compensation of said elected officers.

(b) There is hereby authorized to be appropriated annually for the "Office of the Vice President" the sum of $23,130; and there is hereby authorized to be appropriated annually for the "Office of the Speaker" the sum of $20,025.

(c) The Speaker, the majority leader, and the minority leader of the House of Representatives are each authorized to employ an administrative assistant, who shall receive basic compensation at a rate not to exceed $8,000 a year. There is hereby authorized to be appropriated such sums as may be necessary for the payment of such compensation.

COMMITTEE STAFFS

SEC. 202. (a) Each standing committee of the Senate and the House of Representatives (other than the Appropriations Committees) is authorized to appoint by a majority vote of the committee not more than four professional staff members in addition to the clerical staffs on a permanent basis without regard to political affiliations and solely on the basis of fitness to perform the duties of the office; and said staff members shall be assigned to the chairman and ranking minority member of such committee as the committee may deemed advisable. Each such committee is further authorized to terminate the services by a majority vote of the committee of any such professional staff member as it may see fit. Professional staff mem-

bers shall not engage in any work other than committee business and no other duties may be assigned to them.

(b) Subject to appropriations which it shall be in order to include in appropriation bills, the Committee on Appropriations of each House is authorized to appoint such staff, in addition to the clerk thereof and assistants for the minority, as each such committee, by a majority vote, shall determine to be necessary, such personnel, other than the minority assistants, to possess such qualifications as the committees respectively may prescribe, and the Committee on Appropriations of the House also is authorized to conduct studies and examinations of the organization and operation of any executive agency (including any agency the majority of the stock of which is owned by the Government of the United States) as it may deem necessary to assist it in connection with the determination of matters within its jurisdiction and in accordance with procedures authorized by the committee by a majority vote, including the rights and powers conferred by House Resolution Numbered 50, adopted January 9, 1945.

(c) The clerical staff of each standing committee, which shall be appointed by a majority vote of the committee, shall consist of not more than six clerks, to be attached to the office of the chairman, to the ranking minority member, and to the professional staff, as the committee may deem advisable; and the position of committee janitor is hereby abolished. The clerical staff shall handle committee correspondence and stenographic work, both for the committee staff and for the chairman and ranking minority member on matters related to committee work.

(d) All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Member serving as chairman of the committee; and such records shall be the property of the Congress and all members of the committee and the respective Houses shall have access to such records. Each committee is authorized to have printed and bound such testimony and other data presented at hearings held by the committee.

(e) The professional staff members of the standing committees shall receive annual compensation, to be fixed by the chairman, ranging from $5,000 to $8,000 and the clerical staff shall receive annual compensation ranging from $2,000 to $8,000.

(f) No committee shall appoint to its staff any experts or other personnel detailed or assigned from any department or agency of the Government, except with the written permission of the Committee on Rules and Administration of the Senate or the Committee on House Administration of the House of Representatives, as the case may be.

(g) No individual who is employed as a professional staff member of any committee as provided in this section shall be eligible for appointment to any office or position in the executive branch of the Government for a period of one year after he shall have ceased to be such a member.

(h) Notwithstanding the foregoing provisions—

(1) The committee employees of the existing Committee on Appropriations of the Senate and of the existing Committee on Appropriations of the House of Representatives shall be continued on the rolls of the respective appropriations committees established under title I of this Act during the fiscal year 1947, unless sooner removed for cause.

(2) Committee employees of all other existing standing committees of each House shall be continued on the pay rolls of the Senate and House of Representatives, respectively, through January 31, 1947, unless sooner removed for cause by the Secretary of the Senate or the Clerk of the House, as the case may be.

(3) The appropriations for the compensation of committee employees of standing committees of the Senate and of the House of Representatives contained in the Legislative Branch Appropriation Act, 1947, shall be available for the compensation of employees specified in paragraph (2) of this subsection and of employees of the standing committees of the Senate and House of Representatives succeeding to the jurisdiction of the standing committees specified in such Appropriation Act; and in any case in which the legislative jurisdiction of any existing standing committee is transferred to two or more standing committees under title I of this Act, the Committee on Rules and Administration of the Senate with respect to standing committees of the Senate, and the Committee on House Administration, with respect to standing committees of the House, shall allocate such appropriations in an equitable manner.

LEGISLATIVE REFERENCE SERVICE

SEC. 203. (a) The Librarian of Congress is authorized and directed to establish in the Library of Congress a separate department to be known as the Legislative Reference Service. It shall be the duty of the Legislative Reference Service—

(1) upon request, to advise and assist any committee of either House or any joint committee in the analysis, appraisal, and evaluation of legislative proposals pending before it, or of recommendations submitted to Congress, by the President or any executive agency, and otherwise to assist in furnishing a basis for the proper determination of measures before the committee;

(2) upon request, or upon its own initiative in anticipation of requests, to gather, classify, analyze, and make available, in translations, indexes, digests, compilations and bulletins, and otherwise, data for a bearing upon legislation, and to render such data serviceable to Congress, and committees and Members thereof, without partisan bias in selection or presentation;

(3) to prepare summaries and digests of public hearings before committees of the Congress, and of bills and resolutions of a public general nature introduced in either House.

(b) (1) A director and assistant director of the Legislative Reference Service and all other necessary personnel, shall be appointed by the Librarian of Congress without regard to the civil-service laws and without reference to political affiliations, solely on the ground of fitness to perform the duties of their office. The compensation of all employees shall be fixed in accordance with the provisions of the Classification Act of 1923, as amended: *Provided,* That the grade of senior specialists in each field enumerated in paragraph (2) of this subsection shall not be less than the highest grade in the executive branch of the Government to which research analysts and consultants without supervisory responsibility are currently assigned. All employees of the Legislative Reference Service shall be subject to the provisions of the civil-service retirement laws.

(2) The Librarian of Congress is further authorized to appoint in the Legislative Reference Service senior specialists in the following broad fields: Agriculture; American government and public administration; American public law; conservation; education; engineering and public works; full employment; housing; industrial organization and corporation finance; international affairs; international trade and economic geography; labor; mineral economics; money and banking; price economics; social welfare; taxation and fiscal policy; transportation and communications; and veterans' affairs. Such specialists, together with such other members of the staff as may be necessary, shall be available for special work with the appropriate committees of Congress for any of the purposes set out in section 203(a)(1).

(c) There is hereby authorized to be appropriated for the work of the Legislative Reference Service the following sums: (1) For the fiscal year ending June 30, 1947, $550,000; (2) for the fiscal year ending June 30, 1948, $650,000; (3) for the fiscal year ending June 30, 1949, $750,000; and (4) for each fiscal year thereafter such sums as may be necessary to carry on the work of the Service.

OFFICE OF THE LEGISLATIVE COUNSEL

SEC. 204. There is hereby authorized to be appropriated for the work of the Office of the Legislative Counsel the following sums:

(1) For the fiscal year ending June 30, 1947, $150,000;

(2) For the fiscal year ending June 30, 1948, $200,000;

(3) For the fiscal year ending June 30, 1949, $250,000;

(4) For the fiscal year ending June 30, 1950, $250,000; and

(5) For each fiscal year thereafter such sums as may be necessary to carry on the work of the Office.

STUDIES BY COMPTROLLER GENERAL

SEC. 205. The Comptroller General is authorized and directed to make a full and complete study of restrictions placed in general appropriation Acts limiting the expenditure of specified appropriations therein, with a view to determining the cost to the Government incident to complying with such restrictions, and to report to the Congress his estimate of the cost of complying with such restrictions and such other recommendations with respect thereto as he deems necessary or desirable.

EXPENDITURE ANALYSIS BY COMPTROLLER GENERAL

SEC. 206. The Comptroller General is authorized and directed to make an expenditure analysis of each agency in the executive branch of the Government (including Government corporations), which, in the opinion of the Comptroller General, will enable Congress to determine whether public funds have been economically and efficiently administered and expended. Reports on such analyses shall be submitted by the Comptroller General, from time to time, to the Committees on Expenditures in the Executive Departments, to the Appropriations Committees, and to the legislative committees having jurisdiction over legislation relating to the operations of the respective agencies, of the two Houses.

CORRECTION OF MILITARY AND NAVAL RECORDS

SEC. 207. The Secretary of War, the Secretary of the Navy, and the Secretary of the Treasury with respect to the Coast Guard, respectively, under procedures set up by them, and acting through boards of civilian officers or employees of their respective departments, are authorized to correct any military or naval record where in their judgment such action is necessary to correct an error or to remove an injustice.

PART 2—STATUTORY PROVISIONS RELATING TO COMMITTEES OF CONGRESS

IMPROVEMENT OF CONGRESSIONAL RECORD

SEC. 221. The Joint Committee on Printing is authorized and directed to provide for printing in the Daily Record the legislative program for the day, together with a list of congressional committee meetings and hearings, and the place of meeting and subject matter; and to cause a brief résumé of congressional activities for the previous day to be incorporated in the Record, together with an index of its contents. Such data shall be prepared under the supervision of the Secretary of the Senate and the Clerk of the House of Representatives, respectively.

JOINT COMMITTEE ON PRINTING

SEC. 222. Section 1 of the Act entitled "An Act Providing for the public printing and binding and the distribution of public documents", approved January 12, 1895 (28 Stat. 601), is amended to read as follows: "That

there shall be a Joint Committee on Printing, consisting of the chairman and two members of the Committee on Rules and Administration of the Senate and the chairman and two members of the Committee on House Administration of the House of Representatives, who shall have the powers hereinafter stated."

JOINT COMMITTEE ON THE LIBRARY

SEC. 223. The Joint Committee of Congress on the Library shall hereafter consist of the chairman and four members of the Committee on Rules and Administration of the Senate and the chairman and four members of the Committee on House Administration of the House of Representatives.

TRANSFER OF FUNCTIONS

SEC. 224. The functions, powers, and duties imposed by statute, resolution, or rule of either House of Congress on the effective date of this section on a standing committee of the Senate or the House of Representatives (or the chairman thereof) are, insofar as they are consistent with this Act, hereby transferred to that standing committee created by this Act (or the chairman thereof) to which is transferred the legislative jurisdiction over the subject matter to which such functions, powers, and duties relate; except that the chairman of the Committee on Civil Service of the Senate and the chairman of the Committee on Post Office and Civil Service of the House created by this Act shall be members of the National Archives Council.

JOINT COMMITTEE ON THE ECONOMIC REPORT

SEC. 225. Section 5(b)(3) (relating to the time for filing the report of the Joint Committee on the Economic Report) of the Employment Act of 1946 is amended by striking out "May 1" and inserting in lieu thereof "February 1".

ECONOMIC REPORT OF THE PRESIDENT

SEC. 226. Section 3(a) (relating to the time for filing the economic report of the president) of the Employment Act of 1946 is amended by striking out "within 60 days after the beginning of each regular session" and inserting in lieu thereof "at the beginning of each regular session".

PART 3—PROVISIONS RELATING TO CAPITOL AND PAGES

REMODELING OF CAUCUS ROOMS AND RESTAURANTS

SEC. 241. The Architect of the Capitol is authorized and directed to prepare plans and submit them to Congress at the earliest practicable date for the remodeling (a) of the caucus rooms in the Senate and House Office Buildings to provide improved acoustics and seating facilities and for the presentation of motion picture or other visual displays on matters of national interest; and (b) of the Senate and House Restaurants to provide for more convenient dining facilities.

ASSIGNMENT OF CAPITOL SPACE

SEC. 242. The President pro tempore of the Senate and the Speaker of the House of Representatives shall cause a survey to be made of available space within the Capitol which could be utilized for joint committee meetings, meetings of conference committees, and other meetings, requiring the attendance of both Senators and Members of the House of Representatives; and shall recommend the reassignment of such space to accommodate such meetings.

SENATE AND HOUSE PAGES

SEC. 243. (a) The Secretary of the Senate and the Clerk of the House of Representatives, acting jointly, are authorized and directed to enter into an arrangement with the Board of Education of the District of Columbia for the education of Congressional pages and pages of the Supreme Court in the public school system of the District. Such arrangement shall include provision for reimbursement to the District of Columbia for any additional expenses incurred by the public school system of the District in carrying out such arrangement.

(b) There are hereby authorized to be appropriated such sums as may be necessary to reimburse the District of Columbia in accordance with the arrangement referred to in subsection (a).

(c) Notwithstanding the provisions of subsections (a) and (b) of this section, said page or pages may elect to attend a private or parochial school of their own choice: *Provided, however,* That such private or parochial school shall be reimbursed by the Senate and House of Representatives only in the same amount as would be paid if the page or pages were attending a public school under the provisions of paragraphs (a) and (b) of this section.

AUTHORIZATION OF APPROPRIATIONS AND PERSONNEL

SEC. 244. All necessary funds required to carry out the provisions of this Act, by the Secretary of the Senate and the Clerk of the House, are hereby authorized to be appropriated, and the Secretary of the Senate and the Clerk of the House are hereby further authorized to employ such administrative assistants as may be necessary in order to carry out the provisions of this Act under their respective jurisdictions.

EFFECTIVE DATE

SEC. 245. This title shall take effect on the date of its enactment; except that sections 202 (a), (b), (c), (e), (f), and (h), 222, 223, 224, and 243 shall take effect on the day on which the Eightieth Congress convenes.

TITLE III—REGULATION OF LOBBYING ACT

SHORT TITLE

SEC. 301. This title may be cited as the "Federal Regulation of Lobbying Act".

DEFINITIONS

SEC. 302. When used in this title—

(a) The term "contribution" includes a gift, subscription, loan, advance, or deposit of money or anything of value and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution.

(b) The term "expenditure" includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure.

(c) The term "person" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons.

(d) The term "Clerk" means the Clerk of the House of Representatives of the United States.

(e) The term "legislation" means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House.

DETAILED ACCOUNTS OF CONTRIBUTIONS

SEC. 303. (a) It shall be the duty of every person who shall in any manner solicit or receive a contribution to any organization or fund for the purposes hereinafter designated to keep a detailed and exact account of—

(1) all contributions of any amount or of any value whatsoever;

(2) the name and address of every person making any such contribution of $500 or more and the date thereof;

(3) all expenditures made by or on behalf of such organization or fund; and

(4) the name and address of every person to whom any such expenditure is made and the date thereof.

(b) It shall be the duty of such person to obtain and keep a receipted bill, stating the particulars, for every expenditure of such funds exceeding $10 in amount, and to preserve all receipted bills and accounts required to be kept by this section for a period of at least two years from the date of the filing of the statement containing such items.

RECEIPTS FOR CONTRIBUTIONS

SEC. 304. Every individual who receives a contribution of $500 or more for any of the purposes hereinafter designated shall within five days after receipt thereof render to the person or organization for which such contribution was received a detailed account thereof, including the name and address of the person making such contribution and the date on which received.

STATEMENTS TO BE FILED WITH CLERK OF HOUSE

SEC. 305. (a) Every person receiving any contributions or expending any money for the purposes designated in subparagraph (a) or (b) of section 307 shall file with the Clerk between the first and tenth day of each calendar quarter, a statement containing complete as of the day next preceding the date of filing—

(1) the name and address of each person who has made a contribution of $500 or more not mentioned in the preceding report; except that the first report filed pursuant to this title shall contain the name and address of each person who has made any contribution of $500 or more to such person since the effective date of this title;

(2) the total sum of the contributions made to or for such person during the calendar year and not stated under paragraph (1);

(3) the total sum of all contributions made to or for such person during the calendar year;

(4) the name and address of each person to whom an expenditure in one or more items of the aggregate amount or value, within the calendar year, of $10 or more has been made by or on behalf of such person, and the amount, date, and purpose of such expenditure;

(5) the total sum of all expenditures made by or on behalf of such person during the calendar year and not stated under paragraph (4);

(6) the total sum of expenditures made by or on behalf of such person during the calendar year.

(b) The statements required to be filed by subsection (a) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous statement only the amount need be carried forward.

STATEMENT PRESERVED FOR TWO YEARS

SEC. 306. A statement required by this title to be filed with the Clerk—

(a) shall be deemed properly filed when deposited in an established post office within the prescribed time, duly stamped, registered, and directed to the Clerk of the House of Representatives of the United States, Washington, District of Columbia, but in the event it is not received, a duplicate of such statement shall be promptly filed upon notice by the Clerk of its nonreceipt;

(b) shall be preserved by the Clerk for a period of two years from the date of filing, shall constitute part of the public records of his office, and shall be open to public inspection.

PERSONS TO WHOM APPLICABLE

SEC. 307. The provisions of this title shall apply to any person (except a political committee as defined in the Federal Corrupt Practices Act, and duly organized State or local committees of a political party), who by himself, or through any agent of employee or other persons in any manner whatsoever, directly or indirectly, solicits, collects, or receives money or any other thing of value to be used principally to aid, or the

principal purpose of which person is to aid, in the accomplishment of any of the following purposes:

(a) The passage or defeat of any legislation by the Congress of the United States.

(b) To influence, directly or indirectly, the passage or defeat of any legislation by the Congress of the United States.

REGISTRATION WITH SECRETARY OF THE SENATE AND CLERK OF THE HOUSE

SEC. 308. (a) Any person who shall engage himself for pay or for any consideration for the purpose of attempting to influence the passage or defeat of any legislation by the Congress of the United States shall, before doing anything in furtherance of such object, register with the Clerk of the House of Representatives and the Secretary of the Senate and shall give to those officers in writing and under oath, his name and business address, the name and address of the person by whom he is employed, and in whose interest he appears or works, the duration of such employment, how much he is paid and is to receive, by whom he is paid or is to be paid, how much he is to be paid for expenses, and what expenses are to be included. Each such person so registering shall, between the first and tenth day of each calendar quarter, so long as his activity continues, file with the Clerk and Secretary a detailed report under oath of all money received and expended by him during the preceding calendar quarter in carrying on his work; to whom paid; for what purposes; and the names of any papers, periodicals, magazines, or other publications in which he has caused to be published any articles or editorials; and the proposed legislation he is employed to support or oppose. The provisions of this section shall not apply to any person who merely appears before a committee of the Congress of the United States in support of or opposition to legislation; nor to any public official acting in his official capacity; nor in the case of any newspaper or other regularly published periodical (including any individual who owns, publishes, or is employed by any such newspaper or periodical) which in the ordinary course of business publishes news items, editorials, or other comments, or paid advertisements, which directly or indirectly urge the passage or defeat of legislation, if such newspaper, periodical, or individual, engages in no further or other activities in connection with the passage or defeat of such legislation, other than to appear before a committee of the Congress of the United States in support of or in opposition to such legislation.

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the Congressional Record.

REPORTS AND STATEMENTS TO BE MADE UNDER OATH

SEC. 309. All reports and statements required under this title shall be made under oath, before an officer authorized by law to administer oaths.

PENALTIES

SEC. 310. (a) Any person who violates any of the provisions of this title, shall, upon conviction, be guilty of a misdemeanor, and shall be punished by a fine of not more than $5,000 or imprisonment for not more than twelve months, or by both such fine and imprisonment.

(b) In addition to the penalties provided for in subsection (a), any person convicted of the misdemeanor specified therein is prohibited, for a period of three years from the date of such conviction, from attempting to influence, directly or indirectly, the passage or defeat of any proposed legislation or from appearing before a committee of the Congress in support of or opposition to proposed legislation; and any person who violates any provision of this subsection shall, upon conviction thereof, be guilty of a felony, and shall be punished by a fine of not more than $10,000, or imprisonment for not more than five years, or by both such fine and imprisonment.

EXEMPTION

SEC. 311. The provisions of this title shall not apply to practices or activities regulated by the Federal Corrupt Practices Act nor be construed as repealing any portion of said Federal Corrupt Practices Act.

TITLE IV—FEDERAL TORT CLAIMS ACT

PART 1—SHORT TITLE AND DEFINITIONS

SHORT TITLE

SEC. 401. This title may be cited as the "Federal Tort Claims Act".

DEFINITIONS

SEC. 402. As used in this title, the term—

(a) "Federal agency" includes the executive departments and independent establishments of the United States, and corporations whose primary function is to act as, and while acting as, instrumentalities or agencies of the United States, whether or not authorized to sue and be sued in their own names: *Provided*, That this shall not be construed to include any contractor with the United States.

(b) "Employee of the Government" includes officers or employees of any Federal agency, members of the military or naval forces of the United States, and persons acting on behalf of a Federal agency in an official capacity, temporarily or permanently in the service of the United States, whether with or without compensation.

(c) "Acting within the scope of his office or employment", in the case of a member of the military or naval forces of the United States, means acting in line of duty.

PART 2—ADMINISTRATIVE ADJUSTMENT OF TORT CLAIMS AGAINST THE UNITED STATES

CLAIMS OF $1,000 OR LESS

SEC. 403. (a) Subject to the limitations of this title, authority is hereby conferred upon the head of each Federal agency, or his designee for the purpose, acting on behalf of the United States, to consider, ascertain, adjust, determine, and settle any claim against the United States for money only, accruing on and after January 1, 1945, on account of damage to or loss of property or on account of personal injury or death, where the total amount of the claim does not exceed $1,000, caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant for such damage, loss, injury, or death, in accordance with the law of the place where the act or omission occurred.

(b) Subject to the provisions of part 3 of this title, any such award or determination shall be final and conclusive on all officers of the Government, except when procured by means of fraud, notwithstanding any other provision of law to the contrary.

(c) Any award made to any claimant pursuant to this section, and any award, compromise, or settlement of any claim cognizable under this title made by the Attorney General pursuant to section 413, shall be paid by the head of the Federal agency concerned out of appropriations that may be made therefor, which appropriations are hereby authorized.

(d) The acceptance by the claimant of any such award, compromise, or settlement shall be final and conclusive on the claimant, and shall constitute a complete release by the claimant of any claim against the United States and against the employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter.

REPORT

SEC. 404. The head of each Federal agency shall annually make a report to the Congress of all claims paid by such Federal agency under this part. Such report shall include the name of each claimant, a statement of the amount claimed and the amount awarded, and a brief description of the claim.

PART 3—SUITS ON TORT CLAIMS AGAINST THE UNITED STATES

JURISDICTION

SEC. 410 (a) Subject to the provisions of this title, the United States district court for the district wherein the plaintiff is resident or wherein the act or omission complained of occurred, including the United States district courts for the Territories and possessions of the United States, sitting without a jury, shall have exclusive jurisdiction to hear, determine, and render judgment on any claim against the United States, for money only, accruing on and after January 1, 1945, on account of damage to or loss of property or on account of personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant for such damage, loss, injury, or death in accordance with the law of the place where the act or omission occurred. Subject to the provisions of this title, the United States shall be liable in respect of such claims to the same claimants, in the same manner, and to the same extent as a private individual under like circumstances, except that the United States shall not be liable for interest prior to judgment, or for punitive damages. Costs shall be allowed in all courts to the successful claimant to the same extent as if the United States were a private litigant, except that such costs shall not include attorneys' fees.

(b) The judgment in such an action shall constitute a complete bar to any action by the claimant, by reason of the same subject matter, against the employee of the Government whose act or omission gave rise to the claim. No suit shall be instituted pursuant to this section upon a claim presented to any Federal agency pursuant to part 2 of this title unless such Federal agency has made final disposition of the claim: *Provided*, That the claimant may, upon fifteen days' notice given in writing, withdraw the claim from consideration of the Federal agency and commence suit thereon pursuant to this section: *Provided further*, That as to any claim so disposed of or so withdrawn, no suit shall be instituted pursuant to this section for any sum in excess of the amount of the claim presented to the Federal agency, except where the increased amount of the claim is shown to be based upon newly discovered evidence not reasonably discoverable at the time of presentation of the claim to the Federal agency or upon evidence of intervening facts, relating to the amount of the claim. Disposition of any claim made pursuant to part 2 of this title shall not be competent evidence of liability or amount of damages in proceedings on such claim pursuant to this section.

PROCEDURE

SEC. 411. In actions under this part, the forms of process, writs, pleadings, and motions, and the practice and procedure, shall be in accordance with the rules promulgated by the Supreme Court pursuant to the Act of June 19, 1934 (48 Stat. 1064); and the same provisions for conterclaim and set-off, for interest upon judgments, and for payment of judgments, shall be applicable as in cases

brought in the United States district courts under the Act of March 3, 1887 (24 Stat. 505).

REVIEW

SEC. 412. (a) Final judgments in the district courts in cases under this part shall be subject to review by appeal—

(1) in the circuit courts of appeals in the same manner and to the same extent as other judgments of the district courts; or

(2) in the Court of Claims of the United States: *Provided*, That the notice of appeal filed in the district court under rule 73 of the Rules of Civil Procedure shall have affixed thereto the written consent on behalf of all the appellees that the appeal be taken to the Court of Claims of the United States. Such appeals to the Court of Claims of the United States shall be taken within three months after the entry of the judgment of the district court, and shall be governed by the rules relating to appeals from a district court to a circuit court of appeals adopted by the Supreme Court pursuant to the Act of June 19, 1934 (48 Stat. 1064). In such appeals the Court of Claims of the United States shall have the same powers and duties as those conferred on a circuit court of appeals in respect to appeals under section 4 of the Act of February 13, 1925 (43 Stat. 939).

(b) Sections 239 and 240 of the Judicial Code, as amended, shall apply to cases under this part in the circuit courts of appeals and in the Court of Claims of the United States to the same extent as to cases in a circuit court of appeals therein referred to.

COMPROMISE

SEC. 413. With a view to doing substantial justice, the Attorney General is authorized to arbitrate, compromise, or settle any claim cognizable under this part, after the institution of any suit thereon, with the approval of the court in which suit is pending.

PART 4—PROVISIONS COMMON TO PART 2 AND PART 3

ONE-YEAR STATUTE OF LIMITATIONS

SEC. 420. Every claim against the United States cognizable under this title shall be forever barred, unless within one year after such claim accrued or within one year after the date of enactment of this Act, whichever is later, is is presented in writing to the Federal agency out of whose activities it arises, if such claim is for a sum not exceeding $1,000; or unless within one year after such claim accrued or within one year after the date of enactment of this Act, whichever is later, an action is begun pursuant to part 3 of this title. In the event that a claim for a sum not exceeding $1,000 is presented to a Federal agency as aforesaid, the time to institute a suit pursuant to part 3 of this title shall be extended for a period of six months from the date of mailing of notice to the claimant by such Federal agency as to the final disposition of the claim or from the date of withdrawal of the claim from such Federal agency pursuant to section 410 of this title, if it would otherwise expire before the end of such period.

EXCEPTIONS

SEC. 421. The provisions of this title shall not apply to—

(a) Any claim based upon an act or emission of an employee of the Government, exercising due care, in the execution of a statute or regulation, whether or not such statute or regulation be valid, or based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a Federal agency or an employee of the Government, whether or not the discretion involved be abused.

(b) Any claim arising out of the loss, miscarriage, or negligent transmission of letters or postal matter.

(c) Any claim arising in respect of the assessment or collection of any tax or customs duty, or the detention of any goods or merchandise by any officer of customs or excise or any other law-enforcement officer.

(d) Any claim for which a remedy is provided by the Act of March 9, 1920 (U.S.C., title 46, secs. 741–752, inclusive), or the Act of March 3, 1925 (U.S.C., title 46, secs. 781–790, inclusive), relating to claims or suits in admiralty against the United States.

(e) Any claim arising out of an act or omission of any employee of the Government in administering the provisions of the Trading with the Enemy Act, as amended.

(f) Any claim for damages caused by the imposition or establishment of a quarantine by the United States.

(g) Any claim arising from injury to vessels, or to the cargo, crew, or passengers of vessels, while passing through the locks of the Panama Canal or while in Canal Zone waters.

(h) Any claim arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights.

(i) Any claim for damages caused by the fiscal operations of the Treasury or by the regulation of the monetary system.

(j) Any claim arising out of the combatant activities of the military or naval forces, or the Coast Guard, during time of war.

(k) Any claim arising in a foreign country.

(l) Any claim arising from the activities of the Tennessee Valley Authority.

ATTORNEY'S FEES

SEC. 422. The court rendering a judgment for the plaintiff pursuant to part 3 of this title, or the head of the Federal agency or his designee making an award pursuant to part 2 of this title, or the Attorney General making a disposition pursuant to section 413 of this title, as the case may be, may, as a part of the judgment, award, or settlement, determine and allow reasonable attorney's fees, which, if the recovery is $500 or more, shall not exceed 10 per centum of the amount recovered under part 2, or 20 per centum of the amount recovered under part 3, to be paid out of but not in addition to the amount of judgment, award, or settlement recovered, to the attorneys representing the claimant. Any attorney who charges, demands, receives, or collects for services rendered in connection with such claim any amount in excess of that allowed under this section, if recovery be had, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be subject to a fine of not more than $2,000 or imprisonment for not more than one year, or both.

EXCLUSIVENESS OF REMEDY

SEC. 423. From and after the date of enactment of this Act, the authority of any Federal agency to sue and be sued in its own name shall not be construed to authorize suits against such Federal agency on claims which are cognizable under part 3 of this title, and the remedies provided by this title in such cases shall be exclusive.

CERTAIN STATUTES INAPPLICABLE

SEC. 424. (a) All provisions of law authorizing any Federal agency to consider, ascertain, adjust, or determine claims on account of damage to or loss of property, or on account of personal injury or death, caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, are hereby repealed in respect of claims cognizable under part 2 of this title and accruing on and after January 1, 1945, including, but without limitation, the provisions granting such authorization now contained in the following laws:

Public Law Numbered 375, Sixty-seventh Congress, approved December 28, 1922 (42 Stat. 1066; U.S.C., title 31, Secs. 215–217).

Public Law Numbered 267, Sixty-sixth Congress, approved June 5, 1920 (41 Stat. 1054; U.S.C., title 33, sec. 853).

Public Law Numbered 481, Seventy-fourth Congress, approved March 20, 1936 (49 Stat. 1184; U.S.C., title 31, sec. 224b).

Public Law Numbered 112, as amended, Seventy-eighth Congress, approved July 3, 1943 (57 Stat. 372; U.S.C., title 31, secs. 223b, 223c, and 223d).

Public Law Numbered 182, as amended, Sixty-fifth Congress, approved July 1, 1918 (40 Stat. 705; U.S.C., title 34, sec. 600).

Section 4 of Public Law Numbered 18, Sixty-seventh Congress, approved June 16, 1921 (42 Stat. 63), as amended by Public Law Numbered 456, Seventy-third Congress, approved June 22, 1934 (48 Stat. 1207; U.S.C., title 31, sec. 224c).

(b) Nothing contained herein shall be deemed to repeal any provision of law authorizing any Federal agency to consider, ascertain, adjust, settle, determine, or pay any claim on account of damage to or loss of property or on account of personal injury or death, in cases in which such damage, loss, injury, or death was not caused by any negligent or wrongful act or omission of an employee of the Government while acting within the scope of his office or employment, or any other claim not cognizable under part 2 of this title.

TITLE V—GENERAL BRIDGE ACT

SHORT TITLE

SEC. 501. This title may be cited as the "General Bridge Act of 1946".

CONSENT OF CONGRESS

SEC. 502. (a) The consent of Congress is hereby granted for the construction, maintenance, and operation of bridges and approaches thereto over the navigable waters of the United States, in accordance with the provisions of this title.

(b) The location and plans for such bridges shall be approved by the Chief of Engineers and the Secretary of War before construction is commenced, and, in approving the location and plans of any bridge, they may impose any specific conditions relating to the maintenance and operation of the structure which they may deem necessary in the interest of public navigation, and the conditions so imposed shall have the force of law.

(c) Notwithstanding the provisions of subsections (a) and (b), it shall be unlawful to construct or commence the construction of any privately owned highway toll bridge until the location and plans thereof shall also have been submitted to and approved by the highway department or departments of the State or States in which the bridge and its approaches are situated; and where such bridge shall be between two or more States and the highway departments thereof shall be unable to agree upon the location and plans therefor, or if they, or either of them, shall fail or refuse to act upon the location and plans submitted, such location and plans then shall be submitted to the Public Roads Administration and, if approved by the Public Roads Administration, approval by the highway departments shall not be required.

TOLLS

SEC. 503. If tolls shall be charged for the transit over any interstate bridge of engines, cars, street cars, wagons, carriages, vehicles, animals, foot passengers, or other passengers, such tolls shall be reasonable and just, and the Secretary of War may, at any time, and from time to time, prescribe the reasonable rates of toll for such transit over such bridge, and the rates so prescribed shall be the legal rates and shall be the rates demanded and received for such transit.

ACQUISITION BY PUBLIC AGENCIES

SEC. 504. After the completion of any interstate toll bridge constructed by an individual, firm, or corporation, as determined by the Secretary of War, either of the States in which the bridge is located, or any public

agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property for public purposes by condemnation or expropriation. If at any time after the expiration of five years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual costs of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per centum of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

STATEMENTS OF COST

SEC. 505. Within ninety days after the completion of a privately owned interstate toll bridge, the owner shall file with the Secretary of War and with the highway departments of the States in which the bridge is located, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of a highway development shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge. For the purpose of such investigation the said individual, firm, or corporation, its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 504 of this title subject only to review in a court of equity for fraud or gross mistake.

SINKING FUND

SEC. 506. If tolls are charged for the use of an interstate bridge constructed or taken over or acquired by a State or States or by any municipality or other political subdivision or public agency thereof, under the provisions of this title, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed twenty years from the date of constructing or acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

APPLICABILITY OF TITLE

SEC. 507. The provisions of this title shall apply only to bridges over navigable waters of the United States, the construction of which is hereafter approved under the provisions of this title; and the provisions of the first proviso of section 9 of the Act of March 3, 1899 (30 Stat. 1151; U.S.C., title 33, sec. 401), and the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, shall not apply to such bridges.

INTERNATIONAL BRIDGES

SEC. 508. This title shall not be construed to authorize the construction of any bridge which will connect the United States, or any Territory or possession of the United States, with any foreign country.

EMINENT DOMAIN

SEC. 509. There are hereby conferred upon any individual, his heirs, legal representatives, or assigns, any firm or corporation, its successors or assigns, or any State, political subdivision, or municipality authorized in accordance with the provisions of this title to build a bridge between two or more States, all such rights and powers to enter upon lands and acquire, condemn, occupy, possess, and use real estate and other property in the respective States needed for the location, construction, operation, and maintenance of such bridge and its approaches, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

PENALTIES

SEC. 510. Any person who fails or refuses to comply with any lawful order of the Secretary of War or the Chief of Engineers issued under the provisions of this title, or who fails to comply with any specific condition imposed by the Chief of Engineers and the Secretary of War relating to the maintenance and operation of bridges, or who refuses to produce books, papers, or documents in obedience to a subpena or other lawful requirement under this title, or who otherwise violates any provisions of this title, shall, upon conviction thereof, be punished by a fine of not to exceed $5,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

RIGHTS RESERVED

SEC. 511. The right to alter, amend, or repeal this title is hereby expressly reserved as to any and all bridges which may be built under authority hereof.

TITLE VI—COMPENSATION AND RETIREMENT PAY OF MEMBERS OF CONGRESS

COMPENSATION OF MEMBERS OF CONGRESS

SEC. 601. (a) Effective on the day on which the Eightieth Congress convenes, the compensation of Senators, Representatives in Congress, Delegates from the Territories, and the Resident Commissioner from Puerto Rico shall be at the rate of $12,500 per annum each; and the compensation of the Speaker of the House of Representatives and the Vice President of the United States shall be at the rate of $20,000 per annum each.

(b) Effective on the day on which the Eightieth Congress convenes there shall be paid to each Senator, Representative in Congress, Delegate from the Territories, Resident Commissioner from Puerto Rico, an expense allowance of $2,500 per annum to assist in defraying expenses relating to, or resulting from the discharge of his official duties, for which no tax liability shall incur, or accounting be made; such sum to be paid in equal monthly installments.

(c) The sentence contained in the Legislative Branch Appropriation Act, 1946, which reads as follows: "There shall be paid to each Representative and Delegate, and to the Resident Commissioner from Puerto Rico, after January 2, 1945, an expense allowance of $2,500 per annum to assist in defraying expenses related to or resulting from the discharge of his official duties, to be paid in equal monthly installments.", is hereby repealed, effective on the day on which the Eightieth Congress reconvenes.

(d) The sentence contained in the Legislative Branch Appropriation Act, 1947, which reads as follows: "There shall be paid to each Senator after January 1, 1946, an expense allowance of $2,500 per annum to assist in defraying expenses related to or resulting from the discharge of his official duties, to be paid in equal monthly installments.", is hereby repealed, effective on the day on which the Eightieth Congress convenes.

RETIREMENT PAY OF MEMBERS OF CONGRESS

SEC. 602. (a) Section 3(a) of the Civil Service Retirement Act of May 29, 1930, as amended, is amended by inserting after the words "elective officers" the words "in the executive branch of the Government".

(b) Such Act, as amended, is further amended by adding after section 3 the following new section:

"SEC. 3A. Notwithstanding any other provision of this Act—

"(1) This Act shall not apply to any Member of Congress until he gives notice in writing, while serving as a Member of Congress, to the disbursing officer by whom his salary is paid of his desire to come within the purview of this Act. Such notice may be given by a Member of Congress within six months after the date of enactment of the Legislative Reorganization Act of 1946 or within six months after any date on which he takes an oath of office as a Member of Congress.

"(2) In the case of any Member of Congress who gives notice of his desire to come within the purview of this Act, the amount required to be deposited for the purposes of section 9 with respect to services rendered after the date of enactment of the Legislative Reorganization Act of 1946, shall be a sum equal to 6 per centum of his basic salary, pay, or compensation for such services, together with interest computed at the rate of 4 per centum per annum compounded on December 31 of each year; and the amount to be deducted and withheld from the basic salary, pay, or compensation of each such Member of Congress for the purposes of section 10 shall be a sum equal to 6 per centum of such basic salary, pay, or compensation.

"(3) No person shall be entitled to receive an annuity as provided in this section until he shall have become separated from the service after having had at least six years of service as a Member of Congress and have attained the age of sixty-two years, except that any such Member who shall have had at least five years of service as a Member of Congress, may, subject to the provisions of section 6 and of paragraph (4) of this section, be retired for disability, irrespective of age, and be paid an annuity computed in accordance with paragraph (5) of this section.

"(4) No Member of Congress shall be entitled to receive an annuity under this Act unless there shall have been deducted and withheld from his basic salary, pay, or compensation for the last five years of his service as a Member of Congress, or there shall have been deposited under section 9 with respect to such last five years of service, the amounts specified in paragraph (2) of this section with respect to so much of such five years of service as was performed after the date of enactment of the Legislative Reorganization Act of 1946 and the amounts specified in section 9 with respect to so much of such five years of service as was performed prior to such date.

"(5) Subject to the provisions of section 9 and of subsections (c) and (d) of section 4, the annuity of a Member of Congress shall be

an amount equal to 2½ per centum of his average annual basic salary, pay, or compensation as a Member of Congress multiplied by his years of service as a Member of Congress, but no such annuity shall exceed an amount equal to three-fourths of the salary, pay, or compensation that he is receiving at the time he becomes separated from the service.

"(6) In the case of a Member of Congress who becomes separated from the service before he completes an aggregate of six years of service as a Member of Congress, and who is not retired for disability, the total amount deducted from his basic salary, pay, or compensation as a Member of Congress, together with interest at 4 per centum compounded as of December 31 of each year shall be returned to such Member of Congress. No such Member of Congress shall thereafter become eligible to receive an annuity as provided in this section unless the amounts so returned are redeposited with interest at 4 per centum compounded on December 31 of each year, but interest shall not be required covering any period of separation from the service.

"(7) If any person takes office as a Member of Congress while receiving an annuity as provided in this section, the payment of such annuity shall be suspended during the period for which he holds such office; but, if he gives notice as provided in paragraph (2) of this section, his service as a Member of Congress during such period shall be credited in determining the amount of his subsequent annuity.

"(8) Nothing contained in this Act shall be construed to prevent any person eligible therefor from simultaneously receiving an annuity computed in accordance with this section and an annuity computed in accordance with section 4, but in computing the annuity under section 4 in the case of any person who (A) has had at least six years' service as a Member of Congress, and (B) has served as a Member of Congress at any time after the date of enactment of the Legislative Reorganization Act of 1946, service as a Member of Congress shall not be credited.

"(9) No provision of this or any other Act relating to automatic separation from the service shall be applicable to any Member of Congress.

"(10) As used in this section, the term 'Member of Congress' means a Senator, Representative in Congress, Delegate from a Territory, or the Resident Commissioner from Puerto Rico; and the term 'service as a Member of Congress' shall include the period from the date of the beginning of the term for which a Member of Congress is elected or appointed to the date on which he takes office as such a Member."

Approved August 2, 1946.

ORGANIZATION AND OPERATION OF CONGRESS

(U.S. Congress, Senate: Hearings Before the Committee on Expenditures in the Executive Departments on Evaluation of the Effects of Laws Enacted To Reorganize the Legislative Branch of the Government)

REPORTS AND ARTICLES

OPERATION OF LEGISLATIVE REORGANIZATION ACT OF 1946

(By George B. Galloway, Senior Specialist in American Government, Legislative Reference Service, Library of Congress)

One of the responsibilities of the Committees on Expenditures in the Executive Departments of the Senate and House of Representatives is to "evaluate the effects of laws enacted to reorganize the legislative and executive branches of the Government." In the exercise of part of this responsibility the Senate Committee on Expenditures in the Executive Departments held hearings during February 1948, on the operation of the Legislative Reorganization Act of 1946. Three years have now passed since those hearings were held and, altogether, Congress has had 4 years experience with the workings of this law. It is timely, therefore, to undertake a fresh review of the operation of the so-called La Follette-Monroney Act in terms of its own objectives, and to consider whether or not, in the light of this experience, the act needs to be amended and strengthened.

OBJECTIVES OF THE ACT

As conceived and formulated by the Joint Committee on the Organization of Congress, and as enacted by the Seventy-ninth Congress with some significant omissions, the Legislative Reorganization Act of 1946 had the following objectives:

1. To streamline and simplify congressional committee structure.
2. To eliminate the use of special or select committees.
3. To clarify committee duties and reduce jurisdictional disputes.
4. To regularize and publicize committee procedures.
5. To improve congressional staff aids.
6. To reduce the workload on Congress.
7. To strengthen legislative oversight of administration.
8. To reinforce the power of the purse.
9. To regulate lobbying.
10. To increase the compensation of Members of Congress and provide them retirement pay.

COMMITTEE STRUCTURE

Modernization of the standing committee system was the first objective of the act and the keystone in the arch of congressional reform. By dropping minor, inactive committees and by merging those with related functions, the total number of standing committees was reduced by the act from 33 to 15 in the Senate and from 48 to 19 in the House of Representatives. This reform has now survived 4 years and two Congresses—one controlled by the Republicans and one controlled by the Democrats—without change or successful challenge. Senators Holland and Wherry offered a resolution (S. Res. 58) on February 7, 1949, to create a standing Senate Committee on Small Business which was favorably reported by the Committee on Rules and Administration on June 29, 1949. But after extended debate the Senate, by a 2-to-1 vote, decided to create a select committee to investigate small-business problems. Thus the reorganized standing committee system seems to have won congressional acceptance for the time being.

Under the old system the standing committees of the House ranged in size from 2 to 42 members and averaged 19 members each. Under the act, 15 out of the 19 House committees had 25 or 27 members each in the Eighty-first Congress and the average size was 25 members. Rules, with 12 members, and Un-American Activities, with 9 members, remain unchanged in size. Appropriations now has 50 members, compared with 42 before, and Armed Services has 35, compared with a combined membership of 61 on the old Military and Naval Affairs Committee.

Before the act the standing committees of the Senate ranged in size from 3 to 25 members and averaged 15 members each. Under the act all the Senate standing committees have 13 members, except Appropriations which has 21, as compared with 25 before.

Before the act, every Senator was entitled to serve on three major committees and two minor committees. Some had up to 10 committee assignments each. There was conflict in committee meetings, duplications in committee jurisdiction, and inefficient distribution of the legislative work load among committees. Under the act, no Senator may serve on more than two standing committees except that majority party Senators may also serve on the District of Columbia and Expenditures committees. With minor exceptions, each House Member now serves on only one standing committee instead of from three to five, as many members did in the past. The rule limiting minority Senators to two committees each has had the effect, with a change in party control of the Senate, of requiring minority Senators to resign from one of their three former committees in cases where they had served on the District of Columbia and Expenditures committees in addition to two national committees. The result was to deprive these second-class committees during the Eighty-first Congress of the continued service of experienced members like Senators Aiken and Ferguson who, being limited to two committees, felt that they owed it to their constituents to elect to serve on two national committees.

To meet this situation, Senator Taft introduced a resolution (S. Res. 24) on January 10, 1949, proposing to increase the membership of 8 Senate committees from 13 to 15 members each; to permit 8 minority Senators to serve on three standing committees each; and to permit majority Senators to have a third committee assignment upon any one of five specified minor committees. Senate Resolution 24 was referred to the Committee on Rules and Administration which took no action upon it. In its behalf Senator Taft argued that (a) in many cases a committee of 13 members is too small to handle its work load, and (b) new Senators are deprived of important committee assignments under the two-committee-assignment rule because older Senators fill up the limited number of seats on the more attractive committees and leave only the second-class committees open for the freshman Senators. Opponents argued that to differentiate between the size of the standing committees of the Senate would be to create a system of major and minor committees; that the proposed change would break down the two-committee-assignment rule and increase the work load and responsibilities of Senators in unrelated legislative fields; and increase absenteeism in the Senate.

Many of the old standing committees of Congress were minor, inactive committees—"ornamental barnacles on the ship of state" in Alvin Fuller's phrase—hang-overs of lively legislative issues long since settled. Under the new scheme all the standing committees in both Houses are major committees, assigned important duties; although some Members still refer to the District of Columbia and Expenditure Committees as "second-class," an inappropriate appellation to apply to the Expenditure Committees which were rejuvenated by the act and given weighty responsibilities in the machinery of government field.

It is often said and perhaps widely believed that the reduction from 81 to 34 in the number of standing committees of Congress affected by the act has been offset by the creation of a rash of subcommittees. The fact is, as the records show, that the number of standing subcommittees has not changed since 1945. In that year Congress had 131 standing subcommittees: 34 in the Senate and 97 in the House. In 1950 there were 131 standing subcommittees: 66 in the Senate and 65 in the House. During the Eighty-first Congress six House committees and four Senate committees had no standing subcommittees at all. Special subcommittees are set up from time to time in both Houses to handle individuals bills and their number fluctuates from week to week, making comparisons misleading. The tendency has been, since the act, for standing subcommittees to replace special subcommittees for individual bills, affording committeemen and their staffs an opportunity to become specialists in correlated fields of legislation.

Some Congressmen are critical of subcommittees, believing that the entire membership of a committee should handle matters referred to it. Others believe that sub-

divisions are necessary for the preliminary study of complex matters and are an inescapable feature of the heavy duties now imposed upon the consolidated committees of Congress. The advantages that flow from the division of labor and specialization of function will probably lead most congressional committees to continue to subdivide their work, and to rely on consideration at the full committee stage for coordination and the overall view.

In the form in which it passed the Senate, the act prohibited special committees. Although this provision was stricken in the House, the spirit of the act clearly frowns on the creation of special committees. The La Follette-Monroney committee had recommended that the practice of creating special investigating committees be abandoned on the ground that they lack legislative authority and that the jurisdiction of the new standing committees would be so comprehensively defined in the reformed rules as to cover every conceivable subject of legislation. Thus, to set up a special committee would be to trespass upon the assigned jurisdiction of some standing committee. In practice, special committees have not been abandoned, but their number has diminished. In the Seventy-ninth Congress, before the act, there were 18 of them: 6 in the House, 9 in the Senate, and 3 joint select committees. In the Eightieth Congress there were 12 special committees: 6 in the House, 3 in the Senate, and 3 joint ones. Nine special committees were created during the Eighty-first Congress: 6 in the House on small business, lobbying, use of chemicals, campaign expenditures, veterans education, and the roof and skylights; and 3 in the Senate on small business, organized crime, and roof and skylights. They had a combined membership of 65 in 1950. The Senate has complied more closely than the House with the spirit of the prohibition. During the Eightieth Congress the Senate converted its old Special Committee To Investigate the National Defense Program into a standing subcommittee of the Committee on Expenditures in the Executive Departments, and its Special Small Business Committee into a standing Subcommittee on Banking and Currency. But in 1950 the Senate revived its Select Committee on Small Business in response to the persistent efforts of Senators Murray and Wherry who maintained that small-business problems cut across the jurisdiction of many of the standing committees of the Senate and who wanted a forum for their activities in this field. In the House special committees on small business and campaign expenditures are hardy biennials.

Although the Senate version of the act sought to stimulate joint action between the twin committees of the two Houses, this optional provision was struck on the House side; so the act made no change in the joint committee structure of Congress except to make the long-standing Joint Committees on Printing and the Library in effect joint subcommittees of the two administration committees of the House and Senate. However, the creation of roughly parallel committee systems in the two Chambers, with similar nomenclature and jurisdictions, has tended to facilitate joint action on measures of mutual interest by means of joint hearings and staff collaboration. In recent years several successful joint hearings have been held by twin committees or subcommittees on the reorganization of the government of the District of Columbia, the budget requirements of the District government, on foreign economic cooperation and military aid, and on public housing. There has also been a good deal of collaboration between the professional staffs of corresponding committees in the way of exchanging information, memorandums, etc., but few instances of joint research or cooperation in the preparation of committee reports.

The Foreign Affairs Committees have occasionally met together since the war to hear reports and statements by the Secretary of State, saving him the loss of time in a duplicate appearance, and have then considered and reported their conclusions separately to the two Houses. Despite the evident advantages of joint action, it is opposed by some Senators as an impairment of their "appellate jurisdiction," and by some Representatives who are jealous of their own independence and prerogatives. Critics of joint hearings doubt if they save much time and suggest that they raise questions of protocol about such simple things as the seating of Congressmen around the table and precedence in interrogation. Other alleged deterrents to joint action are the different time tables of House and Senate, surviving jurisdictional differences between the parallel committees, and differing perspectives, interests, and modes of operation among the Members.

Despite these objections, the number of joint standing committees in Congress has doubled since 1946. In the Seventy-ninth Congress there were four standing and three select joint committees; in the Eightieth Congress there were seven standing and four select joint committees; and in the Eighty-first Congress there were eight joint standing committees. The new Joint Committees on the Economic Report, on Atomic Energy, and on Foreign Economic Cooperation were appointed during the Eightieth Congress; and the new Joint Committee on Defense Production was established by the Defense Production Act of 1950. The Joint Committee on the Library dates back to 1806 and the Joint Committee on Printing to 1846. The Joint Committee on Internal Revenue Taxation was created in 1926 and the Joint Committee on Reduction of Nonessential Federal Expenditures (the Byrd committee) in 1941. On February 24, 1950, Senator Humphrey introduced a bill (S. 3116) to abolish the Byrd committee because, he said, it was duplicating the work of the Expenditures Committees and was a waste of money. This move stirred up a hornets' nest in the Senate and the Byrd committee is still extant. Eighty-two Members of Congress were serving on its joint committees at the end of 1950, exclusive of the insignificant Select Committee on the Disposition of Executive Papers—the so-called wastebasket committee. Both Houses are always equally represented on the joint committees which, therefore, always have an even number of members. The most important and successful of the existing joint congressional committees are those of the Economic Report, which has four active subcommittees, and on Atomic Energy which alone among the joint committees has legislative authority.

The act also called for joint action on the part of the revenue and spending committees of both Houses in the formulation of a "legislative budget." But this provision, which I shall discuss more fully below, has miscarried.

COMMITTEE OPERATION

Consolidation of the standing committees and definition of their duties in the rules—an innovation in the Senate—have reduced but not eliminated jurisdictional disputes over the reference of bills. Although House bills are occasionally re-referred by unanimous consent, open conflicts between committees in the lower Chamber have almost disappeared. But several jurisdictional questions have arisen in the Senate since 1946. Bills dealing with the complex economic and social problems of the modern world sometimes cut across the defined jurisdictions of two or more standing committees. Intricate legislation designed to solve the problems of an interdependent economy cannot always be reduced to the clear-cut lines of a blueprint of committee duties.

During the Eightieth Congress, for example, Senate committees argued over the reference of the portal-to-portal bill, the bill proposing unification of the Armed Forces, autos for disabled veterans, an interstate oil compact, and over the interstate water rights on the Colorado River. Senator Taft questioned the conflicting jurisdiction of the Finance and Labor Committees on the subject of veterans' affairs which, he thought, ought to be "all in one committee." During the Eighty-first Congress Senate committees quarreled over jurisdiction over small-business problems, the reference of Reorganization Plan No. 8 relating to the Department of Defense, and the reference of the foreign military assistance bill. The reference of this bill was settled by the unique device of sending it for joint study and report to the combined Committees on Armed Services and Foreign Relations—an arrangement which worked quite well. Most of the bills implementing the recommendations of the Hoover Commission were referred in both Houses to the Committees on Expenditures in the Executive Department, despite the possibility of conflict implicit in the combination of provisions for both policy and structural changes in some of these measures.

Evidently the language of the act still leaves room for jurisdictional disputes as Senator Vandenberg pointed out in his ruling on the reference of the Armed Forces unification bill. The fact is that jurisdiction over the various aspects of several subject-matter fields is split among many standing committees in both Houses of Congress. The Committees on Foreign Affairs, Appropriations, Armed Forces, Expenditures, and Foreign Commerce are concerned with various phases of our foreign relations. National defense policies and expenditures are reviewed in piecemeal fashion by several committees in both Houses. At least two-thirds of the 15 standing committees of the Senate regularly touch upon some aspect of the security problem. Jurisdiction over our international economic relations is likewise widely scattered. The fiscal machinery of Congress is also splintered and fragmented. Control over major water resource programs is split in both Houses between the Public Lands and Public Works Committees. Several discrepancies in the jurisdiction of parallel committees remain to be rectified.

Several remedies for these jurisdictional problems have been proposed. This includes the reference of bills, in cases of conflict, to the claimant committees concurrently, consecutively, jointly, or to a joint subcommittee of the interested committees as was done in the case of the House Select Committee on Foreign Aid (the Herter committee) in the Eightieth Congress. Another suggestion calls for the creation of Senate and House leadership committees in fields like national defense and foreign relations composed of members drawn from all committees whose jurisdiction covers some fragment of the field. Cross-membership among committees in overlapping areas is another solution. More joint hearings and joint action by committees with common interests, following the example of the Armed Services and Foreign Relations Committees on the military defense assistance program, is also advocated. Some favor further use of joint standing committees. In any event, a thorough study of existing committee duties and a redistribution of jurisdictions along more rational lines seem to be clearly called for.

Under section 133 of the act, committee procedure has been regularized as regards periodic meeting days, the keeping of committee records, the reporting of approved measures, the presence of a majority of committeemen as a condition of committee action, and the conduct of hearings. In practice, 13 Senate committees and 9 House committees have fixed regular weekly or biweekly meeting days; the other 12 meet upon

the call of their chairmen. I assume that most committees keep fairly full minutes of their meetings. There may have been some infractions of the rule requiring the presence of a majority for committee reports, because many committees have experienced difficulty in securing the attendance of a majority or even a quorum of their members, both at executive sessions and at open hearings. Under this rule, proxy voting is permissible only after a majority are actually present. It is a common and discouraging experience on Capitol Hill for invited witnesses, who have worked hard and long on the preparation of their testimony, to appear before committees and find only one or a few members present. The requirement for the advance filing of written statements of their testimony is observed by some committees and ignored by others. Hearings are sometimes called on too short notice for witnesses to file advance copies of their statements. Most committees have held open hearings except the House Committee on Appropriations which has availed itself of the allowed option of holding its hearings in camera. Committee offices, staff personnel, and records are now kept separate and distinct from those of committee chairmen.

In accordance with section 134(b) of the act, semiannual reports of all standing and select committee staff personnel and payrolls are made and published in the Congressional Record in January and July. Useful information on the staffing of congressional committees is thus made public. This provision has been interpreted, however, as not applying to joint committees or party policy committees. In practice, the prohibition against standing committee meetings being held while the Senate or House is in session has been so frequently waived, by special leave, especially in the upper House, as to be ineffective in promoting that full attendance on the floor which was its primary purpose. On several occasions in recent years Senators have criticized granting leave to committees to sit while the Senate was in session, but have not been so discourteous as to refuse unanimous-consent requests to this end.

Regarding conference committees, the act restated the old rule that the authority of a conference committee is limited to matters which are in disagreement between the two houses, while recognizing their right to report a substitute on the same subject matter. No points of order against conference reports under this rule have been sustained in recent years. After an intensive study of 56 conference committees from the Seventieth to Eightieth Congresses, inclusive. Gilbert Steiner concludes that the influence of the House outweighed that of the Senate in 57 percent of the cases. A recent example of the triumph of Senate conferees, however, was seen in the conference report on the Executive Reorganization Act of 1949. Three matters were in dispute between the conferees on this bill: (1) the duration of the grant of reorganization power to the President; (2) the exemption of specified agencies from the scope of the act; and (3) the legislative veto procedure: one- or two-House veto of the reorganization plans. After this bill had been deadlocked in conference for 1 month, the House conferees finally yielded on each of these three issues. They limited the operation of the act to 4 years; they eliminated the agency exemptions sought by the House; and they accepted the one-House veto procedure favored by the Senate.

On September 15, 1950, the Senate agreed to a concurrent resolution (S. Con. Res. 79) providing that every conference report shall be accompanied by a statement explaining the effect of the action agreed on by the conference committee. The House of Representatives adopted a similar rule on February 27, 1880 (Rule XXVIII-1b). The Army civil functions appropriation bill for fiscal 1950 was in conference from June 1 to October 3, 1949—a period longer than any within the memory of living Members. According to Representative Cannon, "the delay was due to the unanimous objection of the managers on the part of the House to agreeing to exorbitant and unwarranted expenditure of public funds proposed by the other body." One man's opinion of the power of conferees was reflected in a satirical speech by Senator Fulbright who congratulated the conferees on the national defense appropriation bill "for so forthrightly disregarding the wishes of the common lay Members of the Senate and the House."

"I submit, Mr. President," he said, "in all sincerity that there is no need whatever for the ordinary, lay Member of Congress to come back to Washington for a special session. It is clearly evident, Mr. President, that to save the world and the people of this country from disaster, all that is needed is to reconvene, preferably in secret, only those incomparable sages, the conferees of the Appropriations Committee. From their deliberations the same results would be achieved and without the expense and trouble to everyone that is involved in going through the archaic ritual of pretended legislation. It is quite clear that regardless of what the common Members of this body may wish, the conferees make the decisions."

Party ratios on the standing Senate committees have traditionally corresponded with the party division in the Senate. In accordance with this principle, during the Eightieth Congress there were 11 committees with a 7–6 ratio and three committees with an 8–5 ratio. Appropriations, with 21 members, was divided 12–9. In the Eighty-first Congress there were 6 of the 7–6 committees and 8 of the 8–5 committees, reflecting the shift in the party ratio in the whole body from 51–45 in 1947–48 to 54–42 in 1949–50. Appropriations was divided 13 to 8. In the Eighty-second Congress the party ratio is 7–6 on 14 of the Senate standing committees and 11–10 on Appropriations. It is a matter of voluntary discretion with the majority leadership to decide which shall be the 7–6 committees and which shall be divided 8–5.

When the Democrats announced their decision on January 5, 1949, as to the party ratios which would obtain on the Senate standing committees during the Eighty-first Congress, Senator Vandenberg sharply protested the change in the ratio on Foreign Relations from 7–6 to 8–5. He regarded as a departure from the spirit of bipartisan cooperation in foreign affairs and as implying that Republican Senators are not quite trustworthy. Senator Barkley defended this change as justified by the shift in the political complexion of the Senate and as entirely free from partisan motivation. Four Democrats had lost seats on Foreign Relations in 1947 as a result of the Reorganization Act. But no Senator was being removed from the committee in 1949 because of the change in ratio. (Hatch and Barkley retired from the Senate; Wagner asked to be transferred to Judiciary.)

A majority of one on the 7–6 committees is a rather thin one on controversial issues. The question has been raised whether some change should be made to permit the majority party to exercise stronger committee control. It is argued that the ratio should be higher because a single defection can upset majority control.

Party ratios on the standing committees of the House of Representatives are determined by agreement between the majority and minority leaders. Ways and Means is presently fixed at 15–10; Rules at 8–4. On the other House committees the ratio corresponds roughly, but not with mathematical precision, to the party division in the Chamber.

PARTY POLICY COMMITTEES

Party policy committees were set up in the Senate in 1947 to plan the legislative program, coordinate and guide committee activity, focus party leadership and strengthen party responsibility and accountability. The creation of such policy committees in both Houses was originally recommended by the Joint Committee on the Organization of Congress, and in the Heller Report on Strengthening the Congress, and approved by the Senate in passing the legislative reorganization bill. This provision was lost in the House, but restored for the Senate in the form of an item in the Legislative Branch Appropriation Act. Additional funds are obtained from the appropriation for clerical assistance to the Majority and Minority Conferences.

Both Senate party policy committees have now been operating actively for 4 years. They meet regularly each week while Congress is in session. During the Eighty-first Congress the Democratic Policy Committee had six regular members: Lucas (chairman), Tydings, Russell, O'Mahoney, Green, and Hill; and two advisory members: McMahon (conference secretary) and Myers (party whip). It had a staff of two lawyers, one legislative analyst, and three clerks. Meanwhile, the Republican Policy Committee had 11 members: Taft (chairman), Millikin (conference chairman), Young (conference secretary), Wherry (floor leader), Saltonstall (party whip), Bridges, Cordon, Hickenlooper, Ives, Margaret Smith, and Vandenberg. It had a staff of 12 employees, including a staff director, seven researchers, three clerks, and one secretary.

Republican policy committeemen are elected by their party conference for 2-year terms and are limited to two consecutive terms. Democratic policy committeemen are appointed for an indefinite term by the party leader on authority of the party conference.

With the aid of their staffs, the Senate Policy Committees have performed a variety of useful functions. They have surveyed legislation pending before the standing committees and on the Senate calendar and, when in the majority, have scheduled business for floor consideration. They have met with the chairmen of standing committees to coordinate committee work. They have heard individual Senators present their views on matters of personal and party interest and have tried to reconcile divergent views within the party on legislative questions so as to achieve party unity. They have considered and recommended with regard to Presidential nominations of national and party importance, advised on the institution of certain committee investigations, considered questions of parliamentary procedure, recommended the calling of party conferences, and prepared broad statements of party policy. On occasion, the Senate Republican Policy Committee has met with its counterpart committee in the House. During the early months of the Eightieth Congress it employed a personnel adviser to assist the committees and members of the Senate with their staffing problems.

As devices for coordinating legislative policy making and strengthening party leadership, the Senate policy committees have thus far failed to achieve their full potential. As instruments for promoting more effective liaison and cooperation with the President, they have also been a disappointment, due in part to the lack of similar party policy committees in the House of Representatives. Their limited achievements to date can be attributed, I suggest, to their composition, to the fragmentation of power in Congress, and to the deep internal divisions within both of our major political parties. They are not composed of the chairmen of the standing committees, as was originally contemplated.

The parties in the House have continued their informal steering committees which are

roughly comparable to the Senate policy committees, but have no staffs. The Republican steering committee, now called the House Republican policy committee, is presently composed of 21 members elected biennially: The floor leader (chairman), chairman of the party conference, secretary of the conference, party whip, chairman of the congressional committee, three chosen by the committee on committees, and 13 others selected on a geographical basis. This is an advisory committee to the Republican leadership and membership, and meets prior to any important action on the floor, discusses these issues with committee members handling the bills, and reports its suggestions for action and policy to a party conference or through the whip organization. No major issue affecting national party policy shall be brought to the floor of the House with the consent of the Republican leadership until after a party conference has been held and the subject fully discussed. No Republican Member of Congress is bound by the decisions of the policy committee, but its suggestions are designed to guide the Members to a firmer national policy.

The Democratic steering committee in the House is composed at present of the Speaker, the majority floor leader, chairman of the party caucus, party whip, the chairmen of Ways and Means, Appropriations, and Rules, and 1 Representative from each of the 15 zones into which the country is divided for party purposes, each such Representative being elected by the Democratic delegation in the House from the zone. The steering committee is, in effect, the executive committee of the caucus. It has the continuing responsibility of watching legislative developments and making decisions from day to day with respect to party action. In performing this function, it exercises wide discretionary powers.

STAFFING OF CONGRESS

More and better staff aids for Members and committees of Congress was a major objective of the act. And much progress in the staffing of Congress has been achieved. Most Senators have appointed administrative assistants at $10,000 a year who are helping them in many ways. Four of them are Senators' sons and many were formerly senatorial secretaries. A similar provision for Congressmen was lost in the House, but meanwhile the clerk-hire allowance of each Representative has been raised to $12,500 a year. Established in 1919 to draft bills for Members and committees of Congress, the staff of the Office of Legislative Counsel has increased under the act from 11 to 28 persons. The Senate office now has a staff of 14 persons: 7 counsel, 3 law assistants, and 4 clerks; and the House office likewise has 14 persons, 7 counsels, 3 law assistants and 4 clerks. The chief counsels are appointed by the President pro tempore and Speaker, respectively; and the staff members are appointed by the chief counsel on each side. It is a permanent career staff independent of politics. The budget for the combined office is $199,500 for fiscal 1951. The services rendered by these offices are of the highest quality.

Now in its thirty-fifth year, the Legislative Reference Service was greatly strengthened by the act (sec. 203) as the research and reference arm of Congress. The duties of the Service were defined for the first time in statutory form and the appointment of all necessary personnel was authorized "without regard to the civil-service laws and without reference to political affiliation solely on the ground of fitness to perform the duties of their office." Senior specialists were authorized to be appointed in some 19 subject fields "for special work with the appropriate committees of Congress." Under the act, appropriations to the Service have increased from $178,000 in 1945 to $790,000 for fiscal 1951 and its staff has grown from 66 persons in 1945 to 156 in 1950, of whom 14 are political scientists. Fifteen senior specialists have been appointed in a dozen different subject fields. Several of them have been detailed to the professional staffs of congressional committees for varying periods and five of them (Elliott, Galloway, Graves, Kreps, Wilcox) have served as staff directors of such committees. Several new types of service have been inaugurated in recent years, including the public affairs abstracts and bulletins, digests of committee hearings, and special studies for committees of Congress. Under the able guidance of Dr. Ernest S. Griffith, its director, there has been a steady upward trend in the congressional use of the Service over the past decade.

In the professional staffing of the standing committees the act marked a real innovation. Section 202 authorized each standing committee (other than the Appropriations Committees on which no staff ceiling was placed) to appoint "not more than four professional staff members * * * on a permanent basis without regard to political affiliations and solely on the basis of fitness to perform the duties of the office." In 1946, before this section became effective, Senate and House committees employed 356 clerks at a total annual payroll of $978,760. Few of them were professionals, with the exception of the staffs of the Appropriations Committees and the Joint Committee on Internal Revenue Taxation and a few others. During 1950, after the act had been in effect 4 years the committees of Congress, standing, special, and joint, had a combined staff of 673 persons and a total payroll of more than $3,000,000. Two hundred and eighty-six of them were classified as professionals. Ninety-eight were employed by House committees, 135 by Senate committees, and 53 by joint committees. Ten House and all 15 Senate standing committees had their full quota of 4 or more professional staff members. Five House committees and 11 Senate committees had received authority to expand their professional staffs beyond the figure (4) fixed in the act. Thus, the House Expenditures Committee with its subcommittees had a combined professional staff of 20 persons in 1950, while the Senate Judiciary Committee had 19 experts. Meanwhile, the House Appropriations Committee had 14 professionals, 18 clerks, and 42 special investigators on its payrolls; and the Senate Appropriations Committee had 12 professionals and 6 clerks. Joint committee professional staffs ranged from 1 on the Byrd committee to 17 on Internal Revenue Taxation.

A survey of the professional staffs of congressional committees, made in 1949 showed that 43 percent of them were lawyers, 43 percent had formerly been employed in the executive branch of the National Government, 68 percent had previous congressional experience, and 81 percent were college graduates. Lawyers constituted the largest single occupational group, with a scattering of economists, political scientists, and engineers. Their basic annual compensation ranges from $5,000 to $8,000 which grosses $7,775 to $10,846. About half of them receive the maximum salary.

The authors of the Legislative Reorganization Act recommended creation of an Office of Personnel Director for the Congress who would develop a modern personnel system for all its employees and abolish the patronage system, but this provision was lost in the Senate debate. In its place, Mr. George Smith, secretary of the Senate Republican Policy Committee, developed a plan for the efficient professional and clerical staffing of the committees of the Senate and circulated it among their chairmen on the eve of the Eightieth Congress. Mr. Smith was also instrumental in the appointment of a personnel adviser early in 1947 who was of material assistance in the staffing of the Senate during the first session of the Eightieth Congress. Meanwhile, the writer developed a set of job specifications for the new professional and clerical positions on all the reorganized standing committees of both Houses, of which some use was made.

After 4 years' experience, the quality of the professional staffs appears mixed. About half of the standing committees are staffed with well-trained and competent experts in their subject fields. Their handiwork is reflected in the improved performance of their committees, in more adequate records, better hearings and reports, more effective liaison between their committees and the corresponding administrative agencies, and general improvement in efficiency. Many committees have carried out the intent of the act in the appointment and retention of qualified people. At the opening of the Eighty-first Congress, with the change in party control of both Houses, there was a turnover of one-third among the professional staffs of the standing committees, but two-thirds of them were retained from the Eightieth Congress, despite Senator McGrath's remark that it might be necessary to find some Democratic experts. After an intensive study of committee staffing, Professor Gladys Kammerer concluded in 1949: That not all Members of Congress know how to use staff; that some Members use staff data to support preconceived ideas or party dictates; that some professional staff people feel frustrated by the subordination of facts to political exigencies and sectional prejudices, and by the occasional inactivity of their committees; that political considerations are often paramount in staffing; that systematic personnel arrangments are still lacking in committee staffing; and that there is room for improvement both in the quality of professional staff and in the processes of recruitment and selection.

According to Ernest Griffith's evaluation of committee staffing, "some committees have survived changes in party control without impairment, largely in instances in which party considerations did not influence the original appointments. In other instances a reasonable stability has been secured by the division of appointments between the parties. Other have been partisan. Lawyers and journalists have been employed in considerable numbers, economists and subject specialists perhaps somewhat less so than would have been anticipated, a few have been obtained on loan from the Legislative Reference Service, and this has resulted in almost perfect integration of the two agencies in those cases in which this took place."

In the absence of a personnel director, no one is centrally situated where he can evaluate all the professional committee staffs. But committee staffing appears to be still in transition from the old patronage system to a modern merit system. Congress is handicapped by the lack of a modern system of personnel administration. If it needed a Congressional Personnel Office in 1945, as the La Follette-Monroney committee said, it needs it more than ever today to help Members and committees with their staffing problems, to secure the selection of qualified personnel, and to develop safeguards of tenure. Experience has also shown that the limit on the number of professionals imposed by the act is too low and should be lifted, that there has been little coordination of staff work between the twin committees of the two Houses, that larger staffs are needed to assist the more active committees with their onerous legislative and supervisory duties, and that Representatives from the more populous districts should be given administrative assistants such as Senators now have.

Seen in historical perspective, "this act marked the birth of a full-fledged congressional staff," as Ernest Griffith has recently observed. Although the results of its operation on the staff side have been uneven as between committees, Members, and subject-matter fields, striking gains have been achieved. Total appropriations for committee staffs, the Legislative Reference Service, and

the office of the Legislative Counsel have mulitiplied fivefold since 1944. They amount to more than $5 million for fiscal 1951. The staffing of Congress effected by the act has introduced a "third force of experts, usually designed as a corrective to the bias of the special interests and to the substantive recommendations of the executive * * * the enlargement and strengthening of the staffs of Congress have in fact been the major factor in arresting and probably reversing a trend * * * in the direction of the ascendancy or even the virtually complete dominance of the bureaucracy over the legislative branch through the former's near-monopoly * * * of technical competence * * * Congress has mastered—or has provided itself with the tools to master—the problem of assuring itself of an unbiased, competent source of expert information and analysis which is its very own."

CHANGES IN WORKLOAD

Another major objective of the La Follette-Monroney committee was to reduce the workload on Congress caused by nonlegislative duties and by the consideration of private and local legislation. To this end it recommended more staff aids for Members and committees, expansion of the bill drafting and Legislative Reference Services, creation of a stenographic pool, reduction in committee assignments to one or two per Member, delegation of private claims, and home rule for the District of Columbia. Most of these recommendations were embodied in the act.

In practice, the workload of committees has more than doubled since 1946 in terms of the number of measures referred to and reported by them. The ban upon the introduction of four categories of private bills, imposed by section 131 of the act, effected some reduction in the private-bill workload in the Eightieth Congress, but this gain was lost in the Eighty-first Congress when 1,052 private laws were enacted, which was 55 percent of all laws passed prior to the "lame duck" session. The continuing flood of private bills consists largely of claims bills, whose introduction is still permitted under the exceptions allowed by the Federal Tort Claims Act (Title IV of the Legislative Reorganization Act), and private immigration bills whose introduction is unrestricted. In 1949 Congress received a record total of 1,351 private bills designed to permit aliens to enter or to remain within the United States, reflecting the efforts of displaced persons to find permanent refuge within our borders. In addition, the Eightieth Congress widened the power of the Attorney General to stay the deportation of aliens here illegally. Such suspensions must be confirmed in each individual case by concurrent resolution of Congress; 5,000 cases were handled in 1949–50 by the Judiciary Committees whose calendars are engulfed by the rising flood of private bills.

Despite the effort of the act to distribute the legislative workload more evenly among the standing committees of Congress, in practice the burden varies within wide limits from time to time and from session to session, depending upon the nature of the national and international problems that are paramount at the time. The Appropriations and Foreign Relations Committees have been among the hardest working since the war because of the importance of their measures and mounting international problems. The authors of the act never claimed that structural reforms in legislative machinery would reduce the volume of congressional business. The burden of this business has inevitably become increasingly onerous with the steady expansion of governmental activities at home and abroad in recent decades. The purpose of the changes in committee structure was not so much to reduce the workload as it was to effect a more systematic and rational division of labor among the reorganized committee. The reorganization of committee work is an improvement over the previous situation as a result of the elimination of duplicating and overlapping jurisdictions and the consolidation of related functions effected by the act.

The workload of individual Members of Congress has not been lightened by the act, but more and better staff aids have enabled them to do a better job. Administrative assistants to Senators have helped them immeasurably with their departmental business, constituent inquiries, and speech writing. And enlargement of the Legislative Reference Service has been followed by a great increase in its use by individual members for legislative research, speech writing, fact finding, and answering constituent inquiries. The Service is currently handling congressional inquiries at the rate of more than 38,000 a year. One measure of the effect of the act on the individual workload is seen in the limitation of standing committees assignments to one per Member in the House and two per Member in the Senate, with minor exceptions. But this reduction has been offset in part by service on subcommittees and on special and joint committees. Yet there was a decline of 50 percent from 1946 to 1949 in the average number of committee assignments of all kinds for each Senator.

Despite these gains, the burden of work imposed upon the Members and committees of Congress by their legislative and investigative duties and the importunities of constituents is truly enormous. According to George Smith, close observer of the congressional scene, the work load is more than they can handle. "There are now signs that the limits of capacity have been reached * * * This enormous extension of activities of the Federal Government generates a volume of detailed and complex business which I believe has gone beyond the capacity of Congress to handle. * * * A law of diminishing returns is actively at work in the field of Federal Government. * * * The workload is beyond effective legislative control."

If Congress desires to lighten the mounting burden of its business several step are available. It could complete the evolution begun in 1946 by (a) repealing section 421 of the Federal Tort Claims Act which excepts 12 classes of claims from its provisions; (b) delegating the adjustment of immigration and deportation cases to the Immigration and Naturalization Service; and (c) delegating the issuance of land patents to the Bureau of Land Management or to the Bureau of Indian Affairs in the Department of the Interior. Senator Wiley, who was chairman of Judiciary in the Eightieth Congress, has suggested that the introduction of private bills could be banned in both Houses merely by amending their standing rules. Congress could grant home rule to the District of Columbia and thus get rid of its duties as a city council for the city of Washington. It could prohibit its Members from appearing before administrative agencies on the claims and complaints of their constituents, as Prof. Lawrence Chamberlain has suggested. It could try to reduce the magnitude of Federal operations via the devolution of appropriate functions to State and regional authorities, as George Smith has urged. It could authorize Members of the House of Representatives to employ administrative assistants such as Senators now have. It could save much of its time every session by voting by electricity and by the central scheduling of committee meetings to avoid conflicts. And it could expedite its business by staggering committee meetings and chamber sessions on alternate days. Taken together, these steps would go far to bring the work load of our national legislature within its capacity to carry.

OVERSIGHT OF ADMINISTRATION

Another main objective of the act was to promote closer cooperation and better relationships between the executive and legislative branches. To this end the standing committees were directed (section 136) to exercise "continuous watchfulness" of the execution of the laws by the administrative agencies under their jurisdiction. In recommending "legislative oversight by standing committees," the La Follette-Monroney Committee observed that "without effective legislative oversight of the activities of the vast executive branch, the line of democracy wears thin. * * * We feel that this oversight problem can be handled best by directing the regular standing committees of the Senate and House, which have such matters in their jurisdiction, to conduct a continuous review of the agencies administering laws originally reported by the committees. * * * Such review might well include a question period by the committee. * * * We recommend that the practice of creating special committees of investigation be abandoned. * * * By directing its standing committees to perform this oversight function, Congress can help to overcome the unfortunate cleavage between the personnel of the legislative and executive branches."

Some critics of the act have alleged that this section provided, in effect, for duplicating and overlapping investigations of the executive branch of the Government by many committees. But it was the intention of the authors of the act to bring about a three-way division of labor in the performance of the oversight function. Their thought was that the Appropriations Committees, on the one hand, would exercise financial control before expenditure through scrutiny of the departmental estimates; that the Expenditure Committees would undertake to review administrative structure and procedures, on the other hand; while the legislative committees would review the operation of substantive legislation and consider the need of statutory amendments.

This feature of the act has met with only partial success to date. Many standing committees have been too heavily burdened with their legislative duties and limited staffs to keep very close watch upon the executive agencies within their jurisdiction. A survey of committee activity during the second session of the Eighty-first Congress shows that 10 standing and 5 special committees of Congress were carrying on special investigations of matters which involved some oversight of executive activities. The most active committees in this field have been the Appropriations, Expenditures, Armed Services, and Commerce Committees. Perhaps the most publicized inquiry last year was that by a subcommittee of Foreign Relations into charges of disloyalty among Department of State personnel. A new watchdog subcommittee of the Senate Armed Services Committee, set up last July under the chairmanship of Senator Lyndon B. Johnson, is probing deeply into the administration of the national defense program. The detailed results achieved by these supervisory committees are set forth in their reports. The work of certain Government corporations such as the Maritime Commission, subversive activities in Government, national defense preparations, and the manipulations of the 5 percenters have been among the chief fields of legislative oversight in recent years.

Parliamentary government has virtually disappeared in Europe. Its survival in the United States largely depends upon congressional oversight of administration. Administrative agencies are responsible for making decisions within the policy standards and procedural machinery fixed by statute, subject to judicial review to assure compliance with the statutory requirements. Congress is responsible for amending the law if a change in standards or methods of procedure proves necessary. Legislative oversight of agency operations is the means by which Congress discharges its responsibility. Creation in re-

cent years of several so-called watchdog committees in such fields as atomic-energy control, foreign aid, Federal expenditures, and defense production has focused attention on this oversight function. The joint committee is a useful device for performing this function because its duties are explicitly assigned by statute, seniority does not apply in its selection, and it provides an outlet for the zest and zeal of younger Members. It is also a valuable instrument of legislative surveillance and statutory amendment in experimental and controversial fields where economic stability and national security are at stake. In times of crisis, with growing concentration of power in the executive, more energetic performance of the oversight function would appear to be in the public interest, provided that both Congress and the agencies keep within their respective spheres of responsibility.

In exercising its oversight function several tools are available to the Congress. It can study the periodic and special reports which the agencies submit to the legislature. These reports contain valuable information on agency operations and expenditures, their administration of the statutes, and particular problem areas. Investigations of particular agencies may be conducted by the appropriations or expenditure committees, or by the standing committees charged with jurisdiction over their activities, or by the joint watchdog committees like the Atomic Energy Committee, or by special committees like the Kefauver committee on interstate crime. An appropriations committee may look into an agency's budget requests to see if they are excessive or inadequate, comparing notes meanwhile with the appropriate standing or watchdog committee concerned. An expenditure committee may make a postaudit of an agency's administration of its affairs to see if it has been economical or wasteful. A legislative committee may hold hearings or an informal question period with agency officials to determine whether or not they are enforcing a statute in accordance with the legislative intent, or to discuss constituent complaints concerning alleged agency abuses of authority, or to consider proposed legislation in the light of past decisions and regulations. A joint watchdog committee may be used to investigate novel or emergent problems of mutual interest to both Houses such as the international control of the hydrogen bomb or raw material shortages. Or a special committee may be set up to investigate a particular problem or agency such as speculative transactions on the commodity markets by Government employees or the Federal Communications Commission. In general, I believe that the oversight function should be exercised by standing rather than special investigating committees. The latter trespass upon the assigned jurisdiction of the standing committees, they lack continuity and legislative authority, and they impair the efficiency of the administrative agencies of the Government by requiring their officials to repeat their testimony on the same subjects before several committees of Congress in cases where legislative action is indicated.

Another tool in the oversight kit is the committee report evaluating agency operation and suggesting changes in current administration of existing law. Good examples of such reports were the activities reports of the Senate Expenditures Committee and its Investigations Subcommittee at the end of the Eightieth Congress, and the series of intermediate reports on various agencies and commissions issued by the House Expenditures Committee during the Eighty-first Congress. The Legislative Reorganization Act does not require such committee reports, but they are required of the "watchdog committees" created by the Taft-Hartley Act and the Atomic Energy Act.

Informal conferences at the committee and/or staff level with agency officials is another method which has proved helpful in performing the oversight function. First used by Chairman Lanham and Administrator Blandford on national housing matters, it has helped resolve complaints and misunderstandings, made for closer cooperation, and laid a foundation of mutual respect and confidence. During the second session of the Eightieth Congress, the House Committee on Interstate and Foreign Commerce held a series of such meetings with representatives of 14 regulatory agencies in its field. The committee stated that these meetings enabled it to exercise closer supervision over these agencies; it was a means of acquainting the new members of the committee with the activities with which they would become concerned; and it provided a means for the various agencies to present their ideas to the committee concerning possible measures for improving their work or making it more effective. Only a few committees have made sporadic use of this conference technique for oversight purposes. The practice might well be generalized of holding periodic meetings at the subcommittee-commission level or through the increased use of qualified staff personnel to study the problems of particular agencies. To this end some expansion of the professional staffs of the supervisory committees appears necessary.

Intervention of individual Members of Congress in the affairs of administrative agencies with a view to expediting or influencing agency decisions on behalf of constituents is considered improper, where the Congressman is not a member of the corresponding supervisory committee and is not merely seeking information or making a routine inquiry. It was the intention of the authors of the Legislative Reorganization Act that the oversight committees would serve as a clearing house to which Members would refer all such constituent complaints and inquiries and which would then bring them to the attention of the agencies concerned. The volume and character of such complaints would be a rough index of the performance and weakness of the agency. At the same time, as the Hoover Commission task force report on regulatory commissions remarked, "this method would shield both the Congressman and the Commission from the suspicion of influence inherent in direct approaches for constitutents."

In a lucid analysis of the oversight problem, the Committee on Administrative Law of the Bar Association of New York City believes that "vigilant and conscientious exercise of proper oversight and consultation are much to be desired and encouraged." The problem is one of achieving a "suitable accommodation of popular control and flexible administrative expertness." They also suggest the advisability of erecting certain self-imposed boundaries. Legislative committees ought not to try to influence the decision of pending cases or issues before an agency or the manner in which a particular case is being handled—"a precept not universally respected in practice." Nor should decided cases be criticized with a view to influencing an agency to reverse a previous ruling or limit a trend in agency decisions except where a committee is genuinely considering amending the statute. However, it is considered proper for a committee to make suggestions to an agency with respect to its procedures or internal organization and to comment upon proposed substantive rules.

STRENGTHENING FISCAL CONTROLS

One of the major aims of the act was to strengthen the congressional power of the purse. To this end the act provided for a legislative budget (sec. 138), development of a standard appropriation classification schedule (sec. 139b), studies by the Comptroller General of restrictions in the appropriation acts (sec. 205), expenditure analyses by the Comptroller General (sec. 206), studies by both Appropriations Committees of Permanent appropriations and of the disposition of funds resulting from the sale of Government property or services (sec. 139b), and expansion of the staffs of the Committees on Appropriations (sec. 202b).

In practice, many of the fiscal reforms embodied in the act have been virtually ignored or have failed to work. Attempts to carry out the legislative budget provision during 1947–49 proved abortive; in 1950 this section was ignored and appears to be a dead letter. In congressional circles the aim of the legislative budget is generally regarded as laudable, but experience with it seems to have shown that the instrument is not properly suited to its task. Its failure to date is attributed to the shortness of time allowed for the job, the unwieldy size of the Joint Budget Committee, inadequate staffing, improper adjustment to the appropriation process, resistance within Congress to ceilings on appropriations for favorite agencies, current Federal accounting practices, and external spending pressures on the legislature. There is strong sentiment in Congress for further trial of the legislative budget idea and measures have been introduced to amend section 138 of the act with a view to overcoming the difficulties mentioned above.

The Wherry resolution (S. Con. Res. 38, 81st Cong., 1st sess.), presented on May 11, 1949, by a bipartisan group of eight Senators, would reduce the Joint Budget Committee to 20 members, authorize it to employ an expert staff, and to report a legislative budget with a recommended ceiling on expenditures by February 15. There would be no formal adoption of the budget by concurrent resolution under the Wherry plan. Senate Concurrent Resolution 38 was reported favorably by the Senate Rules Committee on April 14, 1950, and has been on the Senate Calendar ever since.

The McClellan bill (S. 2898, 81st Cong., 2d sess.), introduced on January 19, 1950, would repeal section 138 of the act and create in its place a Joint Congressional Committee on the Budget to carry on a continuing year-round study of budget requests and requirements. It would be a 10-member group, with 5 members selected from the Appropriations Committee of each House. It would make its reports to these committees and to other standing committees. Every Federal agency would be required to submit to the joint committee a duplicate of any money request made to the Budget Bureau. This would apply to both regular and supplemental appropriations. This would permit a long-term study of each agency's needs, its own requests for funds, as well as the amount which the Budget Bureau finally asks Congress to authorize. Aside from this detailed study of each agency's budget request and requirements; the joint committee would make periodic reports on any improper uses of funds or deviations from congressional authorizations, on methods of achieving greater economy and efficiency, and on estimated revenues and general economic conditions.

The need of simplifying and standardizing the pattern of the appropriation bills, which the act called for and which the Hoover Commission recommended has been carried out in part in the 1951 performance budget and in the Budgeting and Accounting Procedures Act of 1950.

The studies by the Comptroller General on useless restrictions in appropriation bills were completed in January 1949 and will probably result in the elimination of many of these obsolete provisions which have been carried on from year to year in the supply bills. But the expenditure analyses of Government departments which he was directed to make, so as "to enable Congress to determine whether public funds have been economically and efficiently administered and

expended," have not yet been made because funds for the purpose have been denied by the Appropriations Committee.

No systematic study of permanent appropriations appears to have been made although the House subcommittees reviewed these items during their 1948 hearings and the Senate committee gave them considerable attention during 1947–49.

On the staffing of the Appropriations Committee, the La Follette-Monroney committee recommended that four qualified staff assistants be assigned to each of the subcommittees on a year-round basis. But at the insistence of the leaders of the House Appropriations Committee, a change was made and they were authorized by the act to employ whatever staff they considered necessary. "This was done," according to Senator Monroney, "in the belief that they would add sufficient professional personnel to gain a complete understanding of every item in every appropriation request." In practice, the staff of the House Appropriations Committee has been increased above the stenographic grade from 11 clerks in 1946 to 17 clerks during the 6-month period from January 1, 1950, to June 30, 1950. During the same period the committee also employed an investigative staff consisting of 2 full-time investigators, 23 part-time investigators borrowed from 12 administrative agencies, and 11 temporary clerical and editorial assistants borrowed from 10 agencies on a reimbursable basis and 4 clerk-stenographers. Total expenditures for the combined clerical and investigative staff for the fiscal year 1950 amounted to $290,-628.98. No administrative analysts or professional staff have been employed by the House committee "because of a conviction that professional and clerical staff impede each other." Thus, considering both the clerical and investigative staff, the combined 42-man staff handled a workload of appropriations during 1950 of more than $1,000,-000,000 per staff member. "No one can question the ability of those employed," observes Senator Monroney, "but I feel that a greatly enlarged staff would enable the committee to ferret out of the money bills much more information and facts regarding the agencies than is now done with the small staffs used."

During the Eightieth Congress, on the other hand, the Senate Appropriation Committee took advantage of the act's authority to recruit a professional staff of eight experienced persons in addition to the regular clerical and investigative force. And during the first 6 months of 1950 this committee had a staff of six clerks, six professionals, and six clerical assistants at a gross annual salary for the fiscal year of $132,927. The Senate committee needs a smaller staff than the House committee, because the former sits and holds hearings only on specific appeals from House decisions.

Thus, the greatest failure of reorganization has been in the field of more effective fiscal control. This failure was offset in part in 1950 by the consolidation of 11 separate supply bills into 1 omnibus appropriation bill for the first time in more than a century and a half. Hitherto, the supply bills have gone through the legislative process in piecemeal fashion. Last year they were merged into one measure which was ready for the President's signature two full months ahead of the budget completion date in 1949. The big money bill represents a forward step in appropriation procedure in that, by bringing all the general supply bills together into a single measure, it gives Congress and the country a picture of the total outlay contemplated for the coming fiscal year. The new procedure also permits a comparison of total proposed appropriations with the latest available estimates of total Treasury receipts. This comparison enables Congress to decide in its wisdom whether to balance the budget or to create a surplus for debt retirement or to incur an increase in the public debt. The new procedure also allows Congress to see the claims of spending pressure groups in relation to the total national fiscal picture and thus to appraise their relative worth. The consolidated supply bill procedure falls short, however, of the objectives of the legislative budget in that it does not fix a ceiling on expenditures or give a coordinated view of prospective income and outgo. But no ceiling on expenditures could long contain the huge current outlays for national defense.

LIGHT ON LOBBYING

Title III of the act requires persons whose principal paid activity is seeking to influence Federal legislation to register and file quarterly financial statements of receipts and expenditures with the Secretary of the Senate or the Clerk of the House. The La Follette-Monroney committee had recommended that all lobbyists should register and file statements; it did not intend that registration and reporting should be limited to persons principally engaged in lobbying. The joint committee was led by testimony it heard, as well as by its own independent studies, to believe that the registration of the representatives of organized groups would enable Congress better to evaluate and determine evidence, data, or communications from organized groups seeking to influence legislative action and thus avoid the distortion of public opinion. It was also influenced by the recommendation of the Committee on Congress of the American Political Science Association in 1945 that "all groups, representatives of which appear before congressional committees, should register and make full disclosure of their membership, finances, and so forth." The joint committee believed that inclusion of a lobby title in the act would strengthen the Congress by "enabling it better to meet its responsibilities under the Constitution." To turn the spotlight of publiciy on lobbying activities and expenditures would be a big step forward, they felt. After the lobby law had been in operation for a few years, experience would reveal any defects in it which could be corrected by amending and strengthening the act.

In practice, the administration of the lobby law has furnished Congress and the country with more useful and important information about lobbyists; their identity, sponsorships, sources of support, and legislative interests than has ever been known before. The compilation of filings and financial data which are published quarterly in the Congressional Record provide a wealth of informative data on the activities of these gentry. The facts on lobbying, for example, for the first quarter of 1950, consumed 177 pages of the Record of July 14, 1950, and reflected the work of the House Select Committee on Lobbying Activities which secured adoption of a new standard of reporting form and a record of outstanding compliance with the law. Under the chairmanship of Representative Frank Buchanan, this committee made an objective and intensive study during 1949–50 of lobbying by private groups and individuals and Government agencies: its extent, fundraising and lobbying techniques, grass-roots pressure, causes and costs of lobbying, etc. It shed much fresh light on modern methods of lobbying and recommended several improvements in the law.

Administration of the lobby law has been handicapped by its vagueness and ambiguities. Many organizations and individuals who are engaged in influencing legislation have not complied with the act, on advice of counsel, because they claim that their "principal purpose" is not to influence legislation. They claim principal means "primary" or "major." Many persons have registered who disclaim that they are engaged in lobbying, or who assert that lobbying is only incidental to their other activities. An analysis of experience under the lobby law during the Eightieth Congress, made by W. Brooke Graves, showed that, out of 1,807 organizations maintaining offices in Washington, 667 registered during 1947 and 725 during 1948. Eight hundred and thirty-five organizations failed to register either year, although representatives of 198 of them appeared before the Judiciary Committees during 1948–49. By the end of 1949 a total of 2,878 persons and groups had filed under the lobby law, of which 495 were original filings; their reports showed that they had collected more than $55,000,000 since the act went into effect and had spent more than $27,000,000. Dr. Graves concludes that it is almost impossible to estimate the extent of compliance with the lobby law. "While the existing law marks a significant advance, its provisions are in urgent need of strengthening and revision, if the objectives of the framers are to be fully realized."

Impartial students of the subject are agreed that there is urgent need for some kind of supervision and control over lobbying in Washington; that the lobby law of 1946 suffers from a defective draftsmanship; and that it should be revised and clarified after a thorough investigation of the whole problem such as the Buchanan committee has now made. Specific suggestions for revision include clarification of the law's terminology, coverage, and filing requirements; centralization of responsibility for its administration in a specific agency equipped with an adequate full-time staff to file, tabulate, and analyze registrations and financial reports and investigate compliance with the act; provision for termination of inactive registrations; exact specification of financial data required; submission of full information regarding an organization's membership, internal structure, and methods of policy determination; and extension of the act's application to lobbying before administrative agencies as well as Congress.

COMPENSATION AND RETIREMENT

The final aim of the act was the provision raising congressional salaries 25 percent to $12,500 a year, granting each Member a tax-exempt expense allowance of $2,500 a year, and extending to Members of Congress optional retirement coverage under the Civil Service Retirement Act. The salary boost was designed to help meet the rising cost of living and campaigning. The allowance was to assist in defraying expenses incurred in the discharge of official duties. The eligibility to participate in the Federal retirement system on a contributory basis might encourage superannuated Members to retire and conduce to a greater sense of security and independence of thought and action on the part of younger members.

The salary increase and expense allowance became effective on the day in which the Eightieth Congress convened. To be entitled to a retirement annuity a Member of Congress must have served at least 6 years, have attained the age of 62, and have contributed a percentage of his base pay to the retirement fund at the rate provided by the Retirement Act. The annuity of Members of Congress consists of 2½ percent of their average salary received as a member, multiplied by their respective years of service. As of June 30, 1950, 52 former Congressmen were drawing annuity benefits. As of August 3, 1950, 476 Congressmen and Senators were contributing to the civil service annuity fund.

Some who have analyzed the responsibilities, duties, and importance of the congressional job believe that it is worth a salary of $25,000 and that the expenses of the job call for such a salary. They assert that congressional salaries should be such that Members would have no excuse for augmenting their income by means which might be prejudicial to the effectiveness of their work; and that the salary should be such that it would widen the field that could be drawn upon for congressional talent and thus in the long run raise the level of the legislative ability. It is also urged that the salary should be such as to lead toward the desirable objective of up-

grading the salaries of all public service positions.

CONCLUSION

In summary, we can report that the basic reforms in committee structure have survived four years' trial and worked well on the whole. Committee procedure has been improved and regularized in several respects, although some jurisdictional disputes still occur. Party policy committees have functioned actively in the Senate, but have failed to achieve their full potential. Striking gains have been achieved in the staffing of Congress, but there is room for improvement in the quality of professional committee staffs and in the methods of their selection. Congress is handicapped by the lack of a modern personnel system, but its new staff aides have apparently arrested its decline in relation to the executive branch. The workload on Congress has not been reduced by the act, but more and better staff aides have enabled it to do a better job. The Judiciary Committees are overburdened with thousands of private bills about matters which should be handled elsewhere. Operation of the oversight function has been partially successful and various devices are available for its fuller performance. The fiscal control provisions of the act have either been ignored or have proved unworkable in practice. The greatest failure of congressional reorganization has been in the fiscal control field. Administration of the lobby law has disclosed a wealth of new information concerning the identity and finances of lobbyists, but has been handicapped by defects in the statute which needs revision and clarification. Congressional salaries have been raised and 476 out of 531 Members of Congress are presently participating in the Federal retirement plan.

Representative government has broken down or disappeared in other countries. Here in the United States it remains on trial. Its survival may well depend upon its ability to cope quickly and adequately with the difficult problems of a dangerous world. Congress is the central citadel of American democracy and our chief defense against dictatorship. Hence the importance of congressional reorganization and of further steps toward strengthening our national legislature.

ADMINISTRATION EFFORTS TO CONTROL INFLATION

HON. RALPH T. SMITH

OF ILLINOIS

IN THE SENATE OF THE UNITED STATES

Wednesday, November 26, 1969

Mr. SMITH of Illinois. Mr. President, I ask unanimous consent to have printed in the RECORD what I consider an excellent statement made by the Secretary of the Treasury, giving the administration's view of the budget outlook and their assessment of their efforts to control inflation.

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

STATEMENT BY HON. DAVID M. KENNEDY, SECRETARY OF THE TREASURY

It is a pleasure to have this opportunity to appear before you for an examination of the budget outlook and an assessment of our efforts to control inflation. This subcommittee has made an important contribution in serving both the Congress and the executive branch as a respected forum for discussion and review of economic policy. In the tradition of reasoned analysis which has characterized the deliberations of the subcommittee, it is appropriate to review the conduct of fiscal policy by the Nixon Administration during its first eight and one-half months in office.

Director Mayo will give you the budget outlook for the current fiscal year. The projected surplus of nearly $6 billion is essential in the present economic environment. In its report on the January 1969 Economic Report of the President, the Joint Economic Committee argued persuasively for a significant surplus, and we are in complete agreement with that position. Our determination to restrain Federal spending and to maintain sufficient revenues to adequately cover expenditures supports the objective which we all share—to preserve a positive role for fiscal policy in the maintenance of economic stability. The failure in recent years to make prompt and timely use of fiscal policy to counteract impending inflationary tendencies has been a source of considerable disruption and inequity in the economy.

The American people understand the falseness of an inflated prosperity, and I know many of them have communicated this understanding to their elected representatives in Washington; many have also expressed their concern to me personally. The real wages of the average manufacturing worker are only $1.45 a week higher today than they were in 1966—despite higher and higher wage settlements. Inflationary excesses create hardships for all segments of our society. Monetary values are eroded, purchasing power is diminished, decision-making is distorted, and interest rates are disproportionately inflated.

The control of inflation is more than a matter of domestic concern. Last week I met with the financial representatives of over 100 countries. They impressed upon me their own deep concern over inflation in the United States. The American economy is so large and its influence so widespread, especially because the dollar is a key currency, that the excesses of either inflation or recession affect the entire world economy. It is important that we improve our competitive position in foreign markets and maintain international confidence in the dollar. The current inflation is unhealthy for both America and the rest of the world, and its control is therefore both a domestic and an international necessity.

Since assuming office last January, this Administration has moved quickly and firmly to bring the policies of the Federal Government in line with the country's most urgent economic priority—to halt the spiral of rising prices. Our basic strategy has been to restore stability through the coordinated application of fiscal, debt management, and (with the cooperation of the Federal Reserve Board) monetary policies designed to moderate aggregate demand pressures.

In April the President proposed two major actions to increase tax revenues: (1) extension of the income tax surcharge at 10 percent for the first half of fiscal 1970 and at 5 percent for the second half of fiscal 1970; and (2) repeal of the investment tax credit. The Congress has approved extension of the full surcharge through this calendar year, but action to continue the surcharge at its reduced rate and to repeal the tax credit remains to be taken in the Senate. I want to emphasize again that these measures are essential to our overall strategy and require the earliest possible action. They are in complete agreement with the recommendations made by the Joint Economic Committee last spring.

Enactment of these two tax proposals will produce an estimated $3.3 billion in revenues. Including the requested extension of present excise tax rates and the proposed imposition of new user charges, a total of $4 billion of necessary revenues depends on favorable legislative consideration. Without positive Congressional action, fiscal policy will not be exerting the measure of restraint appropriate for effective inflation control.

Assuming favorable action on these revenue-raising proposals, total budget receipts for fiscal 1970 are now estimated at $198.8 billion, or $0.4 billion below the May 20 estimate. This relatively small change in total receipts is primarily due to a $0.5 billion reduction in estimated corporate tax total receipts is primarily due to a $0.5 billion reduction in estimated corporate income tax receipts, reflecting our lower estimate for 1969 corporate profits. The economic assumptions underlying these latest estimates are shown in the following table. Changes since May 20 largely resulted from revisions in National Income Account data by the Commerce Department.

Economic assumptions, calendar year 1969

[In billions of dollars]

Gross national product, May 20 estimate	927
Current estimate	932
Personal income, May 20 estimate	739
Current estimate	745
Corporate profits before taxes, May 20 estimate	97
Current estimate	94½

On the expenditure side, the President has demonstrated his determination to regain Executive control over Federal outlays by his commitment to hold expenditures below the Congressionally authorized limit. Total outlays for fiscal 1970 are estimated to be $192.9 billion, the same figure used for the May 20 estimate. Director Mayo will discuss budget expenditures in greater detail.

The net result of these fiscal actions will be the generation of sufficient revenues to more than cover substantially trimmed outlays. The Federal budget will be contributing importantly to the control of inflation.

Nine months ago, we knew that this would be an arduous and lengthy task. Aggregate spending was under strong upward momentum, and inflationary expectations were well entrenched. It has been our deliberate policy to restore economic stability through the careful application of restrictive fiscal and monetary measures. The evidence that this policy is being effectively applied is beginning to mount:

Real economic growth is well below the basic trend rate of capacity growth;

The September unemployment rate was reported at four percent;

The combined index of leading business indicators has slowly declined for three consecutive months;

Industrial production registered a small monthly decline in August; and

Consumer surveys indicate a significant decline in buying sentiment.

While there is ample evidence that real growth has been declining in recent months, the desired abatement of price level increases has not yet become evident in the statistical indicators. This is not unexpected, since prices invariably tend to lag behind changes in the underlying market conditions. But regardless of the source of inflationary pressure, whether from excess demand or from rising costs, the absence of sufficient demand to clear markets at inflated prices must result in inventory accumulation and inevitably lead to price reductions. Investment and production decisions reached under the assumption of a continuation in current rates of inflation will come to be sorely regretted.

We are encouraged that our strategy is beginning to show results. The difficulty of pursuing this task must not be underestimated, however, and cooperation from the Congress is vitally important to our maintaining appropriate fiscal restraint. The revenue-raising measures proposed by the

Administration must be enacted to continue the desired budgetary effects.

Only last month, a distinguished former Secretary of the Treasury told a Senate committee that both the executive and legislative branches had committed a serious policy error by failing to control the budget during the 1965–1966 period. As a result, fiscal policy came to exert a completely undesired influence on an overinflated economy during the fiscal year 1968. Madam Chairman, it is my hope, and I am certain this important subcommittee shares my concern, that we can maintain fiscal policy in its proper role of contributing to economic stability. That, I believe, is the purpose for these hearings; and that is why I am pleased to be here for a discussion of this important issue with you.

THE RISING COST OF AGRICULTURE'S BAD IMAGE

HON. THOMAS S. KLEPPE

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. KLEPPE. Mr. Speaker, all of us recognize the valuable contributions our distinguished colleague from Texas, BOB POAGE, has made in the formulation of national agricultural policy over three decades. As chairman of the House Agriculture Committee, he has worked untiringly to improve the economic situation confronting the Nation's farmers.

In the November issue of "Agri/Industry News," published by the Corn Refiners Association, Chairman POAGE pinpoints a major problem with agriculture and the plight of the farmer. For the benefit of my colleagues, I am pleased to include his remarks:

THE RISING COSTS OF AGRICULTURE'S BAD IMAGE

(By Representative W. R. POAGE)

The American people enjoy the world's highest standard of living primarily because of efficiencies achieved in agriculture. One farmer now feeds 43 persons, compared to 23 just a decade ago. In fact, output per man hour on the farm is up 82 percent over the past ten years. This means that considerable labor previously required for production of essential food and fiber may now be used to produce an unmatched variety of consumer goods.

Yet the farmer's undeniable contribution to the material quality of life in America goes largely unrecognized. Many consumers regard farm programs as a form of welfare; few perceive any difference between the problems of commercial and non-commercial agriculture. Fewer still recognize that, indirectly, government assistance to farmers represents a subsidy to consumers.

Trying to pinpoint responsibility for agriculture's poor image with consumers and taxpayers is a useless exercise. Suffice it to say that agriculture's side of the story has been ineffectively told, and the entire farm community must share the blame and the consequences.

Granted that farmers, suppliers and processors—the whole agribusiness—represent perhaps the nation's most diverse minority. Granted, also, that important segments within this minority will continue indefinitely to disagree on substantive issues.

But philosophical controversies and other equally wasteful outlets of energy have become a rising cost that the farm community can no longer afford. The fact that agriculture's special problems and contributions to the total economy are not clearly understood should be a danger signal to the entire farm community.

What is needed is a broad-based attack on the mutually shared and overriding problem of a bad image—one that threatens the very existence of government-sponsored programs of assistance of agriculture. Somehow the point must be gotten across that these programs do not benefit agriculture alone.

With the country rapidly becoming more and more urban, agriculture must unite to take its case to the city. What is called for is a systematic program of education designed to make the public aware that in return for efficiencies that benefit all Americans, the farm community asks only a fair share of existing prosperity.

END THE SURCHARGE

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, November 26, 1969

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an editorial entitled "End the Surcharge," published in the Daily Progress, Charlottesville, Va., on November 24, 1969.

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

END THE SURCHARGE

When a man such as Sen. Harry F. Byrd, Jr. of Virginia speaks out on the income tax surcharge, the Senate would do well to listen.

Last week, Sen. Byrd introduced an amendment to the tax reform bill which would abolish the surcharge on Jan. 1. At the same time he warned the Senate that the way to combat inflation is to reduce spending—not to increase taxes. And he added there still remains significant areas of fat in the budget that can be trimmed.

But essentially Sen. Byrd was concerned that the "temporary" surcharge on the income tax is in danger of becoming a permanent tax. It has been in force for 21 months for individuals and 24 months for corporations.

While giving full credence to the President's good intentions in his pledge to allow the tax to die on July 1, Sen. Byrd declared, "I fear the temptation to extend it beyond that date will be very strong—just as was the temptation to extend it beyond its previous termination date of June 30.

"Each extension of a tax makes the next extension easier. Sooner or later—and I suspect the time is at hand—the government begins to regard the temporary tax increase as a permanent part of the tax structure.

"I think that this must be avoided. I think that the government must keep faith with the people. The way to keep faith with the people is to kill the surcharge on income taxes as of the end of this year."

Sen. Byrd objected to the American people having to pay a surcharge on their income taxes to help finance an increase in such things as foreign aid.

Elimination of the 5 per cent surcharge proposed for the first six months of 1970 would cost the government only $1.7 billion, not a great deal in what may be a $200 billion budget.

"I admit that if the surtax is eliminated, it will make the budgetary choices ahead of us more difficult. But I feel that we must undergo necessary discipline. We must control spending," said Sen. Byrd.

The only thing we could add to Sen. Byrd's statement is that the American taxpayer deserves a bit of a break, even though the surcharge may not represent a great addition to his income. Congress should give him that much relief.

SEPARATION NEEDED

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. OLSEN. Mr. Speaker, few public figures and probably no elected public figures escape occasional barbs from the press. However, as I ponder Vice President AGNEW's remarks in Iowa and Alabama, I am reminded of occasional confrontations between former President Harry S. Truman and the press and the quotation he displayed in his White House office:

If you can't stand the heat, stay out of the kitchen.

Sure, I have had a few bad days in the press. I have been misquoted, misinterpreted, my remarks have been distorted at times. Sometimes I have phoned an editor directly to clarify a position that he questioned.

Like anyone, I am sensitive to "bad press," but the slightest suggestion that any individual, group, or party should be able to dictate the manner in which the press will cover an event, or the hint that certain public officials should be immune from the scrutiny of the press makes me shudder.

Let us take a look at what the current administration would have the press report to the American people if it had its way. Administration spokesmen informed the press a number of times in recent weeks that it was assured of at least 52 votes for the Haynsworth confirmation. History will record a 55–45 vote against Judge Haynsworth.

The Vice President told the American people and his listeners in Alabama that the Washington Post and its subsidiaries spoke with one voice editorially. That same week the Washington Post recommended editorially that Judge Haynsworth be confirmed by the Senate; Post subsidiary WTOP radio recommended the judge be rejected.

There was no criticism on the part of the Vice President of the fact that the networks chose not to give extensive coverage to the November moratorium, though it surely was of national significance. This and other omissions from the Vice President's double attack on the press illustrates a very real fact: criticism of the press usually depends upon the critic's point of view.

Further, if the Attorney General had had his way the American people would have been told that the march last week here in Washington was insignificant in numbers and significant in violence. As a matter of fact, the facts of the situation completely contradicted Justice Department statements that march participants were bent on violence. Incidentally, the free press, left to report freely, did an excellent job of placing the violent elements in the march in context and in informing the American people that the great majority of participants in the march abhorred the violence as much as I or the Attorney General did.

Criticism of the press is as old as the press itself. Individuals will find fault with the press as long as individuals have differing views. But the press must re-

main free of control or threatened control.

In line with my personal commitment that all views should be represented not only in the press but here in Congress, and at the specific request of Rev. Robert H. Laird of the First United Presbyterian Church in Whitefish, Mont., I include the November 20 editorial from the Whitefish Pilot in the RECORD at this point:

SEPARATION NEEDED

Considering the penchant members of the liberal press and particularly television network newsmen, for self flagellation about their country, one wonders why they react so severely when their profession is criticized by an elected official.

Certainly Vice President Agnew is no statesman and his speeches have a heavy salting of Harry Truman, but he was only "telling it like it is", a favorite expression of the liberals during the last election.

The slanting of most network television news is appalling to anyone trained in the old school of newspaper reporting where the idea that "your opinion belongs on the editorial page" was drummed into the neophites with a verbal club.

Agnew's claim that the press does not give a president a fair shake when he makes a television address is not only true and proveable, it is inevitably given the national format. Any news department employee charged with the job of putting together a panel to discuss a presidential speech that selects his panel from those who agree with the president is obviously ready to look for a new job. He must provide controversy and disagreement in order to produce an interesting show. Such tactics in newspapering were labeled and are labeled "sensationalism" but in television it goes under the alias of "reporting in depth".

The basic problem of course is that the solid citizen with his conventional ways is not good copy. The same solid citizen is the one who demands that his news be of a sensational nature. But TV, because of its impact, has gathered so much power unto itself that it now tends to select its news for impact on the direction of the country rather than for its ability to represent a movement or to present facts. It has become so accustomed to editorializing throughout its presentation of "news" that it now seems unable to separate the presentation of fact from the presentation of opinion. In our mind, trained as it was that opinion belongs where this column appears, ABC does the best job of labeling its opinions as distinct from the presentation of what happened. CBS comes in second and NBC, in our opinion does the most effective job of editorializing with pictures, words and commentator's expressions.

We would fight a suggestion that television be restrained from presenting opinion—but we would cheer any attempt to introduce some of the old news values about opinions and news labeled as such. In short the TV boys need to become a bit more responsible in their use of the powerful weapon they control.

NIXON'S SUPPORT

HON. ROBERT DOLE

OF KANSAS

IN THE SENATE OF THE UNITED STATES

Wednesday, November 26, 1969

Mr. DOLE. Mr. President, yesterday the Washington Evening Star published a particularly well reasoned and well written editorial which pointed up the significance of the recent Gallup poll showing President Nixon's broadly based support among the American people.

There is little doubt that the President's Vietnam speech convinced the great majority of Americans of the bold, bare truth: that he is doing his level best to end the war in the only possible way as of now.

Public support is sorely needed by the President if he is to implement his policies and bring about a settlement of the Southeast Asian war. Without public approval, President Nixon—or any President—is rendered nearly powerless to end the conflict. A lack of support only serves to stoke the fire of the enemy position and propaganda.

President Nixon is pursuing a course of peace which can lead to a decent settlement of the war itself, protect this country's interests and maintain mutual trust and confidence among our allies around the world.

It is a difficult—but wise—course of action.

I ask unanimous consent that the editorial, entitled "Nixon's Support," be printed in the RECORD.

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

NIXON'S SUPPORT

The rise in Richard Nixon's popular support among the American people and the reasons given for it must be particularly gratifying to the President at this time.

A man's popularity in a public opinion poll is a sometime thing—here today and gone tomorrow. Nevertheless, the findings in Dr. Gallup's latest survey show a solid basis of public approval of the way the President is handling his job. As of November 15, the final day of the mass demonstration in Washington and subsequent to his Vietnam speech, 68 percent of the people questioned approved of the Nixon performance in office. Only 19 percent disapproved, and there were the usual "no opinions," in this case 13 percent.

This was the President's highest rating since moving into the White House, three percentage points above the July figure of 65 percent. The disenchanted, of course, will not be impressed or persuaded. But they would be having a field day had the poll reflected a drop in the President's support.

After the Vietnam speech on November 3 there was a vast amount of headshaking and tut-tutting among the anti-Nixon pundits. They accused the President of holding fast to the discredited policies of Lyndon Johnson. They said that all he had accomplished was to outrage his critics and lay a foundation for a bigger and angrier anti-war demonstration. It was a great pity, they said, that Mr. Nixon obstinately turned a deaf ear to the sweet voice of reason.

Well, it hasn't worked out that way. The President, in a gamble, bid for the support of what he called the great silent majority. And it looks as though he got it.

There is more in this however, than merely a gratification for the President. Comments from those interviewed in the poll indicate that the speech convinced many people that Mr. Nixon is doing the best he can to end the war and that his peace policy is the only one possible as of now. Furthermore, the public reaction to the demonstration was unfavorable, and it probably would have been more so had the poll been taken after the violence which marked the last day.

To us, all of this means that the President has gained sorely needed time to effectuate his Vietnam policies. No one can say how much more. But at the very least he will not now be stampeded into some other course of action. And this is very important—important because Mr. Nixon, in our judgment, is following not only the right course, but the only course that can possibly lead to a decent settlement in Vietnam and the safeguarding of vital American interests in that tortured part of the world.

EXTENSION OF ANTIPOVERTY PROGRAM

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. THOMPSON of New Jersey. Mr. Speaker, as we know, the House will soon be taking up legislation to authorize extension of the antipoverty program. Admittedly, there are those of us who differ as to various aspects of the program. But I would hope that there is one subject upon which we can get bipartisan agreement. I have reference to the so-called Murphy amendment which was appended to the bill in the Senate. The amendment places in the hands of the Governors of the several States a power of veto over legal service programs funded by the Office of Economic Opportunity. The past few weeks has seen a tremendous reaction on the part of bar associations throughout the country in opposition to the Murphy amendment.

I am pleased to place before the House a resolution adopted by the Board of Trustees of New Jersey State Bar Association expressing the concern of the association as to the effect of the Murphy amendment. I associate myself with this expression and I am pleased to commend it to the attention of my colleagues. The resolution reads as follows:

RESOLUTION ADOPTED BY THE BOARD OF TRUSTEES OF THE NEW JERSEY STATE BAR ASSOCIATION, NOVEMBER 7, 1969

Whereas, the adoption by the United States Senate of an amendment to S. 3016 seeks to place in the hands of the Governors of the various States, a power of veto over the activities of Legal Services Programs funded by the Office of Economic Opportunity.

And whereas, such power contravenes the New Jersey State Bar Association's commitment to secure full and effective legal services to the poor by providing every person in our society with access to the independent professional services of a lawyer of integrity and competence;

And whereas, enlarging the scope and effectiveness of the power to veto legal services programs is highly undesirable because experience has shown that the power to veto may be used to circumscribe the freedom of legal service attorneys in representing their clients to address issues of governmental action or omission affecting the rights of their clients, and to discourage actions which are politically unpopular or adverse to the views of the majority;

And whereas, such limitations impair the ability of legal services programs to respond properly to the needs of the poor and constitute oppressive interference with the freedom of the lawyer and the citizen;

Now, therefore be it resolved, that the New Jersey State Bar Association reaffirms its position that the Legal Services Program should operate with full assurance of independence of lawyers within the program not only to render services to individual clients

but also in cases which might involve action against governmental agencies seeking significant institutional change.

And, further resolved, that representatives of the New Jersey State Bar Association be authorized to express the concern of the Association as to the effect of the aforesaid amendment.

LAW ENFORCEMENT

HON. ALAN CRANSTON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Wednesday, November 26, 1969

Mr. CRANSTON. Mr. President, an excellent article concerning the unique attitude of San Jose Police Chief J. R. Blackmore toward law enforcement was published in the Sacramento Bee on November 16. His ideas are progressive and thought provoking.

I ask unanimous consent that the article be printed in the Extensions of Remarks.

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

SAN JOSE POLICE CHIEF BLACKMORE REGARDS HIS MEN AS "SOCIAL SERVICE WORKERS"

(By Robert Strand)

SAN JOSE, CALIF.—San Jose Police Chief J. R. Blackmore has 40 years' experience in which he has fought lynch mobs as well as gangsters. He believes police should take the side of social change.

Blackmore, 62, wields his commanding influence to get benefits for racial minority groups. He sees his men, more than anything else, as "social service workers."

"We are now coming to realize that the police should not remain passive bystanders. We can no longer remain mute in view of the social problems that surround us daily," he said.

These are views of a man who joined the force in 1929 before the department had radios. Blackmore a semi-pro baseball player, was recruited by the department so he could play on its team.

MOB SCENE

In 1934 Blackmore and one other officer fired tear gas for hours in an unsuccessful attempt to keep a mob from battering down jail doors and lynching two suspected kidnapers. Other police occupied themselves directing traffic nearby.

Blackmore has devoted much time in his 23 years as chief to raising money for charities and urging passage of municipal bond issues.

"I can raise $50,000 in an evening for a good cause," Blackmore said.

He is an active member of just about every civic organization in town, an elder of the Presbyterian church, and local 1969 Man of the Year of the City of Hope project.

Blackmore's style is illustrated by his handling of a demonstration by Mexican-American youths last year at City Hall.

"I marched them right into the council chambers, and we had a long talk," he said. "The result was a system by which we take these kids on a regular basis for rides in patrol cars. They have a ball."

When troubled by a group of youthful gangs: "We corraled them down to my office, and the result was new training and athletic programs. Later, in a murder case, they told us if the killer was one of theirs, they'd turn him in. He turned out to be an Anglo."

TROUBLE CENTER

In San Jose, one of the nation's fastest-growing cities, with a population of 450,000, the main trouble spot is the East Side. It is home to impoverished Negroes who are 2 per cent of the population, and Mexican-Americans, 15 per cent.

Now the Police Athletic League is building its own athletic center on 16 acres of donated East-Side land, with $1.4 million from private, municipal and federal sources.

The police themselves, on and off duty, will operate the center, and Blackmore expects it to be an example for the nation.

"Our department has a wealth of champion athletes," Blackmore said. "Kids worship champions. That's the value of the thing."

The department is in the process of setting up an East Side substation for the sole purpose of permitting booking, processing and releasing persons in their own neighborhood, rather than downtown.

San Jose police have 63 programs considered community relations by various departments in the country. The number of officers doing this work is four times the percentage in San Francisco.

Blackmore's officers arrange with citizens to chat with their neighbors in their homes, conduct weekly radio broadcasts in two languages, make numerous speeches in schools about narcotics, take teen-agers to visit prisons and keep weekly office hours at a troubled high school.

When minority students complained bitterly about the apprentice program at City College, Blackmore intervened and obtained a solution satisfactory to the students.

"I took a stand, and I think I had a right to take a stand," Blackmore said. "If a dispute is going to cause a riot, it's going to affect me directly.

"The sooner we speak out in law enforcement, better off we will be. The answer isn't in giving us more guns and gas."

However, Blackmore thinks police should get involved in social issues only "when we are going to be part of the result."

At San Jose State College, which has 24,000 students and its quota of demonstrations, Blackmore says he insisted his personnel have regular meetings with faculty and students.

"We want to know who is right," Blackmore said. "I'm damned if I want to go over there and push people around if they are right.

"The whole concept of law enforcement is changing. People think our purpose is to arrest people, but you don't arrest them for going 27 miles and hour in a 25-mile zone.

FUTURE BRIGHT FOR SALINE WATER CONVERSION

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. JOHNSON of California. Mr. Speaker—

The day is approaching, I am happy to say, when the benefits of low-cost water from saline sources will be available to all mankind—and the specter of thirst will be removed forever.

This was the prediction of Dr. C. M. Wong, Director, Office of Saline Water, at the Government-Industry Conference on Saline Water Conversion, October 29, 1969, on cooperative efforts to meet the challenge of desalination.

Dr. Wong in his presentation gave one of the best summaries I have seen in quite some time of the efforts of the Federal Government present, past and future in the field of saline water conversion, through which much of the Nation's future water needs will be met.

The House of Representatives Interior and Insular Affairs Committee's Subcommittee on Irrigation and Reclamation, which I have the privilege to chair, has for some time expressed an active interest in desalination. However, if the Congress is to meet the challenge of the decades ahead, each Member of this body must be fully aware of the problems and appreciate the efforts which are being made by our Government to provide an adequate water supply.

Therefore, I thought it appropriate to share with my colleagues the following remarks made by Dr. Wong:

REMARKS OF DR. C. M. WONG

With the saline water conversion program growing so rapidly, we expected a sizeable attendance at this conference—and, sure enough, you have turned out in fine style. Your presence will be rewarded, I think, with the reassurance that we in OSW and you in industry are eyeballing the thorny issues that confront us with what I hope is 20–20 vision!

When reasonable men sit down and reason together, nothing but good can come from it. And, in this instance, the good will bring benefits to the generations yet to be born in a complex world faced by many fresh water problems.

As Assistant Secretary Klein told you, we already have considered many of the committee recommendations; in fact, we have not only *reacted*, we have *acted*—by actually implementing some of the proposals.

In this regard, I want to comment on some of the subjects brought up by the Committee on Contractual Policies, Procurement Procedures and Practices.

Number One—Procurement of equipment and engineering and scientific services from other than U. S. firms. The committee recommended that OSW procure engineering and scientific services and equipment from U. S. manufacturers. This recommendation was accepted; however, the Federal Procurement Regulations and Buy American Act must be given due consideration.

Number Two—OSW research and development demonstration programs. The committee suggested that OSW and industry establish a closer working relationship and continue discussions of priorities in research and development programs. Continuation of the OSW-Industry meetings demonstrates the acceptance of this recommendation.

Number Three—Technical specifications. In those cases where OSW desires guaranteed performance standards, the committee recommends that the detailed specifications be left to the ingenuity of industry. This item is still under review and cannot be answered in general terms. In some instances, contractors must build to specific specifications if technology is to be tested. In others, where performance is a governing factor, then the detailed specifications should not be provided by OSW.

Number Four—Time delay in the award of contracts. OSW has initiated action to speed up the award of contracts—and a goal of 48 hours has been established for awarding them.

Number Five—Payment terms. A workable arrangement has been reached after discussions with Survey and Review and the Office of the Solicitor. Payments are being made on a provisional basis, both monthly and quarterly, in accordance with specifications in the contract. Payments to contractors are not being processed as fast as hoped for, but significant improvements are expected in the next several months.

Number Six—Unsolicited proposals. The committee pointed out that OSW had awarded contracts, based on unsolicited proposals, for development of a piece of equipment

similar to a type already available in the commercial market. We will continue our current policy, but prior to awarding a contract, we will make sure that (1) the idea being considered is unique and proper and not available through other sources, and (2) the idea does not infringe on the concepts of equipment developed by other firms or labs.

So much for the committee recommendations. Except to say that I can assure you, as Assistant Secretary Klein did, that we will give every recommendation a thorough review. I intend to work long and hard for a strong and dynamic program at all levels.

It is OSW's responsibility to discharge its assignment by carefully exercising our judgment to invest the taxpayers money, which has been entrusted to our care by the Congress and the Administration, into the most promising projects. We must constantly review all proposals and programs in order to obtain the greatest return for this money.

OSW is going to put its support behind the projects which industry will not or cannot justify the risk. We will employ system methodology to select and finance proposals that offer the greatest potential. Our organization will be reformed as necessary to operate on a streamlined basis with strong management and the necessary manpower and resources to attain a quantum jump in accomplishment, and a breakthrough in technology. We will leave the responsibility of providing process refinements to industry, because you can do so well in this respect.

We do not intend to compete with industry. We expect to cooperate with you and we hope you consider us to be your friend.

We are well aware that the oceans, covering three-fourths of the earth's surface, offer an unlimited source of water for conversion processes. A not-so-visible, but equally important, source of water is the underground brackish supplies. Seawater normally contains 3.5 per cent salt, or 35,000 parts per million (PPM) of total dissolved solids. Brackish water contains much less salt, of course, generally being defined as having between 1,000 and 15,000 PPM. The Public Health Service recommends no more than 500 PPM for human consumption.

Because groundwater is such an integral part of desalting's scope and potential, I would like to take a few minutes to discuss some of its characteristics.

As you may know, about 10 per cent of the rain that falls on the earth soaks into the ground and is held there in immense sponge-like subterranean reservoirs called aquifers. These aquifiers have been filled over the centuries. Presently, they contain—within a half-mile of the earth's surface—a quantity of water 35 times as great as the amount in all of the world's fresh-water lakes and rivers at any one time. Ground water is usually free of turbidity and harmful bacteria—a definite advantage—but many aquifiers are brackish in nature. In fact, one-half of the land area of the continental United States alone is underlain by groundwaters containing between 1,000 and 3,000 ppm.

Significant, I think, is the fact that groundwater is usually found close to the point of use. Consequently, the desalting of brackish groundwater can be an economical solution to water shortages. A most attractive water source is deep, saline well waters, which have been protected from short-term fluctuations of the weather, evaporation and surface pollution; this is especially true in the many regions where surface and shallow well water supplies have been reduced to dangerously low levels by drought conditions.

Being so widely distributed, brackish water is used by more than 1,000 communities in North America. With its high mineral content, this type of water imposes substantial costs on the user above and beyond the water bill itself. These "hidden" costs include (1) purchase of bottled water for drinking and cooking, (2) the use of home water softeners, (3) excessive corrosion and, consequently, more rapid replacement of water-using appliances, pipes, and plumbing fixtures, and (4) money spent for larger quantities of soap and detergent required.

What does all this mean to us as desalters and consumers? It means the desalination industry can remove excess salts and minerals with the membrane technology available now—and thus reduce those extra expenses to consumers.

Whether it's groundwater or seawater, desalting's future role offers some unassailable advantages. First and foremost, desalination provides an entirely new source of high quality water that can supply needs as they arise. This supply of potable water can be manufactured at locations and in time frames of man's own choosing without being dependent on the whims of nature.

This ability to locate desalting plants in or near areas of greatest need may be further expanded to produce both fresh water and electricity in a dual-purpose nuclear-powered operation. Other types of desalting plants, using brackish waters, can provide modest additions to water supply for small and medium-sized urban areas at a pace easily adjusted to growth.

In summation, I believe it is safe to say that desalination can provide a much more flexible and less expensive addition to water supplies in many parts of the world. We realize that desalting is not the single answer; nor are dams, conservation methods, or weather modification—all technologies will contribute to the ultimate solution of creating alternate supplies of fresh water.

Because of desalting's many advantages, the state-of-the-art has come a long way in recent years. When the government program began in 1952, only a few land-based plants produced a trickle of water at costs ranging upward from $4 per 1000 gallons. Today, nearly 700 desalination plants are producing more than 250 million gallons of fresh water daily for cities and industries around the world. We believe the total production of desalted water will reach 1 billion gallons-per-day by 1975 as the demand for fresh supplies increase. At the same time, desalting's potential will become more widely recognized and accepted by water planners.

From the beginning, the main thrust of the desalting program has been to find new techniques, or improve upon old ones, and cut production costs to the bone. The costs have been driven down considerably—from more than $4 to a reported 85 cents per 1000 gallons. The new 7.5 mgd desalting and power plant near Tiajuana, Mexico, is expected to produce potable water from the sea for 65–75 cents per 1000 gallons. Sometime after 1980, we may be able to use desalted water for irrigation of high-value crops and the yield is a function of the quality, as well as the quantity of water.

To attain our objectives in OSW, we conduct a very broad basic research program. We must understand the substances, both solid and liquid, with which we work to improve or discover new concepts for desalting. With this basic knowledge, we must then acquire the engineering technology to actually produce water—at first in modest amounts, but eventually in very large quantity. This requires the construction of pilot plants, test beds, modules and prototype plants. Some of the older and more familiar systems of desalting (distillation and electrodialysis, for example) are advanced to the point where they can presently be purchased in the commercial marketplace. A 100,000 gpd freezing process plant—the world's first commercial plant utilizing this new process—is now under test in the Virgin Islands.

Among the more promising new developments are the membrane processes, which were originally designed for brackish waters. The two areas of the membrane processes, electrodialysis and reverse osmosis, show bright promise toward lowering the cost of product water—and we are making a major thrust in this field.

Electrodialysis is the most popular system for desalting brackish waters, at present—there are more than 150 such plants scattered around the world; and plant sizes are increasing dramatically. These plants would be even more efficient if the temperature could be raised and if a cheaper, longlife anion membrane, and easy assembly technique, could be developed.

The reverse osmosis process is quite promising for future applications; it *may* demonstrate economic superiority over any process known today, not only for brackish water, but seawater as well. Although reverse osmosis has been developed largely during the past decade, this type of plant now numbers more than 100 that produce from 1,000 to 100,000 gallons per day. In August I had the privilege to dedicate a 100,000 gpd plant at Plains, Texas.

Besides brackish waters, reverse osmosis is used effectively in the processing of irrigation return flows, polluted waste water and acid mine drainage. In addition, a membrane that can desalt seawater has been developed, but it needs improvement for commercial use. Field tests using this membrane have shown that seawater can be desalted to a potable level in a single pass in contrast to the two passes required previously.

As Assistant Secretary Klein has noted, the reverse osmosis process has many other potential applications. These include depollution and renovation of pulp and paper mill spent liquor wastes, conversion of cheese whey to a useful food product or vitamin supplement, recovery of sugar from sugar beet processing liquors, concentration and upgrading of citrus and fruit juices, depollution of radioactive wastes, and recovery of water for re-use in outer space missions.

Speaking of membranes, we are also looking into the use of special, thin membranes in a novel process termed piezodialysis, which uses high pressure as its energy source. The pressure systems are promising because, very simply, pressure is cheaper than heat and pressure process requires no phase change for the work fluid-water. We must also develop practical pumping systems which will be anti-corrosion, offer constant, no fluctuated pressure to enhance the membrane's life.

The new Brackish Water Test Center at Roswell, New Mexico, will play a leading role in developing membrane technology. The center is conducting experiments on 10 types of brackish waters commonly found throughout the United States. These tests will help develop economic processes for improving the water supplies of American communities now using sub-standard water.

We are also moving ahead in the distillation field. The new Materials Test Center at Freeport, Texas, is studying the corrosion resistance of both metallic and non-metallic materials to hot seawater. These tests hopefully, will turn up the best materials for building more economical evaporators and thus lower the cost of distilled water.

As you know, we are now building a VTE–X test vehicle at the San Diego Test Facility. We expect to obtain valuable engineering and operating data on the vertical tube evaporator process for use in large plants. The VTE–X will utilize the newly-developed double-fluted tubes; they are expected to demonstrate transfer capabilities double those of present distillation plants and hence cutting the capital investment nearly 20%.

Studies show that the VTE process may be used to greatest advantage in large plant sizes when combined with the best features of the multi-stage flash (MSF) process. Because the combined systems would reduce capital investment cost 30% and reduce the water cost by as much as 15 percent, it is

now apparent that the VTE/MSF process is a leading contender for large seawater desalting plants.

Let me ask you one question. What good will it do to develop low-cost desalting processes only to find that they cannot be utilized because of the brine disposal problem?

Efficient and economical brine disposal methods are needed not only for desalting, but also for those industries that discharge large quantities of chloride, sulphate, or other effluents that pollute our rivers and lakes. Searching for answers, in order to meet the water quality standards that recently have been established, manufacturing and processing companies can only utilize existing technology, which essentially requires evaporation to concentrate the effluents, followed by a crystallization process to reduce these wastes to easily disposable solids. This is indeed an answer to stream pollution, but it is a high cost answer.

I not only believe we can develop better and cheaper processes for brine and waste disposal, I think it is imperative that we develop better solutions to this very critical problem.

We are looking diligently into the utilization of various fluidized-bed technologies as perhaps a more efficient method of treating inland brines. One technique has been successfully employed by the nuclear industry as a practical low-cost method of radiation waste disposal.

The outstanding features of the suspension phenomena which assures scale free performance appears to have potential major application for brine and waste disposal.

If you have a better solution, we encourage you to submit a proposal for our review and consideration.

In reviewing the past, these developments and many others, represent substantial advances in desalting technology. As a result OSW and industry have provided a practical solution to water supply problems along the world's sea coasts and many inland areas.

The day is approaching, I am happy to say, when the benefits of low-cost water from saline sources will be available to all mankind—and the specter of thirst will be removed forever.

FUTURE IMPORTANCE OF THE NORTHERN WATER ROUTE

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, November 26, 1969

Mr. THURMOND. Mr. President, the pioneering voyage of the SS *Manhattan* last summer through the Arctic is an indication of the future importance of the northern water route through the ice to the Alaskan North Slope. The fabulous oil reserves in Alaska have been well publicized. The *Manhattan*'s voyage indicates that it may soon be possible for the development of an intercontinental deepwater all-season tanker route via the historic Northwest Passage for the development of this resource.

Mr. Anthony Harrigan, who is the assistant editor of the Charleston News & Courier, has discussed the defense implications of this important development in a fine article published in the December 1969 Military Review of the U.S. Army Command and General Staff College. Mr. Harrigan is well known for his articles on military strategy and tactics published in the leading military journals of the world. He points out that this new route will require a vast change in the configuration of our naval defense. Until now, the ice conditions in the North have given us no reason to plan extensively for the defense of the land areas of the Far North. After all, there were no land targets of major importance in this area.

However, if the potential of the North Slope is tapped and if the necessary handling and storage facilities are constructed in this region, there would be many military targets of crucial significance.

Mr. Harrigan says:

The United States and Canada would be compelled to consider systems of protection for these facilities, resources and installations. It would be necessary to give naval protection to northern waters—protection now normally afforded commercial ships in the Atlantic, Pacific and Caribbean. The U.S. defense posture—for the first time in history—would have to become northern oriented.

Mr. Harrigan points out that we have been able to ignore the North, but that the Soviets, with their extensive experience in Siberia, have long had development programs for defense and development of the North. He goes on to cite the Soviet history in this regard. He notes that the Soviets will be challenging us on this sea route which will be of decisive importance for their own commercial interests. The northern sea route, says Mr. Harrigan, "lays the foundation for Soviet domination of the top of the world."

Mr. President, the article is of great concern to all of us who are interested not only in the defense of this Nation, but also in its development and progress. I ask unanimous consent that the article, entitled "Northern Defense Frontier," be printed in the Extensions of Remarks.

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

NORTHERN DEFENSE FRONTIER

(By Anthony Harrigan)

Over the last quarter century US defense authorities have had to be concerned with many regions of the world, including the rice paddies and swamps of Southeast Asia, the jungles and grasslands of Africa, and the sandy wastes of the Middle East. Only the planners of the Nation's radar defenses have had to be extensively concerned with the Far North—the frozen frontier of North America. In the 1970's, however, the United States may have to revise its strategic concepts and plans and give serious consideration to security in the arctic region.

At long last, the Arctic is in the process of being opened to commercial development on a major scale. The giant icebreaker-tanker SS *Manhattan* pioneered—in late summer 1969—a transcontinental, deepwater, all-season tanker route to the Alaskan North Slope via the historic Northwest Passage.

For centuries, men dreamed of the Northwest Passage serving as a short sea route between the Atlantic and the Pacific Oceans. The first transit in a single season was not accomplished until 1944. In the 1950's, US nuclear submarines voyaged under the ice. Speculation was voiced as to the feasibility of submarine cargo carriers using the northern route. Only in 1969, however, did the Northwest Passage appear to be a practical route for surface vessels.

OIL DISCOVERED

Discovery of oil on Alaska's North Slope—a discovery which promises to make the United States the world's leading producer of petroleum—provided the incentive for equipping a supertanker for a daring voyage through ice that is sometimes 50-feet thick. Shipping interests now envision the possibility that a fleet of 30 or more icebreaking supertankers will operate on the northern route between the Alaskan oilfields and the east coast refineries.

If oil can be successfully transported by this route, it also is reasonable to conclude that bulk carriers will ply these sea lines in the future, transporting the vast stores of minerals that lie beneath the frozen soil of the Canadian Far North and Alaska. The arctic area is considered a treasure house of minerals—gold, iron, copper, zinc, lead, uranium, tungsten, and other base and precious metals. The only reason the Arctic has not been opened to development is the lack of transportation for materials in bulk. If ships can break through the ice, if transarctic navigation becomes a reality, the North America's last frontier will be opened to exploitation.

The opening of this frontier on the north will entail a reappraisal of the defense needs and position of North America. Throughout the cold war era, the danger to the United States and Canada has been on the eastern, western, and southern sea frontiers. While North Americans have had to be deeply concerned about Soviet missile attack over the North Pole, the region itself has not been regarded as a danger zone in terms of other weapons and threats. There has been no need to plan extensively for protection of the land areas of the Far North. The northern reaches of the continent have been lacking in targets of major importance.

RICH MILITARY TARGETS

If the mining potential of the Far North should be tapped, if harbor facilities and storage areas should be constructed, and if giant vessels regularly ply the Northwest Passage, then, the northern, region suddenly would become rich in military targets. The United States and Canada would be compelled to consider systems of protection for these facilities, resources, and installations. It would be necessary to give naval protection to northern waters—protection now normally afforded commercial ships in the Atlantic, Pacific, and Caribbean. The U.S. defense posture—for the first time in history—would have to become northern oriented.

The United States is not without experience in the Far North. U.S. troops have exercised in Alaska and units have been stationed in Greenland and northern Canada under special arrangements. U.S. Coast Guard icebreakers also have operated in arctic waters. The U.S. Department of Commerce operates weather stations in remote northern areas. And the United States has been vitally interested in the Canadian Operation Arctic Supply. This is a force of icebreakers, freighters, and landing craft that each summer calls at scores of arctic and subpolar ports to off load supplies needed by defense outposts in the nine-month freezeup which begins in October.

Nevertheless, United States and Canadian experience and interest in the Far North are minor compared to the total Soviet involvement in northern regions. The Far North has loomed large in Soviet plans since the beginning of Communist rule. While fighting was continuing in the Russian Far East in 1919, the new Soviet Government organized the "Northern Scientific Industrial Expedition."

In 1932, the Soviets established a special department to deal with northern development and transportation. It was given the name of Chief Administration of the Northern Sea Route. This department was directed to supervise all phases of Soviet arctic development, including construction of port facilities, provision of radio service, exploitation of trade opportunities, and Sovietization of native peoples.

It should be borne in mind that the area of arctic lands in the Soviet Union is over

2.2 million square miles, a far larger area than the arctic lands controlled by any other nation.

The Soviets moved ahead rapidly in the 1930's to develop the northern sea route as an alternate to the Trans-Siberian Railway as a means of supply and communication. While specially constructed ships and icebreakers must be used, the northern sea route is a major transportation artery for the USSR and is being used on an ever-growing basis. The Soviets have promised to open the northern sea route to international shipping, but like so many other Soviet promises, nothing has come of it.

The northern route offers immense advantages to the USSR in terms of distances. By way of Suez, the voyage from Leningrad to Shanghai was 11,700 miles and 8,600 miles when a ship used the northern route. Now, with Suez closed and Soviet vessels having to steam around Africa, the northern sea route has become just that much more important. Viewed overall, the northern sea route aids the economic development of the Soviet Far North, provides a vital supply line, schools Soviet seamen in the ways of the Arctic Ocean, and lays the foundation for Soviet domination of the top of the world.

More than a generation ago, Vilhjalmur Stefansson, the great arctic explorer, wrote a book in which he argued that the Far North was destined to take on tremendous significance in the years ahead.[1] His words have special meaning now as US oil companies develop oilfields on the Alaskan North Slope and strive to open the Arctic Ocean to navigation by tankers:

Tacitus was wrong when he said people would never by choice live as far north as France; the Moors of the Middle Ages were short-sighted when they under-valued the possibilities of Britain. We have not come to the northward limit of communal progress. There was a pause but no stop to the Westward course of empire until we came to the place where East is West. There is no northern boundary beyond which productive enterprise cannot go until North meets North on the opposite shores of the Arctic Ocean as East has met West on the Pacific.

NEW FRONTIER

Now, almost a half century later, the north is coming into its own as the last frontier on this continent. Three hundred miles north of Fairbanks, Alaska, on Prudhoe Bay, docks are being constructed, airstrips are being designed, surveys are being made for pipelines—in short, the infrastructure of a new frontier region is being created.

The US Department of Transportation reports that, on the North Slope, the oil deposits contain about 40 billion barrels of oil, adding that:

The Prudhoe Bay field is just one field out of about 20 equally rich geologic structures in the North Slope area alone. So rich is the region in petroleum that its impact upon the United States and world economy has yet to be fully assessed. Yet it seems certain that these oil discoveries could make the United States the world's leading petroleum producer with an output surpassing that of the oil-rich sheikdoms of the Persian Gulf.

The consequences of the economic exploitation of the Far North are likely to be enormous. For example, when northern oil starts reaching the market in 1972, it likely will free the United States and other North Atlantic Treaty Organization nations of heavy reliance on the oilfields of the Arab nations. Japan and northern European countries, which depend on oil from the Middle East, will not have to go so far for their oil supplies. In the case of the European nations, the current tanker route around the Cape of Good Hope is long and expensive.

CLARIFY STATUS

Both Japan and the NATO allies also are likely to become concerned about protection of new sealanes through the Arctic. If these countries come to depend on the movement of oil through northern waters, they will have to devote much attention to the security of the northern route and adjacent waters of the North Pacific and North Atlantic.

Some aspects of the northern route are unclear. Prime Minister Pierre Elliott Trudeau of Canada said in a statement to the House of Commons in August that, while Canada undisputably owned all the islands in the North American Archipelago, he was not sure about the status of the waters around and between them. Given the aggressiveness of the Soviet Union in deploying its naval forces and its zeal to dominate the Arctic, it will be important for the status of the waters between the Canadian Islands to be clarified. The Soviets have been obdurate and restrictive insofar as waters on their side of the North Pole are concerned.

Concepts of antisubmarine warfare and merchant vessel protection will have to be considered anew if the northern route is extensively used by U.S. tankers and bulk carriers. The bulk carriers might begin operations out of Baffin Island where the Mary River iron ore deposits are of sufficient quality to feed directly into steel furnaces.

NUCLEAR SUBMARINES

Viewed in military terms, the Arctic is preeminently the domain of the nuclear submarine. As early as 1961, a contributor to the *United States Naval Institute Proceedings* predicted that:

With their demonstrated interest in the Arctic commercially, scientifically and strategically, the Soviets can be expected to direct their nuclear submarines north and under the ice.

As the submarine is the only feasible antisubmarine weapon in the Arctic, the United States, in turn, may have to deploy a strong undersea flotilla in the Far North and create a new naval command geared to the operational problems of the region.

How much of a population will be located in the United States and Canadian northern regions a decade hence is a guess. Last August, *The Washington Post* speculated that:

Despite the tardiness of men in opening the Northwest Passage, we may see new settlements along that route and new operations in the frozen northern wastes long before there are any way stations on the moon.

D. A. W. Judd, former administrator of the Yukon, wrote that the future of the north "will depend on needs and motives to the south." He pointed out that the north:

Is an empty land not because it is inhospitable but because it has been the preserve of industrialized and advanced nations who have not needed the area either for lebensraum *or wealth. In bureaucratic jargon, it has been 'surplus to requirements.'*

Only time will reveal the precise pattern of northern development on this continent. The Soviet north supports 10 times the population of the United States and Canadian northern areas, but the democracies of North America cannot do things in the Soviet way. They cannot issue orders and have empty lands filled with settlers. A frontier area has to offer the persuasion of prosperity, whereas the Soviets have developed their northern lands by compulsion. At long last, however, the top of North America promises the wealth that attracts permanent settlement.

Suddenly, there is a quickening of interest in the Far North. This interest necessarily extends to strategic factors involving the northern regions and to questions concerning defense of land, air, and sea along a frozen frontier. Military professionals, as much as specialists in transportation and industry, will be faced with new challenges and demands as a result of northern development.

[1] Vilhjalmur Stefansson, *The Northward Course of Empire*, Harcourt, Brace & Co., N.Y., 1922.

POLITICAL PERSPECTIVE: YOUTH AND POLITICS

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. SCHWENGEL. Mr. Speaker, the discontent of young people in America with the political process has been documented, disseminated, analyzed, and criticized. The League of Women Voters has found that youth speaks in many voices. In "Political Perspective: Youth and Politics," six young people give their views on what is wrong—and what is right—about the "system," and some of them offer suggestions on how to go about achieving political results.

A transcription of the League of Women Voters' program on this subject follows:

POLITICAL PERSPECTIVE: YOUTH AND POLITICS

Participants in the order they are heard:

Torrey Baker, former broadcaster, Voice of America.

Jack Jordan, Republican Committee of Pennsylvania.

Rick Margolies, Institute for Policy Studies.

Tony Gittens, Howard University Graduate.

Clarence Mitchell, Maryland State Senator.

Sam Brown, Harvard graduate student and campaign worker.

George Gallup, Jr., President, Institute of Public opinion.

BAKER. The League of Women Voters brings you political Perspective: Youth and Politics. This is Torrey Baker speaking to you from Washington.

There are 24 million young people in the United States between the ages of 21 and 29. How do they feel about politics and voting? About the political process? What attracts them and what turns them away? What turns them on and what turns them off? Obviously there is no one answer; youth speaks in many voices:

Jack Jordan of the Republican Committee of Pennsylvania—

JORDAN. . . . in Pennsylvania a youth plays an important role in not only the party organization . . . young people have been integrated into the party on a year around basis.

BAKER. Rick Margolies of the Institute for Policy Studies—

MARGOLIES. I think that those people who still look to the traditional political process which was established before the industrial revolution if they think that that political process speaks to the poor, to the young, I would say they are being unrealistic.

BAKER. Tony Gittens, Howard University graduate.

GITTENS. The only thing this country understand is power which experience has shown to black people any way that is not merely through the vote and that is not because they don't want to take part but because the system has shown itself to be sterile. The system has shown itself not to be in the best interests of black people. I know myself I shouldn't bother to register to vote.

BAKER. Clarence Mitchell III, a state Senator in Maryland, still in his 20s—

MITCHELL. There are many, many young people in this country who *do* believe there is an opportunity available to them in the system and are willing to work within the system to bring about the kinds of changes that we feel ought to come.

BAKER. Sam Brown. Harvard graduate student and campaign worker—

BROWN. Students who come into the political process come there largely out of commitment on issues though they do not come out of commitment to party.

BAKER. The political independence of youth was pointed out by George Gallup, Jr. at a meeting sponsored by the American Heritage Foundation.

GALLUP. This group . . . the nation's youngest adults, those who are between the ages 21 and 29, clearly represent crucial battle grounds for both major parties, not only because they account for one-fifth of the total electorate, but because a large proportion of them are presently uncommitted to either party . . . 40% are independents, 22% say they are Republicans and 38% say they are Democrats.

BAKER. Sam Brown does not feel that commitment to party is important.

BROWN. The questions are not ones of party affiliation and I think polls and discussion of which party and whether party are ones that are largely irrelevant to where the youth are going today and more particularly students are going today. In short I think students today are far more concerned about the *issues* at hand than they are concerned about the particular candidate who becomes the personification of those issues.

BAKER. And those issues are? Tony Gittens?

GITTENS. Well, naturally being black the racial problem in this country—white oppression of black people in this country and across the world, around the world—that is the thing that I think about most. That, as far as I am concerned, is the biggest problem to me and my people and that is the problem I try to resolve. I use most of my energies to try to deal with that.

BAKER. Sam Brown?

BROWN. I think more intensely than any single group in the population today students, both undergraduates and graduate students, feel the pressure of the war, are engaged in a community life really which I think has been more hostile to and more critical of the war than any other segment of the population. As it happened I dropped out of Harvard when I went to work and the latest survey of students at Harvard showed 97% opposed to the war. In short, I came from an environment in which the question of the war particularly was felt very deeply. It was one which really drove many of us to become involved in politics because we began to see it as the only way of having any substantial effect on the political process.

BAKER. In the Gallup poll on college attitudes there was of course a question on the draft. Mr. Gallup reports the results——

GALLUP. College youth by an overwhelming margin—77% to 20%—think graduate students should be draft deferred but a few say they would break the law or leave the country if they were to receive a call.

BAKER. Mr. Gallup makes another point about young attitudes, especially on the college campuses.

GALLUP. The student revolt in America appears directed against traditionalism and complacency or as what is known as the "establishment."

BAKER. Some students revolt against the "establishment" on the campus as a step toward inroads on the political establishment. Tony Gittens?

GITTENS. While I was at Howard University I was chairman of something called Ujamaa—that's Swahili for Unity. It was a black student nationalist organization and we tried to revolutionize Howard and to try to make it move away from its bourgeois aura to one of blackness and we tried to make the university what we call the black university, instituting courses in black history, producing—establishing a black institute and becoming the center for Afro-American studies and I think through those efforts—the efforts of the organization—we have accomplished something. Howard University is looked upon as *the* leading Negro higher education institution. We felt that if Howard University changed possibly a lot of other Negro institutions would change and therefore the thinking of a lot of black people would change so I think that at least that's one way that I'm trying to do *my* part.

BAKER. Rick Margolies thinks that decentralization and personal commitment may be the answers.

MARGOLIES. And I think that young people are beginning to deal with some of the realities of forging out a new type of life that doesn't conceive of itself only in terms of political systems but in fact begins to look toward a synthesis between an individual's life philosophy *and* some sort of political activism.

Some of the essential realities of contemporary existence are being dealt with more by young people than by people who continue to talk in the rhetoric of a national democratic system with two parties for a country of 200 million people. I think young people are looking toward the eventuality of a decentralization so that people can again begin to cope with their environment.

People on the street, whether it's in the ghetto or in the suburb or in the city environment, can't cope with their environment. The channels for reaching power, for reaching institutions so they can make changes which are agreeable to them—the channels are too extended; they are too drawn out.

So young people are beginning to grapple with the question of decentralization and what does that mean? We are beginning to express ourselves in direct action because we think that the vote doesn't speak to the types of changes that are necessary.

BAKER. On the other hand young Senator Mitchell has a different point of view. He seems to feel that the more conventional political methods can work.

MITCHELL. I was jailed a number of times back in 1960 for picketing, for demonstrating, but then I discovered that the most meaningful way of becoming involved was to start "sitting in" in the State Legislatures as members and helping to make the policy rather than standing on the outside and yelling and not being in a position to actually bring about the kind of change that we sought.

In my own campaign when I was 22 and there were a lot of people in our community who said I couldn't get elected, but we believed in the involvement of young people and not just in the high school or junior high school age level. We even had elementary school kids involved.

BAKER. Mr. Gallup makes another point about young attitudes.

GALLUP. Less than half of the 21 to 29 year olds, 48%, are presently registered to vote in the precinct or election district in which they live, compared to 74% for persons 30 to 49 years old and 84% for persons 50 or older. Related to this voter turnout among young adults has consistently been lower than among older age groups, as I'm sure you know. In the 1964 presidential election, for example, 53% of young adults cast a vote, but 65% of persons over 30 did so.

BAKER. Jack Jordan points out the need for an active recruitment campaign in the political parties.

JORDAN. We encourage young people to run for public office and play an active role in the election of others at all levels, most particularly at the local level. And it has been shown possible and has been proven that young people can achieve a high position rapidly because the criteria is an ability and desire, not age.

In Pennsylvania the Republican organization has four youth groups starting with the STARS, the Sub-Teen Age Republicans; the YR's, the Young Republicans; the TARs, the Teen-Age Republicans, and the College Council, starting at the age of nine and going up through 37 with the four groups.

Youth in Pennsylvania is encouraged especially through the training received in the YR's to run for office at the local level in particular and we stress the fact that youth is wanted in the Republican organizational structure. As a matter of fact the 30-man Executive Committee of the Republican Party of Pennsylvania, which makes all the decisions for the party, have three members from the youth groups.

It is mandatory to integrate youth into the political organization, mandatory because without youth the organization soon will wither and die and there's a lot more in politics for the young people than just the glamour of a presidential election and getting our young people interested in politics and getting them interested in government is synonymous. This cannot and will not happen unless the senior party organizations encourage real leadership possibilities and potential at the same time granting autonomy and recognition to youth. Senior party leadership must work *with* youth and not work over them.

BAKER. Speaking for youth that doesn't wish to be integrated into the political system as now constituted, Rick Margolies says—

MARGOLIES. Until we began to provide and win back people's interest in the question of social concern then we'll never get any adequate solutions at a larger level.

That's what I think the new politics is beginning to speak to. It begins to say we must build a base which is democratic—which has people in their area where the issues are related to their life. But there also comes into formation a new type of national politics which is sympathetic to the question of decentralization. There has to be a national politics which walks hand in hand with the local politics which says we help you in every way.

BAKER. And Tony Gittens comments on voting—

GITTENS. It has done very little good in the past so we can only assume that it's going to do very little good in the future. Things like the Presidential elections—well, it's almost a waste of time for black people to expend much of their energy trying to influence that one way or another. They have very little to say or control on what goes on in this country. Perhaps on the local level they will have some say.

BAKER. And Sam Brown—

BROWN. The political process must remain open.

BAKER. And Senator Mitchell sums up his feeling on the matter—

MITCHELL. I started off at 14 campaigning for an opportunity to get our first Negro state Senator in Maryland and I really was out there knocking on doors and campaigning and the system did respond and we elected our first state senator and through this we began to recognize that ours is in fact "a government of the people, by the people, and for the people," but it is "of the people and by the people and for the people" that participate in it and if you don't participate then you can't expect it to be responsive to you.

BAKER. Youth may not speak with one voice but it's obvious that young people are speaking up and they are being heard and they are becoming involved in politics.

Our thanks to George Gallup, Jr., Jack Jordan, Rick Margolies, Sam Brown, Tony Gittens, and Clarence Mitchell, III.

This is Torrey Baker speaking to you for the League of Women Voters bringing you Political Perspective: Youth and Politics.

OUR VOCAL VEEP

HON. ROBERT DOLE

OF KANSAS

IN THE SENATE OF THE UNITED STATES

Wednesday, November 26, 1969

Mr. DOLE. Mr. President, some editors in this country sidestep dealing with controversial subjects. Others approach them with considerable apprehension and empty rhetoric.

One editor, George W. Cooper, in Woodstock, Va., did not mince any words or duck the issue, in an editorial published in the Shenandoah Herald of November 20.

Cooper, in an editorial entitled "Our Local Veep," approves highly of the job the Vice President is doing, particularly his recent speech on network television.

I ask that the editorial be printed in the RECORD.

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

OUR VOCAL VEEP

We recall how the liberals laughed when Spiro Agnew sat down to play at being Vice President.

"Spiro who?" they inquired.

They gave him all the scorn reserved for a member of an ethnic group who doesn't hew to the left-wing Democratic line. He was high comedy.

Now they know how to spell his name, and they aren't laughing. This son of a Greek fruit peddler has suddenly become a spokesman for many of the frustrations of the so-called Silent Majority.

First he said he didn't think dirty, impudent youngsters should be allowed to wave enemy flags and dictate our foreign policy. The liberal press waited for lightning to strike, but the White House just kept saying he was doing a fine job.

Then Agnew landed with both feet on another sacred cow. He complained about the way that a handful of network TV commentators select and slant the news that goes into millions of American homes every day.

In our opinion, Agnew was justified in his criticism and it does not constitute an attack on basic freedom of the press.

Too many television newsmen have followed in the pattern of the late Edward R. Murrow, who started this bit of the anguished expression and upraised eyebrow to turn a simple sentence into an indictment. They get the idea that being faced with a camera makes them a source of instant wisdom.

Many of these self-annointed TV geniuses grew up with the New Deal in Washington and became a part of it. Some have been moved to the point of tears when an election wasn't going to the left.

People have known this for a long time. They weren't surprised when most TV networks, in the name of "analysis," were critical of President Nixon's Nov. 2 speech to the nation. Or that peace marchers and radicals often tend to be glorified.

But Agnew came out and said it, and the flood of phone calls and telegrams showed he was on the same wavelength with a lot of Americans.

We'll go a step further. If you don't like the TV political prejudice that's being fed you—and your children—don't write the networks or the White House.

Write the sponsor. He's the one who's paying for slanted news. If that's the way he wants it, stop buying the product.

Meanwhile we wish good hunting to Spiro Agnew, spokesman for the silent.

We hope to hear from him soon on such subjects as Democratic Congresses that don't legislate, vending machines that steal your money and those football officials who keep robbing the Washington Redskins.

THE VALUE OF LIBERTY

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. PETTIS. Mr. Speaker, Gen. John D. Ryan, Chief of Staff of the Air Force, has written a perceptive and persuasive article in the November 1969 issue of Airman magazine about the Nation's need for maintaining an effective nuclear deterrent. I believe that many of our colleagues will be extremely interested in General Ryan's remarks, and for that reason I insert the text of the article in the RECORD at this point:

THE VALUE OF LIBERTY

Maintaining an effective nuclear deterrent today demands much time, money, materiel, and many people. These are the very national resources urgently needed in many other fields of endeavor. So it may seem aggravating to some to see our expensive deterrent forces poised year after year for an attack which their very existence is intended to prevent.

The fact is, however, that to prevent war, the nation must stay prepared for war. To eliminate or reduce our deterrent forces to a point below which they no longer deter would encourage war—provided that a threat actually exists.

Is there a threat? Well, a threat must be *presumed* if a *capability to attack* exists, even if the intentions of those who have the capability seem to be benevolent and peaceful. This reasoning is axiomatic in the art and science of war, whether the conflict is cold or hot. No rational nation can base its state of preparedness exclusively on what it believes to be the *intent* of its potential enemies. Our defense posture must derive essentially from the *capabilities* of potential aggressors.

A capability for another major power to launch a nuclear attack against the United States has existed for two decades. It exists now, and I believe will exist for some time to come. These are the cold facts of the nuclear age. The Soviet Union has more land-based ICBM launchers in place or under construction than does the United States. They also have a formidable force of long-range strategic bombers. Regardless of the Soviets' ultimate intentions, their overall strategic nuclear capability must be considered to pose a threat to the Free World. Consequently, every possible effort must be made to deter the Soviet Union from using this force for aggressive purposes.

Providing the Air Force portion of the overall US nuclear deterrence is the mission of the Strategic Air Command. For the people of SAC, it is a never-ending job. They must stand watch around the clock. As this issue of AIRMAN portrays, they must respond immediately should deterrence fail and the command be ordered into action by national authority. Their job is tedious, repetitious and sometimes dangerous. They would be less than human if they did not occasionally ask themselves, "Is it all worthwhile? Is it worth the price we and the nation must pay?"

The lessons of history are clear. They tell us that weakness in the face of strength possessed by potential conquerors is an open invitation to disaster. Is strength worth its price? The British author Oscar Wilde has said that a cynic is a man who knows the price of everything and the value of nothing. In America today, a growing number of responsible people are taking long, hard looks at the costs of national defense. They are asking, "Is it worth the price?" It is a valid question. But the correct answer must necessarily lie somewhere within the answer to another question. "What is the value of liberty?"

TEMPORARY TAX

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, November 26, 1969

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an editorial entitled "Temporary Tax?" published in the Northern Virginia Daily of November 18, 1969. Mr. J. J. Crawford is editor and Mr. E. E. Keister publisher.

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

TEMPORARY TAX?

When is a temporary tax not a temporary tax? This is the question posed by Senator Harry F. Byrd Jr.'s new amendment to the pending Tax Reform Bill.

The amendment, known as H.R. 13270, would end the surcharge on income taxes as of the first of next year. The Virginia legislator said, quite logically, that a tax is no longer temporary when it has already been extended once.

In arguing for his amendment on the Senate floor, Sen. Byrd told the lawmakers:

"I give full credence to the President's good intentions in his pledge that the tax will be allowed to die as of July 1, 1970, but I fear that the temptation to extend it beyond that date will be very strong—just as was the temptation to extend it beyond its previous termination date of June 30, 1969.

"Each extension of a tax makes the next extension easier.

"Sooner or later—and I suspect the time is at hand—the government begins to regard the temporary tax increase as a permanent part of the tax structure.

"I think that this must be avoided. I think that the government must keep faith with the people."

Sen. Byrd takes the position that the best way to combat inflation is to cut government spending—not by increasing taxes. He contends that there is a lot of fat which can be trimmed from the budget without touching the muscle.

This is doubtless true. There is a lot of fat which could be trimmed from foreign aid, and there are many domestic areas such as anti-poverty, in which waste and inefficiency are rampant. Even the military budget could probably be cut, beyond the $2 billion reduction already made, without seriously interfering with our war effort or defense posture.

Sen. Byrd's position on the surtax is sound. It should not be extended on the pretext of being anti-inflationary.

The Administration has made a number of effective moves to stem inflation. These are beginning to show results, even to the point that some economists are saying the Administration has gone far enough for the present in cooling things off.

Naturally, the government hates to surrender a source of taxation which during the 6 months' extension to July 1, 1970, at the 5 percent proposed by President Nixon, will yield approximately $1.7 billion.

But, this is precisely the point. The longer a temporary tax stays on the books, the less temporary it becomes and the easier it becomes to regard it as permanent.

PINKVILLE

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. SCHEUER. Mr. Speaker, officers and troops of the United States of America killing old men and women, children, little babies.

I read the "Pinkville" story with a profound sense of shock and horror. It could not help but bring to mind the atrocities of Nazi Germany, the Russian massacres in Katyn Forest, and all the other atrocity stories in the long history of man's inhumanity to man.

Perhaps this is just an isolated incident; perhaps our Government will see that the perpetrators of this deed that tarnishes all Americans are properly punished; perhaps the men involved were unique—perhaps.

But the thought lingers that the nature of the war in Vietnam—the war no Congress ever proclaimed—is striking at the very moral fiber of our country.

In this century we have been involved in two great world wars involving millions of Americans; and we fought in Korea. Undoubtedly, there were, in these wars, as in any war, individual sadistic acts by men who happened to be wearing American uniforms. No nation, no race is or can be free of such individuals. But never in this century have we seen anything of a comparable nature and scope by men in the uniform of the United States of America.

Why in South Vietnam and not in Okinawa, France, South Korea, North Africa, or Germany?

Perhaps because this war, this undeclared war, is different. For the first time we are fighting in a country on the side of a corrupt regime which clearly lacks the support of its own people.

Our soldiers do not fight only a well defined, uniformed group of soldiers. Every hamlet and village, every field, every street may contain enemies in civilian clothes, a situation which obviously contains the explosive potential of triggering the brutal reaction against the civilian population we are now seeing unfold.

Mr. Speaker, this war is brutalizing our young men in the armed services; this war is creating increasing bitterness and alienation among the youth on our college campuses; this war is devouring the resources which should be channeled to alleviate the tensions in our cities and prevent the poisoning of the very air we breathe, the water we drink, the land we till.

Mr. Speaker, only two groups will benefit from this war: the extremists of the right who will feed on the divisiveness of this unpopular war and the Communists and other extremists of the left who are using it to radicalize our youth, and to limit our power to deal with the problems of the rest of the world.

Mr. Speaker, this terrible incident emphasizes the need for us to take immediate steps promptly to remove our military presence from Vietnam.

SERVICES TO THE BLIND

HON. ROBERT DOLE

OF KANSAS

IN THE SENATE OF THE UNITED STATES

Wednesday, November 26, 1969

Mr. DOLE. Mr. President, in 1829 Louis Braille invented the alphabet that bears his name, and thousands were enabled to gather meaning from the writings of others.

In 1878, Thomas A. Edison invented the phonograph, making it possible for millions to enjoy the voices of performers whom they could never see in person.

In 1904, Congress passed legislation creating a limited, free service for the blind, utilizing the braille alphabet. During the years that followed, additional legislation established a central, free library service for the blind.

In 1966, Congress extended this service to all persons unable to read conventional printed matter because of any physical limitation. In addition to books printed in braille, this service developed what is known as "talking books," utilizing a record player and records.

OPENING NEW DOORS

Today over 165,000 Americans, including about 1600 Kansans who are unable to see, hold a book, or turn the pages of a book, are participating in this unique program, opening many new doors of education and enjoyment for themselves.

Because of the efforts of both professionals and volunteers, best sellers, classics, vocational guides, and current news and special interest magazines are transcribed into braille and onto records and tapes. About 3,200,000 different pieces of material are available in the program. From June 1968 to June 1969, there were 5,729,000 requests for the material. In fiscal year 1968–69, 624 new titles were recorded as talking books and 314 were added in press braille. On tape, 461 were added.

All material is geared to all age groups and a wide variety of personal interests and is distributed on a loan basis, free of charge.

Participation in the program also includes biennial book catalogs and bimonthly book reviews in written text, braille, or on record, free of charge. Talking book machines also are loaned without charge.

OTHER BENEFITS

The borrowing period for braille or recorded material is usually 1 month. The material is received and returned in a sturdy container provided free of charge and sent through the mails with no postage. The "talking book" machine may be retained as long as participation in the program continues.

TO QUALIFY

To qualify, an individual must secure a brief statement describing the physical disability and verification that he cannot use conventionally printed materials from a doctor, optometrist, registered nurse, physical therapist, professional staff member of a hospital or institution or, in the absence of any of these, a professional librarian.

The statement is then sent to one of 43 regional libraries for the blind and physically handicapped. The library for Kansas is the Wolfner Memorial Library for the Blind and Physically Handicapped, 3844 Oliver Street, St. Louis, Mo. 63108.

Addresses of regional libraries for other States may be secured by contacting Division for the Blind and Physically Handicapped, Library of Congress, Washington, D.C. 20542.

Library service begins about 2 weeks after the regional library receives certification of disability.

RESPONSIBILITY, APPLAUSE

Mr. President, in addition to Library of Congress Division Chief Robert Bray, his very fine staff in the Division for the Blind and Physically Handicapped bear the responsibility and deserve the applause for this program.

In addition, however, there are thousands of unsung heroes—volunteers, professionals and private organizations and State agencies—who are also devoting endless energy and talent to make this program a success.

The national organizations include: American Association of Homes for the Aging, American Nursing Home Association, Arthritis Foundation, National Multiple Sclerosis Society, National Easter Seal Society for Crippled Children and Adults, paralyzed veterans, United Cerebral Palsy Associations, Inc., American Foundation for the Blind, American Printing House for the Blind, Howe Press of the Perkins School for the Blind, Recording for the Blind and Telephone Pioneers of America.

Joining hundreds of volunteers throughout the country in transcribing books into braille and serving as proofreaders are 42 Kansas people. They are:

Hutchinson: Mrs. Donald Gibbs, Mrs. Betty J. Carman.

Wichita: Miss Shirley Smith, Mrs. Anne Buhl, Mrs. Dorothy Anderson, Mrs. Hazel Cravens, Mrs. C. I. Stein, Mrs. Dorothy Dinwiddie, Mrs. Von Eulbert, Mrs. Emma Graham, Mrs. Jean Hedges, Mrs. Dorothy Jocelyn, Mrs. Janice Kellerman, Mrs. Margueritte Lee, Mrs. Norma Lobaugh, Carlton B. Martin, Mrs. Grace Martin, Miss Mary Jane Sauzek, Thelma E. Showman, Mrs. Octavia Trueheart.

Derby: Mrs. Dottie Devine.

Caney: Mrs. Eva M. Walker.

Dodge City: Zola Thomas, Walter A. Thomas.

El Dorado: Mrs. Florence K. Leonard.

Haven: Mrs. Marvel Kollman.

Iola: Mrs. Joy Lingle.

Kiowa: Mrs. Hazel Johnson.

Lansing: C. S. Anderson.

Lawrence: Mrs. Hilda Holmes.

Leavenworth: Miss Veta Miller.

Medicine Lodge: Mrs. Fannie Stevens.
Nashville: Mrs. Bonnie Randolph.
Parsons: Mrs. Clifford Jones.
Prairie Village: Annemarie Goldfarb, Mrs. Betty Keating, Mrs. Leah Sheiffer, Mrs. Dolores Ufford, James Wees.
Sedgwick: Mrs. Connie Nordstedt.
Shawnee Mission: Mrs. Margaret L. Twin.
Pretty Prairie: Mrs. Lois Smelser.
Valley Center: Mrs. Jennie Byerly.

THE VIETNAM CONFLICT SHOULD NOT BE A PARTISAN ISSUE

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. DUNCAN. Mr. Speaker, the conflict in Vietnam should not be a partisan issue, and this sentiment has been voiced by thousands of people, including Senate Majority Leader MIKE MANSFIELD. I would like to put into the RECORD an editorial from the October 8, Nashville, Tenn, Banner which I recommend to my colleagues:

NIXON HAD NO PART IN CREATING SORRY MESS IN VIETNAM

Democratic Senators, et al., tuning up with their national chairman for louder blasts at President Nixon's Vietnam policy, would have done well to have heeded instead the sage counsel of Majority Leader Mike Mansfield. By more than inference it was advice—inseparable from the opinion he expressed:

"I think the President is doing everything he can, according to the best advice he can get, to get out of Vietnam. It is not a partisan issue. It is something we must all try to work toward a solution of, and I am hopeful it can be accomplished in the not too distant future."

If such party colleagues as National Chairman Fred Harris, Sen. Edward M. Kennedy (Senate Whip), J. William Fulbright, et al., heard it, they gave no sign. By Harris' signal-calling, October is the big month for a frontal policy assault—with no holds barred. Characteristically they were talking when they should have been listening; and when they could have been examining for previous party shoals the cross-currents on which they were blithely embarking.

Republican Chairman Rogers C. B. Morton wound up and let them have it Tuesday squarely between the eyes. He recalled some facts about when, how, and by whom, the United States got involved militarily in that war. The quotes suffice, as a matter of record, with which the nation is acquainted:

"Democratic administrations committed over a half million U.S. troops to a war in Vietnam.

"It was Ted Kennedy who supported President Kennedy's escalation in Vietnam, and Fred Harris who supported Hubert Humphrey on Vietnam, and Hubert Humphrey who supported President Johnson's proposals.

"It is President Nixon who has ordered 60,000 troops out of Vietnam, and who has cut draft calls by 50,000."

Raucous voices in the Harris-Fulbright-Kennedy corner won't be restrained by any appeal to reason or statesmanship issued by the Senate Majority Leader, though Senator Mansfield could wish his party Whip would grow to a stature of judgment and maturity suited to that office. In the interest of a nation confronting a matter that transcends partisanship, he devoutly could wish that.

He counselled wisely, but has been ignored by these colleagues.

In the eyes of a nation that knows the score—and the record cited—hardly can they ignore the fact that they have been hit by their own boomerang of political mischief.

How did the United States get into that war?

In his "Editor's Notebook" column on Sept. 28, John S. Knight, head of the Knight Newspapers, published the significant background of that involvement:

"Some readers have questioned my statement that the late Ngo Dinh Diem, first president of South Vietnam, was 'largely an American creation, promoted by the late Francis Cardinal Spellman and financed by the Hon. Joseph P. Kennedy.'

"Former Sen. Wayne Morse of Oregon explains that 'it was Cardinal Spellman who arranged for a public relations firm to build up Diem as the Catholic puppet of South Vietnam, and that Diem's brother, the Catholic bishop of Saigon, beat a path to Spellman's door to promote the war'.

"Drew Pearson reported that Cardinal Spellman enlisted the support of Joseph P. Kennedy, a heavy contributor to Spellman's charities, to hire the Harold Dram public relations firm, at a fee of $3,000 a month, to represent Diem as 'the man who could save Vietnam.' The Cardinal helped organize 'the American friends of Vietnam' to promote Diem and American aid.

"Ironically, when Ngo Dinh Diem proved to be a liability to the Kennedy administration, he was assassinated in 1963 and without protest from the U.S. government.

"The unpopular Ngo Dinh Diem, noted for high-handed edicts enforced by corrupt subordinates, was once described by Lyndon Johnson as 'the Winston Churchill of Southeast Asia.' "

Subsequent to such a start of this thing, the late President John F. Kennedy committed the first 16,000 U.S. troops. And it might incidentally be recalled that it was then-Defense Secretary Robert Strange McNamara and his successor, Clark M. Clifford, who, over so many years, conducted the war in a manner that denied to the military any victory which is the one essential of combat.

This is the sorry story of U.S. involvement in that stinking mess, for none of which can Richard Nixon or his administration bear the slightest blame.

THE FOREIGN AID BILL

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, November 26, 1969

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an editorial entitled "The Foreign Aid Bill," published in the Daily Progress, Charlottesville, Va., on November 19, 1969.

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

THE FOREIGN AID BILL

A report from the chairman of the House Foreign Operations Subcommittee on Appropriations gives rise to some further doubts about the level of foreign aid being provided by the United States to much of the rest of the world.

A main question raised is how far this nation should go in continuing to share its resources with the world when the U.S. public debt now stands at $57,081,000,000 more than the combined public debt of all the other nations.

The subcommittee chairman also reported that new budget requests made in the first six months of this calendar year totalled more than $10 billion for foreign assistance in the form of loans, grants and credits; that there were unexpended balances from prior years of more than $18 billion; that if the new requests should be approved, the total funds available would be more than $29 billion and that the net cost of the foreign aid program to this country since World War II is more than $182 billion.

This is an imposing list of reasons why Congress should go slow before it votes any more foreign aid authorizations and certainly before it grants all the requests for funds that have been made.

It is difficult also to understand why additional funds are being sought at a time when so much money is still in the pipeline—the $18 billion in unexpended balances from previous years. It would seem that much money could keep the foreign aid program going quite satisfactorily for several years at least.

Americans will not begrudge much of the $182 billion they have provided to help other nations of the world in the past 25 years. At the conclusion of World War II many war-torn countries were prostrate; some no doubt could not have survived without the American aid that was cheerfully sent to them by the taxpayers of this country.

But most of these countries are back on their feet now and an unfortunately large number of them with little memory of what the American people did for them in their hour of pressing need.

And desirable as it may be to help the under developed nations of the world to raise their living standards, the United States, rich as it is, simply does not have all that money. There is a bottom to the barrel, even in this wealthiest of all nations.

The dreary balance of payments situation faced by this country and the domestic inflation which seems to be increasing as far as the housewife is concerned are due as much concern and action as is the welfare of other nations in the world.

A step in the right direction would be the defeat, or at least a drastic reduction in funds called for in the foreign aid bill which the House Foreign Affairs Committee has reported out and which may be voted upon next week.

JOSEPH P. KENNEDY

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. KEITH. Mr. Speaker, as the Congressman representing Cape Cod, I would like to take this opportunity to express the sorrow and condolences of myself and my constituents at the death of our distinguished neighbor, a great American, Joseph P. Kennedy.

In his own right, Joseph P. Kennedy fully deserves the eulogies that his memory is receiving from business and government leaders across the country. As Ambassador to Great Britain, as first chairman of the Securities and Exchange Commission, and as an innovative member of the U.S. Maritime Commission during one of the crucial points in our history, Joseph P. Kennedy made an indelible mark on the direction of this Nation.

But, beyond his own noteworthy achievements, Joe Kennedy will be remembered as the father of perhaps the foremost family in 20th-century American politics. He gave the Nation a President, an Attorney General, and three Senators, all who demonstrated a style, character, and charisma unparalleled in American history.

Through his own life and through those of his sons, Joe Kennedy demonstrated the full potential of the American dream. He was tough, and ambitious, sentimental, sometimes reactionary, and sometimes wrong. He was always controversial, and he was astonishingly successful. Only in America could a man of his background reach the heights that Joe Kennedy did. America gave Joe Kennedy great opportunity; he took it, and repaid it in full measure.

My own constituency felt the impact of this remarkable man even more than the rest of the country. He spent his early years as assistant manager of the Bethlehem Shipyard, in Quincy; he spent most of his retirement years as a resident of Hyannisport, where he presided over the most accomplished family in the Nation, and made the "Kennedy compound" an internationally known landmark.

We felt his presence in other ways also, through his generousity and philanthropy. The Boys Clubs in New Bedford and Fall River, the Cape Cod Hospital, the Kennedy rink in Hyannis—these and other worthy causes all have been helped by Joe Kennedy, and the memory of his generosity will linger there for years to come.

I recall one particular incident that epitomizes, in a way, the kind of man Joe Kennedy was. Some years ago, the Cape Cod Hospital reached the end of a fundraising campaign, short of their $1 million goal by $15,000. When Joe Kennedy heard of this, he wrote a check for that amount and sent in to the fundraising headquarters in the hands of his son—now Senator—TED KENNEDY.

That was Joe Kennedy. He was a distinguished public servant, a remarkable successful businessman, and a generous philanthropist. Few men have had a more accomplished lifetime, and few men have made a more lasting imprint on the fate of their nation.

So on behalf of myself, and the many constituents who admired the man and his work, let me extend our heartfelt and sincere sympathies to his gracious widow Rose, and to the rest of his family.

KEEPING FAITH WITH THE YOUNG

HON. LLOYD MEEDS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. MEEDS. Mr. Speaker, with the Nation finally galvanized for a fight to clean up our environment and conserve our great out-of-doors, it is time we turn from talk to action. Mr. Michael Frome, conservation editor of Field and Stream magazine and nationally known figure in outdoor recreation, youth conservation and environment, recently spoke in graphic terms about the problems of our outdoors.

He also focused on Youth Conservation Corps legislation presently before this Congress as an "important proposal," as a "chance for our generation to keep faith with the young" and as an aid in conserving the heritage of our public lands and forests.

So that the Members of Congress can benefit from Mr. Frome's remarks, I insert them at this point in the RECORD:

ADDRESS OF MICHAEL FROME, CONSERVATION EDITOR, FIELD AND STREAM, AT THE ANNUAL CONVENTION OF THE NATIONAL CAMPGROUND OWNERS ASSOCIATION, ST. LOUIS, MO., OCTOBER 31, 1969

Fellow campers, fellow conservationists, anyone who protects open space and provides the American people with a healthful and inspirational experience in the outdoors I consider a partner in conservation. This is why I have come here. Most private campground owners I have met impress me as being lovers of nature and of people. They expect to make a living and deserve to, yet they seem to find service more satisfying than profit. I hope this may always be the case.

Your president, Tom Jones, asked me to implant the "seeds of purpose." The sum and substance of my message in fulfillment of his request are simple: The future growth of the private campground industry depends on sustaining or restoring a healthy, wholesome national environment, with clean air and clear water, upon protecting, expanding and enhancing recreation lands both public and private, ranging from wilderness to resorts. At the same time, the campground industry can contribute to the national environment by cultivating a sense of respect for it among campers and by joining with us in the conservation movement.

I don't have to tell you the world today is in one big, filthy mess. When I left Washington yesterday I looked down from the airplane window: our beloved national capital was enveloped in a blanket of smoke. It was nothing new, different or extraordinary. It was not smog that comes and goes with the wind—it was smoke, chronic and permanent. Coming into this great city in the heart of America, the smoke was even worse. Recently an airline pilot—a man who flies the largest type of aircraft in service today—came to see me. He said that a mass of smoke more than 30,000 feet thick hangs over the country from the Atlantic Seaboard to the Mississippi River and even much of the West. He told me that air pollution—by whatever name it may be called—is an increasing threat to flight safety because the vision of the pilots is seriously obscured.

Experts say the earth is smothering with the stuff man is throwing away, and soon there may be no more "away" to throw it to. This came home to me forcefully last week when I received a copy of a recent speech by the Deputy Minister of Tourism in Ontario, Mr. A. S. Bray. One thinks of Canada as a large and unspoiled frontier. Yet he voiced expressions of desperate concern.

America the Beautiful, he said, can all too often be described as America the Contaminated, and anxiety about the quality of life has become a rising political issue. In the summer of 1969, Canadian families beginning their vacations at the lake, river or shore, where they used to swim without a second thought, often took along a new piece of equipment: a laboratory bottle and instructions on how to collect water samples. Just about everyone now knows about coliform counts. On New Brunswick's St. John River, the government Fisheries Department opened a three-and-a-half million dollar salmon hatchery last summer, only to find that at least 5000 smolt died within a few months because of polluted river water.

The same crises extend to every society around the globe, where over-expanding industrialization has created excessive waste that is poisoning plants, wildlife and man himself. Almost every week brings new warnings of impending ecological upsets—of certain birds becoming extinct, hauls of inedible fish, mysterious animal sicknesses.

Clearly, we must tackle without delay pollution caused by DDT and other pesticides, by radioactive waste, chemical fertilizers and hot water from nuclear power reactors; we must act to reduce the shattering cacophony of modern noises that grate on the nerves and even damage living organisms; we must face and resolve the challenge of festering cityscapes and blighted roadsides; we must examine the pollution of visual ugliness.

"Modern man," said Thor Heyerdahl, the great Norweigian explorer and scientist, "seems to believe he can get everything he needs from the corner drug store. He doesn't understand that everything has a source in the land or sea, and that he must respect those sources. If the indiscriminate pollution continues, we will be sawing off the branch we are sitting on."

I agree and for this reason believe in camping and in promoting it—not necessarily more camping in terms of quantity, but more in terms of quality, more *better* camping. Adventures in the outdoors are essential to appreciating the mechanism of the land. The further we move from the natural ways of our ancestors and the further we move into urbanized insulation, the more do people lose touch with their origins. A society that relies on sewers to carry away its offal, living in cities recklessly spewing waste into streams, subjected to unending propaganda promoting throw-away bottles, cans and packages, can hardly understand its dependence on natural resources, or express much effort to protect them.

Camping spans a multitude of definitions and reasons, each of which has its place and purpose. But in the sum total of all our motivations there is a common denominator: The urge to be free, to tear loose from urban and suburban ways. Camping is a natural and necessary reaction and antidote to a frenzied supercitified age—a return for sustenance to pioneer pathways and to nature's bosom. The extent to which people flock to the prettiest lakes, the most attractive scenery, and the shadiest glens emphasizes the desire to enjoy unspoiled natural settings of the highest quality.

In the old days everything necessary for a camper's comfort and survival he had to provide himself; it was part of the culture, a rather challenging but rewarding way of life. Today the trick seems to be to spend enough money so that everything is done for you, with all the mechanical contrivances and conveniences of indoor life at home adapted into outdoor life away from home. There is scant emphasis on self-reliance or on the need to respect the environment of nature. Thus equipped—and often overequipped—with everything but basic training, our campers take to the open spaces, congregating as close together as possible, as if there were safety in numbers. Presently they completely transform the setting into the kind of littered, noisy, and overcrowded ghetto they left behind.

If I had my way, new campers would be required to start with a one-week training course. They would go into the woods in groups and learn to pitch an old-fashioned pup tent, build a fire, and get along without mechanical gadgetry. They'd have discussions on appreciation of the outdoors and on the fundamental blessings and benefits of camping . . . On second thought, make that a two-week course, for these lessons come slowly.

Instead, though campers think they may be following the footpaths of the frontiersmen, their incomplete, faulty schooling and the inadequate guidance they receive drive them to follow city ways.

As I travel over the country, I see many examples of overuse and misuse of campgrounds, both public and private. Trampled vegetation and exposed tree roots are common sights, proving as damaging to watershed values as the uncontrolled bulldozer, logger or miner. These are the obvious results of pounding by too many feet. But even without physical damage, the presence of too many people demeans a setting. A lake may be rich in appeal when ten people are on its shores. It may retain most of that appeal with 50 or even 250. But at some point sheer numbers alone must transform a pleasant campground into a housing colony and ultimately into an outdoor slum.

This is one reason why I favor rationed use of campgrounds in national and state parks and in the wilderness areas of the national forests. Russell Tobey, director of state parks in New Hampshire, put it very well when he told me: "A few years ago we thought we were doing the kindly thing to make room for everybody, to let them hang from the trees and behind rocks. But we suffered dire consequences in overcrowding, in overstrained staffs, roads and water systems. We concluded we must strive for optimum, rather than maximum development. This firm policy has encouraged private campgrounds all over the state and they are a considerable factor in the economy."

Alas, too often, because of lack of imagination or courage, state and federal officials take the easy way out. They misread the aspirations of their clients and misjudge their own repsonsibilities. Instead of devising new techniques to introduce people to nature and nature to people, they pour concrete for more highways, transpose such devices as "motor nature trails" to the back country, and congest visitors on treeless barren camping suburbias. In the process they destroy the natural features people have come to enjoy.

We need look no further for an example than the Great Smoky Mountains, the country's most popular national park. The so-called "master plan" which citizen conservationists have been fighting for more than two years, is a bizzare design of roads gutting the wilderness, of massive campgrounds of 200 or 300 or 600 units that rob the camper of a true park experience and take up priceless national real estate for sheer bedroom space.

Public areas, and private ones as well, need to give people a capsule course of ecology in the campground so they realize the site is alive, delicate and fragile. But even when the grounds are kept clean and neat and landscaped, this in itself will stimulate respect.

I believe that national parks and many national forests should be restricted to tent camping, that trailers should be diverted outside. Trailers and large luxury vehicles are increasingly difficult to accommodate on park roads and parking areas. They require as much space as buses, yet carry only a handful of people.

Elimination of large trailer sites, water systems, sewer systems, electrical hookups and the like would not mean the exclusion of people, but rather the protection of choice country for the enjoyment of people. It would also mean the enlargement of regional vacation areas, with more surrounding state parks, private campgrounds and resorts to serve the rising tide of recreational travelers.

In this regard, I must say that I find the continued rivalry among federal agencies, the tunnel vision, the inability to project beyond boundaries, and the lip service given to be intolerable. It must end; the interest of the people must prevail.

As an example of how a regional plan could work, campers bound for the Great Smoky Mountains National Park would receive their assignments by reservations in advance or at the entrances. When all spaces were taken other arrivals would be directed to private campgrounds, the adjoining national forests, and the Cherokee Indian Reservation. In this way the entire region would be embraced in the camping design; then visitors could reach trails in the national park aboard a tramcar or bus. The same reservation system could be applied at the gateways to Acadia, the Everglades, the Tetons and Yellowstone. At Cape Cod, a central clearance headquarters is urgently needed—to save the national seashore as well as to take care of the public.

The national parks and national forests are both entering into a vital new era as environmental study areas for the young people of our country. An important proposal before Congress would establish a Youth Conservation Corps toward that end. I envision it as a chance for our generation to keep faith with the young, to show with deed that our legacy is not simply one of war and hate and environmental degradation, but of hope and confidence and peace.

It was the late Aldo Leopold, a distinguished conservationst and educator, who declared, "I am glad I shall never be young without wild country to be young in." The national lands maintain the opportunity for successive generations to acquaint themselves firsthand with conditions that have shaped our culture. Such contacts are essential to the sense of being an American. That young people are shut off from healthful outdoor experiences undoubtedly contributes to the rising tide of crime and violence.

The use of public lands as environmental study areas means the role of the private lands must grow in meeting recreational needs, and, hopefully, with a conservation conscience.

In this regard, I would like to mention briefly what two other organizations in the travel field are doing.

First, the American Hotel and Motel Association. It has a national Committee for a Quality Environment, with nineteen functioning state committees. It issues to its members kits containing a variety of publications showing what they can do in the area of conservation.

In addition, All AH&MA members are asked to pledge themselves to:

(1) Preserve beauty where it now exists.

(2) Provide beauty where it is lacking.

(3) Build with conservation and beauty in the forefront of our thinking.

(4) Conserve our natural resources of land, air and water.

(5) Lead in this effort in the communities.

The second organization is the Society of American Travel Writers, of which I am proud to be a former president. Two years ago we established a Committee on Conservation and Preservation and this year issued our first "Connie" Awards, reflecting—as our president, Robert S. Kane, declared—the concern of travel writers over "the increasing assaults on our country's great wilderness areas, wildlife sanctuaries, free-flowing rivers and historic sites."

As he put it, "The sacrifice of natural beauty and historic landmarks for the construction of jetports, super-highways, housing developments and other facilities in the name of progress is fast depleting the very elements which make up our quality travel and recreational environment. Campaigns of conservationists often go unnoticed, unsupported and unsung, and these dedicated efforts deserve nationwide recognition. To this end the Society has established the 'Connie' Award."

At our recent convention in Las Vegas we presented Connies to six worthy recipients. I hope that in the future we shall be giving such awards to various individuals and organizations in the campground industry.

I love to camp and have been camping within the past month. Everyone to his own taste, but for me wilderness camping is the ultimate experience. It has sophistication in its utter simplicity. I'm not even sure that all of this type of high quality camping resource must be limited to public lands.

I would summarize my feeling and conviction about the whole picture as follows: If you offer the people excellence they will find it out and respond to it.

OSCAR SETTERQUIST RETIRES

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. LEGGETT. Mr. Speaker, I am thankful for this opportunity to pay tribute to Mr. Oscar Setterquist on his retirement from the Greater Vallejo Recreation District after 25 years of distinguished service. It is indeed an honor to have had such a fine and dedicated gentleman meeting the recreational needs of the largest population center in the Fourth Congressional District.

A great tribute can be paid Mr. Setterquist for his untiring service to the growing recreational needs of the Greater Vallejo area. However, the greatest tribute has already been given by those who have worked and persevered with him over the past 25 years in developing our Vallejo Recreation District into the second largest in the State of California.

Today, we can only confirm the good judgment of the people of Vallejo in electing him the first chairman of the Greater Vallejo Recreational District on July 12, 1944. From his earliest efforts with Vallejo's Defense Recreational Committee in 1941 to his assuming the recreation chairmanship, Mr. Setterquist has shown the greatest ingenuity and creativity in budgeting and building the recreation and leisure activities in Greater Vallejo.

Let us only look to the accomplishments of Mr. Setterquist and his staff from 1950 to 1960. During this period, the Greater Vallejo Recreational District, by purchase or lease, developed the Blue Rock Springs Park, Terrace Park, the Washington Playground, the Country Club Crest area, the Lake Chabot Rosa Minipark, Carquinez Park Area, College Park, and the property adjacent to Lake Dalwigk.

He has now been chairman of the Greater Vallejo Recreational District for 18 years. Twenty-five years ago, when he was first informed of his appointment, Mr. Setterquist was quoted as saying:

> I consider it an honor to be asked to serve on the Commission . . . I will do my best at all times.

Mr. Setterquist has done his "best at all times." It is indeed an honor for me to know him. I wish him even greater success in the years to come. I can only wish him the degree of contentment and enjoyment that he has brought the people of Greater Vallejo with his recreational ideas and accomplishments.

LAND REFORM IN SOUTH VIETNAM

HON. FLOYD V. HICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. HICKS. Mr. Speaker, I commend to my colleagues another in the series of informative articles on South Vietnam's problems by Mr. Frank Herbert of the Seattle Post-Intelligencer.

Mr. Herbert recently returned from Vietnam where he accompanied Dr. Roy L. Prosterman of the University of Washington, adviser to the South Vietnamese Government on land reform.

The article follows:

WHERE DOES WHITE HOUSE AUTHORITY START AND FINISH?

(By Frank Herbert)

In the executive branch, the military and the great bureaucracy of our government, a largely secret political-guerrilla war over Vietnam is going on right now which, in its deadly potential, overshadows the bloody fight taking its daily toll far across the Pacific.

You are going to read here as full a description of that "other war" as I can produce—names of people involved and the battlefields: troop withdrawal, cease fire, land reform.

Here is the arena of secret decision "for their own good" about which the public seldom learns until it's too late, until their sons are being killed and their tax dollars squandered.

And the horrible part of this is that these secret decisions often are made at the middle echelons of the bureaucracy and go directly opposite orders being received from the top.

There were moments during the gathering of this information when I wondered if the Presidential writ didn't stop at the edge of the White House lawn.

It's obvious that President Nixon wants maximum troop withdrawal from Vietnam consistent with security there, he wants an honorable cease fire as soon as possible, and he wants a workable land reform law in South Vietnam upon which that tortured nation can begin building political stability.

OPPOSED

He is being opposed every step of the way, often by people in odd corners of the bureaucracy and at key crossroads in the implementing of decisions, people who can make their will felt subtly, but surely, even against a president.

We'll go into this in detail presently.

The stakes in the "other war" (the fight in the bureaucracy)—are high—careers and advancement, political power, prestige, self justification.

The well known ability of the human mind to rationalize decisions for personal benefit, no matter the deadly consequences to others, gets its daily workout on all sides in this battle.

Yet the American public knows little about this secret war.

The reasons are many. There is a certain down-the-nose disdain about "the public" in the minds of some of those involved—which says something about their real belief in functioning democracy.

Unhappily, much of the press tends to be an acquiescent partner in the secrecy. We are trained to protect our sources.

This means we don't use names of people who give us powerful data under the cloak of anonymity. We don't even use some of the data directly because it points so obviously to the source.

HUNGER

The name of this game is "career hunger" and our own careers depend on the daily input of usable information. If the sources dry up, our careers suffer.

Lives of soldiers and civilians dying in Vietnam are disregarded in this scramble—not entirely out of cynicism, but, what is worse, out of an unspoken agreement in which such consequences are disregarded for "larger" reasons.

It's easy to find a larger reason when that reason coincides with your own desires.

Let's trace one case history as an illustration—that of Joseph Mendenhall, head of the Vietnam desk for USAID in the State Department. USAID is our international development agency.

Mendenhall, as political counsel to the Saigon Embassy in 1960–63, presided over many of our blunders during the darkest days of the Diem-Nhu regime.

He was one of those who praised the Rand Report. This so-called study, since thoroughly discredited by two congressional investigating committees, was written by a man who had never been in Vietnam.

The report set out to prove that Vietnamese political stability depended largely on the landowner class—certainly that segment of the population which is most opportunistic and would be the first to dump us in a crisis.

As late as last April, Mendenhall still was working hard for a voluntary land purchase program which would extend its effect over some 12 years.

Now, however, he obviously has heard the others passed down from the White House through Secretary of State William Rogers.

ALINED

The former land reform opponent today appears fully aligned with current policy, but it's an alignment which deserves examination.

Mendenhall argues that the Vietnamese land reform must have an "adequate application system" under which the tenants and sharecroppers can ask for and get their land.

Pressed, he explains he means a complicated system of deeds and paper work—a system certain to bog down administration and open wide the doors to corruption.

Asked why he favors this, Mendenhall says: "Well, you know there may be many tenants who don't want to be landowners."

(Hearing this, a Washington official close to the White House jibed: "Sure! Lots of people want to starve.")

Bogging the law down in paperwork appears to be the one thing Mendenhall can do with impunity to sabotage federal policy, but he also has taken out what might be called an insurance policy.

The new chief of Land Affairs for USAID in Saigon, Richard Hough, is a Mendenhall man.

Hough doesn't really see why we should give land to the peasants. (They've only been paying for it at the rate of 35 to 90 percent of their crop annually all their lives.)

CHARGED

He believes the peasants should be charged for the land under a long term plan certain to eliminate immediate political impact.

You will recall Mendenhall earlier favored a voluntary land purchase plan.

When pressed on the built-in delays of his proposals. Mendenhall's only response is a question: "Why are you so concerned about immediate application of the law?"

The answer to his question is quite simple: Saigon needs every day it can get to build a solid political base among the rural population ahead of U.S. withdrawal.

Our withdrawal rate is perhaps the most inflammatory arena of this "other war."

Gen. Craighton Abrams, the U.S. commander in Vietnam, must know the White House is insisting on a maximum permissible rate of troop withdrawal. He has been told this in so many words.

Abrams translates this as "somewhere around 25,000 a quarter," adding: "We could perhaps go down to 449,000 by next June. With everything we can read now, this seems practical."

(Hearing this, one Washington official said: "The damn fool is living in a political dream world. Even Pres. Nguyen Van Thieu knows more about the U.S. political climate than that!")

In effect, Abrams is trapped by the rosy reports he has transmitted to Washington on the successes of our pacification program and Army of the Republic of Vietnam's increased effectiveness.

No doubt there's some truth in his pronouncements, but their implications are deceptive.

Much emphasis is placed on the Hamlet Security Map showing that 80 percent of South Vietnam's population is in areas classed "C" or better.

DANGEROUS

The "C" classification translates as "Subject to infrequent VC (Vietcong) harassment." In practice, it means: "Relatively safe in the daytime, dangerous at night."

The city of Saigon, it's well to note, has a "C" classification.

MACV (Military Assistance Command-Vietnam) is a bit hesitant to explain how it arrives at its classifications, but appears to place great store on the fact that the data comes out of a computer. (It apparently is based on a physical count of the number of VC incidents.)

Obviously, MACV has not heard the old computer operators' axiom: "Garbage in: garbage out."

It's equally obvious they haven't heard the assessment I did from former Vietminh intelligence officers.

The Vietminh was the force which fought under Ho Chi Minh to defeat the French—a combined army of communists and Vietnam nationalists.

The former Vietminh in South Vietnam are those who could not stomach communism and fled to the south. They are among the most violently anti-communist of all residents in the south today.

These officers believe much of the VC infrastructure we have eliminated was put there by the communists for just that purpose and that the hard core infrastructure is still waiting in many communities for an opportune moment to act.

The most likely opportune moment would follow a cease-fire and would occur during a subsequent election campaign period. There's no doubt the communists are planning their tactics carefully with a cease-fire in mind.

Their plans certainly include new terror tactics designed to influence an election.

TERRITORY

The U.S. military in South Vietnam, no matter its rosy and stiffly argumentative reports still is committed to a largely conventional type of war for territory.

The VC is fighting a war for people.

The communists have been setting most of the political pace and controlling the casualty totals. A key point in their political strategy is to maintain a high level of casualties in American forces.

This exerts maximum political pressure at home and, they hope, will force the U.S. to accept a cease-fire on communist terms.

Plans for a cease-fire are very touchy in Saigon. Thieu has just stated he doesn't

believe a cease-fire is feasible. A strong segment of our State Department agrees with him.

Ambassador Ellsworth Bunker has been known to support this position, although he has considered alternatives. He recently told an American group in Saigon: "It may come to a cease-fire yet."

PARTITION

The official position on this involves a leopard-spot standstill cease-fire with regrouping followed by supervised elections. This would amount to de facto partition of Vietnam.

A leopard-spot cease fire is just what the name implies: we would button up in areas we now occupy. The Viet Cong would do the same.

In Saigon, Bunker said: "Thieu has come a long way toward accepting de facto partition."

Bunker's number two, Ambassador Samuel Berger, now holding down the post in Saigon, put it even more strongly: "There can be no cease fire solution under present circumstances. It'd only be a cover for a 25 to 50 per cent buildup by the VC."

On his way to a much needed vacation in the U.S., Bunker stopped off to discuss mutual concerns with our delegate to the Paris peace talks, Ambassador Henry Cabot Lodge.

From Lodge's reaction to reports about Bunker's opinions on a cease fire, it was apparent to me when I talked to Lodge a week ago in Paris, that our Ambassador to Saigon did not brief our peace negotiator on these points.

Lodge's reaction:

"You know, that's the second time today someone's told me that and I'd never heard it before."

INTERPRETS

It would be difficult to interpret this failure by Bunker. Perhaps he changed his mind between Saigon and Paris. Perhaps he's still strongly committed to the military-solution-only plan.

One thing certain: it could not have been an oversight.

Several mysteries crop up when you examine what information has been passed along to Lodge and what has not.

Philip Habib, political counsel to our peace talk delegation, is another old Saigon hand who fought against land reform with every means at his disposal.

Habib represented Lodge at the recent White House conference on our Vietnam-Paris posture. This was the conference attended by Bunker, Abrams, Admiral John McCain (Honolulu), Secretary Rogers and their aides plus Nixon advisors.

During the four-hour Washington conference, the leverage that effective land reform in Vietnam could give us at the Paris talks was certainly mentioned.

It appears rather clear that as long as the Hanoi delegation can smell victory, can look into the future and see only improvement of their political position, they won't budge at the conference table.

Spokesmen for our Paris delegation make it painfully clear this is the actual case. One aide says: "These really aren't talks. We're just at the yelling, screaming and accusation stage."

Effective land reform from Saigon, however, would change the political picture in South Vietnam and Hanoi knows this. Their own recruiting program in the Mekong Delta leaned heavily on this propaganda weapon.

"We gave you the land; give us your sons."

From Lodge's reaction, it's plain this argument was not emphasized by Habib, if it was mentioned at all.

Habib, it must be remembered, was one of those who kept feeding President Johnson arguments on why we should not stop our bombing of North Vietnam.

BOMBING

Even many of the South Vietnamese military now say that this bombing was a major element in unifying North Vietnam and stiffening communist purpose.

This is the way it goes in the bureaucracy and the military—a war within a war. There's much more to it than these examples, but these are crucial high points.

Mendenhall and Habib, two of the men who have been heavily responsible for data on which many of our blunders in Vietnam turned, still hold powerful positions where they can influence policy against executive decisions.

The chief of our military mission in Vietnam obviously is at loggerheads with President Nixon's avowed purpose of reducing our troop strength in Vietnam by 250,000 over the next eighteen months.

Perhaps we should interpret this entire conflict in the light of the old Vietnamese proverb: "When the water recedes, the sandcrabs eat the fish; when the water rises, the fish eat the sandcrabs."

WHITE HOUSE CONFERENCE ON FOOD, NUTRITION, AND HEALTH

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. PATTEN. Mr. Speaker, a White House Conference on Food, Nutrition, and Health will be held in Washington on December 2, 3, and 4 to focus national attention and national resources on our country's remaining—and changing—nutrition problems.

Over 2,500 educators, scientists, medical and health professionals, representatives of agriculture and the food industry, and spokesmen for consumer and social action groups, will join with Federal, State, and local government officials at the meeting. Twenty-six pre-Conference panels have met during the summer and fall to consider a wide range of food and nutrition problems.

They have drafted provisional recommendations which they will discuss with the Conference participants in small, working sessions. From this interchange, the Conference expects to produce its final conclusions—a carefully developed and broadly acceptable body of recommendations for the President, Government, the private sector of the economy, and the American people.

Among the questions to which the Conference will address itself are: how to insure continuing surveillance of the state of nutrition of our citizens; how to improve the nutrition of the poor, pregnant and nursing mothers, children and adolescents, the aged, and Indians; how to monitor the wholesomeness and nutritional value of our foods in the face of new technologies of food production, processing, and packaging; how to improve nutrition education in the schools; and how to improve programs that affect nutrition.

I hope that when recommendations are made by the Conference, action will be taken to implement them as quickly as possible. It is a sad and tragic anomaly that in this land of abundance and affluence, millions of persons suffer from hunger, millions of others lack a balanced diet, and still many others are in poor health.

Mr. Speaker, this is a challenge we must not ignore, for if we fail, we will not only desert persons in desperate need of help, but America's reputation for being a Nation of compassion, will be ridiculed.

SAN JOAQUIN WILDERNESS AREA

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. WALDIE. Mr. Speaker, the proposed San Joaquin Wilderness lies between the John Muir and Dana Minarets Wildernesses and would fill the one gap that is missing in an otherwise continuous strip of wilderness along the crest of the Sierra Nevada in California. Zigzagging through this virgin country is the longest, finest, mountain wilderness trail in the country. Nowhere else can one hike 300 miles in the same general direction without ever crossing a road or passing a settlement.

Starting in Yosemite Valley one can follow the famous John Muir Trail for 200 miles south, to the summit of Mount Whitney, 14,496 feet. Shunning the easy routes along the canyon bottoms, the Muir Trail climbs the highest passes and winds close to the highest peaks. South of Mount Whitney one can follow other trails for almost another hundred miles, to the gentler wilderness of the Kern Plateau.

There are no competing uses of any importance in the area. Some small mineral deposits exist, such as iron and tungsten, but none is of commercial quantity and quality. Nor are there any stands of commercial timber. Tentative plans for water development have existed on paper for years, but they have not proved to be economically feasible and have not attracted the interest of any agency or utility.

Nevertheless, the area is persistently threatened by the promotion of another trans-Sierra highway, just 25 miles south of the splendid new Tioga Pass route through Yosemite Park. There are already eight other paved roads across the Sierra Nevada, three kept open the year round where possible.

Promoters of the proposed Minaret Summit Highway continue to insist that the route would support commercial truck traffic and provide access to skiing on Mammoth Mountain, despite findings by the California Highway Department to the contrary. These findings were confirmed by two of the largest trucking concerns, PIE and Delta, in statements indicating that no freight-rate benefits would occur if such a highway were built. Fifty miles of this route lie above the snow line—over 6,000 feet—in a portion of the Sierra known for its 7-month winters and very heavy snowfall.

The proposed area of 43,280 acres is suitable for wilderness classification. It has great beauty and wildness. Its virgin forests of red fir are broken by small

meadows, deep canyons, and sheer cliffs. It has native trout and abundant deer. It is spacious. It offers solitude, grandeur, and dramatic mountain scenery.

Most important of all, it is the needed link in the narrow chain of wilderness that follows the crest of the High Sierra.

SELF-EXAMINATION FOR ALL NEWS MEDIA

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. CHAMBERLAIN. Mr. Speaker, the widespread public support for Vice President AGNEW's recent criticism of the mass media should be sufficient evidence of the need to have this admittedly controversial matter given a thorough public airing. In an unemotional and reflective editorial on November 18, 1969, the State Journal of Lansing, Mich., examined the Vice President's comments and concluded:

News media in general, instead of reacting with more invective or self-righteous postures, might well ponder the statements of AGNEW and others and attempt to review objectively their system of news gathering and presentation. That includes both the printed media and the broadcast industry.

Hopefully, this will be the positive result out of all the current fire and smoke that surrounds this controversy. I commend the editorial "Self-Examination for All News Media" to the attention of my colleagues:

SELF-EXAMINATION FOR ALL NEWS MEDIA

Vice President Spiro Agnew, to say the least, is not endearing himself to the liberals of the nation or the national news media. His recent speeches have caused a storm of reaction, charges and counter-charges.

But the one that really brought the roof down was in Des Moines last week where the vice president blasted the television news industry. Let it be noted here that this speech was preceded by an earlier Agnew blistering of the nation's newspapers in a national news magazine article.

Agnew criticized the larger newspapers in particular for what he called misinformation and misconceptions in news presentation and later slapped the national television networks for what he termed "instant analysis and querulous criticism" of President Nixon's Nov. 3 speech on Vietnam policy. He referred to network commentators who criticized Nixon's speech immediately after the President went off the air.

The vice president was later joined by George Romney, Secretary of Health, Education and Welfare, and others in the administration, in criticizing the news media in general.

Agnew, Romney and the others talked about lack of objectivity in news reporting. The vice president and Romney specifically alleged that the national media is dominated by a small group of newsmen who live and work in Washington, D.C., or New York City.

Sometimes it's called the "eastern establishment press."

Agnew in his Des Moines speech said:

"Both communities bask in their own provincialism, their own parochialism. We can deduce that these men thus read the same newspapers, and draw their political and social views from the same sources. Worse, they talk constantly to one another, thereby providing artificial reinforcement to their shared viewpoints."

The vice president charged that commentators who criticized Nixon's Vietnam policy speech on the same night that it was delivered to the nation, had made up their minds in advance and prepared rebuttals before listeners even had a chance to digest what the President said.

What Agnew seems clearly to be suggesting is that a relatively small but powerful segment of the American national news media—including newspapers, television and magazines—are doing a calculated hatchet job on the present occupant of the White House.

This is not the first time this charge has been made and it probably won't be the last. Similar accusations were made during the administrations of other American presidents, and with some validity.

We do not necessarily agree with every criticism Agnew has made of the news media or those who oppose administration policies. Neither do we agree that his comments can be dismissed as an attempt at suppression.

In our opinion certain of the so-called "eastern establishment" news media do seem to present a consistently one-sided or inbred view of national and international issues.

News media in general, instead of reacting with more invective or self-righteous postures, might well ponder the statements of Agnew and others and attempt to review objectively their system of news gathering and presentation. That includes both the printed media and the broadcast industry.

We accept, too, the responsibility of local components of the mass media to regularly evaluate news presentation, to be responsive to public attitudes and to resist the inbreeding of opinion which can result from talking only to ourselves.

Whatever he may have intended, this is the real message in Agnew's remarks from which all of us can profit.

SUPPORT GROWS FOR STUDENT ANTIVIOLENCE ACT

HON. WILLIAM C. CRAMER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. CRAMER. Mr. Speaker, I introduced the student antiviolence bill on June 2, 1969, with 19 cosponsors, and events since that time have shown such legislation is needed now more than ever.

The law-abiding student in America has the right to pursue a higher education without fear of violence or intimidation. This is his civil right—and it is academic freedom in its fullest sense.

Recognition that the law-abiding student must have the legal means to rid his campus of radicals is growing across the country.

The most recent expression of public support comes from radio station WJCM in Sebring, a small community in south-central Florida. The station reported that in a survey of listeners, 99 percent—or 4,500 persons—said they supported my student antiviolence bill, while only 1 percent—or 300 listeners—were against it.

The Benevolent and Protective Order of Elks at its convention in Dallas was so concerned about growing anarchy on America's campuses that the Elks adopted a strong resolution calling for a crackdown on those who interfere with the rights of law-abiding and conscientious students.

The time has come to serve notice to the campus revolutionaries that their days are numbered. The time to provide protection for the serious, conscientious student is now. I would urge prompt action on my student antiviolence bill.

BLOW TO AMERICAN FARM TRADE

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. NELSEN. Mr. Speaker, the decision of the European Common Market to postpone an overhaul of its unreasonable farm program is a tragic blow to freer trade for American farmers. This decision, taken at a Council of Ministers meeting in Brussels earlier this week, means the barricades to U.S. agriculture will be raised higher. It means farmers the world over face depressed prices resulting from mountainous surpluses of European grain and dairy products brought on by a totally unrealistic farm price support system.

I take this time to suggest that the United States renew its protest of unfair trade treatment with Common Market officials in an attempt to get reconsideration. The outmoded farm system which a handful of European nations insist on maintaining has proved disastrous to world agricultural trade. It is contrary to the reciprocal trade agreements to which the Europeans as well as the Americans have committed themselves.

Today's Wall Street Journal carries an article describing in some detail the implications of the Common Market action, and I include it at this point in my remarks:

COMMON MARKET DELAYS A FARM OVERHAUL; HIGH COSTS AND SURPLUSES SEEN CONTINUING

BRUSSELS.—Common Market farm problems will be getting worse, which augurs world markets plagued by commodity surpluses.

Under heavy political pressure from farmers, Common Market ministers meeting here postponed a drastic overhaul of the European Economic Community's farm system. The net effect will be the present high cost, surplus-building farm system is likely to remain in effect at least through 1970.

And that decision may add to Britain's problems when a Common Market summit meeting is held Dec. 1–2 in the Hague to consider possible British entry into the six-nation group.

Currently, the community comprises France, Italy, Belgium, The Netherlands, West Germany and Luxembourg.

The latest Common Market action, taken at a Council of Ministers meeting here, provides more time for consideration of the proposed massive overhaul of the farm system. But, this is at the expense of retaining a system which most economists, Common Market authorities, and government sources say has already outlived its usefulness.

The present system maintains high prices for farm products within the communities by applying levies on agricultural imports. These levies bring the price of imports up to the high domestic price levels established to help farmers in the communities. The price levels have been set high under pressure from inefficient farmers in the six-country group. This has stimulated overproduction of dairy products, soft wheat, sugar and various other products.

In the 1969-1970 crop year, the Common Market farm program will pay out $2.6 billion, about a third higher than in the preceding year. About 95% of that money is used to finance price supports in the Common Market and to pay export subsidies aimed at trying to get rid of surpluses. Even dumping, however, hasn't been enough to eliminate the "butter mountain" which has reached a peak of about 450,000 metric tons (a metric ton is 1.1 U.S. tons). Meanwhile, the Common Market wheat surplus has helped upset an international wheat pricing agreement which had been laboriously drawn during the last major tariff-cutting round under the aegis of the General Agreement on Tariffs and Trade.

But the political clout of farmers in the six countries makes it difficult for Common Market ministers to curtail overproduction by slashing subsidies and price levels. Even as ministers met in Brussels, French farmers were spreading manure on highways in the Nantes area as a protest. Earlier demonstrations against the lot of farmers in France resulted in jailing of several of the leaders. Yesterday, farmers protested against the jailing.

In Germany, farmers are so incensed at the likelihood of lower prices, that they now are boycotting Common Market farm programs. "How can we introduce any program which cuts payments to our farmers when they believe they already are underpaid?" one German government official asked in Bonn.

At the Council of Ministers meeting, Jean Rey, president of the Common Market's executive commission, emphasized that the farm situation in the community is "sharply deteriorating as a result of the ever mounting financial burden it imposes on member countries."

In discussions, the Common Market countries agreed that a farm overhaul was overdue, but they failed to show the political will to follow commission suggestions for price slashes. By postponing the decision, it now will be left to top officials at the Hague meeting to recommend a solution. The Common Market Council of Ministers will meet again after the summit session in the Hague, hopefully to take further action before the end of the year. The consensus is that the likeliest action, however, merely will be continuation of the present program probably through 1970, while efforts are made to meet some of the political opposition to the farm overhaul.

Britain has an interest in the proceeding, because France has indicated that it wants a new farm financing program completed before it will support British entry. Under the present system, France draws considerably more out of the farm program than it puts into it. France wants to be sure that such a financing system will remain in effect, even if Britain does become the seventh member. Britain, however, may not be so interested in joining if that financing program puts a heavy burden on it.

The overhaul being considered by the Common Market basically provides for sharp reduction in payments to farmers, while diverting more funds to structural farm reforms, such as vocational training for other jobs, promotion of mechanization and land restructure.

QUERY: NEED MANKIND FOLLOW THE FLIGHT OF THE DODO?

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. ROBISON. Mr. Speaker, on October 29, it was my pleasure to be the keynote speaker at a conservation leaders' forum held at—and sponsored by—Cornell University at Ithaca, N.Y., in the district I am honored to serve.

There has subsequently been a flattering amount of constituent interest in my remarks on that occasion, and a number of suggestions that I ought to share them with my colleagues—which I am pleased to do for such value as they may have:

WHAT "THE PEOPLE" ARE SAYING—ABOUT THEIR ENVIRONMENT

One has to feel signally honored to be invited to "keynote" this important Conference—especially in light of the quality of the talent gathered here to focus on what is perhaps our most-serious, if still largely unrecognized as such, domestic problem.

It is not often that you find a politician—which vocation is, at least, my temporary calling—somewhat at a loss for words.

But I am!

For the full scope and true breadth of the environmental crisis we face is so difficult to really grasp, as the Congress has latterly been discovering, that I am uncertain where I should start.

Those who have put this program together have tried to be somewhat helpful by suggesting that I should tell you what "the people" have been saying to their legislators in Washington about the quality of their environment.

That's a good idea, I suppose—though it's not as easy to work out as I had thought at first.

For if, by "people," you meant my own constituents, while I am sure they are aware of our environmental problems, a brief check of my correspondence files indicates that, by and large and except when aroused by some specific situation, they are not yet articulating that concern to me as you might imagine they would be.

However, in every sampling of public opinion that I have seen reported upon—including those essayed recently by my Congressional colleagues, something I intend also to do again at the end of this year—the "people" clearly indicate their strong concern about their deteriorating environment, and give attention thereto a high Federal priority, as I certainly agree it should have.

And I suppose that the most-revealing of such samplings is still that rather recent Gallup Poll that reported 86 percent of our citizens so interviewed were "concerned"—and over 50 percent "deeply concerned"—about the condition of their natural environment; to back up which statement 3 out of every 4 so interviewed also said (whether they meant it or not) they would be willing to pay higher taxes to improve their environmental surroundings.

In any event, other "people" have addressed themselves significantly to this problem from time to time, some of the most-familiar lines being these:

"In the beginning God created the heaven and the earth,

And the earth was without form, and void; and darkness was upon the face of the deep. And the spirit of God moved upon the face of the waters. . . .

And God said, Let there be light; and there was light,

And the evening and the morning were the first day. . . .

And God saw that it was good.

And God said, Let us make man in our image, after our likeness. . . .

Male and female created He them. . . . (saying),

Be fruitful, and multiply, and replenish the earth, and *subdue* it: and have dominion over the fish of the sea, and over the fowl of the air, and over every living thing that moveth upon the earth. . . .

And the Lord God formed man of the dust of the ground, and breathed into his nostrils the breath of life; and man became a living soul. . . .

And then (finally) the Lord God planted a garden eastward of Eden. . . ."

My friends, I do not know what the Supreme Court's attitude might be towards my reading these verses of scripture here, in a building maintained by this educational institution, but I suspect it is all right if I do so for illustrative purposes.

The illustration I would wish to draw therefrom being, of course, that hereupon was established one of the most significant trusteeships of all time—for it *was* as "trustees" that we were given dominion over this small—and from outer space still lovely—portion of God's universe.

From close up, it is—unfortunately—not so beautiful!

Indicating that, from nearly every angle, we have been poor managers—trustees who, in a court of law, would probably be found delinquent!

Arthur Godfrey, whose familiar radio voice has recently been raised loudly in support of stronger conservation practices, recently suggested that perhaps the reason for our failure was that we took only one portion of the foregoing scripture as "gospel"—that portion being God's order to us to "subdue" the earth.

And, for whatever reasons, I think it is true that we Americans have always been more or less at odds with our environment.

Originally, to many of our ancestors, their environment was a hostile thing to be conquered—and to be overcome like the maraudering Indians that, to them, probably seemed a part of it.

So we have had an historical impulse to overcome—the thought that from our early days the environment was like a third person to us—an object!

This fact may have made it easier for us, later, to abide the smells and the wastes of such as paper mills and tanneries—because, as someone once said, they "smelled like money!"

And of course, the fast-disappearing "elbow room" we used to enjoy made it easier for us to accept the idea that it was all right to dump our dirty water into the handiest stream so *we* could be both wealthy and clean, even though our downstream neighbors might thereby be rendered both poor and dirty.

But all these attitudes are rapidly changing—as we are learning to identify the land we devour—just like the waters we despoil and the air we pollute—*as part of ourselves!*

Learning, as Charles Ogburn, Jr., recently editorialized in "The Washington Post," that ". . . thanks to our vaulting technology, the fate of the continent . . . and of the life it supports, our own and that of the infinite variety of . . . plants and animals, is now largely in *our* hands."

And then he states—which is why I earlier turned to the Bible—"To the extent that we can desolate the earth or glorify it, we have displaced the rule of nature or, as Jefferson had it, 'nature's God'; and (at the very

least) . . . we have made ourselves the *surrogates* of the Supreme Power."

Precisely so, and then—as Ogburn concludes (and please listen carefully): "Along with attaining . . . *breathtaking* possibilities, we have shouldered *awful* possibilities. Supplant a king, and the functions of the king devolve upon you. Supplant a God and his, equally, are *yours* to discharge!"

Well—strong words, but true.

And it is thus now necessary, in such a fashion, to consider our collective responsibility for the fact that we continue to torture this once "good earth" by:

Pouring some 130 million tons of dangerous pollutants into the air each year, as a result of which—so I understand—we have been able (as if this were an accomplishment!) to raise the carbon-dioxide content of the entire earth's atmosphere by some 10 percent!

(Surely, there is some limit beyond which such a change, assuming it doesn't first choke us all to death, will alter the earth's climate, with unpredictable but distinctly unattractive possibilities to follow).

(And surely, while there is proper concern about the relationship between lung-cancer and cigarettes—and I'm no longer sure about my pipe!—there is also need for similar concern over the reputed fact that, simply by walking the streets of his city for a solid day, a New Yorker will breathe in the toxic equivalent of close to two packs of cigarettes!).

Continuing to savagely pollute almost all our major water systems, thus seriously threatening our Nation's supply of fresh water, and leaving many of our rivers systems and at least one of the Great Lakes, Lake Erie, denuded for all practical purposes of the free oxygen needed to support marine life.

(And did you ever think you would live long enough to hear of one of our Nation's rivers—the Cuyahoga, running through Cleveland into Lake Erie—so polluted that it is actually a "fire-hazard" in that it occasionally does catch fire!).

So polluting our environment with useful but, at the same time, harmful pesticides that, so I understand, the earth's biosphere—that thin, fragile envelope of air, water and land that sustains all life—is now laden with some 500 million pounds of DDT, a persistent and nearly-immortal pesticide!

(Certainly, we should have known more about the effects of such pesticides before using them in such quantities as we have!).

Throwing literally tons and tons of hot water from industrial cooling processes—along with residual radioactive particles as nuclear power-plants come into greater usage—into countless lakes, streams and estuaries, thereby upsetting that ecological balance upon which all living things depend in such an intricate, delicate state of interdependence that, seemingly, it could only ever have been ordered and devised by some Supreme Power!

And then, right here in America, by producing nearly five pounds of solid waste per person, per day—of paper, garbage, ashes, metal, glass, you name it!—some 360 billion pounds of non-biodegradables annually, for the Nation, so I am told!

(This veritable mountain of trash—that you and I help lug out to the curb on every refuse-collection day, marveling as we do so at where it all came from—stands as a monument to both our ingenuity and our affluence, and marks a far cry from that not-so-distant day when most American families ate everything that came from the corner grocery; for there were then no plastic containers, no aluminum-enclosed "TV" dinners, no cardboard bottles and, in fact, no "no return" bottles, and not even any beer cans—of which there must be a billion on the bottom of Cayuga Lake!—because everybody then so-inclined "rushed the growler" down at the corner saloon and carried his own "bucket of suds" home with him).

And then, finally, for no discussion of our worldwide environmental challenge would be complete without mention of this, by continuing to have babies—and then more babies—blessed things though they are, but heedless of the fact that man lives, as has been said, in a finite world which can support only a finite population, so that, eventually, population growth must equal zero!

(Of all the various aspects of the worldwide environmental challenge we face, this one is probably the most-difficult with which to deal—and for obvious reasons. But as Garrett Hardin states in his penetrating analysis, "How Freedom in a Commons Brings Tragedy," that I encourage you all to get and read, it is vitally necessary for mankind, if he is to achieve the greatest good per person, to also identify and achieve the optimum population this earth's resources can support).

(No society—unfortunately not even our own—has yet done this, and no progress will come in this direction unless and until man rejects the false hope that it will happen intuitively. Instead, as Hardin suggests, man must re-examine his supposed "freedoms", including his supposed right to "occupy the commons" with his off-spring—or, else, all the direct predictions of Malthus will surely come to pass, and man could be reduced to the pitiful role of scavenger, endlessly combing the litter of a ravaged biosphere in search of scraps overlooked in prior searches by vast hordes of fellow scavengers!).

(I have no desire to frighten anyone, but I strongly suspect it is true that, no matter how we might increase our resource-management efficiency, such an effort unaccompanied by internationally practiced birth-control could only still lead that species we call "man" rapidly down a one-way road to oblivion!).

(At least, here in this Nation, some progress is being made toward a free and open political discussion of this once-tabu subject; and I am glad to be able to tell you that I am one of the sponsors in this Congress of President Nixon's proposal to establish a "National Center for Population and Family-Planning," which is, at least, a place to begin; and the voice of "the people" in support of that measure would be welcome for Congress has yet to act!).

In such terms, then, can be defined our—and the world's—environmental challenge; one made up of numerous inter-related and disparate parts, but all of which can be summed up in this fashion, borrowing now the words of Professor Richard A. Falk, of the Center for Advanced Study in Behavioral Sciences:

"The planet and mankind," he wrote, "are in grave danger of irreversible catastrophe. . . . Man may be skeptical about following the flight of the dodo into extinction, but evidence points increasingly to just such a pursuit. . . . There are four interconnected threats to the planet—wars of mass destruction, overpopulation, pollution, and the depletion of resources. They have a cumulative effect. A problem in one area renders it more difficult to solve the problems in any other area. . . . (And) the basis of all four problems is the inadequacy of the sovereign states to manage the affairs of mankind in the 20th Century (using "sovereign states" here in the sense of referring to all of our worldwide governmental institutions, of whatever nature.)!"

Where, then, do we go from here?

I can only speak with any authority at all about our own governmental institutions—and, specifically, for the United States Congress, a stubbornly sluggish and unwieldy body whose critics often charge is not responsive to the demands and needs of our time.

And, as to Congress—though "the people" as I have said are not as articulate as they might be about demanding solutions to our environmental crises—Congress *is surely* listening to the background noises that signal their developing concern.

Listening, especially, to the collective voice of "the people" that seems to be repeating, with respect to wherein may lie the blame for what we have done to our once "good earth," these marvelous lines from that comic-strip character, Pogo: *"We have met the enemy, and he is us!"*

For the most-hopeful sign I can see on the environmental horizon is that "the people" do seem to be recognizing that it will do no good to blame our factory-owners, our paper-mill operators, those utility companies who are trying somehow to meet a demand for electrical power that is doubling every ten years, their own "town fathers" or even the Congress and those who manufacture beer-cans, for what we have done to our environment—because the blame falls upon us, *all!*

And that only by *all* working together, in a more-enlightened manner than we have so far adopted towards most of our other problems, can our environmental problems be solved—and this great challenge met.

Where do we begin?

Well, we begin, I suppose, by unscrambling some of our national priorities that have become so badly distorted not so much, for the moment, because of the threat of "wars of mass destruction," as Professor Falk put it—though that is part of it—as by this miserable and so-mistaken war in Vietnam.

I have no desire, naturally enough, to resume the arguments pro and con about that war that took place on this campus two weeks ago, but I say to you—flatly—that this war *is* ending, the only question now being "when" and "under what circumstances!"

That eventuality will have several meanings—not the least of which is that there will be a "peace dividend," so-called, albeit of uncertain size, to add to what we normally think of as the more or less regular, Federal "growth dividend" in revenues that Congress may apply towards one or the other of our manifold domestic problems.

Once this "peace dividend" takes shape, I am sure that there will be a natural enough demand for some major portion of it to be used to give, especially, the over-burdened "middle-income" taxpayer some relief from his Federal tax share.

If—as Dr. Gallup suggested—3 out of every 4 Americans will, nevertheless, support higher—or *continued*, in this instance—taxes in order that something can be done about preserving and improving his environment, that is something that Congress ought to be hearing about from the "people."

Perhaps this Conference could explore possible public attitudes in this respect.

Where else might we begin?

Well, sorting out competing priorities is never an easy task—as I, as a member of the House Appropriations Committee, can surely attest to—but it might make sense for us to begin our attack on cleaning up our environment by concentrating on the need for cleaner *water*.

I do not say this is the most severe environmental problem we face, but I would like to suggest that it is the one best lending itself to the "systems-analysis" approach, under which our technical competence in solving industrial problems could be turned loose to see what it could do, here—further developing the problem of water pollution beyond the distance we have so far gone in rather helter-skelter fashion, identifying more positively pollution sources and responsibility, and making technical comparisons of alternative methods for solution.

Another reason for choosing this one aspect of our overall pollution problem as the beginning point for the kind of national commitment that will ultimately have to be made, is that—from a political standpoint—

there is already a good "head of steam" behind the public's desire for clean water; it is cause with which people easily identify, and one that Congress, itself, has willingly and rather fully embraced.

Evidence of this abounds almost everywhere—whether it be in the form of resolutions to Congressmen from local chapters of the League of Women Voters, public referendums such as established New York's "Pure Water Authority," or in popular attitudes such as pertain in Los Angeles where, to the man in the street, water is no longer a commodity but a religion!—and has been clearly reflected in Congress.

Besides which, a good working partnership has already been created in the water-resource field between our Federal, State and local governments—indicating that, here at least, Professor Falk's "sovereign states" *are* endeavoring to make up for their prior management inadequacies.

For whatever it may be worth, then, perhaps this Conference would be willing to explore the wisdom (or lack thereof!) behind this suggestion—it being my further thought that, once our society learned how to successfully deal with our water-resource problem, similar problems relating to air, solid-waste disposal, and possibly even noise and crowding (lest we forget to include those in the environmental picture), might then more easily be solved.

Now, there is a hazard—I must admit—in so dividing and separating environmental problems into categorical pigeon-holes. That hazard rests on the chance that, in so doing, we might lose sight of their interrelationship and their cumulative ecological effect. It would also be unwise, I think, to assume that soil and water management practices, for instance, can—or should—be separated one from the other; as unwise, for instance, as to assume that our so-called "urban problem" can—or should—be treated separately and without reference to the nature and pace of sprawling suburban growth taking place around our cities' central cores.

Thus, let us understand that, if we begin our national commitment to a better environment by concentrating on water-resource problems, we are thinking of "water-resources" in their broader sense.

In any event, we have to begin somewhere to *re-insert man into his environment*, as I like to think of it, in such a way that his manner of life from now on, and the use he makes of what Ogburn called his "vaulting technology," will make him once more a *part of nature*—and not the antagonist thereof!

For—contrary to what a few, pure anti-technologists seem to be suggesting—I do not believe it is possible for us to send our planet back whence it came, there to be refurbished into its original, pristine condition.

To do that, would seem to mean we would have to close down our factories, shut down our electric power-plants and turn off our lights, refrigerators, toasters, air-conditioners (or, now that that it is Fall once again, our electric blankets!), while meanwhile throwing away our electric toothbrushes, can-openers and hair-dryers.

It would mean discarding even our color TV sets—and, perish the thought, learning to talk with members of our family once again.

And how about our planes and buses—and even those outboard motors we use to putt-putt up and down such as Cayuga Lake out here, with nary a thought for the unhappy fact that outboard motors, by design, actually dump overboard, unburned, anywhere from 10 percent to one-third of the mixture of the fossil fuels on which they run, thus destroying with hydro-carbons the very environment their owners so dearly love?

And how about our automobiles?

Could we ever really learn to walk again?

And finally, will we ever have to learn not to use the bathroom, now that so many of us have finally stepped up to that ultimate luxury of having more than one such facility in our homes?

I do not believe it should be necessary to do any of these things—even provided the American people were willing to try.

For if it is true, as it is, that our ingenuity and affluence—working in conjunction with our growing technical competence—largely got us, and the world, into the environmental fix we have finally awaken to, it is not equally true that we can so use our same technical competence to find and then maintain a satisfactory and sensible *accommodation* between the demands of man on the one hand, and the equally urgent demands of nature on the other?

I think we have to believe that this is possible.

But, we had best get at it for we are fast running out of lead time!

We *are* in—as Professor Falk put it—"grace danger of irreversible catastrophe."

Let's not kid ourselves about that!

Man *could* follow the "flight of the dodo into extinction"—and, for far too long we *have* been heedlessly flying in that direction!

As President Nixon recently remarked, "Together we *have* damaged the environment"; but then he declared, "together we *can* improve it!"

And, together, I have to believe, we *can* take man off the list of *"endangered species."*

We *can*, if wish to do so—and there is a cause here we can all serve; one more permanent and far-reaching than any other issue of the day, including Vietnam and Black Power, and thus one that ought to be attractive to our young people who so often seem, to us, to be "marching to different drums" than we ever heard. For, through their enlistment in this cause, it could well be *their* generation that breaks the historical chain that has made it the lot of every succeeding generation since Cain and Abel to come into a world that could have been a paradise if the people over thirty hadn't spoiled it!

And, surely, we have to believe we can rise to the environmental challenge we face—monumental though it be—once "the people" of this planet willingly understand once again that they live on it not as possessors, but as tenants and trustees, and that they therefore have obligations towards the human race that go beyond their immediate acquaintance with it or their immediate concerns . . . and that there are things before which they should be humble!

DESIGNATE ILLINOIS HIGHWAY IN HONOR OF SENATOR EVERETT McKINLEY DIRKSEN

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. MICHEL. Mr. Speaker, it is my privilege today to join with our State's two Senators, Senator PERCY and Senator SMITH, in offering legislation that would designate that part of Interstate Highway 74 which runs through the State of Illinois as the "Everett McKinley Dirksen Highway."

From the east the highway enters our State at Danville, Ill. on the Indiana border, follows a diagonal course from the southeast to the northwest, leaving our State at the Iowa border in the Quad-Cities area. Following this path, the highway passes through the Peoria-Pekin area where Senator Dirksen was born and where he grew up.

The city council of my hometown, Peoria, Ill., has petitioned the State of Illinois to honor our dear friend and beloved colleague, the late Senate minority leader, and certainly I think it is most appropriate that travelers entering our State by automobile or bus from either the east or west should see the name of one of our most famous Illinois sons on the road signs as they enter our State.

He was indeed a national figure and to see his name will remind those passing through our State of his distinctive appearance, his magnificent voice, his unique style of oratory, his wonderful sense of humor and, most importantly of all, his massive contribution to the progress and welfare of our system of government over a 40-year period of public service. To be so reminded will make their trip through our State a pleasant journey, indeed, and will help keep alive the memory of this great man who was so loved and respected by millions of Americans.

ADVICE TO FAMILIES OF AMERICAN PRISONERS OF WAR IN VIETNAM

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. PELLY. Mr. Speaker, my concern for American fighting men listed as missing in action or as prisoners of war in Vietnam continues to grow. I am cosponsor of House Concurrent Resolution 334, regarding treatment of prisoners by North Vietnam, and I have spoken out many times of my grave concern for our men.

But, another step that can be taken has come to my attention which might help these men. The Air Force Association has suggested writing the Ambassadors of nations which might influence Vietnam, and to newspapers. The following is the AFA's recommendation:

AMBASSADORS

Mr. Thay Sok, Charge d'Affairs, Embassy of Cambodia, 4500 Sixteenth Street, N.W., Washington, D.C. 20011.

His Excellency Charles Lucet, Embassy of France, 2535 Belmont Road, N.W., Washington 20008.

His Excellency Nawab Ali Yavar Jung, Embassy of India, 2107 Massachusetts Avenue, N.W., Washington 20008.

His Excellence Jerzy Michalowski, Embassy of Polish Peoples Republic, 2640 Sixteenth Street, N.W., Washington 20009.

His Excellency Corneliu Bogdan, Embassy of Socialist Republic of Romania, 1607 Twenty-third Street, N.W., Washington 20008.

His Excellency Hubert de Besche, Embassy of Sweden, 2249 R Street, N.W., Washington 20008.

His Excellency Anatoly F. Dobrynin, Embassy of USSR, 1125 Sixteenth Street, N.W., Washington 20036.

OTHERS AND COST OF AIR MAIL LETTER

Agence Khmere Presse, Ministry of Information, Phnom Pehn, Cambodia (25 cents).

Times of India, New Delhi 1, India (25 cents).

Pravda, Moscow A-47, U.S.S.R. (25 cents).

LeMonde, Paris 8, France (20 cents).

Zycie Warszawy, Warsaw, Poland (20 cents).

Romania Libera, Bucharest, Romania (20 cents).

Svenska Dagbladet, Stockholm, Sweden (20 cents).

Xuan Thuy, North Vietnam Delegation, Paris Peace Talks, Paris France (20 cents).

Now, what should be said in these letters? Ask that their nations intercede for proper treatment of our men. Ask that their governments use their influence with North Vietnam to live up to the Geneva Convention on prisoners of war. Point out that no American wants us to withdraw from Vietnam if it means leaving these men at the mercy of North Vietnam.

Say it in your own words. Keep it simple. Remember, the translators of these letters may not have large English vocabularies.

Pressure such as this, plus that from organizations such as the Reunite Our Families Groups now forming around the country, plus our prayers can only help in this struggle to obtain information on our missing and captured military men.

AGNEW HAS RIGHT TO OPINION

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. MICHEL. Mr. Speaker, the reaction to Vice President AGNEW's recent speeches has been almost hysterical in some quarters of the news media and to balance that view I insert an editorial from the November 24, 1969, edition of the Peoria Journal Star in the RECORD at this point.

AGNEW TOO HAS RIGHT TO OPINION

(By C. L. Dancey)

Let it be known that we do not join in the attitude that characterizes Vice President Agnew's two recent speeches as "attacks on the press".

This approach whether by NBC, CBS, ABC, or the Associated Press, seems to us an oversensitivity that has greatly strained their journalistic judgment.

It has become increasingly clear that the vice president neither seeks "censorship" nor even anti-trust actions, and is not attacking the press but doing something the press has a great obligation to do itself—defend people's "right to know."

People do have a "right to know" that there are link-ups between "different" news media, TV-newspapers-newsmagazine, where such links exist. They have a right to know that they are getting the "same opinion" from several apparently different sources that are not really different in terms of the source of their policy.

In his first speech, Agnew asked, "Who are these people?" (The anonymous policy makers actually in charge of the production of TV news shows.)

SAME BOSS, SAME LINE

In his second speech, he was specific in pointing out some of these multi-ownerships of complementary media that are "peddling the same line" in several ways out of Washington and New York . . . because they have the same boss.

He made it abundantly clear that he does not propose anything resembling censorship, that he does not deny their right to an opinion, and indicated that his philosophy doesn't even lean toward pursuing the liberal thrust toward breaking up such combinations of ownership. (A thrust sometimes surprisingly feeble in regard to the networks on TV, compared to former movie networks.)

He simply insists on his right to criticize the critics, with facts, and the people's "right to know" about these combinations.

To over-react to the point of transforming this into "attacks on the press" and "threats' and "censorship" is to dodge the issue, or simply panic.

Throughout both talks, Mr. Agnew has been emphasizing the need for more information, not less—and for fairer and fuller treatment of all sides, not one side.

Far from seeking to restrict, he raises the real question of whether some of the restriction has already been overdone.

CRITICISM FAIR FOR ALL

We sympathize with him. We think the press is subject to the same criticism it so freely dishes out—and for a decade the "Forum" as well as news columns of this paper have borne this out very heavily.

We believe in "balance", and in addition to our news columns our editorial page commentators include a running mixture of "right wing," left liberals, and "uncommitteds."

We don't think this is such a frightful and terrible thing to ask of others. Neither is it terrible to ask for the best job humanly possible of separating news from editorial comment, and making it clear which is which.

The terrible fuss this creates in some areas is more damning in itself, than anything Spiro Agnew has said.

Immunity from criticism was never part of "freedom of the press," and being subject to criticism does not constitute an abridgment of that freedom.

This is the same absurd approach taken by some of the New Left who insist on their right to attack everything in sight, and protest that nobody can criticize them for it without "violating" their "Freedom of expression!"

Freedom cuts both ways.

We should be the last ones to protest that our freedom is so sacred it obliges other people, including the vice president, to keep his mouth shut about us.

As far as we're concerned, Spiro Agnew can go on "telling it like it is," getting down to the "nitty gritty," and standing up for his rights . . . and for our "right to know" more than what some of the "Eastern establishment" is putting out these days.

MARYLAND STATE BAR ASSOCIATION OPPOSES MURPHY AMENDMENT

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. GUDE. Mr. Speaker, on November 6, 1969, the board of governors of the Maryland State Bar Association adopted a resolution opposing the Murphy amendment to the OEO authorization bill. That amendment would give State governors veto authority over OEO-financed legal services programs.

I know the outstanding job legal services attorneys are doing in Maryland and throughout the Nation. They are working diligently to provide equal justice for the poor. To reward their efforts with the ill-considered restriction proposed in the Murphy amendment would mean the end of the most successful program we have seen in the antipoverty effort.

I join the Maryland State Bar Association in opposing the Murphy amendment, and I will oppose any other amendment which might limit the right of legal services attorneys to give indigent clients the same vigorous and effective representation more fortunate citizens expect from the profession. The November 6, 1969, resolution adopted by the board of governors of the Maryland State Bar Association is herewith included in the RECORD for the attention of my colleagues:

RESOLUTION ADOPTED BY THE BOARD OF GOVERNORS OF THE MARYLAND STATE BAR ASSOCIATION, NOVEMBER 6, 1969

Whereas, the adoption by the United States Senate of an amendment to S. 3016 seeks to place in the hands of the Governors of the various States a power of veto over the activities of Legal Services Programs funded by the Office of Economic Opportunity; and

Whereas, such veto power will permit state officials to circumscribe and to frustrate efforts of the Bar devoted towards providing full and effective legal services to the poor by providing full access to the independent professional services of a lawyer of integrity and competence; and

Whereas, such limitations will impair the ability of legal services programs to respond properly to the needs of the poor and constitute oppressive interference with the freedom of the lawyer and the client:

Now, therefore, be it resolved, that the Maryland State Bar Association is opposed to the "Murphy Amendment" to Senate Bill 3016.

VIETNAM INCIDENT

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. ZWACH. Mr. Speaker, the reports of the Mylai massacre in South Vietnam, almost 2 years ago, are among the gravest charges ever made against America.

I urge a complete investigation of these charges.

In an emotion-charged situation such as this, it is important that we do not prejudge our country's actions nor the actions nor activities of our soldiers.

However, the stories out of Vietnam and here at home on this incident are so arresting and are so at variance with the traditions, principles, ideals, and philosophy of the American Government and the American people that every effort should be made to ferret out the true facts, being sure that we do not confuse propaganda on either side.

If our investigations point to the truth of these terrible allegations, we must admit our error and do whatever is necessary to see that we do not ever again do violence to our tradition, our principles and the philosophy that has made us a great nation.

We must constantly be on guard that we do not dehumanize our society.

There is no excuse in God's world for such a thing to have happened, but if it has, we must insist on justice being done to those responsible for this reprehensible act.

VETERANS DAY

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. KEITH. Mr. Speaker, this past Veterans Day saw thousands of speakers in every corner of the Nation rising in praise of the fighting men of this Nation, past and present. One of the most moving of these was given by Senator John Parker, minority leader of the General Court of Massachusetts.

John Parker spoke in the historic Hall of Flags, in the center of Boston's ancient statehouse. His message is so moving that I felt it was worth sharing with the readers of the RECORD.

It follows:

ADDRESS BY SENATE MINORITY LEADER, SENATOR JOHN F. PARKER, TAUNTON, STATEHOUSE, BOSTON, VETERANS DAY, NOVEMBER 11, 1969

December 22, 1865, was a long, long time ago—104 years, to be exact.

It was a cold, crisp day here in Boston, but along the sidewalks thousands and thousands of people huddled against the wind as it swept across Boston Common and they looked up at this great State House decorated with bunting from top to bottom, standing here majestically high on Beacon Hill, buzzing with activity as never before, its corridors crowded with citizens, officials, military men and others.

December 22d was a very special day for this Commonwealth, a day unlike any ever seen before or since. It was the long-awaited day when the battle flags came home here to safe harbor in the halls of this splendid old building.

It was the day when those who fought through more than four years of terrible Civil War marched proudly under their colors for the last time—eight months after Lee had surrendered at Appomattox. They had come here with their beloved Massachusetts regiments and other military units to mount these steps to Doric Hall and stand smartly at attention as the flags under which they had fought from Bull Run to Gettysburg, Cold Harbor, Richmond, Atlanta and beyond were returned to Governor John Andrew and the Commonwealth of Massachusetts.

No human being, either Union soldier or civilian, is still alive who remembers that magnificent day. But it is recorded that the awesome spectacle of more than 65 Massachusetts regiments—individual light and heavy artillery batteries, the cavalry, naval units, and the like—marching up Tremont Street into Park Street, up the hill to the State House to turn over their colors, left an impression that never could be matched.

The sheer emotion of that day, the drum beats, the stirring band music, could not be captured in the mere print of a newspaper, but it is a fact that for heart-tugging drama and the surge of patriotism, that brisk December day was the high point of this Commonwealth's military history.

One by one each unit swung along Tremont Street into Park Street, their regimental colors flying proudly in the breeze. And it was the wind that brought home to the assembled thousands what these battle flags had been through. As the colors whipped on their standards, the people saw the huge holes rent by shot and shell, the bloodstains, the rips and tears, the mud, dirt, and grime of combat, and the inscriptions on each regimental flag which conveyed the feelings and attitudes of those who carried them into battle—such inscriptions as "Fidelity to duty, whenever it may call . . . wherever it may lead. . . ." the motto of Co. G, 7th Bristol County Regiment from my home town.

Brevet-Colonel Francis N. Clarke, United States Mustering Officer, was in charge of proceedings that day. It was his duty to turn over the flags to Major General Darius N. Couch, artillery hero of the Civil War, from my home town of Taunton. He would accept the flags from the color bearers and in turn pass them along to Governor Andrew.

Colonel Clarke was brief, for it was no day for long speeches. He said simply to General Couch: "These colors become the property of the state to be placed in her archives . . . there to remain as emblems of victory and a re-established union to the fidelity of her Governor . . . and the courage, devotion and honor of her sons . . ."

General Couch was equally brief in accepting the colors. He responded in part: "It is with deep emotion that I receive from your hands these eloquent emblems of the bravery and patriotic devotion to their country of Massachusetts soldiers. The object for which they were first unfurled has been accomplished, and the principles they symbolize triumphantly underscored and the Union of States restored upon a firm and enduring basis. . . ."

You may notice above, the painting of Governor Andrew as he stands at the top of the stone steps leading to Doric Hall and accepts the flags of his beloved Massachusetts regiments. No more would these banners look down on the awful carnage of war, hear the agonizing cries of the dying, or soak up the blood of the fallen or be picked from the ground and raised on high as the heat of battle struck down color bearer after color bearer. These precious rallying points were home at last. They would now become silent sentinels here at the State House.

As Governor Andrew spoke, the vast throng stood in silence. He told of 146,000 men who went off to the Civil War, 13,000 of whom died, the loss of 16 million dollars in treasure to the state and, choking with emotion, he said: "I accept these flags in behalf of the people and the government. They will be preserved and cherished amid all the vicissitudes of the future as mementoes of brave men and noble actions. They represent proud memories of many fields, sweet memories alike of valor and friendship, of fallen brothers and sons. They will remain here as exultant memories of the great and final victories of our country, our Union, and the righteous cause."

Then Governor Andrew accepted one by one, the battered regimental colors. As all the emotion of four and one-half years of war reached its final moments, the people and the soldiers wept openly.

And the battle flags, the regimental colors, in all their grime and glory, they wept, too.

Now, as I stated in my opening remarks, all of this took place 104 years ago, December 22, 1865, and every single one of those who stood here at the State House that day, soldier and civilian alike, has gone from our midst. All that remains are these silent sentinels of days and nights of sacrifice and glory. They were joined by other flags from other conflicts, until now there are more than 300 priceless relics behind these glass enclosures, each weeping softly on this Veterans Day for the men who rallied to their splendor and who are gone from this earth.

They weep softly today, these flags, for past glories, to be sure, but in the midnight silence of this sacred Hall of Flags it must be that they weep more loudly and rustle their folds in despair at what they know is happening beyond these walls across this beloved land, yes, and across the world, and even no more than a stone's throw from this very Hall of Flags.

They weep, these banners, that dissent in many cases has now come license. The frenzy of unbridled dissent is polluting America with its defiance, bitterness, hatred, and floods of four-letter words that would make an old Civil War Sergeant cringe and shake his head.

Yes, they weep, these standards, at the thing called confrontation and the sad news that Americans burn, desecrate and stamp on American flags, caring nothing that the Stars and Stripes should be held in reverence second only to God. They become nauseated, these emblems, that the disgraceful spectacle of a North Vietnamese flag should dishonor the hallowed ground of Boston Common and Copley Square. Only in America could this happen and in the name of rights and protection of the law.

On this Veterans Day, the flags weep at the naivete of certain persons of all ages and certain of those in places of great political, intellectual, and academic responsibility who cry out that all will be well if we simply trust our enemies and stand naked before them, taking no stock of the age-old warning that eternal vigilance is the price one must pay for liberty. Is it any wonder the flags weep in this sacred chamber?

They weep on this Veterans Day for the awful blunders of Vietnam that involved this nation in a land war in Asia some eight years ago and which has dragged on mercilessly, longer than any conflict in our history.

They weep for the sincerely troubled and stable segments of our youth who deeply believe as commonsense Americans that this nation's foreign policy should not be based on pleasing only those who take to the streets.

They weep in appreciation and prayer for those who work to extricate America from its involvement in Vietnam, knowing that the answers are always easier on the street corners and on the sidelines than they are in the cold, hard realities men must face who are charged with the responsibilities of ending this war and who fervently wish to do so without dipping the American flag in abject surrender and humiliation, and with a guarantee that the whole security of this nation does not crumble in the bargain.

Beyond the tears, if these honored flags could but speak today, they would remind us that because we are Americans, we must look out upon the vast and beautiful resources which God has given us with a deep sense of appreciation for our heritage. They would remind us that we have enemies within and without who would deprive us of those treasures and spread ruin upon our cities and towns, destroy our churches and our institutions, make a shambles of our achievements and the ideals for which they went into battle.

They would tell us that we must believe in material, moral and spiritual strength and that they are inseparable, or we have no nation.

They would tell us to give thanks to Almighty God for the Blessings of the past and pray earnestly that we may be worthy to seek a continuation of His bounties for the future.

In this hour of terrible division in our nation, and as the line grows thinner between democracy and anarchy, these flags would remind us that they will continue to weep unless we, the vigilant and quiet Americans, give full support to our country, our people, and our government in the search for a lasting peace at home and abroad.

VIETNAM VETERAN RETURNS

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. LONG of Maryland. Mr. Speaker, Sp4c. Charles Harford, a fine young man

from Baltimore, Md., has just returned from Vietnam after 14½ months of service there. The 20-year-old soldier was stationed in Duc Pho. While in Vietnam he was awarded the Purple Heart, the Vietnam Service Medal and the Medal of the Vietnam Republic.

Charles Harford has completed his service obligation and will be entering the construction industry.

THE SMUT EXPLOSION

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. ASHBROOK. Mr. Speaker, the Baltimore News American in its issues of November carried a timely and useful series of three articles by Ralph Mahoney entitled "The Smut Explosion." Detailing the efforts of the organization, Morality in Media, a group which represents all religious faiths, professions, business, and industry, Mr. Mahoney's account is indeed encouraging that responsible measures are being taken to counter the proliferation of obscene and pornographic materials in this country.

Part 2 of the series reports on the efforts of the American Civil Liberties Union—ACLU—and the role it is playing in defending the smut peddlers and their constitutional rights. As I have observed in the past, the ACLU consistently fails to draw the line between liberty and license, and, as they state in their own publication the first amendment covers all forms of expression.

Morality in Media is headed by Father Morton A. Hill, S.J., who helped to organize a community effort to combat the smut threat under the title of "Operation Yorkville." Father Hill's experience in this field was largely responsible for his appointment to the President's Commission on Obscenity and Pornography which is presently exploring this problem. As I have also pointed out in the past, it hoped that the Commission produces worthwhile recommendations in its final report although the chairman and the legal council are members of the above-mentioned ACLU.

Accolades are in order to the Baltimore News American and particularly to Mr. Ralph Mahoney for making available to the public these three informative articles on the smut problem. To help further disseminate the series, I include it in the RECORD at this point:

[From the Baltimore News American, Nov. 16, 1969]

THE SMUT EXPLOSION—PART 1: FILTH PEDDLERS HIRE TOP ATTORNEYS

(By Ralph Mahoney)

NEW YORK.—From a cramped, walk-up office on New York's upper east side, an interfaith group is waging a determined attack on one of the major social problems of our times—the tidal wave of hard-core pornography flooding the nation's newsstands, book counters and theaters.

It is an uneven struggle.

The meager resources of the organization, Morality in Media Inc., are pitted against a smut industry estimated presently to gross in excess of $2 billion a year.

The filth peddlers can afford the best legal talent in the country and the American Civil Liberties Union is their constant friend in court.

On the other hand, Morality in Media is repeatedly disarmed by the courts which can not make up their minds over what, legally, constitutes obscenity. Their indecision, in turn, discourages law enforcement agencies from joining with the community in keeping the prurient trash from reaching the young.

Despite the setbacks Morality in Media has suffered over the years, the community group is working to expand its program across the nation. In time, MM hope to have regional offices on an approximate footing with its ubiquitous adversary—the CLU.

"We believe people are finally waking up to the terrible threat of obscene printed materials and films to the lives of our young people," said the Rev. Morton A. Hill, S.J., president of MM.

"There is no question in the minds of most of our law enforcement officials and behavioral scientists that smut, particularly the dreadful examples now being openly circulated, is inciting youth to violence, promiscuity, perversion and drug use."

Displaying a number of publications which, in photographs and print, advocated unbridled sexuality and perversion, Father Hill said:

"By no standards can this degrading material be construed as art or literature, whatever the courts might say about so-called redeeming social qualities. Between 75 and 90 percent of these publications find their way into the curious hands of children.

"Added to this is the new wave of 'underground' publications, specifically addressed to teenagers, which frankly encourage them in sexual and drug experimentation."

Father Hill, soft-spoken priest with crewcut white hair, has been active in the war on smut since 1962 when he helped organize a community group called "Operation Yorkville"—the forerunner of Morality in Media.

Operation Yorkville sought the co-operation of news and bookstore owners in halting the circulation of pornography among youths and children. With the opening of offices in commercial quarters in 1966, the group became the first full-time, professionally staffed organization of its kind.

Serving with Father Hill as executives of MM are Rabbi Julius G. Neumann, board chairman, the Revs. Constantine Volaitis and R. N. Usher-Wilson as vice-presidents, and the Rev. R. E. Wiltenburg, director. The 27-man board represents all faiths, professions, business and industry.

Father Hill defined MM as ". . . people . . . the community expressing its concern in order to inhibit the flow of obscene material to youth.

"All obscenity laws are based on community standards," he said, "and the voice of the community can make itself heard by law enforcement officials, in legislative chambers, by media makers and even by the courts—if it is a strong, continuous, reasoned voice."

In addition to keeping authorities posted on community opinion, MM maintains contact with the media, police and the district attorneys' offices and provides witnesses in court actions involving accused smut peddlers and publishers.

Father Hill made it clear, however, that MM is not permeated by any prudery which demands censorship of all references to the human anatomy or sexual functions.

"We do not believe in censorship or prior restraint," the priest said firmly. "We believe in free expression—in the free expression of all the people.

"We do not believe this freedom is the exclusive province of producers, publishers, authors and a handful of media makers. We believe it belongs also to viewers, readers, listeners—to the community.

"And we believe the ACLU is absolutely wrong in seeking to protect under the first amendment any and all writings that deal with sex, no matter in what manner portrayed.

"The willingness of the ACLU to come to the defense of even the professedly obscene makes them extremists like the very 'blue noses' they condemn.

"Reasonable men must find sanity somewhere in between."

The principal aim of MM, Father Hill insisted, is the protection of youth from the degradations openly exposed in the rank magazines, newspapers and films currently inundating the nation.

"Make no mistake about it," he said, "smut is big business.

"So big, in fact, that we understand that the Mafia is starting to move into the market.

"Our legal panel recently received reports that the Mafia is buying up huge quantities of pornographic books and films in Denmark—where there are no anti-smut laws—and unloading them in this country at fat profits.

The Mafia shrewdly discovered there is as much money to be made with this filth as with narcotics—and at a comparatively minimum risk of penalty."

[From the Baltimore News American, Nov. 17, 1969]

THE SMUT EXPLOSION—PART 2: ACLU DEFENDS FILTH PEDDLERS

(By Ralph Mahoney)

NEW YORK.—Almost any accused publisher or peddler of hard-core pornography who gets arrested in this country can count on the American Civil Liberties Union (ACLU) to send him a defense lawyer.

The Rev. Morton A. Hill, S.J., president of Morality in Media Inc., an interfaith group fighting the flow of obscene books and films to youth, said he feels this readiness to defend pornographers—and with such success—is speeding the undermining of authority so prevalent in the nation.

Over the past seven years that Father Hill has been prominently identified with the campaign against smut, he has tangled with the various units of the ACLU many times.

"With its tremendous financial resources, its regional and state offices, the ACLU can afford to exhaust every legal means of delaying, prolonging and appealing every smut case in which it is involved—to the detriment of the community and its youth," Father Hill said.

"The ACLU undertakes these cases with the avowed intention of protecting the rights of individuals and enforcing the free speech guarantees of the First Amendment. But in the light of our experience, it is pretty hard to reconcile such lofty aims with the results."

Father Hill noted that in addition to protecting the pornographer, and permitting him to go on his way of polluting the minds of youth, the ACLU often is found working in behalf of other individuals and causes that could contribute to the breakdown of legal authority.

Ticking off the issues supported by the ACLU over the years, Father Hill cited the defense of accused communists, draft card burners, and the advocacy of civilian-manned police review boards.

The Jesuit priest said the ACLU also has been in the forefront of moves to legalize abortion and homosexuality between consenting adults.

The inconsistency between the ACLU's announced aims and the type of litigation it pursues was the subject of a series of articles written for Barron's the financial newspaper, by Shirley Scheibla two years ago.

These articles, cited by Father Hill, noted that attorneys from ACLU units often represented individuals who sued officials for attempting to quell or prevent riots in the cities even though those disturbances resulted in death, injury and property destruction.

"The cases ACLU refuses to take are just as significant as those it does handle," Mrs. Scheibla wrote.

"It has refused to defend right-to-work laws. It also has turned down a request to protect the civil liberties of one group of Washington, D.C., merchants whose businesses were destroyed by riots.

"According to ACLU, holding federally funded 'Head Start' classes in churches and having Catholic nuns as teachers of such classes does not violate the constitutional separation of church and state.

"Yet it has argued in court that church-and-state separation is violated by inserting the phrase 'under God' in the oath of allegiance."

Mrs. Scheibla said the record shows ACLU clearly prefers to defend leftist causes.

But when it suits its purpose, ACLU will defend a radical rightist, she said. In one such case, the group defended the Ku Klux Klan against an attempt by the House Un-American Activities Committee to investigate it—because the ACLU opposed the committee and wanted it abolished.

Father Hill said that in pornography cases, the ACLU has maintained it must be proved there is a "clear and present danger" that the material will cause anti-social (criminal) conduct on the part of the persons who view or read it.

"Such a direct link is, of course, difficult to prove in a specific case and the ACLU knows it," Father Hill said. "It is a way of clouding the issue and confusing the court." In an explanation of its own position on obscenity, published in a pamphlet entitled "Obscenity and Censorship," the ACLU declared that the First Amendment "covers all forms of expression."

While recognizing the concern of parents, clergymen and the community about obscene material, the ACLU insisted the right of expression under the First Amendment is "too frequently abridged under the vague and uncertain standards of obscenity which now operate."

In one pornography case it defended, the ACLU argued: "The use of materials to advocate a change in 'public morality' should be constitutionally protected in order to prevent a far greater evil—the enforced imposition by society of conformity in thoughts and ideas."

On the other hand, Father Hill pointed out that law enforcement officers have found evidence that rapists, sex offenders and drug addicts have been influenced by pornographic books and films.

Arrests of such individuals invariably are followed by the discovery of virtual libraries of pornography squirreled away in the offenders' homes, he said.

To the argument of pornography's defenders that there is "no proof" of its connection with anti-social behavior, Father Hill quoted Dr. Max Levin, a noted psychiatrist and neurologist, who said:

"Can anyone imagine that healthy attitudes (can be) promoted in the youngster who devours the sadistic paperbacks in which the beautiful blonde is raped, stabbed and viciously dismembered?

"The gravest charge against pornography is not its connection . . . with rape or some other spectacular crime that reaches the headlines. The gravest charge is the damage it does to the youngster's image of sex.

"Pornography must be weighed in the scale of human values. Does it elevate, or does it degrade the human spirit? Does it enrich, or does it impoverish our society?"

[From the Baltimore News American, Nov. 18, 1969]

THE SMUT EXPLOSION—PART 3: PUBLIC PRESSING CONGRESS ON SMUT

(By Ralph Mahoney)

NEW YORK.—Emboldened by favorable court decisions and the general atmosphere of permissiveness, the smut peddlers are in a dizzying race to flood the country with wares even more shocking than their products of only a year ago.

Newsstands and book stores now abound with publications whose illustration and printed material go far beyond explicit nudity and sexuality to glorify the most execrable perversions, including sado-masochism.

So arrogant have the merchants of filth became that they are now bombarding homes with unsolicited brochures advertising their products—brochures displaying, in expensive color, samples of the books and films they are selling.

One effect of this lewd barrage has been to awaken people to a warning sounded seven years ago by the Rev. Morton A. Hill, S. J., president of Morality in Media, Inc.—that the smut peddler, like a dope pusher, spares nobody in his determination to degrade and corrupt the innocent, at a price.

Father Hill, whose war on the smut industry led to his appointment last year as a member of the presidential commission on obscenity and pornography, said:

"Scarely a day goes by without a letter from a concerned parent about obscene material being received in the mail."

And at a press conference last August, a visibly concerned President Nixon reported:

"American homes are being bombarded with the largest volume of sex-oriented mail in history . . . mothers and fathers are asking federal assistance to protect their children from exposure to erotic publications."

In September, Pope Paul VI called on Roman Catholics to combat eroticism which he said had reached epidemic proportions.

He told his weekly general audience that human dignity was being offended by "the very grave and insidious" threat of eroticism "which has become epidemic and aggressive, pushed to unbridled and repulsive expressions, public and advertised."

The avalanche of obscenity on the stage, in the films and in published works, even moved the brilliant and sophisticated essayist and author, Marya Mannes, to protest.

Writing in McCall's magazine in September, Miss Mannes wearily concluded:

"We have, in short, now reached a state in our society when anything goes, where all is permitted, and where no limits are placed on the appetites of the individual, on the gratification of his desires and fantasies . . .

"Sadistic pornography is an act of violence against sex. It is the violation and abuse of the body of a man or woman, totally foreign to the act of love. Obscenity for its own sake—or the sake of shock—is an act of violence against language. Both are perversions and diminutions of the human spirit. Both are ugly.

"Yet even if this is so—and I firmly believe it to be—it not only is much simpler but more popular in today's climate to champion freedom than to counsel restraint and much more difficult to define social good than individual liberty.

"What concerns me, in fact, is the virulence with which any talk of restraint is immediately equated with censorship, with which any reservations as to freedom of expression are damned as nice-nellyisms, the last gasp of the puritan ethos, or the first heralds of the police state."

And from a critic on England's Manchester Guardian came this observation:

"The imagination can not be made the private preserve of the arts and entertainment industry, exempt from moral scrutiny because moral consequences . . . do follow from imaginative acts."

Father Hill said the widespread revulsion finally being stirred by unbridled pornography is reflected in the demands now being made by Americans for action from their congressmen.

"At last count, about 150 anti-smut bills were reported under consideration by the House Judiciary Committee," Father Hill said. "There are at least 50 similar bills in the hoppers of other committees."

The rapidly swelling reaction to pornography is even beginning to sting the pornographers as evidenced by the savage and vicious attack leveled at Father Hill by a recent issue of a publication whose very title is so obscene that it can not be repeated here.

The attack on the priest branded him as "Nazi-oriented" and a "cowardly censorship lover."

Considering the source, Father Hill obviously felt no dismay over the name-calling.

The attack was clearly grounded on fear and that—for Father Hill—was a light at the end of a long, uphill tunnel.

ALBANIAN INDEPENDENCE DAY CELEBRATION

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. DERWINSKI. Mr. Speaker, I am pleased to insert into the RECORD an address delivered by our distinguished colleague WILLIAM S. BROOMFIELD, of Michigan, on Monday, November 24, in observance of Albanian Independence Day.

We recognize Congressman BILL BROOMFIELD to be one of the outstanding members of the House Foreign Affairs Committee. May I remind the Members of the House that BILL was privileged to serve as a delegate to the 1967 session of the U.N. General Assembly where he compiled an outstanding record.

In this address to the Detroit chapter of the Albanian National Front, Congressman BROOMFIELD demonstrates his tremendous grasp of the complex problems in foreign affairs. He further demonstrates the deep knowledge which he possesses of conditions affecting Albania and other Communist dominated areas.

The address follows:

SPEECH BY CONGRESSMAN WILLIAM S. BROOMFIELD AT ALBANIAN INDEPENDENCE DAY CELEBRATION

It is a privilege for me to join tonight with the members of the Detroit Chapter of the Albanian National Front, Balli Kombetar, and with your Secretary General and my good friend, Ekrem Bardha, to celebrate the anniversary of Albanian Independence.

It is a special pleasure because I am convinced that those of you in the Albanian-American community belong to a very special class of Americans.

As a Member of Congress, I have an opportunity to meet and speak with a broad cross-section of people from all walks of life, from diverse backgrounds, and with differing political and ideological beliefs.

Like many of you, I have been disturbed in recent years by the growing tendency on the part of some to take the greatness of this country for granted, and even to admit a sense of guilt about the prosperity we enjoy and the freedoms we possess.

Some of our young people, especially, seem to have lost sight of the relative greatness of America.

They complain that we are not a perfect society. Because we are not perfect, they somehow reason that we must destroy all that has been achieved.

That is a brand of logic I find difficult to understand.

You and I would be among the first to admit that despite 200 years of striving, we have not yet attained that ideal society. But we have made progress. And, measured against the long history of man's efforts to create a perfected society. We have come further than most.

The American system, imperfect as it is, offers a great deal to those who want to live in freedom, work at their jobs, and raise their families in peace.

But it offers even more that.

For those dissatisfied and impatient with its shortcomings, it provides a Government responsive to change with built-in procedures for evoking that change efficiently and peacefully.

To those mostly young, unsettled Americans who tell me that the system is controlled by the Establishment and that change cannot be affected unless you are part of that Establishment. I offer the example of my own experience.

My family certainly could not claim any such distinction.

As a matter of fact, I had no idea 25 years ago that I would ever have an opportunity for a political career of any sort. Much less one that would take me to the Congress of the United States.

My father, who was a dentist, gave me little in the way of material things to sustain me in life.

But he did instill in me a deep belief in some of the simple, fundamental values which, perhaps, are not stressed often enough or firmly enough today.

It is not fashionable these days to talk about the results that can be achieved by applying the timeless virtues of hard-work honesty, dedication to principle, and belief in the future.

Nevertheless, those were the fundamentals you and I were raised with and they have served us well over the years.

When I was a very young man, there were great opportunities. But I knew that I would have to devote my full energies and ambition to make the most of those opportunities. When I was 22, I went into business for myself—operating a small gas station.

I worked hard and put in long hours. Within a few years that small business had grown to a point where I had become involved in commercial property management.

Then, when I was 26 years old, I ran for a seat in the Michigan State Legislature and had the good fortune to be elected by 80 votes. That opportunity was due, at least in part, to the many kind people I served and came to know through my business.

The work in the Legislature was difficult and demanding, but it also contained opportunity. It led to the great responsibility of serving in the United States Congress, to acquaintances with Presidents and foreign heads of state, and eventually to service as our country's representative to the United Nations.

Those things have all happened to me in this great country. I am proud of the opportunities the American way of life has provided me and of the things I have been able to accomplish because of them.

A great many of you, I know, came to America and began building a career or a business much later in life. Yet, most of you attained success through the application of those same fundamental principles and the exercise of that same opportunity.

You represent a very special class of Americans because you have had first-hand experience with life under a totalitarian Communist government. More than that, you and your ancestors fought for more than five centuries to preserve your identity, your heritage, and your desire for independence in a country under almost continual oppression from the Ottoman Turks.

Because you have suffered under centuries of oppression in your homeland, you can better equate the price of freedom.

Because you have lived without the blessings of prosperity, you can better explain their value.

Because you have shouldered the twin-burdens of both Soviet and Chinese-oriented communism, you can better understand the virtues of American democracy.

It is that appreciation and understanding which this country needs so badly at this moment in history—a moment marked by division and self-doubt.

These are the great strengths that you in the Albanian-American community and other groups of newer Americans have to offer the rest of us.

If every American understood as well as those of you here tonight the bitter truths about life under Communist rule, we would have fewer Americans marching in the streets waving Communist banners.

Very few, if any, sons and daughters of Albanian-Americans have been found demonstrating in protest against the American way of life.

The convictions you hold with such certainty about the values of a free and open society are very much like the convictions on which this country was founded.

Two hundred years ago, there was little doubt in the minds of men such as Washington, Jefferson, and Franklin about their determination to build and maintain a free and open society.

They fought a long and bitter war to gain independence. Many of them died defending it.

But since then, Americans have had the good fortune to live with relatively few threats to their basic way of life.

With the exceptions of the War of 1812 and the Civil War, our involvement in armed conflict with other nations largely has occurred away from our shores. That especially has been true during the last one hundred years.

Americans require constant reminders, therefore, that the blessings of liberty, like all other blessings, are costly. We need to be impressed again and again that the challenges to our way of life must be faced squarely, if that way of life is not to be eroded.

The courage and toughness of newer Americans have sustained this country throughout its history during periods of stress. Those qualities, so much in evidence in the Albanian-American community, are needed desperately again today.

I wish more Americans were familiar with the long history of oppression of the Albanian people. It is a history in which the bright light of independence has shone only briefly since the pre-Roman era. Nevertheless, that light has never been permitted to flicker and die.

For doubtful Americans there is great inspiration to be found in the heroic and determined exploits of Albania's great hero Skan-der-beg.

The high value he placed upon honor, heroic death, and the virtues of a never-ending struggle against outside domination of his country can serve us well today.

Five-hundred years later, the same high qualities that characterized the life of SKAN-DER-BEG marked the deeds of the Albanian patroits who proclaimed their country's independence in the early years of this country.

That dedication to independence and persevering patriotism against great odds—the threads that run through all of Albania's long history—remain the great hope for the future.

It is a hope that history will see fulfilled again.

For the one certainty in the hectic century in which we live is change. And change in a shrinking world that more and more resembles a single, small village with each new decade means an end to diversity.

The stark distinctions which now divide the governments of the free world and those of the totalitarian world must inevitably give-way.

They cannot, forever, withstand the universal desire for freedom, peace, and prosperity held by people everywhere—people who, for the first time, are fused together by the miracles of new technology, abundance, and education.

One of the greatest Americans, Abraham Lincoln, made a similar prophecy about the United States just before the Civil War more than one hundred years ago.

"A House divided against itself," Lincoln said, "cannot stand. I believe this government cannot long endure half-slave and half-free. I do not expect the Union to be dissolved. I do not expect the House to fall. But I do expect that it will cease to be divided. It will become all one thing or all the other," he said.

What Lincoln said about the fate of America a century ago has meaning today in considering the future of the world.

The world cannot continue permanently "half-slave and half-free."

Freedom is stirring in every corner of the world—in Africa, in Latin America, in Asia, throughout Eastern Europe and within the Soviet Union and Red China.

Soviet tanks may crush those stirrings temporarily in Czechoslovakia as they did in Hungary a few years ago. But they cannot forever hold-off the surge of ideas and the explosion of technology which are sweeping the world.

That is why it is so important for you, working through organizations such as Bal-Li Kom-Be-Tar, to preserve your culture, maintain your ideals, and honor your heritage in preparation for the day when Albanian Independence will again be a reality.

That day will be hastened by the new global foreign policy launched during the past several months by President Nixon. It is a dramatically new policy which, as it unfolds during the coming years, will reveal a recognition and deep understanding of those forces of change now unleashed in the world.

American foreign policy is always a reelection of a combination of factors. They include the philosophy and temperament of the man who is President and the mood, pressures and requirements of the moment in history in which he leads the nation.

In the case of this Administration, and in international affairs particularly, the views and experience of President Nixon and the needs of the moment are especially well blended.

This is true for several reasons.

First, Mr. Nixon is a highly-trained and sophisticated foreign affairs expert, whose professional experience goes back for a quarter of a century.

He served, for example, on the Herter Committee, which developed the Marshall Plan. In the 16 years before he assumed the Presidency—eight of them as Vice President and eight more as a private citizen—he traveled extensively and became closely acquainted with many world leaders and their problems.

Moreover, the President's political support, so representative of the broad middle body of American thought, gives him a degree of flexibility in dealing with other nations that would be denied to a President who represented either political extreme.

Mr. Nixon himself observed recently that in the past American foreign policy has been content merely to react to events as they

occurred. We have lacked, the President said, the perspective and long-range view so essential to a viable and effective global policy.

We are now taking the offensive in foreign affairs, replacing years of defensive floundering with a clearly thought-out, pragmatic and flexible approach.

This new policy recognizes the diversity of our problems and the variety of nations to which we must relate. It is a policy which has differing objectives in different contexts.

President Nixon has said he wants to open the door to a new "era of Negotiation" with the major powers of the world rather than confrontation.

But he has been careful to define "negotiation" as a two-way street characterized by hard-headed bargaining rather than airy rhetoric.

In heading into this new era, the President has said that we are prepared to "take risks for peace—but calculated risks, not foolish risks.

We will not bargain away our security for vague improvements in the "international atmosphere."

Progress in East-West relations can only come out of hard bargaining on real issues. A detente that exists only in "atmosphere" without being related to specific improvements in the relationships between the great powers is worse than no improvement at all.

It tempts us to lower our readiness, while providing no really concrete basis for reduction of tensions.

If tensions are to be genuinely lowered, progress must come in the solution of outstanding issues of a concrete nature—issues such as access to Berlin and European security: a Middle East settlement; a permanent resolution of the war in Vietnam; or in the strategic arms limitation talks.

That is a fundamental part of the new Nixon policy. But there are other facets, as well.

The President's trip around the world last summer ending with a visit to Romania offered the first outlines of some of these parallel courses.

Independent of the progress of negotiations with the other big powers, we will continue to strengthen our relations with our Friends. This was a major objective in the President's visits to Asia as well as Europe and is related closely to the fulfillment of our treaty obligations.

In Europe, for example, he repeatedly assured our NATO allies that we view the alliance as an evolving partnership, one which is capable of growing to meet changed needs.

Another facet of this new policy affects our approach to governments behind the Iron Curtain. Our dealings with those governments will be marked by a new firmness. But President Nixon's visit to Romania showed clearly that he will not miss an opportunity to capitalize on the great affection of oppressed peoples for America.

No amount of Communist propaganda could hide the outpouring of warmth with which the Romanian people greeted the President during his visit to Bucharest.

It was in reality a demonstration of warmth and understanding from the people of Romania to the people of America. The President recognized this feeling in one of his speeches when he said:

"Of all the countries I have visited, none has been more memorable than Romania. This is true because of the wonderfully heart-warming welcome we have received from the people everywhere we have gone."

"I am convinced after this visit that regardless of the differences in policies between our governments, the peoples of the world are determined to be one."

It is that deep-rooted goodwill between the people of Eastern Europe and the people of this country that the President sought to cultivate. It remains the foundation on which our hopes for the future rest.

Maintaining that firm foundation is another reason it is so important for the United States to make good on its commitments throughout the world.

Vietnam is the immediate and crucial test of the integrity of our policy.

Many Americans, weary of the long war, question the importance of obligations incurred years ago. They point to our problems at home, problems which suffer because of resources diverted to Vietnam, and they ask why our national commitment is so important.

One answer lies in the hopes of oppressed people not only in Southeast Asia, but wherever they are in the world, including Eastern Europe.

If they are to retain their faith in the ideal of self-determination for all peoples, we must not abandon our commitment to support that ideal.

Firmness toward our commitments, realism toward change, and respect for other nations can be seen in varying combinations in all of the Administration's approaches to the problems of foreign policy.

I cannot emphasize strongly enough to you what a great difference the application of these principles of foreign policy might have had on the future of the world 25 years ago.

Had they been applied at Yalta, Stalin might not have been permitted the concessions which eventually awarded him most of Eastern Europe.

The application of these principles 25 years ago might have stirred the free world rather than allowing it to sit idly by as Stalin broke pledge after pledge made at Yalta and took over Poland and Romania as satellites.

It might have prevented an American military strategy that played into the hands of the Soviets by allowing the Russian Army to liberate Berlin and Prague.

It might not have sanctioned the overhasty withdrawal of the American armies from Europe, and the consequent creation of a power vacuum into which the Soviets moved quickly.

Such a policy might have done more than issue protests as religious leaders were persecuted, political prisoners executed, and Soviet darkness gradually enveloped Romania, Bulgaria, Albania, Hungry and Poland.

Finally, it might have handled differently the secret agreements, also drafted at Yalta, which led to the formation of the United Nations.

The concessions granted the Soviet Union in the new world organization at that conference coupled with the suspicious manner in which they were leaked to the world set the UN off on the wrong foot.

It was an unfortunate beginning from which the United Nations has never fully recovered.

For all of its shortcomings, the UN remains the boldest experiment in international organization yet attemptetd by man. In its 24th year, it still holds a great hope for the establishment of world order and peace and especially for the protection and preservation of small independent states.

As a principal delegate to the UN in 1967, I can confirm to you, however, that it remains a long way from attaining the ability to deal effectively with the world's problems.

One reason, as President Eisenhower warned at the opening of the 15th UN General Assembly, is that the world has failed to make a "historic decision" concerning its future.

Confronted with the development of terrifying new weapons, the opening of new frontiers in outer space, mounting difficulties in Southeast Asia, and the persistent problems of poverty, illiteracy, and disease, the President said in 1960 the world faced this urgent choice:

"We can strive to master these problems for narrow national advantage or we can begin at once to undertake a period of constructive action which will subordinate selfish interest to the general well-being of the international community.

"The United Nations," President Eisenhower continued, "Is available to mankind to create just such a true world community."

My experience in the 22nd General Assembly two years ago convinced me that as we approach the new decade of the 1970s and the world's problems continue to multiply, we still have not come to grips with that "historic decision" President Eisenhower described.

The UN continues to serve as a world forum for airing the misunderstandings and grievvances that threaten to fester and erupt into world conflict.

And, it remains a place where representatives of every nation can gather officially to attempt solution to delicate international problems.

But, to date, it has had little success in resolving those problems.

It has been an ineffective tool because we have put-off the decision to allow its full potential to be used as a powerful and serious instrument of world order.

We continue to approach international problems mainly from the standpoint of narrow national advantage.

This was demonstrated to me time and again in my assignment to represent the United States in debating the Communist-bloc nations' objections to the continued presence of UN troops in South Korea.

Day after day, I witnessed the deliberate and cynical use of that world forum for the purpose of personal verbal abuse and propaganda of the most primitive sort rather than for real bargaining and negotiation.

The UN is still young in terms of men's lives, younger still in comparison to the life-cycle of nations, and an infant in the long record of history.

But time is running out.

President John F. Kennedy shared President Eisenhower's deep feeling about the latent potential of the UN. But he cautioned in a speech to the General Assembly in 1961 that it was in danger of wasting that promise.

"The United Nations," President Kennedy said, "will either grow to meet the challenges of our age, or it will be gone with the wind, without influence, without force, without respect.

"Were we to let it die, to enfeeble its vigor, to cripple its powers, we would condemn our future.

"For in the development of this organization rests the only true alternative to war—and war appeals no longer as a rational alternative. Mankind must put an end to war or war will put an end to mankind."

Those words are an eloquent epitath to a great American no longer with us."

They provide a blueprint in the quest for peace which lies ahead.

But the world organization has so far had great difficulty in following that blueprint. There is no more graphic example of this failure than the UN's inability to deal effectively with the fundamental denial of human rights to whole nations of people in Eastern Europe.

It has now been more than a quarter of a century since the Soviets launched their expansion program to swallow-up the Baltic States—each of them a great nation with a long history of individual sovereignty, culture, and history.

Yet the oppressed peoples of these nations have been rebuffed time and again in efforts to bring the focus of world attention to bear through the United Nations on their ruthless suppression under Communist rule.

That burden, carried by all of the peoples

of Eastern Europe, has fallen heaviest on Albania. For the people of your homeland have suffered under the double yoke of first Soviet oppression and now Red Chinese-oriented Communism, most regressive and insidious kind of repression.

Under the Soviets, the Albanian people were transformed into a force of slave workers, driven to obey blindly the Communist Party Line at the penalty of instant death or, worse, starvation. The systematic destruction of your country's great, traditional social values followed.

But that unbearable situation was made worse for the people of Albania when its Communist rulers chose to aline with the Red Chinese.

For in doing so, they assured that the Albanian people would also be denied the benefits of the economic and scientific progress that is sweeping all of Europe and even sweeping into the Soviet-dominated regions of the East.

Despite a great deal of propaganda, there has been very little in the way of tangible expression of the relationship betwen Albania's Communist leaders and Red China.

Economic aid has been slow to materialize as have the technical experts promised by China to replace their Soviet counterparts. The result has been a mostly paper relationship with the Albanian people again bearing the burden of failure.

Probably the single most effective effort to call the attention of the world community to the great suffering and injustice that has become a part of the daily lives of the oppressed peoples of Europe was launched by President Eisenhower in 1959.

Mr. Eisenhower was at his best when he proclaimed Captive Nations Week urging the people of the world to "study the plight of the Soviet-dominated nations and to recommit themselves to the support of the just aspirations of the peoples of those captive nations."

Each year in the decade since that proclamation by President Eisenhower, an American President has issued a similar summons placing the spotlight of world attention squarely on the oppression of Eastern Europe.

During those years, as President Nixon observed during Captive Nations Week this past summer, "many things have changed in international affairs."

"The one thing," Mr. Nixon said, "that has not changed is the desire for national independence in Eastern Europe."

The hopes and dreams of the peoples of those nations, dashed temporarily by the Turks, World Wars, and now Communism, remain intact, rekindled and nourished by assurances from a sympathetic America.

Your task as members of the Albanian-American community must be to provide unified leadership to ensure that America never forgets the continuing, courageous struggle of your countrymen.

You have demonstrated that you not only understand that task but that you possess the ability and determination to carry it out very well, hastening the day when national independence and the full enjoyment of human rights and freedoms will again return to Albania. Thank you.

WOULD HAVE VOTED "YEA" ON INTEREST EQUALIZATION TAX EXTENSION

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. ROGERS of Florida. Mr. Speaker, I was late arriving in the Chamber November 18 due to a mechanical problem on the airplane in which I was traveling from Florida.

Had I been present during the vote on House Resolution 675, providing for agreeing to the conference requested by the Senate on H.R. 12829, to provide an extension of the interest equalization tax, I would have voted "yea."

CHINESE PROPAGANDA FOR ARAB TERRORISTS

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. FARBSTEIN. Mr. Speaker, the Mao Tse-tung regime in Communist China is engaged in a very sinister propaganda campaign in the Middle East against the United States.

This regime is extolling the Arab guerrillas as fighters against the "aggression launched by U.S. imperialism and its lackey Israel in 1967."

An article in the summer 1969 issue of Prevent World War III published by the Society for the Prevention of World War III, Inc., of New York, an international research organization, deals with some aspects of this propaganda, much of which has never been adequately publicized.

Therefore, I include this material in the RECORD, as follows:

CHINESE PROPAGANDA FOR ARAB TERRORISTS

Mao Tse-Tung's regime in communist China has long attacked the United Nations as a "tool of imperialism and revisionism, controlled by the United States and the Soviet Union"—two powers that are the objects of Peking's most virulent dislike.

In the Middle East, Israel becomes—according to the Maoist idiom—"the stooge of U.S. imperialism," the U.S.S.R. is denounced for "consenting" to a UN ceasefire at the end of the 1967 war, and the Arab guerrillas of El Fatah are praised both for their rejection of any "political solution" that may be proposed by the Security Council and for their determination "never to lay down their arms."

POLITICS FROM A GUN BARREL

In short, Peking's foreign policy—as officially restated at the 9th Congress of the Communist Party of China in April, 1969—continues to be that "political power grows out of the barrel of a gun." The further application of this principle in the Middle East can only be likened to pumping gasoline into an already flaming building.

Within the past six months Mao Tse-Tung's government has made support of the Arab guerrillas a major theme for its propaganda. During this period no fewer than fifteen articles—plus innumerable short items—have appeared in *Peking Review*, the official English language weekly of the Peking regime, all devoted to attacks on Israel or the United States, and to praise of the Arab cause.

The April 25, 1969, issue features a story entitled "Mao Tse-tung Thought Inspires Arab People's Advance." *"More and more Arab people,"* we are told, *"through their struggle and especially through the war of aggression launched by the U.S. imperialism and its lackey Israel in 1967, have come to understand profoundly that invincible Marxism-Leninism-Mao Tse-tung Thought is the beacon light illuminating their road to liberation and their spiritual atom bomb in the struggle against U.S. imperialism."*

Then we are given a series of purported quotations from Arab guerrilla fighters who are supposed to have been "inspired" by the Red Chinese line.

For example:

"Munir, a heroic fighter who died gloriously in battle in February, had got a set of Selected Works of Mao Tse-tung in Arabic. He treasured it dearly. . . . He often told his comrades: 'China is the most reliable friend of the Palestinian people. . . . Only by persevering in a protracted people's war can the Palestinian revolution finally defeat Zionism, which is supported by U.S. imperialism."

And here is another example:

"A guerrilla fighter in Al Fatah told a Hsinhua (Chinese press) correspondent . . . with deep understanding, 'Our enemy Israeli Zionism, supported by U.S. imperialism, is powerful in appearance. But inspired by Chairman Mao's teaching that all reactionaries are paper tigers, we dare to struggle and win.' . . ."

In preceding months, *Peking Review* has featured articles with such titles as: "Arab People Combat the 'Political Solution' Plot," "Arab People Are Not to be Bullied," "Rising Anti-U.S. Strength," "Daring Palestinian Guerrillas: Ever More Brilliant Battle Results," "Palestinian Armed Struggle Grows From Strength to Strength," etc.

The last article summed up the El Fatah version of "victories" against Israel. "The bombs of the Guerrillas have struck fear into the reactionary regime in Tel Aviv," we are told. "On June 22, a bomb exploded in the main lobby of Jerusalem's Ambassador Hotel. On August 18, four explosions rocked Jerusalem, and on August 21 the U.S. consulate was bombed. . . ."

SPURIOUS "VICTORIES" CLAIMED

On January 17, 1969, an article praised the fourth anniversary of the Palestine Liberation Organization (Arab League financed guerrillas) and El Fatah, presenting in detail claims of "victories" against Israel. "El Fatah released a statistical report in Cairo on January 1," we are told, which said that "in the past four years a total of 3,650 Israeli soldiers and 44 officers were killed by commando forces. . . ."

Obviously, the Chinese propagandists, like the Arabs they support, are fine practitioners of the art of exaggeration—multiplying every figure at least ten-fold. Nevertheless, the guerrillas are a grave threat to the peace of the Middle East and to the security of Israel.

PEKING'S MID-EAST AMBITION

As all the world knows by this time, some of the armament used by the PLO and El Fatah has been supplied by the Chinese Communists, although most of it is Soviet-made, delivered by way of Egypt or other pro-Moscow governments.

The suddenly increased emphasis on the Middle East appearing in Chinese Communist propaganda obviously indicates that the Peking government has decided to enlarge its participation in Arab affairs. Two years ago, Peking was one of the first capitals to receive an official "ambassador" from the Palestine Liberation Organization—and he was immediately given a large segment of time on Radio Peking for the purpose of propagandizing East Asian peoples, in support of intransigent Arab nationalism. Radio Peking has since greatly stepped up its pro-Arab agitation in broadcasts aimed toward South Asia, the Middle East and Africa.

The flowery and emotional language of Peking propaganda, unfortunately, fits in all too well with the Arab temperament, and matches the exaggerated and romanticized language of many Arab politicians. Behind any typical Peking release is the old theme that "Israel is the tool of United Nations and American imperialism"—but the text is apt

to end up, as did one recent hand-out, with a poem by a Moroccan Arab guerrilla fighter that closed with the line "Glory to the fighters who stare death in the face!"

U.N. ATTACKED

The United Nations and Ambassador Jarring's mission come in for special attack. Jarring's function is said to be "to peddle the 'political solution' swindle," *"The Soviet Union, the U.S., France and Britain were planning to send troops into the Middle East under the banner of the U.S.,"* the Arabs are warned. But, the release concludes, *"El-Fatah resolutely opposes the 'political solution' scheme and rejects all formulas, above all, the U.N. Security Council 'resolution.'"*

It is highly doubtful that Peking can effectively support the guerrillas. Meanwhile, Peking propaganda unquestionably is helping to keep the present unofficial war in the Middle East stirred up, and it certainly does much to prevent several Asian and African governments from supporting plans for peaceful solution. It is also reflected in much of the "New Left" agitation in the United States and other countries, especially on college campuses, Advocates of peaceful solutions and supporters of the United Nations must inevitably regard these developments as deeply disturbing.

(NOTE.—Except where otherwise indicated, all quotations used in the above article are from the official text of the *Peking Review*.)

AGNEW AND THE NETWORKS

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. GOODLING. Mr. Speaker, Vice President AGNEW's recent comments on the inadequacies of network TV news reporting have generated considerable response, some in agreement with and some opposed to the Vice President's views.

Two articles attributing a positive note to Mr. AGNEW's remarks appeared in the November 15 and 18, 1969, issues of the York Dispatch, a prominent daily newspaper in my congressional district. Because of the timeliness of these articles, I submit them to the CONGRESSIONAL RECORD:

[From the New York Dispatch, Nov. 15, 1969]

AGNEW AND THE NETWORKS

What Vice President Spiro T. Agnew had to say about the coloration of network TV news reporting has needed saying for a long time.

Selection of the news and pictures or film, clever inflection of voice, choice of nuance words—all these contribute to the "news" package.

Points of view on national issues are formed from the visual package. The choice of words in news handling is particularly important. For example, following President Nixon's speech on Vietnam earlier this month, the networks rounded up staffers to provide commentary.

Invariably, the word "failed" cropped up in their discussion. Nixon, it was said, "failed" to set a timetable for troop withdrawal. He "failed" to renounce the Saigon government.

Even one national news service, UPI, said he "failed" to do those things. The word was later changed to refused.

"Failed" whom? The expectations of peaceniks, or the desires of commentators trying to sway public opinion?

Before anybody gets carried away, the issue as we see it is not censorship, but more responsibility in TV news which, it seems, involves more the emotions than the intellect.

The problem with TV news is that it strikes the viewer, makes its impact and vanishes. It can't be slowed down, mulled over and compared to the public record. The average viewer has neither the time nor the facilities for this. Yet the formation of sound judgment on issues requires more study than so-called electronic journalism is capable of giving in its news forest.

TV news has got to be straight—without a point of view—because of its fleeting nature.

Even before Agnew raised the issue, it has been apparent that TV news is both a marvelous blessing and a deceptive curse in a society afflicted with controversy. The medium, strumming the emotions, can give more dimension to Apollo—and to a Stokely Carmichael, too.

[From the New York Dispatch, Nov. 18, 1969]

HATCHET JOB ON AGNEW?

If you watched the Huntley-Brinkley report on Nov. 14, the evening after Vice President Spiro T. Agnew's "network news" speech, you might have formed an impression about what he means by news power.

Let's take things in sequence.

Agnew delivered his speech after the Huntley-Brinkley report the evening of Nov. 13. Channel 8, an NBC outlet, carried the Agnew speech and later that night, the rebuttal by the president of NBC, Julian Goodman.

On Friday, Nov. 14 in the last segment of the Huntley-Brinkley report, Chet Huntley noted that Agnew had criticized network TV reporting, then dwelled on the mechanics of how Agnew happened to be invited to Des Moines to talk. Nothing about what he said. Nothing relevant to the issue. Then, lo and behold, Goodman appeared on the screen once again to deliver his full-length criticism of Agnew.

No self-respecting journalist could successfully maintain that the Huntley-Brinkley report in this instance was objective. It seemed like a pure hatchet job totally lacking finesse. And since David Brinkley's absence from the show was not explained, it's just possible he didn't show because he wanted no part of the clumsy effort.

TERMINAL CONTROL AREAS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. CONTE. Mr. Speaker, on November 15, 1969, the Federal Aviation Administration published notice 69-41, docket No. 9974 in the Federal Register. This FAA proposal would put all aircraft operating in designated airspace surrounding certain busy airports under active ground control. Such "terminal control areas" are designed to reduce the potential for midair and near midair collisions.

Since that time, the FAA has received and is considering literally hundreds of alternate proposals designed to achieve the same goal of lessening the probability of midair collisions. One such proposal, by the Massachusetts Aviation Trades Association, suggests the concept of air corridors similar to those used by the military.

Although I do not take a position on the issue at this time, I would like to include the proposal I mentioned in the RECORD at this point. It should be viewed for what it explicitly claims to be—an alternate proposal that would still achieve the FAA safety goals embodied in notice 69-41. It follows:

MASSACHUSETTS AVIATION TRADE ASSOCIATION,

Re proposal 69-41.

FEDERAL AVIATION ADMINISTRATION,
Office of The General Counsel,
Washington, D.C.

GENTLEMEN: This association has voted unanimously to oppose the concept of terminal control areas.

MATA is well aware of the grave need for positive control of air traffic in our "high density" air terminal areas. It is felt, however, that the circular designation of such vast areas of airspace around our terminal areas would result in a gross waste of otherwise useable airspace particularly when these restrictions might result in limited use of many of our much needed peripheral general aviation airports.

ALTERNATE PROPOSAL

This association suggests that FAA study the concept of air corridors, such as those used by the military for the pact decade, along with an extension of the present control zones to 7000'. An air corridor/extended control zone plan could incorporate a series of geographic corridors to separate turbine and piston aircraft along with "GATE" type points of entry and departure. Positive control could begin and end for arriving and departing traffic in the same manner as outlined in the terminal control area plan. Such a system might even work well enough to delay the eventual need for transponders in VFR aircraft.

CONCLUSION

The alternative air corridor/extended control zone concept would provide all of the safety features created by the terminal control area plan and, at the same time, establish a minimum of positively controlled airspace. This would allow most of the peripheral general aviation airports to continue normal operations without restrictions regarding altitudes, and VFR operations. MATA feels that continued encouragement by FAA to use peripheral general aviation airports is essential to the growth of the industry and to reduce the traffic loads on the primary airports. We also realize that there is a need for positive primary airport traffic control. We feel that the alternate air corridor/extended control concept would accomplish both goals.

Yours truly,

MELBOURNE S. DORR,
President.

INTER-AGENCY COMMITTEE ON MEXICAN-AMERICAN AFFAIRS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. EDWARDS of California. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

CONGRESSMAN DON EDWARDS STATEMENT BEFORE THE SUBCOMMITTEE ON EXECUTIVE AND LEGISLATIVE REORGANIZATION

Mr. Chairman: The subject before this subcommittee is a vital one, for it addresses itself to a group of Americans, forgotten and long discriminated against in a manner alien to our best traditions. I am here in support

of H.R. 8416 to establish an Inter-Agency Committee on Mexican-American Affairs and similar legislation to establish a cabinet committee on opportunities for Spanish-speaking people, but more importantly to support broad based Federal legislative recognition of the unique heritage and problems of Spanish-speaking people.

Let me make clear certain facts of Mexican-American life. They have done everything possible to help themselves, and they have much to offer the Anglo society. It is their sweat, sometimes their tears and their blood, which have made the fields of California, and of the entire Southwest, bloom. They have retained their culture, and their family structure, enriching our society. Today they are working very hard to obtain what is every American's rights, but they are doing so in a manner designed to strengthen and enhance their own traditions.

The Spanish speaking people, the Mexican-American, did not ask to be made a part of the United States. They were made a part of this country by force of arms, followed by treaty. The United States has not fully fulfilled the obligations of that treaty, nor has it offered full and free opportunity to the Mexican-Americans. It is time we corrected the continuing mistakes of the past. They were here first, breaking the first ground, giving names to our cities including San Jose, Santa Clara and San Francisco. The problems of the Mexican-Americans are little understood. Sadly, they even are little understood in the areas in which they live, including my own Congressional District in California.

In the City of San Jose the Mexican-American population accounts for 12.5 per cent of the people living there. Recently, I checked on Vietnam casualty figures through April of 1969 for the City of San Jose. A total of 63 young men from San Jose had died in Vietnam, of those 21 were Mexican-Americans. In other words, Mexican-Americans from San Jose are dying at a rate of almost three times that of their Anglo brothers. I mention this figure because it is indicative of a number of little understood truths about Mexican-Americans. It should not be necessary to say that they have been, and are, brave and patriotic, but false and malicious racial myths still creep out from under the rocks of our society and so make this statement necessary. It shames me to have to make it. The Vietnam casualty figure also makes clear that while many white middle class youth escape the draft through college and other doors open to them, these opportunities are not available to most of our Mexican-American young men.

There are other truths about the Mexican-Americans of California, of the Ninth Congressional District, and of San Jose. They are crowded into slum housing. The schools have often ignored their needs and their culture, and necessary correctional steps are slow and timid. They even have been denied the right to press for their wages in the traditional American pattern of collective union-management bargaining. Governments have been slow to allow them representation in the councils which decide their fate.

This bill, and other similar measures, will help them, but these bills also recognize that American can only be strong and just if it responds to and protects all segments of what should be a rich and diverse society. We need far more than just cabinet recognition of Mexican-American hardships, discrimination and problems. We need special programs, geared to the children, who come to our schools from a dual language background. We need respect for cultures other than the rather narrow white middle class culture. We need housing, and we need to agree that every man has the right to a fair wage for the work he performs, especially if that work is in the fields which feed us.

I urge approval of this or similar legislation not because it is an end, but because it is a beginning.

THE PRICE OF UNREST

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. KUYKENDALL. Mr. Speaker, my city of Memphis happily has ended a time of turmoil that has disrupted many of our schools and caused great suffering to teachers and children alike.

Lest someone might think that boycotting the public schools is an effective way to make a point, I would like to bring to the attention of my colleagues and other Americans the words of a young Memphis teacher, Mr. James Patrick. Mr. Patrick has seen what has happened and what can happen, and he had enough. He quit. His letter of resignation says, in part:

Riots, disorders, student gangs running through the halls and often into the rooms, goading students to follow, destruction of buildings, equipment, papers, books and records, destruction of efforts. I am exhausted by the frightened faces of well-meaning students and teachers, tired of reasoning with hoodlums holding bricks, of threats of operating all day behind a locked classroom door, of intimidation, of secondary insults, of having my car vandalized, my room broken into.

But most of all, I am tired of not being able to teach.

I came here not as a young idealist but certainly with hopes of exerting some positive influence. These hopes are completely depleted.

Nouns and objects of prepositions are just not relevant when a child has gone through a picket line to get into his school, been advised by adults to go home, and finally, threatened by his peers if he continues.

Lunch, even if the only hot meal of one's day, is not important if one is afraid to eat it.

This must not be read as an indictment of the Memphis system. I do not know what can be done, if anything, so I do not attempt to criticize . . . but I am convinced that I can accomplish nothing academically at Melrose . . . and therefore, I resign immediately and without notice.

I will police no more riots, I am out of patience with mob rule.

Lastly, and the saddest of all, I mention my kids. With the majority of my 90 charges, I had developed a rapport, a raceless, orderly and pleasant learning condition. That necessary condition for the learning process was destroyed several weeks ago. I hope those students do not feel too strongly that I, too, have abandoned them.

But they will have to stay, they are the victims and cannot quit as I can. And soon, unless some bigger man than I radically changes this atmosphere of unreason, they too will learn to scorn learning and rightness. They will learn to throw bricks.

Mr. Speaker, these remarks are not from an isolated voice. They represent a clarion warning that we should all heed.

SOUTH AFRICA

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. REID of New York. Mr. Speaker, on the first of this month, my colleague from New York (Mr. BINGHAM) and I, along with Mr. BRADEMAS, Mr. CONYERS, Mr. DIGGS, Mr. FRASER, Mr. MOSHER, Mr. O'NEILL of Massachusetts, and Mr. WHALEN, wrote letters to the presidents of 10 banks which had formed a consortium extending a $40 million annual line of credit to the Republic of South Africa.

The credit agreement was up for renewal and our purpose in writing was to urge that the banks not continue this financial assistance to a country whose apartheid policies are repugnant to all who love freedom.

The banks involved are Bank of America, Bankers Trust Co. of New York, Chase Manhattan Bank, Chemical Bank, First National Bank of Chicago, Irving Trust Co. of New York, Manufacturers Hanover Trust Co., Morgan Guaranty, Continental Illinois Bank & Trust Co. of Chicago, and First National City Bank of New York.

We pointed out in our letter that "the moral question raised by such a revolving credit arrangement to the racist government of South Africa is quite clear" and that the banks have helped "to strengthen the regime in South Africa and have not served to affect that government in any positive way." The full text of the letter will be inserted in the RECORD following my remarks.

Just yesterday, it was announced that the Government of the Republic of South Africa had requested that the line of credit not be renewed. The Finance Minister in Pretoria stated that "The Republic's strong gold and foreign exchange position" made the credit unnecessary, and that it had not, in fact, been used for the last 3 years.

Frankly, I consider the decision more a victory for civil rights and for the cause of justice and freedom everywhere. It is a clear indication that the continued and concerted efforts of private groups and committed public officials can make a difference in an action with enormous moral significance.

The American Committee on Africa and the executive council of the Episcopal Church are two of the groups which have applied pressure on the banks for at least 4 years to refrain from financial dealings which benefit the white-minority regime in the Republic of South Africa. In addition, Mr. BINGHAM's efforts at mobilizing congressional opinion have been most valuable.

I am hopeful that these developments will be studied seriously in the White House and the State Department where a review of our policy toward Africa is now taking place.

In addition, I would hope that other private investors in South Africa will consider carefully the implications of their financial involvement in that coun-

try. In my view, financial institutions cannot be indifferent to the serious erosion of the rule of law in South Africa, the increasing denial of human rights, and the evermore rigorous enforcement of apartheid. Banks and other private investors are not, in short, absolved of responsibility for the conditions around them in South Africa.

In addition to the letter to the banks, I am inserting in the RECORD at this point a copy of the news story announcing this decision from today's New York Times:

SOUTH AFRICA DROPS BANK CREDIT IN UNITED STATES

(By Edward B. Fisk)

The Government of South Africa has disclosed that it will not renew a $40-million credit reserve provided by American banks. The credit has drawn widespread protest from civil rights advocates and is reported to have cost the banks millions of dollars in deposits.

Demonstration leaders hailed the decision as a victory for their four-year campaign against the credit arrangement, but Owen F. DeVilliers Booysen, the South African consul general here, said that it was terminated because it was no longer necessary.

He quoted Gerald W. Browne, the Finance Minister, as saying, "Because of the republic's strong gold and foreign exchange position, credit had not been used for some three years, and it was not deemed necessary to incur the expenses of extending it."

There was no immediate comment from the financial institutions involved. A spokesman for one, the Chase Manhattan Bank, said that it would be "improper" to issue a public statement on confidential dealings with a client.

The decision involved a $40-million revolving credit plan from 11 American banks and that expires Jan. 8. The arrangement, which has been subject to annual extensions, was initiated in December, 1949, with four banks at a figure of $10-million.

The arrangement has been the target of frequent criticism and demonstrations by churches, civil rights leaders, students and politicians. They charged that the banks were supporting and giving moral sanction to the system of apartheid, or racial separation, in South Africa.

It was defended by the banks, however, on the ground that support of South Africa's economic progress did not constitute endorsement of her racial policies.

In reply to a stockholder's question at an annual meeting in 1967, Thomas S. Gates, then president of Morgan Guaranty Trust Company, declared that withholding of credit from the country could "work a hardship" on all of its citizens.

In addition to Chase Manhattan and Morgan Guaranty, those involved in the consortium are the Bank of America, First National City Bank, Manufacturers Hanover Trust Co., Bankers Trust Co., Chemical Bank, Continental Illinois National Bank and Trust Co. of Chicago, First National Bank of Boston, First National Bank of Chicago and Irving Trust Co.

The Rev. George Houser, executive director of the American Committee on Africa, a 15-year old organization that has coordinated demonstrations against the credit arrangements, said yesterday that he had no direct evidence that the banks had put pressure on South Africa not to renew the credit arrangement.

He added, however, "I don't believe the Government of South Africa would have come to this decision without the pressure that was applied on the institutions themselves."

Representative Ogden Reid, Republican of Westchester, who joined Representative Jonathan B. Bingham, Democrat of the Bronx, and eight other Congressmen in sending a letter to the banks on Oct. 31 asking them to drop the credit arrangements, called the decision "a victory for civil rights."

Among those applying sanctions against the banks was the Executive Council of the Episcopal Church, which voted last spring to withdraw all funds under its control from participating institutions if the arrangement was renewed.

The Most Rev. John E. Hines, presiding bishop of the denomination, said last night that preliminary steps had been taken to shift accounts from three participating banks but that these efforts will now be abandoned.

Mr. Booysen, in quoting Mr. Browne's statement, emphasized that South Africa had not exercised its right to borrow the funds in the last three years.

TEXT OF LETTER BY REPRESENTATIVES OGDEN R. REID AND JONATHAN B. BINGHAM PLUS OTHER CONGRESSMEN TO PRESIDENTS OF 10 AMERICAN BANKS REGARDING $40 MILLION LINE OF CREDIT TO SOUTH AFRICA, NOVEMBER 1, 1969

We the undersigned, are writing to you as president of one of the ten banks comprising the consortium which has provided the government of South Africa with an annual $40 million line of credit.

At this time, when the agreement on the consortium loan is about to expire, we would like to join the growing number of American individuals and organizations who have been deeply concerned about this assistance to the Government of South Africa. We urge you to abstain from participation in any continuation of such a line of credit for the apartheid regime in South Africa.

First of all, the moral question raised by such a revolving credit arrangement to the racist government of South Africa is quite clear. The government of South Africa has been characterized by the International Commission of Jurists "as copying the worst features of the Stalinist regime and reducing the citizen's liberty to a degree not surpassed by the most extreme dictatorships of the Left or Right."

Second, your action has helped to strengthen the regime of South Africa (especially in 1961 and 62), and has not served to affect that government in any positive way. Since 1959, when the revolving loan was established, conditions inside South Africa have become worse. The recent General Laws Amendment, establishing a Bureau of State Security (BOSS), reflects the growing totalitarian and brutal nature of the South African regime.

Third, the assistance to South Africa by ten leading American banks is an unfortunate symbol of American collusion with apartheid to the independent, majority-ruled states of Africa. The involvement of American business and finance on the wrong side of the colour curtain in Africa will have grave consequences in the years to come with our relations with free Africa.

Fourth, the continuation of your consortium credit may tend further to alienate many Americans who find the racial policies of South Africa repugnant.

In our view, it is no answer that foreign policy is the responsibility of the United States Government and that it is not up to banks or other private institutions to act on the basis of moral judgments, when the United States Government has not asked them to do so. First we believe that any major national or international institution, albeit privately controlled, has a moral obligation to consider the implications of its actions, particularly bearing in mind the sensitivities of many of your depositors and at least some of your stockholders. Second, the United States Government does distinguish between South Africa and other countries in that it does not encourage trade, investment, or business activities in South Africa as it does elsewhere. This distinction, which is not without significance, was drawn by Asst. Secretary Joseph Palmer before the House Foreign Affairs Committee on July 10.

We would very much appreciate hearing your views on this whole question.

LETTER FROM VIETNAM

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. DUNCAN. Mr. Speaker, I would like to place in the RECORD a letter from a young man from my district who is now serving his second tour of duty in Vietnam. This letter merits the reading by every Member of Congress and I encourage all readers of the RECORD to think about the warning in this young man's letter.

[From the Knoxville (Tenn.) News-Sentinel]

LETTER FROM VIETNAM: "WE'LL CONFRONT YOU," MARINE TELLS PROTESTERS

William Wynn, who wrote the letter below, is now on his second tour of duty in Vietnam, a matter of his own choice.

A native of Lenoir City, Wynn joined the Marine Corps in 1961 and served for three years. He re-enlisted in 1965 and served in South Vietnam from April 1966 to June 1967. He was wounded on Easter Sunday in 1967 during action near the Demilitarized Zone.

According to a member of his family, the Marine cannot disclose the nature of his present assignment in the war zone. His home address is P.O. Box 454, Lenoir City, Tenn., 37771.

Here is the letter:

"NOVEMBER 12, 1969.

"EDITOR,
"Knoxville News-Sentinel,
"Knoxville, Tenn.

"DEAR SIR: I am a Marine presently serving in Vietnam. Since I cannot personally contact the people who are "honoring" us with a moratorium, I would like to do it through this newspaper in an open "letter of appreciation."

"Although I take full responsibility for this letter, the opinions, thoughts and desires expressed herein have been gleaned from numerous bull sessions, reactions to radio/TV newscasts, letters from home informing us of what is happening, and from local newspapers forwarded by our families. They come from people I know, or have known, personally, from a captain with a degree in law to a private first class who is a high school dropout. The majority, however, are between 18 and 20 years old with a high school education and definite plans for the future, whether it be college, marriage, or just working to buy a new car, I think it would behoove the American people and news media to listen and take heed to what these men have to say. These are the credentials which make me think I have the first hand knowledge to write what we feel in the following 'letter of appreciation.'

"We, the servicemen fighting in Vietnam, wish to give our 'thanks' to those 'great patriots,' Abby Hoffman and David Dellinger, who are 'leading' our country in the streets and alleys as Hanoi's fifth column in the United States; to those illustrious statesmen, Senators Fulbright, McCarthy and McGovern, who 'back' our country and its fighting men 'to the hilt' in much the same way as did Caesar's friend, Brutus; to that college fraternity, the Students for a Democratic Society, which is doing so much to preserve our rights of free speech guaranteed under the Constitution, as clearly shown by their 'courteous' attitude when an opponent to their ideas is making a speech; and to all the other 'comrades' who are giving us so much 'loyal support,' wherever they may be.

"We have heard and seen many of the things you have done for our country and us. This letter is totally inadequate to tell you how we feel, but through 'your efforts' we may be able to soon give you our 'thanks' personally. Your words and deeds are burned into our minds and we will not forget.

"Some day we will be able to tell you 'how proud you made us' as you tore our Flag from its staff and dragged it through the streets to burn.

"Some day we will be there to listen as you tell of your 'efforts' and the 'hardships' you underwent to send your blood to North Vietnam while we wasted our blood on the soil of South Vietnam.

"Some day we will get to tell you just how 'brave we thought you were' as you stood up to the 'pigs', unarmed except for bricks, bottles and bags of human waste, to burn your draft cards.

"Some day we will be able to convey to you our 'feeling' for your battle cry, 'Hell No! We Won't Go!' which has replaced our battle cry of the past, 'I only regret that I have but one life to give for my country'.

"The name of your game is confrontation and we are coming home to confront you in the streets, in the universities, in the courts of law, in the voting booths, in Our Country. Everywhere we meet we will remember what you have done and give you our personal 'thanks.'

"Sincerely,

"WILLIAM D. WYNN,
"U.S. Marine Corps."

PINKVILLE MASSACRE—A MORATORIUM PROJECT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. RARICK. Mr. Speaker, the moratorium crowd continue their fifth column efforts to divide our people and disgrace our country.

The disgraceful spectacle of the news media parading our fighting men before the American people exceeds even the citizens revulsion of the alleged massacre at Pinkville. In order to gain a Communist victory in Vietnam, under the guise of peace, disloyal Americans lower themselves to any level—to make a profit or gain notoriety.

The interesting story of who, why, and how the so-called massacre has been projected into the sensitivity training project of the hour, to shock the American people against our Vietnam involvement should be of interest to those seeking answers.

The columnist, Mary McGrory, not a lukewarm supporter of the moratorium bunch, tells that the news hogging massacre story was broken by Seymour M. Hersh, a Washington freelance writer.

To subsidize his work in damaging U.S. military efforts, Mr. Hersh was able to secure a $1,000 grant from the Philip M. Stern Foundation to cover his expenses in running down the massacre witnesses. Hersh also happens to be with the radical underground antiwar news promotion service called Dispatch.

One Richard Barnet, who spent the November 15 moratorium day celebrating in Hanoi with his friends, also happens to be on the advisory board of Dispatch.

So again we find Hanoi calling the signals for its "dear American friends" in the United States. This time we find not only that our national news media is pushing the Hanoi propaganda but that they paid to buy the "news."

Hanoi has already showed its appreciation—more U.S. casualties, more propaganda, and more infiltration.

Mr. Speaker, I include clippings concerning Hersh, Barnet, and related news items:

[From the Washington Star, Nov. 25, 1969]

SILENCE GREETS VIET MASSACRES

(By Mary McGrory)

The reaction to reports of mass murder in a Vietnam village by American GIs has been outrage in London, silence in Washington and dismissal in Saigon.

* * * * *

The story was broken by Seymour M. Hersh, a 32-year-old Washington free-lance writer, who was brought up in Chicago's "Front Page" school of newspapering. Hersh, a fast-talking, fast-moving former Pentagon reporter, was briefly (blank) campaign press secretary, and is the author of a book about chemical and biological warfare.

Hersh is against the war, but resents a London newspaper's designation of him as a "left-wing nut." He first heard of "Pinkville" through the tip of an old friend in the Pentagon who told him early in October merely that "the Army has a man in court-martial at Fort Benning, and they have accused him of killing 75 Vietnamese civilians."

Hersh was "horrified," dropped work on a book about the Pentagon, "The Ultimate Corporation," and started out on the trail. He got the name of George W. Latimer, Calley's counsel, flew to Salt Lake City to talk to him.

He got no specifics from Latimer, only "a sense of the dimensions of the story." He applied for and got a $1,000 grant from the Philip M. Stern Foundation for investigative journalism and started flying around the country to find sources.

[From the Washington Star, Nov. 26, 1969]

TINY BUREAU'S BIG STORY: TWO MEN EXPOSED "MASSACRE"

(By Robert Walters)

Although David Obst and Seymour Hersh moved into their new office in the National Press Building two weeks ago, they still don't have any furniture. And at the rate they're preceeding, it probably will be quite a while before they're organized.

Obst and Hersh simply haven't had time for the luxury of setting up desks and chairs. Instead, they have been totally occupied with the task of almost singlehandedly investigating and publicizing one of the year's biggest news stories—the so-called "Pinkville massacre."

Hersh has been jet-hopping back and forth across the country to track down leads and piece together the story of the alleged murder of at least 109 Vietnamese in the village of My Lai by U.S. Army troops.

At the same time, Obst has been busy selling the story, telephoning newspapers in this country, Canada and England as well as hustling in and out of newspaper offices in the Press Building. He says that at one point he spent 18 consecutive hours on the telephone, talking with editors.

BACKGROUNDS SKETCHED

The backgrounds of the two young men are almost as improbable as the technique they have used to bring the story to the attention of the public—and to provoke a controversy which has spread across both the Atlantic and Pacific Oceans.

Obst, the 23-year-old son of a Los Angeles advertising man, dropped out of a California college several years ago and traveled to Taiwan to complete his undergraduate education "because I decided I wasn't learning anything in school in this country."

He spent the past year at the University of California studying Chinese.

Hersh, 32, is a Washington-based freelance writer who started his journalistic career as a police reporter with Chicago's City News Bureau, moved quickly through a string of newspaper and wire service jobs and has spent the last few years compaigning against chemical and biological warfare.

Today, Obst is general manager and Hersh the star writer for a newly established, play-it-by-ear news bureau known as the Dispatch News Service. Its principal assets are the money earned in the past two weeks from stories about the mass killing—and the enthusiasm of its employes.

SUCCESS UNIQUE

Dispatch's success is unique because almost all news stories presented to the public in this country are developed by long-established news gathering organizations—newspapers, radio and television stations, wire services, feature syndicates, magazines and other media.

The concept of two young men working for a new and unknown organization having such success in developing a major story without the knowledge of the other media and then selling the story to scores of newspapers is virtually without precedent.

How did they do it? Hersh, who has more Pentagon sources than most of the Defense Department correspondents employed by daily newspapers, got a tip about five or six weeks ago. "It was just simply a great story," he says. "I dropped everything else I was doing and started running it down."

EDITORS CALLED

Hersh, whose non-stop style overwhelms observers even when he isn't working on something important, began to criss-cross the country in search of witnesses to the alleged massacre. By Nov. 12, he had the story in hand and Obst was ready to begin a razzle-dazzle selling job on newspaper editors, who are leery of buying stories from people they don't know.

"I called the managing editor of every major newspaper in the country," says Obst, who recalls sprawling on the floor of the barren office with his shoes off and the phone to his face for 18 straight hours.

Out of 50 papers approached, 32 in this country and four in Canada agreed to buy the first story. The story caught on, other papers wanted follow-up material, the television networks became interested, and now two national news magazines are interviewing Hersh and Obst for possible stories on their operation.

"We started with very little," says Obst. "Now, we've established a news bureau. From here on out, we intend to be a clearinghoue for good investigative reporting in this country. We're already hearing from writers who say they've got good material they couldn't publish elsewhere."

Dispatch actually started in late 1968, when Obst and another American in Taiwan, former Dartmouth student Michael Morrow, decided that conventional reporting of the Vietnam war was "concentrated on the soldiers and the politicians but paid no attention to the people."

VIETNAM REPORTED

With Obst selling the material to a handful of papers back in this country from his base in Taiwan, Morrow began his in Vietnam. He was soon joined by Donald Luce, a member of the International Voluntary Services who quit his volunteer post because he thought his work was being corrupted to help perpetuate the war.

They have recently been joined by others.

Last weekend, Dispatch sold to 15 newspapers a series by Richard Barnet, who has just returned from a visit to Hanoi. Barnet is co-director of Washington's Institute for Policy Studies, a radically oriented "think tank."

And Columbia University Prof. Seymour M. Melman, a long-time critic of this country's military policies, will soon be writing for Dispatch, says Obst.

The youthful salesman acknowledges that Dispatch has a left-of-center, anti-war tone, but insists that "we're certainly not ideologues.

"We're no more an anti-war news agency than the Chicago Tribune is a pro-war news agency."

ARMY INFORMATION

Hersh, ironically, once served as a public information officer for the Army, during a six-month active duty stint at Ft. Riley, Kan., while a reservist. With a smile, he notes that he never even made it to private 1st class.

After he was discharged from the Army, Hersh worked on a Chicago suburban newspaper, then published a paper in the same area. In 1962, he joined United Press International in Pierre, S.D., but a year later switched to the Associated Press in Chicago.

In late 1966, the AP sent Hersh to Washington, where he covered the Pentagon until resigning in the summer of 1967 to work on a book: "Chemical and Biological Warfare: America's Hidden Arsenal."

Since that time, Hersh has written a dozen magazine articles on the dangers of CBW, and has been instrumental in providing material on the subject to numerous members of Congress, including the leading House opponent of CBW.

Hersh may well have readers in high places in government. In the middle of all the controversy yesterday about the incident at My Lai, President Nixon brought a virtual end to the young writer's earlier crusade by announcing an end to the use of bacteriological weapons and stringent new controls on the use of chemical weapons.

[From the Washington (D.C.) Post, Nov. 13, 1969]

BROADCAST PUTS AUTHOR BARNET AT HANOI TALKS

Hanoi Radio named Washington author and historian Richard J. Barnet yesterday as a participant in a meeting to register support of "massive (American) demonstrations against the U.S. aggression in Vietnam."

The meeting, in Hanoi Tuesday night, was held by the Vietnam Peace Committee and the Vietnam Committee For Solidarity With the American People. Hanoi Radio said the chairman of the latter group, identified as Prof. Hoang Minh Giam, "warmly hailed the planned massive antiwar demonstrations of the American people . . ."

Barnet, who served in the U.S. Arms Control and Disarmament Agency during the Kennedy administration, is co-director, with Marcus Raskin, of the Institute for Policy Studies here.

TO LEAVE FRIDAY

According to informed sources, Barnet arrived in North Vietnam last Friday, and is expected to leave there this Friday. Raskin said Barnet's mission is "to inform himself of the specific negotiating position of North Vietnam," and also to write about his trip there. Few Americans have been granted visas to enter North Vietnam in recent years.

Barnett is on the advisory board of a newly formed news agency named Dispatch, formed to provide "in-depth reporting on important issues and events for national newspapers and the collegiate press."

He has been highly critical, in writing and speaking, about U.S. policy in Vietnam. His latest book, The Economy of Death, is an analysis of U.S. defense spending and concepts.

REMARKS PARAPHRASED

The Hanoi broadcast identified Barnett and William Meyers (a New York attorney) as "the American lawyers delegation now visiting Vietnam." Their remarks at the meeting were reported only in paraphrased form.

Hanoi Radio said Barnett and Meyers "expressed the American people's solidarity with the juts struggle of the Vietnamese people and urged an immediate and complete withdrawal of U.S. troops from South Vietnam. They affirmed that the Vietnamese people's struggle against the U.S. war is in conformity with the aspiration and interests of the American people."

Neither Barnett's associates or family here could supply any independent account of the remarks attributed to him in Hanoi. Barnett is expected back in Washington early next week.

[From the Washington Post, Nov. 26, 1969]

EX-SOLDIER LOSES $100,000 DEAL ON MYLAI PHOTOS

(By Karl E. Meyer)

NEW YORK, November 25.—Whether former Army combat photographer Ronald Haeberle actually is legal owner of pictures he took of the alleged Pinkville massacre in South Vietnam last year is a question that the courts will have to settle.

But it was established today that the 28-year-old Haeberle tried to get upwards of $100,000 for his color photographs and then lost perhaps as much as $80,000 of it when newspapers decided last Friday that pictures taken by an Army photographer on duty were public property.

After this commercial loss, Haeberle was more subdued than indignant, according to those with whom he was bargaining. "Whatever happens," he reportedly said, "at least I'm glad the story is out."

Haeberle at one point was also seeking $25,000 for his eyewitness account of the alleged massacre—more than twice the $10,000 reportedly paid by CBS to the Dispatch News Service, a free-lance Washington agency, for information leading to an interview with another witness, disabled veteran Paul Meadlo.

In his negotiations here last week, Haeberle had a ready answer for those who asked why he had waited more than a year before approaching anybody with the pictures, and on what basis he could claim the photographs as his private property.

Haeberle is said to have maintained that he had taken four rolls of black-and-white film with his Army camera when the village of Sonmy was attacked in March, 1968. Then, Haeberle explained, he took 1½ rolls of color film on his own 35 mm. camera.

The black-and-white film was reportedly turned over to his Army superiors while Haeberle kept the color for himself. He is said to have insisted that he did not keep the photographs a secret, but actually, and incredibly, used the color slides in lectures on the war that he gave in his home town of Cleveland. It was not until the story surfaced that he became aware of the potential commercial value of the pictures, he told prospective buyers.

Haeberle could not be reached today for comment, and presumably he will give his own version of all this in the forthcoming issue of Life magazine, which has purchased his pictures for an estimated sum of more than $20,000.

However, it was possible to make this reconstruction of the photographer's singular odyssey by talking with media executives with whom Haeberle talked.

Haeberle turned up in Manhattan last Wednesday at the Gotham Hotel, accompanied by Joseph Eszterhas, a Cleveland Plain Dealer staff member who was acting as the photographer's agent and adviser.

The pair was interested in selling the world rights for both the pictures and Haeberle's eyewitness account, but found that Life was interested in only buying North American rights.

On Thursday, Haeberle and Eszterhas were approached by a foreign bidder, Associated Newspapers Ltd. of London, representing the Daily Mail, the Evening News, and Daily Sketch of London, as well as a group of British provincial papers.

The photographer and his agent are understood to have named $100,000 as a starting price for pictures and text, and on Thursday Associated Newspapers tried to put together a consortium to make an offer. German, French and Italian publications were among those understood to have put in firm bids.

But during the day the pair reportedly decided that the price was not high enough, and a new figure was mentioned—$125,000, of which $25,000 would be for the text and the rest for the photographers of dead Vietnamese.

Late Thursday, Haeberle and his associate were warned that they were pushing their luck, and overnight this admonition turned out to be true. Some of the pictures had been sold separately to the Cleveland Plain Dealer, copyrighted with Haeberle's name.

On Friday, The New York Post consulted its attorneys and decided that a combat picture taken by an Army photographer was public property. The Post along with other newspapers, challenged the copyright and published the picture—at which point, the consortium dissolved because foreign bidders were interested in exclusivity.

A free-for-all developed in which Haeberle found himself forced to do what he had sought to avoid, entering into a series of individual deals. An educated guess is that the pair received a total of about $45,000.

"Yet he wasn't angry," one prospective buyer said of Haeberle, "There was none of the indignation you might expect from someone who felt he had been wronged. 'Whatever happens,' he said, 'At least I'm glad the story is out.' "

As to the CBS interview with Paul Meadlo, network executives said that it was contrary to the television company's policy to pay persons appearing on news program interviews. In this case, CBS maintained, the money was paid to the Dispatch News Service, not to Meadlo himself, for an interview filmed in New York with Mike Wallace.

Asked if any of the fee—reported to be $10,000—was given by the news service to Meadlo, a CBS spokesman quoted a statement by the Washington free-lance agency saying, "The kid is getting absolutely zero."

Meadlo himself has been quoted as saying, "I've already told my story. I feel I should be getting something out of it." He could not be reached for further comment.

GI'S STILL BURNED VILLAGES IN PINKVILLE AREA LAST MONTH

CHU LAI, South Vietnam, Nov. 25—Troops of the Americal Division were burning down suspected Vietcong villages near Mylai, scene of the alleged U.S. massacre in 1968 as recently as last month.

"Within a matter of a week at the end of October, we destroyed 13 villages," said 2d Lt. Norman E. Cuttrell, 22, a platoon leader who arrived in Vietnam last month.

According to Lt. Col. Russ Whitla, the burning by "zippo squads," named after their cigarette lighters, is intended to "deny the villages to the Vietcong." It is part of the pacification program in Quangngai Province.

Before the villages are razed, the inhabitants are warned 24 hours in advance by leaflets and loudspeaker broadcasts from planes to leave their homes. They are placed in newly constructed resettlement villages that are often enclosed by barbed wire.

Members of Cuttrell's platoon described in detail how they perform their destruction.

First the zippo squads set fire to the thatched dwellings with their lighters. Sgt.

Steve Kohrt, 20, added, "When we found candles, some of us used candles. If we think it's really worth it, we throw a grenade in."

How long does it take to burn down a village?

"That really varies. It depends on the wind. It also depends on the size of the village," he said.

Cuttrell added, "What we try to do is to get all of the people out of the village before we start burning. Because of the psychological effect, of course, they don't want to go . . . that's their home and everything.

"So what we do is to get them all out of the village and out of sight before we burn it so they won't have to stand and watch their houses burn."

[From the Washington Star, Nov. 26, 1969]

HANOI INFILTRATION RATE IS BACK TO 1968 LEVEL

The infiltration of North Vietnamese troops into South Vietnam is back up to the level it reached last year, after a May to October decline, but the Nixon administration does not see any need so far to halt or reverse its troop withdrawal program.

Hanoi would have to send south a massive new force, composed of much of its army, before the administration would decide to increase the number of U.S. troops. Such a force is not now in the pipeline.

Officials here are watching to see whether Hanoi has increased infiltration to replace Communist losses over the summer. The infiltration level then was lower than the casualty level.

Officials also are wondering if a new Communist offensive is being prepared. Military men in Saigon have long been predicting one.

COULD AID TALKS

An offensive in January or February might mean, paradoxically, that the North Vietnamese were preparing for serious new negotiations, the administration believes, just as the 1968 Tet offensive led into Paris talks.

The talks are stalemated. There has been nothing since mid-August—before the death of President Ho Chi Minh—that remotely resembled real negotiations in Paris.

But the administration continues to believe that negotiating with the North Vietnamese is not like an Anglo-Saxon give-and-take negotiating process of moving toward agreement.

Hanoi is likely to be most implacable just before it is ready to make a settlement, officials think.

They compare the situation to two exhausted marathon runners staggering toward a finish line. The question is who will drop first.

Once Hanoi decides the time has come, perhaps because it thinks the United States is in the right psychological mood as a result of fighting in Vietnam and domestic antiwar activities, then working out a settlement could be fairly rapid.

Because of this, the administration plans to replace Henry Cabot Lodge as the chief U.S. negotiator in Paris sometime in the fairly immediate future. There is no indication of a plan to leave the post vacant indefinitely because the talks have been barren so far.

VIEWED AS SERIOUS

The administration views the renewed heavy infiltration by North Vietnamese troops as serious.

President Nixon said Nov. 3 that the withdrawal of U.S. troops was based partially on the reduced level of infiltration and the reduction of American casualties. He warned that if increased enemy action jeopardized remaining U.S. forces in Vietnam, he would "not hesitate to take strong and effective measures to deal with that situation."

Nixon deliberately did not spell out those measures.

The administration is now watching the infiltration rate closely to see if some measures are necessary. So far there has been no effect on the troop withdrawal program, but it could easily be slowed down.

WHITE HOUSE RAPS VIET "MASSACRE"

The White House today deplored the alleged massacre of South Vietnamese civilians in the village of My Lai.

In the first public reaction to the case, White House press secretary Ronald L. Zeigler said such an incident is "abhorrent to the conscience of all the American people."

"The secretary of the Army is continuing his investigation. Appropriate action is and will be taken to assure that illegal and immoral conduct, as alleged, be dealt with in accordance with the strict rules of military justice."

Ziegler also said that "this incident should not be allowed to reflect on the some million and a quarter Americans who have now returned to the U.S. after having served in Vietnam with great courage and distinction."

Ziegler would not comment on facts in the case because the case is now moving through the military judicial process.

In response to questions about President Nixon's attitude regarding the massacre charges, Ziegler read a statement of his own which he said "conveys the over-all feeling of the White House, of the administration and therefore of the President."

The statement said:

"This alleged incident occurred some 10 months before this administration came into office, and as the secretary of defense said, did not reach his attention until April 1969. This delay is regrettable.

"As soon as the matter came to the secretary of defense's attention in April of 1969 a full investigation was launched by the Army.

"Both the investigation still underway, and the trial which has been announced, have been and will be conducted in strict accordance with the code of military justice.

"An incident such as that alleged in this case is in direct violation not only of U.S. military policy but is also abhorrent to the conscience of all the American people.

"The secretary of the Army is continuing his investigation. Appropriate action is and will be taken to assure that illegal and immoral conduct as alleged be dealt with in accordance with the strict rules of military justice.

"This incident should not be allowed to reflect on the some million and a quarter Americans who have now returned to the United States having served in Vietnam with great courage and distinction.

"The alleged incident is now moving through the military judicial process and because of this fact it would be inappropriate for me to comment beyond the remarks which I have just given you."

Ziegler told newsmen that the President has been kept informed regarding the alleged incident "as the secretary of defense felt it appropriate, based on information that became available to him."

He said he did not know precisely when the secretary had first informed the President of the case, but believed it was several months ago.

SILENT MAJORITY RISES TO A CHALLENGE

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. HOGAN. Mr. Speaker, on November 4, I spoke before this body and urged that the "silent majority"—of whom President Nixon spoke in his televised Vietnam message—end their silence and begin to give tangible evidence that they support their President's policy.

I also pointed out that the news media play up the role of the vocal minority and, consequently, the views of the vast majority are never heard—an opinion which has since received much attention as a result of Vice President AGNEW's speeches on the subject.

Today, Mr. Speaker, I would like to speak in a more positive and reassuring manner. Today I would like to insert into the CONGRESSIONAL RECORD the names of more than 1,400 persons from one area of my congressional district who are proud to be counted as part of the "silent majority."

Not only am I pleased to record the names of these patriotic Americans in the annals of American history, but I would also like to commend the Courier, the newspaper published in Suitland, Md., which performed this public service, and its editor, Bill Hunter, for collecting and printing these names. The list follows:

HERE'S SOME MORE OF THE SILENT MAJORITY

Mr. Bernard T. Hardy, Chillum.
Bernard T. Hardy, Jr., Chillum.
Bernard T. Hardy, Sr., Chillum.
Mrs. Louise Sharer, Chillum.
George Bell, District Heights.
Stella Bell, District Heights.
Harry A. Leibrand, Washington.
Edith M. Leibrand, Washington.
John E. King, Oxon Hill.
Mrs. John E. King, Oxon Hill.
Marion E. Parks, Rose Valley.
Melva L. Parks, Rose Valley.
Edward C. May, District Heights.
Howard F. McClanahan, Oxon Hill.
Faye I. McClanahan, Oxon Hill.
Bertha C. Stratton, Greenbelt.
Mrs. Jacqueline White, Oxon Hill.
Stephen A. White, Oxon Hill.
Charles B. Hall, Upper Marlboro.
Virginia I. Hall, Upper Marlboro.
James T. Snyder, Accokeek.
Alice Rummler, Silver Hill.
Herman Rummler, Silver Hill.
Robert Allwine, Hillcrest Hgts.
Mrs. Robert Allwine, Hillcrest Hgts.
Barbara Flaherty, Silver Hill.
Kenneth Barnes, Brookmont, Md.
Roger Beach, Oxon Hill.
Mrs. Roger Beach, Oxon Hill.
Robert Beach, Oxon Hill.
Mrs. Robert Beach, Oxon Hill.
Richard Beach, College Park.
Mrs. Richard Beach, College Park.
Sp4 R. David Beach, Vietnam.
Ralph Beach, Thailand.
Ray Beach, Hillcrest Heights.
Mrs. Rita Collins, Washington.
Mr. Donald Burroughs, Oxon Hill.
James Hammrich, Glass Manor.
Mrs. James Hammrich, Glass Manor.
Joseph Spargo, Laurel.
Susan Spargo, Laurel.
Howard Staples, Camp Springs.
Madeline Staples, Camp Springs.
Mrs. George Hurst, Morningside.
Deborah Brooke, Beltsville.
Robert Murphy, Bethesda.
William D. Payne, Sumner.
Mary Jane Payne, Sumner.
Richard H. Hart, Hillcrest Heights.
Alma G. Hart, Hillcrest Heights.
Mrs. William A. Harris, Riverdale.
John D. Davies, Clinton.
Mary M. Williams, Suitland.
W. R. Williams, Suitland.
Bonnie Marsh, Oxon Hill.
Mark Evers, Oxon Hill.
Dianna Evers, Oxon Hill.

Alvin Jo Marsh, Jr., Oxon Hill.
Gregg Marsh, Oxon Hill.
Brenda Marsh, Oxon Hill.
Larry Evans, West Virginia.
Golden Evans, West Virginia.
Mottrom Burger, Mt. Rainier.
Mrs. Mottrom Burger, Mt. Rainier.
Joseph W. Brown, Oxon Hill.
Gwen Lee Brown, Oxon Hill.
Mrs. John Bathurst, Hillcrest Heights.
Karen Harvey, Fairfax.
W. Dawson Cave, Hillcrest Heights.
Mrs. W. Dawson Cave, Hillcrest Heights.
William Harris, Hyattsville.
G. W. Easton, II, Mt. Rainier.
Mrs. G. W. Easton, II, Mt. Rainier
Dale Shaner, Morningside.
Mrs. Dale Shaner, Morningside.
Reginald Carpenter, Oxon Hill.
Mrs. Reginald Carpenter, Oxon Hill.
Mrs. Lucy Sullivan, Oxon Hill.
Mrs. Nella Abernathy, Forestville.
Mary Lou Williams, Oxon Hill.
Marian Murphy, Upper NW.
Edward Smith, Suitland.
Jacqueline Smith, Suitland.
Linda Smith, Suitland.
Diane Smith, Suitland.
Dick Kravitz, Greenbelt.
Harriet Kravitz, Greenbelt.
Alice A. Adams, Hillcrest Heights.
Chuck Tooley, Rose Valley.
Bonnie Tooley, Rose Valley.
Lee R. Thompson, Forest Heights.
Richard Asmussen, Clinton.
Lois Asmussen, Clinton.
Michele Debari, Clinton.
John E. Butkowski, Anacostia.
Robbie Breeden, Forest Hills.
Mrs. Robbie Breeden, Forest Hills.
Mr. Martin Miller, Boulevard Heights.
Mrs. Lucille Miller, Boulevard Heights.
Michael Nitka, District Heights.
Curtis H. Dail, Brentwood.
Gerald Anderson, Alexandria.
Roy Rudderforth, Clinton.
Mrs. Roy Rudderforth, Clinton.
Louis Coumaris, Chillum.
Francis Puzak, Marlow Heights.
Dr. Peter Puzak, Marlow Heights.
Mrs. Sandra Locher, District Heights.
Donald Boyd, Silver Spring.
Rosita Fernandes, Suitland.
Dixie Barger, Forestville.
U.S. Rep. Lawrence Hogan, Landover.
Brian Hill, Upper Marlboro.
Janet Hill, Upper Marlboro.
Albert DeCline, Clinton.
Marie DeCline, Clinton.
Robert Tipton, Oxon Hill.
Mary Lee Mitchka, Clinton.
Elizabeth Frey, Hillcrest Heights.
Louis Lieb, Hyattsville.
Pauline Lieb, Hyattsville.
Walter Kelly, Oxon Hill.
Irene Kelly, Oxon Hill.
Alfred Cordero, Morningside.
William Dreos, Oxon Hill.
Sue Bridgely, Beltsville.
June O'Donnell, Forestville.
Ernest O'Donnell, Forestville.
Evelyn D. Brown, Hyattsville.
Lewis C. Brown, Hyattsville.
Robert Chavez, Chesapeake Beach.
Ken Leach, Hillcrest Heights.
Mr. Jack Printz, Forest Knolls.
Mrs. Jack Printz, Forest Knolls.
Martin L. Boyer, Hyattsville.
Jacqueline Parker, Hillcrest Heights.
Harold Dunbar, Camp Springs.
Mr. Thomas C. Walter, Roger Heights.
Bill R. Hunter, Bryantown.
Mrs. Marion Murphy, Upper Marboro.
Mr. Thomas Schoenboner, Oxon Hill.
Mrs. Thomas Schoenboner, Oxon Hill.
Mr. V. DiFrancis, Marlow Hgts.
Mrs. V. DiFrancis, Marlow Hgts.
Mrs. John N. Pappos, Suitland.
John N. Pappos, Suitland.
Mr. E. P. Stevenson, Takoma Park.
Mrs. E. P. Stevenson, Takoma Park.
Walter Stevenson, Takoma Park.
Mrs. Alice M. Weitzel, College City.
Raymond G. Kennerly, Hillcrest Hgts.
Cynthia K. Lassiter, Oxon Hill.
Mrs. Hilda Richstone, Hillcrest Hgts.
Lillian C. Wright, Forest Knolls.
Laurence C. Wright, Forest Knolls.
George P. Zevgolis, Oxon Hill.
Beda H. Zevgolis, Oxon Hill.
Alfred Chalmers, Oxon Hill.
David N. Chalmers, Oxon Hill.
Ruth Hilleary, Oxon Hill.
Cecil B. Weller, Camp Springs.
Ollon D. McCool, Park Land.
Alice M. McCool, Park Land.
Holland Bost, Camp Springs.
Reverand J. Ewalt, Blandensburg.
Fred Baumann, District Hgts.
Josphine Baumann, District Hgts.
James E. Marlarkey, Oxon Hill.
Anne Marlarkey, Oxon Hill.
Joseph A. Heberle, Southeast.
Elizabeth Heberle, Southeast.
Dr. Matthew Schrenk, Southeast.
Mrs. Matthew Schrenk, Southeast.
Mr. Thomas Evans, Temple Hills.
Mrs. Thomas Evans, Temple Hills.
Mr. Frank Esdle, Oxon Hill.
Mrs. Frank Esdle, Oxon Hill.
Jean Milliagan, Clinton.
Frances Maier, Hillcrest Heights.
Dixie Maier, Hillcrest Heights.
Mr. Carroll Hefner, Temple Hills.
Mrs. Carroll Hefner, Temple Hills.
Pryor Hefner, Temple Hills.
Neil S. Allen, Fort Washington Forest.
Patrishe N. Allen, Fort Washington Forest.
Adele Faust, Temple Hills.
Bertha Faust, Temple Hills.
Ervin M. Davis I, Forestville.
Dorothy Davis, Forestville.
Barbra Davis, Forestville.
Ervin M. Davis II, Forestville.
William Burr, Forestville.
Richard P. Malone, Camp Springs.
Mrs. Dorothy Burr, Forestville.
Lona Livengood, College Park.
Warren Livengood, College Park.
Robert L. Stoy, Washington.
Vernon J. Haslup, Suitland.
Stella Cossey, Clinton.
Augusta B. Decker, Washington.
Bessie M. Everegg, Arlington.
Fred Garber, Hillcrest Heights.
Sue Gibson, Tracy's Landing.
Penelope Norris, Waldorf.
Ila I. Sorrels, Hillside.
Mildred V. Watts, Washington.
Susie Bender, District Heights.
Jessie L. Messick, Washington.
Margarite B. Howard, Washington.
Michael G. Harring, Oxon Hill.
Mrs. Michael G. Harring, Oxon Hill.
Lewis Heller, Clinton.
Eileen Heller, Clinton.
S. F. Adams, Hillcrest Heights.
Raymond Shegogue Jr., Hillcrest Heights.
Mrs. Raymond Shegogue, Hillcrest Heights.
Michey Shegogue, Hillcrest Heights.
Mr. G. W. Easton III, Waynesboro, Va.
Mrs. G. W. Easton III, Waynesboro, Va.
Sp5 Marshall Dickerson, Shawsville, Va.
Mrs. Marshall Dickerson, Shawsville, Va.
Joe Townsend, District Heights.
Jo Anne Townsend, District Heights.
Mrs. William Harris, Hyattsville.
Goldie M. Dunbar, Riverdale.
Jane T. Williams, Hillcrest Heights.
Edward Haller, Temple Hills.
Thomas Schoenbauer, Oxon Hill.
Pam Gordon, Hillcrest Heights.
Mrs. Charles E. B. Gordon, Hillcrest Heights.
Charles E. B. Gordon, Hillcrest Heights.
Mrs. William A. Warren, Hyattsville.
Mrs. Marie Williford, Camp Springs.
George T. Williford, Camp Springs.
Mrs. Timothy Youngson, Oxon Run Hill.
Thomas Youngson, Mechanicsville.
Mrs. Thomas Youngson, Mechanicsville.
Jacqueline Tippett, Forestville.
Michael C. Tippett, Forestville.
Edward B. Adams Jr., Birchwood City.
Gertrude L. Adams, Birchwood City.
Lloyd Fredericks, Hillcrest Heights.
Mrs. Lloyd Fredericks, Hillcrest Heights.
Mrs. Catherine Beach, Hillcrest Heights.
Ronald Beach, Falls Church, Va.
Mrs. Ronald Beach, Falls Church, Va.
Richard M. Gemmill, Silver Spring.
Helen R. Cordero, Morningside.
Marine Cpl. Kenneth R. Anderson, Vietnam.
Gerald Bartholomew, Temple Hills.
Isabel Bartholomew, Temple Hills.
Robert P. Anderson, District Heights.
Claire M. Anderson, District Heights.
Robert L. Bolen, New Carrollton.
Margaret Burness, New Carrollton.
Pauline M. Schoenbauer, Camp Springs.
Mrs. Michael G. Harring, Oxon Hill.
Raymond W. Davis, Hillcrest Heights.
Beverly Davis, Hillcrest Heights.
James Geary, Oxon Hill.
Andree Geary, Oxon Hill.
Raymond Bourassa, Oxon Hill.
Jean Bourassa, Oxon Hill.
Denise Bourassa, Oxon Hill.
Richard Bourassa, Oxon Hill.
Mr. William Andre, Oxon Run.
Mrs. William Andre, Oxon Run.
Kathie Andre, Oxon Run.
Mrs. Sharon Hawk, Oxon Run.
Miss Mary Ray, Suitland.
George Beaver, College Park.
Mr. M. W. Lantz, Marlow Heights.
Mrs. M. W. Lantz, Marlow Heights.
Jack J. Nolan, Hillcrest Heights.
Anna E. Nolan, Hillcrest Heights.
Joseph P. Robson, Hyattsville.
Mr. James R. Smith, Forestville.
Mrs. James R. Smith, Forestville.
Clarence Bridges, Hillcrest Heights.
Mrs. Clarence Bridges, Hillcrest Heights.
Edgar Bridges, Hillcrest Heights.
Doris Lane, University Park.
Grady Lane, University Park.
H. W. Whitlock, University Park.
Jane Rudolph, Silver Spring.
Raymond Austin, Lanham.
Mrs. Raymond Austin, Lanham.
William Bertoni, Lanham.
Mrs. Hilda C. Lastner, Mayo.
Josephine Brewster, Washington.
Ray T. Sparks, Jr., Hillside.
Warren S. Woodward, Washington.
C. G. Sipes, Brentwood.
Sue Mills, Oxon Hill.
James Mills, Oxon Hill.
Betty Thorne, Clinton.
Joseph Thorne, Clinton.
Mrs. Jack Gwynn, Clinton.
Ernest Workman, Forestville.
Mrs. Ernest Workman, Forestville.
William Collins, District Heights.
Mrs. Wm. H. Collins, District Heights.
Mr. George Lowe, Chillum.
Mrs. George Lowe, Chillum.
Merlyn Soukup, Laurel.
Gail Soukup, Laurel.
Mr. Russell B. Swindler, Brentwood.
Mrs. Russell B. Swindler, Brentwood.
Mr. Tookie Catena, Chillum.
Mrs. Tookie Catena, Chillum.
Mr. Lester Flint, White Plains.
Mrs. Lester Flint, White Plains.
Ruth Flint, White Plains.
Miss Terese Vogelson, Forestville.
Raymond Wycoff, Morningside.
Kathleen Wycoff, Morningside.
Michael O'Brien, Oxon Hill.
Renee O'Brien, Oxon Hill.
Lauren O'Brien, Oxon Hill.
Mr. Benjamin Tubb, Oxon Hill.
Mrs. Benjamin Tubb, Oxon Hill.
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Mrs. Charles Kingley, Suitland.
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Mrs. Anthony J. Grado, Hillcrest Heights.
Mr. Raymond Lauver, Oxon Hill.
Mrs. Raymond Lauver, Oxon Hill.
Jack I. Resnicoff, Hyattsville.

Blanche Resnicoff, Hyattsville.
Ensign Arnold E. Resnicoff, Hyattsville.
Steven H. Resnicoff, Hyattsville.
Joel Resnicoff, Hyattsville.
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Mrs. Fred A. Greene, Jr., Lanham.
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Mrs. Robert B. Herrmann, Hillcrest Heights.
Mrs. Matthew Kerchbaum, Hillcrest Heights.
Mr. Matthew Kerchbaum, Hillcrest Heights.
Mary Lou Williams, Oxon Hill.
George A. Heitman, Lawrenceburg, Ind.
Eva A. Heitman, Lawrenceburg, Ind.
Sharon Douglas, Lawrenceburg, Ind.
James N. White, Tokyo, Japan.
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Teresa Willett, Silver Spring.
Charles Stover, Suitland.
Bonnie Stover, Suitland.
Dorothy Young, Marlow Heights.
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Chester Goodwin, College Park.
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Margaret Dillon, Camp Springs.
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Faye Beard, Camp Springs.
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Eva Goldsmith, West Hyattsville.
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Kathryn Hess, Suitland.
P. J. Maglio, Suitland.
Ann R. Maglio, Forestville.
Lucile Soukup, Laurel.
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Rosalie Wilson, Morningside.
Ann Maria Wilson, Morningside.
Robert Wilson III, Morningside.
Henry Gregg, Suitland.
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Harold Hess, Suitland.
Gerald Parker, Hillcrest Hgts.
Harold Lyon, Camp Springs.
Leola Lyon, Camp Springs.
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Deloras L. Wright, Clinton.
Steve Bostic, Clinton.
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Mable V. Ridings, Clinton.
Mable V. Burgess, Clinton.
Clyde D. Walkup, Clinton.
David Walkup, Clinton.
Ruth Haynes, Clinton.
James Haynes, Clinton.
James Thompson, Clinton.
Joe Walkup, Clinton.
Carl F. Tolanio, Clinton.
John L. Garden, Brandywine.
Buthe L. Garden, Brandywine.
Elaine Bostic, Bladensburg.
Burl Bostic, Bladensburg.
Robert J. Spangler, Riverdale.
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Betty Block, Forestville.
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Enian Block, Forestville.
Allen Block, Forestville.
Edward Mickiewicz, Forestville.
Adele Mickiewicz, Forestville.
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Kathleen Harrison, Arlington, Va.
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Erma Snow, Suitland.
Louise McFall, SE Washington.
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Charlotte Sullivan, Suitland.
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Maria-Eleana Dinello, Clinton.
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Mae F. McDaniel, Hillcrest Gardens.
Reba Reno, District Heights.
Lamar Gowland, Hillcrest Hgts.
Sherwood Martin, Forestville.
Dorothy Gowland, Hillcrest Hgts.
G. H. Knabenshue, Oxon Run.
William Brooke, Beltsville.
Eleanor Brooke, Beltsville.
Gary Gentile and family, Forestville.
Adele L. Scherchinger, Chillum Manor.
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Jean West, Morningside.
Mary Bieber, College Park.
Betty Harris, Oxon Hill.
Gerald Holcomb, Hyattsville.
William F. Ferguson, Rockville.
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Mrs. John Reffatto, District Heights.
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Mr. Edward L. Forrest, Forest Heights.
Mrs. Edward L. Forrest, Forest Heights.
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Louis C. Cassidy, Upper Marlboro.
Walter Beke, Friendly.
Joyce Ervin, Upper Marlboro.
Wallace Daniel, Suitland.
Roy K. Heitman, Suitland.
Dena Heitman, Suitland.
Alice Weaver, Marlow Heights.
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Bob Hutchinson, Hillcrest Heights.
Richard Mazzella, Hillcrest Heights.
Mark Wright, Hillcrest Heights.
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Bill Wildfever, Forestville.
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Betty Taylor, Oxon Hill.
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Ervin Davis II, Forestville.
Ruth Hilleary, Oxon Hill.
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Mrs. V. DiFrancis, Marlow Heights.
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Roma C. Weller, Camp Springs.
Ollon D. McCool, Park Land.
Alice M. McCool, Park Land.
William Chappell, Camp Springs.
John N. Pappas, Suitland.
John M. Pappas, Suitland.
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Mrs. E. P. Stevenson, Tacoma Park.
Walter Stevenson, Tacoma Park.
Fred Bawmann, District Heights.
Josephine Bawmann, District Heights.
Francis X. Jahn, Louhow.
Patrica Bile, Millersville.
Roy Chambers, Camp Springs.
Lois Chambers, Camp Springs.
Robert Chambers, Camp Springs.
David Chambers, Camp Springs.
Carolyn Chambers, Camp Springs.
Mary Ann Chambers, Camp Springs.
Thomas Chambers, Camp Springs.
Kenneth Chambers, Camp Springs.
Henry Moore, District Heights.
Kathryn B. Moore, District Heights.
Janice K. Moore, District Heights.
Brenda J. Moore, District Heights.
Sgt. Michael J. Tierney, Viet Nam.
A1C Michael B. Hartman, Viet Nam.
Mr. Lester Nevins, Viet Nam.
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Edward M. Flaherty, Silver Spring.
George M. Thompson, Silver Spring.
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Truman Walrod, Oxon Hill.
Ann Walrod, Oxon Hill.
Winifred Manilli, Hillcrest Heights.
Paul Manilli, Hillcrest Heights.
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Evelyn C. Gibbons, Forest Heights.
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Mr. & Mrs. Otto D. Paugh, Camp Springs.
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William A. Young, Hillcrest Heights.
Mrs. C. J. Shughure.
Mrs. C. J. Shughure, Hillcrest Heights.
William Craddock, Clinton.
Mrs. William Craddock, Clinton.
Milo Walter, Hyattsville.
Mrs. Milo Walter, Hyattsville.
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Anthony Malonka, Deer Park Heights.

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Linda Coakley, Temple Hills.
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Frances Green, Landover Hills.
Donna Adams, Hillcrest Heights.
Donald Arvidson, District Heights.
Marie Taylor, Brandywine.
Oliver E. Taylor, Brandywine.
Nina Cole, Hyattsville.
Jean Loveless, Hyattsville.
Emil Loomis, District Heights.
Charles O'Malley, Ft. Washington.
Arnold Marcum, Temple Hills.
Rev. John Macon, Clinton.
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Mr. & Mrs. Norman Sanders, Hillcrest Heights.
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Dorothy Crisp, Camp Springs.
Arthur C. Wheeler, Arlington, Va.
Mabel V. Wheeler, Arlington, Va.
Norris Westover, Camp Springs.
Louise Westover, Camp Springs.
Kathy Westover, Camp Springs.
Brenda Westover, Camp Springs.
Zoe Ann Vent, Temple Hills.
Mr. & Mrs. Esko E. Hallila, Hillcrest Heights.
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Grace C. Rose, Morningside.
Ann Rose, Morningside.
Paul Rose, Morningside.
John Hurlburt, Hillcrest Heights.
Betty Drish, District Heights.
Frank Drish, District Heights.
Frederick Tizard, Oxon Hill.
Dorothy Tizard, Oxon Hill.
Arthur Dolinger, Alexandria.
Thelma Dolinger, Alexandria.
Mrs. Ellen Bell, Hillcrest Gardens.
Mrs. Ann Jones, Forest Heights.
Sharon Brown, Oxon Hill.
Danny Brown, Oxon Hill.
Pat Lawrence, Oxon Hill.
Cindy Hines, Silver Spring.
Henry Ruby, Temple Hills.
Mrs. Henry Ruby, Temple Hills.
Ben Lanier, Suitland.
Jonquil Lanier, Suitland.
James D. Atkins, Suitland.
Betty Sue Oertly.
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Elizabeth P. Taylor.
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Mrs. Lydia Caponiti, Oxon Hill.
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Mrs. Jeanne F. Tierney, Quantico, Va.
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Mrs. Mildred Veeder, Accokeek.
Mr. Fred Veeder, Accokeek.
Mrs. Ethel F. Reigelman, Hillcrest Heights.
Mrs. Jessie L. Miller, Hillcrest Heights.
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Mrs. Mary Singer, Clinton.
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Mr. Charles Flynn, Clinton.
Mrs. Peggy K. Flynn, Clinton.
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Mrs. Ruth M. Vaccaro, Marlow Heights.
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Mrs. Rose Brinton, Oxon Hill.
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Mrs. Russell, Accokeek.
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Mrs. Ladd Gasparovick, Accokeek.
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Mrs. Mildred Thompson, Accokeek.
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Janine Mohr, Oxon Hill.
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Mrs. Linda Dean, St. Mary's County, Md.
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Martha J. Pett, Suitland.
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David L. Beall, Suitland.
Leonard Hampton, Suitland.
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Mrs. John G. Hartung, Chillum.
Joann Hartung, Chillum.
John F. Ingalls, Chillum.
Mrs. John F. Ingalls, Chillum.
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Thomas Dore, Chillum.
Mrs. Thomas Dore, Chillum.
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Mrs. Pasquale G. Romano, Chillum.
Frank Rewet, Chillum.
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Sherwood Hutchison, Hillcrest Heights.
Louise Rossi, Hillcrest Heights.
Louis Rossi, Hillcrest Heights.
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William Jubane, Forestville.
Penny Jubane, Forestville.
Mary Dencola, Upper Marlboro.
Thomas Dencola, Upper Marlboro.
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Anne Gross, Camp Springs.
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Mrs. Anne Taylor, Roger Heights.
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Marian H. Sparks, District Heights.
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Lorraine Lewis, Forestville.
Judson Lewis, Forestville.
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Robert Green, Oxon Hill.
Carolyn Green, Oxon Hill.
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Mrs. Joseph Jones, Washington.
William Arnold, Washington.
Mrs. William Arnold, Washington.
Carl Lyle, Washington.
Mrs. Carl Lyle, Washington.
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Anita Brenneman, Camp Springs.
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Mrs. James Giffen, Crofton.
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Mrs. Harris Havard, Hillcrest Heights.
G. M. Jordana, Hillcrest Heights.
Mrs. G. M. Jordana, Hillcrest Heights.
Doris Belfield, Temple Hills.
Joseph Belfield, Temple Hills.
Gino Ricci, Camp Springs.
Barbara Ricci, Camp Springs.
Flores Colon, Camp Springs.
Maria Colon, Camp Springs.
Andree Geary, Oxon Hill.
James Geary, Oxon Hill.
Miles Geary, Oxon Hill.
Sandra Geary, Oxon Hill.
Suzanne Clise, Oxon Hill.
Wayne Clise, Oxon Hill.
Lorraine E. Ryan, Camp Springs.
Louise Jacoby, Temple Hills.
Mildred Bennett, Washington.
Joseph M. Bennett, Washington.
Emily F. Bennett, Washington.
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Louise Fitzgerald, Washington.
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Helen Black, Lanham.
Harvey Black, Lanham.
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Marilynn J. Hurd, Brentwood.
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Mrs. Richard Lynch, Temple Hills.
Dave Barton, Suitland.
Helen Barton, Suitland.
Audrey Maynard, Camp Springs.
Frances Sullivan, Temple Hills.
V. F. Sullivan, Temple Hills.
Bonnie Sullivan, Temple Hills.
Eugene Dimmick, Temple Hills.
Mrs. Eugene Dimmick, Temple Hills.
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Mrs. William Newman, Washington.
William Stenbinsky, Suitland.
Mrs. Wm. Stenbinsky, Suitland.
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Daria Every, Suitland.
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Dorothy Phillips, Oxon Hill.
Larry Phillips, Oxon Hill.
Bonnie Phillips, Oxon Hill.
Robert Phillips, Oxon Hill.
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Dorothy A. Morel, Oxon Hill.
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Joanne Hermann, Lanham.
William Struthers, Berwyn Heights.
Hugh Paull, Laurel.
Bernard Klein, Alexandria.
Chris Andersen, Oxen Hill.
Bernice Andersen, Oxon Hill.
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Lelia Walsh, Washington, D.C.
Richard Walsh, Washington, D.C.
Dwayne Milstead, Indian Head.
Anthony Ciotti, Seat Pleasant.
Barbara Ciotti, Seat Pleasant.
Virginia Walsh, Washington, D.C.
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Marie Ruscik, Hillcrest Heights.
Helen Carter, Hillcrest Heights.
Carlysle Stark, Oxon Hill.
Betty Stark, Oxon Hill.
Sonny Turlington, Bowie.
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Lillian M. Sears, New Carrollton.
Mary H. Heinly, New Carrollton.
Theodore Jaramillo, Greenbelt.
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Egmont Singer, Arlington.
Mrs. Egmont Singer, Arlington.
Bob Everhart, White Plains.
Grace C. Daly, Suitland.
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Beverly Rholand, Colesville.
William I. Thomas, District Heights.
Jewell Bragunier, Indian Head.
John Thomas, Bethesda.
Courtney Thomas, Bethesda.
Florence Thomas, Bethesda.
John H. Jessie, Hillcrest Heights.
Ruby J. Jessie, Hillcrest Heights.
Ruby Freeman, Hillcrest Heights.
Dr. N. J. Tavani, District Heights.
Naomi Tavani, District Heights.
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Robert Trowbridge, Bradbury Heights.
Frank Miller, Bradbury Heights.
Shirley Miller, Bradbury Heights.
John H. McBride, Bradbury Heights.
Lynn Paxton, Bradbury Heights.
Linda McBride, Bradbury Heights.
Pat Smith, Bradbury Heights.
Pat Jones, Bradbury Heights.
Johnson W. Jones, Bradbury Heights.
Gladys C. Edelen, Bradbury Heights.
Jo McAuley, Bradbury Heights.
Paul E. Smith, Bradbury Heights.
Ralph Provenzone, Bradbury Heights.
Mrs. Ralph Provenzone, Bradbury Heights.
Richard Walsh, Bradbury Heights.
Joseph Lembo, Bradbury Heights.
Mrs. Joseph Lembo, Bradbury Heights.
Rudy Giacalone, Bradbury Heights.
Alice E. Smith, Bradbury Heights.
Donnie Lee Douglas, Bradbury Heights.
Pat Douglas, Bradbury Heights.
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Aren M. Cleland, Bradbury Heights.
Frank S. Gatton, Bradbury Heights.
James Ramsey, Bradbury Heights.
Jessie Ramsey, Bradbury Heights.
Evelyn Buckner, Bradbury Heights.
Ruth M. Estep, Bradbury Heights.
Aubrey E. Estep, Bradbury Heights.
Doris Hall, Bradbury Heights.
Dennis Tash, Bradbury Heights.
Dorothy Talbert, Bradbury Heights.
Vinter Talbert, Bradbury Heights.
Martin Cebula, Bradbury Heights.
Frances Cebula, Bradbury Heights.
Erma H. Huffman, Bradbury Heights.
Helen M. Talbert, Bradbury Heights.
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Leo Lagana, Bradbury Heights.
Mary T. Lagana, Bradbury Heights.
Eva Matanone, Bradbury Heights.
Ignacio Matanane, Bradbury Heights.
Florence Griggs, Bradbury Heights.
Melvin Griggs, Sr., Bradbury Heights.
Lois V. Norton, Bradbury Heights.
Henry C. Norton, Bradbury Heights.
D. W. Jones, Bradbury Heights.
A. Francis Jones, Bradbury Heights.
Susan McBride, Bradbury Heights.
Juanita Goheens, Washington, D.C.
Bernard Goheens, Washington, D.C.
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Nancy Sealock, Boulevard Heights.
Betsy Edelen, Boulevard Heights.
Audrey Day, Boulevard Heights.
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Kenneth Estep, Morningside.
Thomas Morgan, Morningside.
Adrienne Estep, Morningside.
Capt. John A. MacDonald, Greenbelt.
Paul Pernecky, Silver Spring.
Elsie Pernecky, Silver Spring.
Maurine DiSilvestro, Silver Spring.
Ann DiSilvestro, Silver Spring.
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Randall Baker, Oxon Hill.
Patricia Baker, Oxon Hill.
Cindy Baker, Oxon Hill.
Kenneth Baker, Oxon Hill.
Marcy Baker, Oxon Hill.
Kenny Baker, Oxon Hill.
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Bertha F. Damon, Hillcrest Heights.
Milda M. Himmler, Oxon Hill.
John I. Meehan, Hillcrest Heights.
Kay Farmer, Washington, D.C.
Lyle Farmer, Washington, D.C.
Patti Farmer, Washington, D.C.
Kathi Farmer, Washington, D.C.
Michael Farmer, Washington, D.C.
Frank Friberg, Oxon Hill.
Mrs. Frank Friberg, Oxon Hill.
Linda Patteson, Kensington.
Mrs. Everett McConkey, Oxon Hill.
Everett McConkey, Oxon Hill.
Howard Dove, Laurel.
Sarah Dove, Laurel.
Sam Kirchner, Oxon Hill.
Jean Kirchner, Oxon Hill.
John Kirchner, Oxon Hill.
John R. Walsh, Washington, D.C.
Vicki Hamilton, Silver Spring.
Sharon Hamilton, Silver Spring.
Becky Hamilton, Silver Spring.
Leslie Moreland, Silver Spring.
Walter J. Hamilton, Silver Spring.
Evelyn Hamilton, Silver Spring.
William E. Gordon, Suitland.
James Wilson, Hillcrest Heights.
Calvin J. Foote, Waldorf.
Bobbie E. Larson, Suitland.
Charles E. Secrist, Jr., Hillcrest Heights.
Stan G. Cecil, Hillcrest Heights.
Bob Boteler, Hillcrest Heights.
James Harrison, Hillcrest Heights.
H. Johnson, Suitland.
Russell Ziebell, Hillcrest Heights.
Kenneth R. Clopper, Camp Springs.
Melvin W. Turner, Washington, D.C.
Chas. M. Brooks, Baltimore.
Jimmy Carter, Suitland.
Garry Robbison, Silver Park.
Robert B. Ross, Hillcrest Heights.
Bonnie Shafer, Temple Hills.
Tom Diggs, Hillcrest Heights.
Kathryn Sargent, New Carrollton.
Charles B. Lankford, Annandale, Va.
Ann Christie.
Bob Cooper.
Da Bracero.
Barbara L. Owens.
Catherine A. Goodwin.
Eleanor B. Peebles.
Wanda L. Meade.
Richard W. Dehmans.
Richard A. Beekwitt.
Sally P. Beekwith.
Linda D. Patten.
William N. Patten.
J. M. Chappelew.
Nancy E. Harris.
Nelvin J. Farrar.
Larry A. Harris.
John E. Gilmar.
Patricia A. Foley.
Walter W. Farrar.
Brenda E. Adams.
Mary L. Seules.
Dorothy Rice.
Beverly Barnes.
Vivian Bellamy.
Charles D. Kise, Jr.
George Demar.
Janet Spoerer.
Joyce Hitt.
Jeanne A. Sera.
Helen Rita Payne.
John C. Moron.
Richard L. Carver.
Frances Patrick.
Erma D. Waldroop.
Margaret E. Gilman.
Robert E. Booker.
Dottie L. Snow.
Mr. & Mrs. Carl Denekas.
Mr. Kenneth Denekas.
Mr. & Mrs. Emerson Meyers.
Mr. & Mrs. Everette C. Simmons.
Mr. & Mrs. Walter J. Spangler.
Mrs. Iva M. Glaviano.
Mr. & Mrs. Joseph O. Ockershausen.
Mr. & Mrs. Elbridge C. Narron, Jr.
Mr. & Mrs. Eugene J. Holland.
Robert Moltz.
Paul T. Nakansli.

OREGON'S GOVERNOR TOM McCALL SPEAKS TO THE COLLEGE GENERATION

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. WYATT. Mr. Speaker, Oregon's very able Governor, Tom McCall, recently addressed the students and faculty in assembly at Oregon State University, Corvallis.

His remarks are very incisive, and responsive to the present communication problem between the generations. I am certain that you will find them very helpful as we all struggle to understand not only the younger generation, but our own as well, and seek to unite all sectors of our national ability to build a better America. Here is Governor McCall's message:

As we meet today to look into another century, it's appropriate that we honor towering figures in the fields of writing, politics, education and natural resources.

Our warmest congratulations go to the recipients of the Distinguished Service Awards . . . the brilliant debater who fought through so much valuable federal education in his 24 years in the Senate . . . the outstanding American novelist . . . the consum-

mate manager of fish and wildlife assets . . . and the great forester who later became the most powerful college president Oregon has ever known.

Oregon is a better state and Oregon State a stronger university because of their extraordinary efforts—and did you notice that, like almost any presentation for unusual service in Oregon, a goodly share of the awards were based on the recipient's commitment to the quality of the environment.

What's more, when we look together into your second century, we cannot escape the sobering thought that our greatest need will be to make our existence on this planet compatible with our environment. So massive is our degradation, so overwhelming our pollution, so intemperate our demands upon nature and nature's world which sustains us and makes our very life possible, that charting out our course is perhaps the No. 1 imperative of a dawning decade.

There is no leadership opportunity that is greater, no need more insistent, no problem area that is of more importance than balancing man's technological progress with the restorative powers of his environment.

Man himself may be the endangered specie. From our great universities, from the "Oregon States" of the nation, can come the combined voice of technical competence and social understanding to show the way.

This university has been of paramount importance in providing guidance and knowledge in improving man's lot by improving the bounty of the land and the forests and our livestock and wildlife. Accomplishments in your second century may dwarf all of this in the field of oceanography as you probe and reveal and open the treasure chest of the sea.

As magnificent as our space efforts have been, the frontier still open to man is on *this* planet, in using the abundance of the oceans for our betterment.

And let our stewardship of the resources of the oceans reflect our best efforts, free from our tragic ineptness in handling the resources of the land.

Our greatest challenge is to learn to live as part of nature's world, and to make nature part of our world. To this end we also look to you for leadership, as we meet at the fountainhead of Oregon State University's second century of service to man.

The growth and the deeds that came before this moment have gained unquestioned honor.

The vitality and promise of now are witnessed in every phase of this busy community of scholarship.

The future of this institution has every promise of continued greatness and growing excitement.

But in 1969, even a solid and praiseworthy past—even a dynamic present cannot offer guarantees of a future.

This is a time of great question—analysis—examination—and great diagnostic probing.

You couldn't have been young at a better time.

Of course we do not know precisely what the next century will offer. Of course you cannot know the pages of your own futures. But what great expectations are truly warranted as the entire world trembles on the edge of the universe!

Governments are changing; educational structures are revolving and evolving; lifestyles have never before plunged with such abandon into new lifestreams.

At a time when we all have so much invested in each other; at a time we are gaining such encouraging new insights, I find it foolish to think of us as entrenched and divisive generations, camped apart, and wary of each other's moods and moves.

Is there such a difference? And how about the common ground, isn't it strong and fertile and well-tilled? If we stand together in a new dawn, don't we owe it to each other to sustain the old accords just a bit longer?

We are involved in a time of sensitive significance. We all share this time and its pressures together. But, at moments when our tempers run high we should remember: What other nation has allowed such scope of public comment by all segments of the majority and all segments of the minority?

Woefully lacking in many virtues we may be; bitterly hypocritical and ignorant we often prove; but the outcry of voices has not been silenced.

As long as we can maintain this monumental clamor under one mutual roof, we have earned at the very least an abashment of history. Many shades of political thought have lived on this ground before us and many more will. There is scope here for idea and there is hope here of intelligent change through compromise and agreement.

Listen to a thought expressed in 1937 by Charles Evans Hughes: "The greater the importance of safeguarding the community from incitements to the overthrow of our institutions by force and violence, the more imperative is the need to preserve inviolate the constitutional rights of free speech, free press, and free assembly, in order to maintain the opportunity for free political discussion, *to the end that government may be responsive to the will of the people and that changes, if desired, may be obtained by peaceful means. Therein lies the security of the Republic,* the very foundation of constitutional government."

There is a real crisis at hand. And we are all involved in that crisis. We cannot, of course, eliminate the differences of age and experience and training; we cannot eliminate the real differences in point of view. We cannot even prevent the shock of unavoidable separation which years and change bring about. My generation suffers that affront now; yours will suffer it when you have been replaced on the evanescent throne of youth. This has always been so and probably will always be. It is part of the ground rules for living.

We share this crisis through propinquity. We all happened along in the same span of time—and here we are. Will we stone each other to death or will we set the guard, pool the rations, and light a council fire? Certainly, the fact that we are facing each other across some very dark fields in some very crucial moments has made both of our generations more important than they could have been ten years ago. So, again, here we are. Shall we—standing in this common spotlight—find common ground?

Yes, because from my point of view, I feel like an expert in knowing and caring about the young. First of all, I was there once myself. But—since leaving it—I have never been able to cut myself off from the arena of young lives, nor would I want to.

During the years of my life I have been thoroughly trained and experienced in dealing with youthful lifestyles and mindstyles—through having two sons, through nieces and nephews, through cousins, through the sons and daughters of my close personal friends.

In the lot of my own blood contacts, I've lived with both the Phi Beta Kappa and the dropout; with the decorated naval officer in Viet Nam and with the young man who took the Lompoc route away from the service; through family success and family failure; through the whole gamut of emotion and intellect. That's a lot of experience with youth. And it has kept me from growing an insulation between myself and the younger lives. It has helped stay in touch with the young mind and its exciting, fresh, robust point of view. It has made it possible for me to develop a deep personal love and concern for *all* of them—yes *all* of them—and a continuing sense of grateful responsibility for my part in helping them when I can. That's a lot of caring, and a lot of raw material for compassion, and I'm not about to back away from that much basic training.

"It's all the young can do for the old, to shock them and keep them up to date."

George Bernard Shaw made that observation. It would be illuminating if we could hear his reactions to the current uproar between youth and age. It is probable that the pithy playwright would be dazzingly frank, semantically exact, and completely without panic in facing the question. He was, as is the case with all great men, completely free of a false generation barrier. His lifetime was unfettered by a "generation gap."

"Generation Gap?" How often is that one heard? More often, even, than "viable" or "meaningful" or "fantastic." But what does it mean and how does it help anything or anybody? Could it be that—at least most of the time—it provides a handy cop-out phrase for the parent, teacher, or leader to disguise a deep lack of interest in or a dark fear of the young; and, balancing that, for the young to use an open-sesame for absolutely frivolous behavior or as an excuse for not listening?

Let's try to avoid making what appears to be an ancient and familiar twin mistake: abandoning reason for labels or cliches, at the same time we are replacing the search for difficult answers by the acceptance of easy and superficial stopgaps.

There is much for the elder to learn from the younger. Francis Bacon said "Young men are fitter to invent than to judge; fitter for execution than for counsel; and fitter for new projects than for settled business." Cooperative effort grows from that philosophy.

We have so much in common. The ideals of age are not so different from the ideals of youth. John Dryden felt there was century-spanning unity in the "the people's prayer, the glad diviner's theme, the young man's vision, and the old man's dream."

For a moment, look at that decrepit generation over 40. As a group, it rattled the cage loudly enough to gain incredible depression-inspired reforms, and without turning to Communism as a tool for social progress; it shattered history's most massive totalitarian war machine; it shed more blood and realized more treaty-gained curbs against aggression; it fought the widest range of economic battles; and it accomplished more legislation for the advancement of ethic and other minorities than any other generation in history.

And, of course, we botched up many projects, fumbled on many an occasion, and frequently looked the other way when the handwriting was appearing on the wall. We, as a group, can neither brag nor despair. We tried. We tried hard. We ask the same of today's youth. Our causes are remarkably wedded—and we hope you win where we failed.

Much must be reformed. This has always been true. But let's realize the reforms in the only way that any gained advantage can be assured—and that is action through the ballot box.

With every violent and mindless scourge of blood and fire, anarchy is brought ever nearer.

Every time a life is destroyed, a leader may have been lost.

Every time an institution is destroyed, a kernal of vital truth may have crumbled with it.

We cannot let violence or silence force us into a polarization of such cataclysmic potential.

And another point to consider: You may, with your extreme age-consciousness, be doing great damage to your own futures, let alone ours. I do not mean the much-discussed dreads of drugs, drinks, and dropouts. I mean the incredible chronology youth seems to have laid out. Youth speaks of an end-stop at age 30. That means, when you are 20, you have only 10 years left to live before the long, dark, nothingness of senility.

If you live past 30, what a dismal prospect for you. You will have no training for it and no taste for it. You will be shocked and hurt when the 20-year-olds behind you clam up and shun you. What—in the name of insmanship—will you do? Weep through a long and lonely medieval age? Retreat into the shades-drawn quiet of the recluse? Make fools of yourselves by tucking middle-aged spreads into tight jeans and miniskirts? Or will you make the unfavorable mistake which so many of you—now young—accuse your parents of making: that is, the futile attempt to relive your own youth by mercilessly invading and sharing the lives of your children.

It needn't happen. The gap is artificial. The ages of man are amalgamated through sharing, and so should it ever be.

Whatever the hazards ahead, somehow enthusiasm and hope must be protected and encouraged. And—beyond argument—both enthusiasm and hope leap highest in the hearts of the young.

We must seek the common ground and encourage all forms of liaison activity. We must preserve this remarkable system of democratic government while protecting all of its gaudy and glorious differences. And, certainly, one of the main motivations for concern is well and simply stated by Dr. Dale Corson, president of Cornell University: "To destroy the universities is the surest and quickest way to destroy mankind."

It is a time of bewildering paradox.

We roar in the streets for the subtle rights and the nuances of power—while there are millions in our society who can't even read what the issues are.

We campaign for curriculum detail—while one out of four students has significant reading deficiencies.

We hear that 60% of our high school students don't plan to go on to college—while most high school programs are planned solely for the college-bound student.

We hear of demonstrators demanding a voice on the podium—while denying it to others.

We hear of those who call for love, using hate to get it; who demand freedom, denying it to others; who revolt against rigidity, founding another strict format of their own.

We hear of dictums to end hypocrisy, stop wars, abolish hunger, elevate righteousness, and declare paradise.

These are excellent goals, but they will require the power of combined effort and coordinate cooperation. And they will require time.

Dr. Paul F. Lawrence, assistant commissioner in the U.S. Office of Education, San Francisco, sees no end to campus unrest in the near future.

"Though the goals and dimensions of demonstrations will undoubtedly change," he writes, "students understand—and rightly so—that our educational enterprises become repository of all sorts of hopes for curing ills that plague society, from crime and urban decay to foreign policy and Viet Nam."

Dr. Lawrence says this is the kind of response to problems that we should expect of students, and he urges those of us who are concerned about the problem to make a very real effort not only to learn more about what is upsetting the student mind—but to help see to it that the average citizen also gets with it. Perhaps Dr. Lawrence's most provocative point is this:

"Too often the primary question relates to the means which can be devised to eliminate, eradicate, or exterminate the phenomenon of student unrest. I wonder how long it will be until educated men begin to realize that the real problem is not unrest at all. *Student unrest is a reaction to*—not the cause of—problems, at least some of which have been created by failures of previous generations."

Strong, valuable words. There is no question that the time of change is upon us again—and that most Americans want humane and intelligent improvements in the family of man. The pertinent questions now are: Toward what are we moving? What precisely have been our failures and why? What are the nature and the demands of Now and Tomorrow?

Education—if it is to hold its eminent position in the affairs of man—must be geared to the changing times and to all of the stress and demand which flux will put upon the campus.

It is going to be a demanding and an exciting time.

We are privileged to have lived in such an age as this has been and is likely to be. Will Durant wrote that life has always presented problems and difficulties and that, by facing them in times of decision and stress we gain the nourishment we need to grow in stature and in competence: "Life is good, bad as it is, and so is man," he said.

My hope is that we in this group could find a steady ground of agreement over one issue. It's the issue of what academic freedom means as a phrase and what it is in practice. To me it means we must not *politicize the university*—not for any issue and not at any time and not for any individual or group.

If we allow the University body to take one, single, rigid point of view—no matter the cause—we are opening the way for that university body to be wielded like a sword in the battleground of power struggle.

When a whole university declares a firm policy in the government of men—and backs that philosophy with the force of action—then the free-flow forum of ideas has begun to close up shop on that campus.

A university should not present itself as *the cause;* it should maintain itself as the avenue of *causes;* the arena for all, the showcase of none; the opener of minds, not the closer of issues; the place where all things can begin—and where all things are possible—and where even the vitality of youth can exult without bumping against the walls.

We have a busy time ahead. I hope we can keep contact. I am certain that the coming crises would be best served by our cooperative effort. I know it will be a lot more interesting if we keep in touch.

We elders do find it hard sometimes to stand aside and play the role of "square-old-man." We think we have insights you might like to try. And we are so truly concerned with your future—with your world—and with the ultimate awareness of mankind—that we are willing to hazard your scorn.

What kind of children will you have, we wonder? What patterns will you teach them? What will you ask of them? How easily will you stand aside when your inheritors say "begone!"

May we part today—pointed toward this institution's second century and toward our several destinies—on a note of mutual anticipation and hope. The sinewy optimism of Carl Sandburg, perhaps, is right for singing on this October wind:

"Man is a long time coming.
Man will yet win.
Brother may yet line up with brother;
This old anvil laughs at many broken hammers.
There are men who can't be bought."

JACKSONVILLE JOURNAL CONGRATULATED

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. BENNETT. Mr. Speaker, I want to congratulate the Jacksonville Journal for its editorial comments upon the tempest which has arisen in some areas about speeches made by the Vice President. While some of the press and news media have gnashed teeth about the Vice President's criticism of portions of the news media, the Jacksonville Journal has found it to be in keeping with fairplay for the Vice President to express his opinions, too. I include in the CONGRESSIONAL RECORD the editorial dated November 24, 1969.

JOINING THE DEBATE

Vice President Spiro Agnew shows no signs of relenting in his one-man crusade against what he considers to be biased reporting by some of the nation's news media.

Far from it; he has now expanded upon his original charges and extended them to include some previously unmentioned areas—newspapers and news magazines. His comments at first were restricted to television networks.

It is not at all improbable that the vice president has been greatly encouraged in this by the whirlwind generated among some of those targeted by his first remarks.

Agnew, in fact, may have stumbled onto the magic formula for winning television time and news space that some others before him have discovered: criticize them; wade into them; accuse them of discrimination. In their effort to prove—both to the public and to themselves—that they are honest, many of the victims will overreact, bestowing upon their accuser heaps of precious exposure.

This, of course, is a defense mechanism, and it works equally well with individuals or institutions. Accuse a man of being a bigot, and he will go out of his way to establish just how extremely tolerant he is.

At the same time, many react with intemperate attacks upon their attacker, which may then easily be shown to be the foolishness that they are, to the distinct advantage of the adversary.

This is what has happened in Agnew's case, and he seized upon the opportunity presented him in his Montgomery address Thursday night, citing such venomous, unreasoned attacks by his foes as the best evidence of just how one-sided they really are.

It is unresponsive, as the vice president himself gleefully pointed out, to say that the Des Moines speech that contained the original charges was "disgraceful, ignorant and base."

The vice president is none of these, and neither was his address. But even if it and he were all of those things, it would have nothing to do with judging the validity of the charges he made, that is, that much of the television reporting to which the nation is exposed is unfairly weighed in favor of one viewpoint to the disadvantage of a contending one.

And it is a gross misconstruction of what Agnew said to interpret it, as some have, as suggesting that the federal government take over control of the news media and censor any expressions it finds not to its liking.

The vice president has said no such thing. He has not even hinted at any such thing. He has gone out of his way on both occasions, in fact, to make it crystal clear that nothing could be less to his liking.

But this, again, is beside the point. What is at issue is whether it is true that there is bias in news reporting.

This is a legitimate question—one deserving of a close examination.

It is not, moreover, an entirely new one. It has been asked—is constantly being asked—by every conscientious practitioner of the news craft. And those who care for their own integrity and that of their profession will continue to ask it, of themselves and others.

Most of those who are well informed on the subject, we believe, would be willing to concede that some of the attitudes to which Agnew objects do exist here and there. But they are the exception; they are certainly not the rule. If the vice president believes otherwise, he is simply in error.

As far as we are concerned, however, he is completely welcome to join the discussion. So is anyone else. He is entitled to his viewpoint and he is entitled to express it, publicly or not, as he chooses.

But he must not think that we will remain silent. We also have a viewpoint and the right to express it. If this sometimes involves criticism of the vice president or of a position he has taken, so be it.

What we are saying, in effect, is that we are perfectly willing to accept the vice president's invitation to "enjoy the rough and tumble of the public debate," ivory tower or no ivory tower.

FOR EQUITABLE TREATMENT OF DISPLACED PERSONS

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. ASHLEY. Mr. Speaker, today I am introducing legislation to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal or federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs.

With each passing year the accelerating demands for public services of all kinds and the attendant growth in population, particularly in urban areas, have had a shattering effect on people displaced from their homes, their neighborhoods and their businesses to make way for public projects.

The 1964 report of the Select Subcommittee on Real Property Acquisition of the House Public Works Committee documented the inequities and hardships suffered by people forced to pack up their possessions and relocate for the sake of projects intended to benefit the public as a whole.

Yet the problems persist. There are now more than 50 Federal programs which result in the condemnation of land and, literally, the bulldozing of hundreds of thousands of people from their homes and businesses each year. It is estimated that over 1 million families, 180,000 businesses and 40,000 farms will suffer displacement over the next 10 years.

A large number of these people are low-income families. They are elderly. They are small farmers and small businessmen. Most of their lives and economic well-being have centered around the property and neighborhoods which are being uprooted.

We know what we are doing to these people, but what are we doing for them? The record is clear. Nearly all federally assisted programs have differing and conflicting provisions for helping those displaced. When NASA, the Federal Highway Administration, and the Defense Department demolish homes and businesses, relocation assistance is provided. However, when the Post Office uproots families, no assistance is given. The only constant involved in the taking of property for public uses is the displacement of people.

The uprooting of an individual, his family, his business, or farm and the taking of his land is a very personal matter. We cannot make the process painless, but we can insure fair and evenhanded administration consistent with protection of individual rights and community needs, no matter what agency is involved.

Much of this problem will be relieved by the present relocation and acquisition programs set forth in the 1968 Housing and Urban Development Act and the 1968 Federal Aid Highway Act. There still is lacking, however, a system for applying relocation assistance uniformly in all programs.

My bill seeks to achieve the desperately needed uniformity and equity of treatment for displaced persons. It provides that assurances must be given in advance that suitable housing will be available for relocation of families and individuals. It directs that advisory assistance be given to all displaced persons in finding new homes or places of business. It establishes schedules of relocation payments geared to the actual cost of moving and economic adjustment.

The legislation gives particular attention to the need for consistency and evenhandedness in dealings with property owners and displaced persons. It places responsibility for coordinating all Federal operations where it belongs—in the Executive Office of the President. To reduce conflict and confusion in the federally aided programs, the bill provides that one State or local agency may make relocation payments and provide relocation assistance for all federally connected programs causing displacements in the locality.

Mr. Speaker, the problems of America's own displaced persons have been documented in reports and in hearing after hearing. We must act now to assure uniform and equitable assistance for these displaced persons.

THE INEVITABLE SHAME OF WAR

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. BINGHAM. Mr. Speaker, it is impossible not to feel shame for our country as the revelations of deliberate civilian killings in Vietnam accumulate. And we cannot escape the blame by castigating and punishing a few individual soldiers. We all have to share the responsibility for what happened and for the long coverup.

But what we also have to realize is that this kind of thing is inevitable in war, that the stresses and distortions of war can make monsters of decent human beings.

The only slight gleam of silver lining I can see in the dark cloud of our shame is that perhaps these sickening disclosures will help to bring home to the American people the nature of our involvement in Vietnam and to reinforce the growing desire to end it, even at some cost and at some risk.

The following is a thoughtful editorial on the subject which appeared in today's Washington Post:

MYLAI 4

"You have to have been there to know how it is," said an Army rifleman who was there at Mylai 4 hamlet in South Vietnam when it happened—when an undetermined number of civilians, old men, women, infants, perhaps as many at three or four hundred, were apparently shot to death by American troops in March of 1968. We who were not there can only absorb slowly, and perhaps partially, the full horror of it, let alone comprehend how this could happen. Our guess is that Peter Braestrup, who was also not at Mylai, but who has been there in Vietnam, covering the war the hard way, close up, for this newspaper, probably has it about right in a story in last Sunday's Washington Post:

"The tentative picture that emerges indicates that under stress, in a particularly vicious corner of the war, the officers of a tired, understrength rifle company, at the very least, allegedly failed to prevent many of their men from slaughtering hostile but unarmed peasants in revenge for the deaths of some of their comrades."

Stress? Particularly vicious corner of the war? Tired? Understrength? Revenge? Can these words, put together, explain the horror of American soldiers shooting helpless civilians, point-blank? The appalling account offered by Infantryman Paul Meadlo, one who was there, in an interview with Mike Wallace of CBS, suggests that, in a certain sense they can, that decent men can crack under the strain and the frustration of a brutal and brutalizing war. The Captain was there, Mr. Meadlo said "Why didn't he put a stop to it, he knew what was going . . . he was right there . . . at the time I felt like I was doing the right thing . . . I lost buddies . . . I lost a damn good buddy Bobby Wilson and it was on my conscience . . ."

Perhaps it can happen; perhaps it happens more than we know, though probably not on the scale of Mylai. It is hard to say because there is still so much we do not know. What seems clear, however, is that it will never be enough to understand Mylai if one ever can, for this is not simply a matter of a court-martial of one lieutenant, or of whatever number of men in his command who may be under investigation now. This is not just something to do with Company C, 1st Battalion, 20th Infantry. 11th Brigade, Americal Division. This, in the most extreme form, is the story of the Vietnam war, and it seems safe to say that when we know as much as we can know of this event the American public's perception of the war rightly or wrongly, will never be the same again.

For the questions that are going to have to be answered merely begin with Lt. William L. Calley Jr.'s guilt or innocence. There are more terrible questions that have to do with a system and a state of mind that can allow nearly 20 months to elapse before so monstrous an event is even brought to light, let alone to trial. We need to know how, in a system which positively thrives on operations reports and progress reports, no honest report of this "incident," as the Army calls it, apparently ever reached the high command. And how, according to reports in this newspaper, the regimental commander could develop strong suspicions that something had gone wrong and then make only the

most cursory investigation. The suspicion arises that the Army really didn't want to know, that somehow an atmosphere has developed in which the unthinkable atrocity is of no great matter—until some conscience-stricken enlisted man talks and it comes time to find a scapegoat well down the chain of command. This is what we need to know more about—the system and the state of mind. For Mylai even at best, cannot be written off as an exception that proves the rule, as some isolated aberration. For all its horror, in a certain sense it is part and parcel of the war, removed only in degree from what is known to be commonplace: the indiscriminate killing of South Vietnamese civilians by American saturation bombing, by American artillery fire, by isolated infantry skirmishing. So there is no way that it can be ignored, even without the worldwide uproar it has produced. We can perhaps weather that. What remains to be seen is whether we can withstand the outcry at home, for the massacre at Mylai 4 can only make more anguishing the central question of our capacity in good conscience to wage this war.

ORGANIZING—ANARCHY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. RARICK. Mr. Speaker, yesterday in my remarks, "Anarchy Does Not Just Happen—It Is Planned," I commented on the subsidized agitation being provoked in our Nation to stir up the "have-nots" in the never-ending recruitment of an American proletariat to man the barricades for the long-sought class war in our country.

Today we learn that the administration plans to tap the wealthy foundations of our country to finance his White House Conference on Food, Nutrition, and Health with "tax-free" funds.

From New York City, we learn that Robert W. Sarnoff, president of RCA, disapproves of the time-honored and proven American concept of individual liberty and free enterprise. Like self-promoted leaders he seeks to promote his own comprehensive and systematic approach on how to ha rness taxpayers, funds to recruit and control the poor, the unfortunate, and the dissident.

As with all social schemes the grandiose share-the-wealth ideas remain always to be paid for out of other people's money.

Both programs will be thoroughly sold to the American taxpayers through the TV media—Mr. Sarnoff being the head of NBC and the President having announced his movement is to be publicized through WNET, the national educational television system.

In the meantime the vast overwhelming silent America, who pays the taxes and wonders where it will all end, grows more frustrated and intemperate in his attitude.

Too many remember the last utopian programs promising to make the Nation's Capital a model city—even the news media cannot hide the failure.

I include several news clippings:

[From the Washington (D.C.) Evening Star, Nov. 26, 1969]

WHITE HOUSE NUTRITION UNIT TAPS FOUNDATIONS FOR FUNDS

(By Judith Randal)

At a time when their tax-exempt status is being reviewed by Congress, three major foundations have been asked by the Nixon administration to underwrite the White House Conference on Food, Nutrition and Health at the Sheraton-Park Hotel next week.

The requests were made in letters dated Nov. 17 and 18 and signed by Dr. Jean Mayer, the President's consultant on nutrition who is organizing the conference.

They have resulted in awards of $500,000—$300,000 from the Ford Foundation and $100,000 each from the Rockefeller and Kellogg foundations. All three organizations have offices in New York City. The total cost of the conference is expected to exceed $850,0000.

Dr. George J. Harrar, president of the Rockefeller Foundation, in a statement yesterday said that "the Rockefeller Foundation is particularly privileged to assist in supporting the White House Conference on Food, Nutrition and Health, as its goals coincide with the foundation's ongoing work to overcome hunger and malnutrition in this country or wherever it exists."

BUNDY WITHHOLDS COMMENT

A spokesman for the Ford Foundation said that its president, McGeorge Bundy, wished to make no comment on its contribution to the conference. No immediate reaction was available from the Kellogg Foundation.

None of the money has yet been received here or is to be paid directly to the federal government.

Instead, it is to be funneled through a nonprofit corporation called Food, Nutrition and Health, Inc., which was chartered Oct. 28 in the District of Columbia and is headed by an attorney, Henry Roemer McPhee.

McPhee, a member of the White House staff during the Eisenhower administration and now a senior partner in Hamel, Morgan, Park and Saunders at 888 17th St. NW, said last night that he, too, has made proposals to the foundations involved on behalf of the forthcoming conference and that "we hope to see the money momentarily."

He stressed, however, that the nonprofit corporation which he heads was organized for "purposes . . . relating to the elimination of malnutrition and hunger wherever they may afflict United States citizens" and that it plans to pursue these aims long after the conference ends.

PURPOSE OF FUNDS

According to Mayer, most of the money to be provided by the foundations will be spent to enable about 500 poor people—some from as far away as California—to participate in the conference. They are being forwarded funds to cover their travel and hotel expenses and in some cases to pay for baby-sitters in their absence, he said last night.

Others who will be subsidized by the newly promised funds, according to Mayer, are students, ministers, and college instructors not yet at the level of professor who could not otherwise afford to come. In general, industry representatives and senior university faculty members will be expected to pay their own way, he said.

Not all the money supporting the conference, which run Tuesday through Thursday, is coming from foundations. The Department of Health, Education and Welfare is investing $250,000, the Department of Agriculture $100,000 and if a deficit develops, the Office of Economic Opportunity will be asked to contribute, too.

OEO SHARE CITED

OEO's share, Mayer said, will probably not exceed $100,000 and very possibly will be a good deal less.

Meanwhile, the Agriculture Department is paying the salaries of some of the conference staff, while OEO and HEW have assisted by temporarily assigning personnel to the White House.

In addition to paying the expenses directly connected with the conference, the funds contributed by foundations and the federal government will cover the costs of filming the proceedings by WNET, the National Educational Television.

Some money, too, will be needed, Mayer said, to support the staff which will be retained after the conference ends to help implement its recommendations. This staff is expected to be at work at least until June 30, the end of the fiscal year, he said.

[From the Washington (D.C.) Post, Nov. 21, 1969]

REVITALIZING DISTRICT OF COLUMBIA: RCA'S SARNOFF PROPOSES, HUGE DEMONSTRATION PROJECT HERE

(By Philip Greer)

NEW YORK, November 20.—Washington and the capital region should be used as a demonstration project in a massive test of computer technology for solving the urban crisis, Robert W. Sarnoff said today.

The president of RCA Corp., addressing the National Industrial Conference Board's fourth annual computer age conference, said that the national capital "belongs to all our people" and that a comprehensive effort to revitalize the city and its environs should evoke a nationwide response—"a response as broad and enthusiastic as that inspired by the Apollo moon landing."

Sarnoff said that "there is a growing awareness of the promise of systems planning as a social implement." He noted that the federal government has encouraged the use of computer technology in the model cities program. He said that the State of California has conducted studies of crime control, information processing, transportation and waste control and that New York City has the Rand Corp. working on systems studies of operations in the housing, health, police and fire departments.

"To date, however, such efforts have been too incomplete in concept, too limited in scope, to prove much beyond the fact that systems planning is a complicated and costly enterprise," he said. "We have yet to see a demonstration project of sufficient scale to create a critical mass for real social improvement.

"I propose a complete and systematic rehabilitation of Washington, D.C., and the national capital region as a most logical choice," he said.

Sarnoff said Washington was conceived as a planned city, "but has long since fallen heir to all the ills of our unplanned society." In recent years, he said, "more thought has been devoted to the physical planning of the capital—including a regional plan for the year 2000—than to any other American city.

"Thus," he said, "the capital not only faces the need but has laid some of the groundwork for a comprehensive and systematic approach to the urban crisis. It now stands ready for a large-scale program of regeneration that would go beyond physical planning and cut through the whole tangled maze of interacting problems in housing, transportation, race relations, employment, health, welfare, education, communications, law enforcement, air and water pollution. Such a project would draw on all the most advanced techniques of operations research, systems

analysis, model-building, simulation and long-range planning."

Sarnoff said the project could be given added emphasis if the first phase were scheduled for completion in 1976, to coincide with the country's 200th annversary.

Although he said the time needed for the project—and its cost—could be determined only after study, Sarnoff proposed that Congress allocate all the funds needed at the outset, and phase the funding over the years. The plan, he said, should be put under the administration of existing agencies, especially the National Capital Planning Commission and the Metropolitan Washington Council of Governments, which would draw on the services of managers and specialists from government, universities and industry.

DMSO REMAINS THE PERSECUTED DRUG

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. WYATT. Mr. Speaker, for 5 long years I have fought for relaxation of restrictions on the use of the drug DMSO but thus far the Food and Drug Administration has refused to permit its use under a doctor's prescription despite the fact that it is a prescriptive item in Europe and has been for several years.

A brilliant Portland, Oreg., surgeon, Dr. Stanley W. Jacob, one of the discoverers of this wonder drug, discussed recent developments in connection with the drug. I am presenting to my colleagues herewith a news account of his report as published in the Portland Oregonian November 11, 1969:

SCAR TISSUE REDUCED: DOCTOR HAILS DMSO PROPERTIES

(By Ann Sullivan)

LOS ANGELES.—The lessening of scar tissue with dimethyl sulfoxide (DMSO) after artificially induced coronary attacks in rats was described here by the Portland surgeon, Dr. Stanley W. Jacob, who first noticed its medical properties in 1963.

Dr. Jacob, associate professor of surgery at the University of Oregon Medical School, told the Research to Prevent Blindness Inc. about several new therapeutic "leads" of DMSO.

The meeting, at the Beverly Hilton Hotel, was the third biennial session for science writers, and DMSO discussion came into the session because of its value in treating some kinds of eye diseases.

It was also of interest because the only major difficulty to come from use of the Crown Zellerbach Corp. drug, a solvent long used in industry, has been the finding of some lens myopia—nearsightedness—in rabbit and other lower animals' eyes.

But this was only with 10 times the dosage ever given humans, said Dr. Jacob, and it doesn't occur in primates—including monkeys and man.

The New York ophthalmologist who first tested DMSO on many hundreds of stubborn eye inflammations and other problems, Dr. Dan M. Gordon, of Cornell University, joined Dr. Jacob in declaring it safe. He found no evidences of toxicity.

"We know it does not cause increased interocular pressure in the human eye," said Dr. Gordon, "Nor do we have any evidence that it causes harm in humans. We could not prove it was anti-allergic, but it was anti-inflammatory in 157 eyes—before we were cut off (from using it) by the Food and Drug Administration."

Dr. Gordon said that in addition to reduction of eye inflammations, the two most important things he noted was "a dramatic lessening" of lesions of herpes zoster (shingles) on the face and body.

He also said he has observed dramatic reduction of corneal edema—"waterlogged cornea" in a dozen cases. He also found it gave excellent relief to swelling and hemorrhage caused by traumatic injuries to the eye.

STUDIES LIMITED

Dr. Jacob said that although American clinical studies on human beings are still hampered by FDA restrictions, they are continuing elsewhere, even in Russia. There have been more than 1,000 scientific papers on DMSO so far, he said, reflecting work on 15 different animal species, including monkeys, by every known method of application—injection, intramuscularly, on the skin, by mouth, in the bladder, etc.

Recounting results of the Walter Reed Medical Center study on rats, Dr. Jacob said that the scientists found DMSO was shown to have a medical benefit on the heart muscle scarring.

With chemical injections, all the rats were given "heart attacks." The heart muscle affected would ordinarily thicken and die.

One third of the rats received daily injections of water under the skin; one third received a DMSO solution; one third, the controls, nothing.

The animals were killed after three and 30 days and pathologists were given microscopic sections of the affected heart muscle, but not told which was which.

"The conclusion reached," said Dr. Jacob, "was that the administration of DMSO following heart attacks in rats resulted in distinctly less damage to the heart muscle and a reduced area of scar tissue in the heart muscle. The animals receiving DMSO showed neither rupture of the heart muscle nor any aneurysm formation within the heart muscle."

Dr. Jacob also revealed that chronic cystic and mastitis (painful but benign cysts in the breasts of women) also respond well to DMSO, according to findings in Germany.

Fifty women were evaluated with a placebo (dummy "medicine") and 50 with DMSO.

The disease is cyclic, believed to respond somewhat to hormone and menstrual changes. The German scientists, he said, found 16 of the 50 women receiving the placebo showed pain relief, and 10 had some reduction in size of the cyst when examined by the physician, and two had improvement on X-ray.

PAIN REDUCED

In the DMSO group of 50, 42 had diminution in pain, 43 had a reduction in size of the cyst on physical examination and 21 exhibited a reduction in size of the cyst on X-ray examination.

Dr. Jacob also recounted a new Polish study which revealed it required half the time—with use of DMSO—for patients to be free of symptoms from disc disease of the neck and lower back.

It continues to be an excellent treatment for sprains, bruises and bursitis, yet in the United States, clinical studies, with rare exceptions, are only permitted to use it for maximum of 14 days.

Because DMSO evaluations reveal it to be a new therapeutic principle, he said, "it may indeed be foreign to our way of thinking. This could be one of the major reasons DMSO has encountered problems.

"On the other hand, the potential benefit to mankind is such that it deserves the serious attention of basic scientists and physicians in every specialty of medicine."

CONGRESSMAN HORTON CITES MAJOR ACCOMPLISHMENTS OF NIXON ADMINISTRATION; ASKS ADHERENCE TO INAUGURAL PLEA FOR LOWERING OF VOICES SO PROGRESS CAN CONTINUE

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. WHALEN. Mr. Speaker, last week the Nixon administration ended its 10th month in office. In this relatively brief period of time, it has made many substantial accomplishments.

In an address last Friday, our colleague, the gentleman from New York (Mr. HORTON), offered what I believe is a fair appraisal of the accomplishments of this administration. Speaking to the Rochester, N.Y., Chapter of the National Tool and Die and Precision Machining Association, Congressman HORTON outlined an impressive list of administration achievements, both domestic and international.

Citing the advances that have been made since President Nixon's inaugural address on January 20, Congressman HORTON also points out that the President's plea for an end to the shouting and polarization in America has not been answered.

With your permission, Mr. Speaker, I share the full text of Congressman HORTON's November 21 address with our colleagues:

TEXT OF REMARKS OF CONGRESSMAN FRANK HORTON AT A DINNER IN HIS HONOR GIVEN BY THE NATIONAL TOOL AND DIE AND PRECISION MACHINING ASSOCIATION, SHERATON HOTEL, ROCHESTER, N.Y., FRIDAY, NOVEMBER 21, 1969

"We find ourselves rich in goods, but ragged in spirit; reaching with magnificent precision for the moon, but falling into raucous discord on earth.

"We are caught in war, wanting peace. We're torn by division, wanting unity. We see around us empty lives, wanting fulfillment. We see tasks that need doing, waiting for hands to do them.

"To a crisis of the spirit, we need an answer of the spirit.

"And to find that answer, we need only look within ourselves.

"When we listen to 'the better angels of our nature,' we find that they celebrate the simple things, the basic things—such as goodness, decency, love, kindness.

"Greatness comes in simple trappings.

"The simple things are the ones most needed today if we are to surmount what divides us and cement what unites us. To lower our voices would be a simple thing.

"In these difficult years, America has suffered from a fever of words: from inflated rhetoric that promises more than it can deliver; from angry rhetoric that fans discontents into hatreds; from bombastic rhetoric that postures instead of persuading.

"We cannot learn from one another until we stop shouting at one another—until we speak quietly enough so that our words can be heard as well as our voices.

"For its part, Government will listen. We will strive to listen in new ways—to the voices of quiet anguish, the voices that speak without words, the voices of the heart—to the injured voices, the anxious voices, the voices that have despaired of being heard.

"Those who have been left out we will try to bring in. Those left behind, we will help to catch up."

With these words, President Nixon in his inaugural address let us know that he was keenly aware of the single most serious threat to our Nation today—a polarized American people, communicating with each other only through confrontation and dissent.

On January 20, America was a haven of unsolved crises and uneased frustration for growing numbers of our people. We are still plodding uphill toward the solution of many of our problems, but I think a good start has been made.

In foreign affairs, the administration can boast a number of considerable accomplishments. A year ago, the Vietnam debate still raged over whether we should stay in Vietnam to the finish or withdraw. Today, the whole basis of debate has been transformed.

Now it concerns not whether, but how fast we should bring our ground troops home from Vietnam—whether we should pull out immediately or gradually, in order to leave a strengthened South Vietnam better able to defend itself.

Even more significant than the troop withdrawals and de-escalation in Vietnam is the announcement of the new Nixon Doctrine of foreign policy. In a television program I taped earlier this week for showing in Rochester Sunday, Counselor to the President, Bryce Harlow, said the President believes threatened countries should furnish their own manpower to wage these struggles, drawing on substantial economic help and military equipment from the United States where necessary.

Mr. Harlow said, and I quote: "The United States should not be furnishing combat manpower but should be furnishing these countries other kinds of help . . ."

This new doctrine means that continued containment of communism and other threats to free world countries can no longer and will no longer depend solely on the willingness of America to spill its blood on foreign shores.

It also means that while they can rely heavily on our dollar and equipment aid, our allies will have to prepare themselves to meet threats in their own regions of the world. To me, this updating of our post-World War II containment policy is long overdue, and I congratulate the President on his foresight and courage in announcing the Nixon Doctrine.

The list of accomplishments in foreign affairs goes on. At this moment, representatives of the world's two super-powers are meeting in Helsinki to work to end the headlong rush into new and expensive nuclear weapons and delivery systems that could be added to those now deployed, which already could destroy the world hundreds of times over. These talks are not designed to weaken one side and strengthen the other. Rather, we will try to mutually agree on a level of strategic strength which provides both sides an acceptable balance of power, without continuing the painful, dangerous and expensive process of inventing new tools of world terror. I pray that these Strategic Arms Limitation Talks (S.A.L.T.) will be successful. These talks are a direct result of President Nixon's pledge to change the basis of our foreign policy from one of confrontation, to one of negotiation from strength.

In addition to progress in Vietnam, the Nixon Doctrine and the SALT talks, the Administration, with the help of our own Governor Rockefeller, has begun to restructure our policy toward the vital nations of Latin America, and to replace the largely unsuccessful Alliance for Progress. Also, instead of goading the two nuclear-tipped giants of China and Russia into war with each other—a war whose literal and political fallout could ignite the world—the President has made deliberate but cautious moves toward reopening communications with the Red Chinese, as we have with the Russians.

I believe these steps constitute more progress in foreign policy than our nation has seen in any five year period since World War II—and all this has been done since January 20th.

There have also been some very promising, but less substantial accomplishments on the domestic front.

For years, the young people of America have lived under the yoke of an unfair and undemocratic system of military manpower procurement. Early in this decade, commissions and study groups were named to suggest draft changes. All of their reports have been gathering dust.

Finally, this year, President Nixon announced his support for establishing an all-Volunteer Army after Vietnam, and he named the first Presidential Commission on an All-Volunteer Army. But he emphasized that we could not wait for the post-Vietnam era to eliminate the worst injustices of the draft—so he proposed a series of reforms to the Congress which would enable him to set up a lottery and shorten the period of prime eligibility to one year, instead of eight years.

Two days ago, this draft reform bill cleared its last hurdle in Congress. It will be implemented in January. Despite the intolerable length of time it took to get any Congressional action on draft reform, we finally have some meaningful reform—and I must credit the President's efforts with winning the battle in Congress.

Victories against other serious domestic problems are still in the works—but they are further along than ever before in recent history.

Our intolerable welfare system, which breeds repeated generations of poverty and dependency and hopelessness, was the subject of a major Presidential address last August, and his bold family assistance program, which I have co-sponsored, is now being aired before the Ways and Means Committee along with reforms in our outdated Social Security System.

After public muttering about needed reforms in our electoral college system every four years for nearly a century, the President and congressional leaders this year announced support for sweeping electoral reforms, and the House has already sent a proposed constitutional amendment to the Senate for action.

The Federal income tax burden has fallen unfairly on the shoulders of middle-income and working Americans, including most small businessmen. The most sweeping, and most controversial tax reform bill in history was passed by the House last summer, and Senate action is likely early next year. There are some sticky provisions in the House bill, but the main thrust of the bill—to redistribute the tax burden on an equitable basis among all Americans—is a move that is long overdue.

American science and industry have completed this year a decade-long giant step into space exploration. Only a few hours ago, our fourth manned flight into lunar orbit, and second venture to the moon's surface, fired its engines to return to mother earth. We cannot even dream of all of the changes and the progress that this new knowledge will mean for man and his society. But every American can be proud of the precision and the courage of those who have helped accomplish this feat—including the contribution of our strong tool and die industry.

I have often spoken out on policies and crises where progress and accomplishment have been lacking. We are not fulfilling our promise of better schooling, better housing and better jobs for all those Americans who are in need of these opportunities. There can be no compromise with these goals—which I have put first on my list of Federal and national priorities. And I was very, very proud today to help you dedicate a very significant step forward in the field of vocational education and job development.

The Rochester Tool and Die and Precision Machining Institute is a model of cooperation between government and private industry in developing the skills we need to provide manpower for our technical industries. I am not only proud that this facility is in Rochester, but doubly proud as a member of the Small Business Committee, that a group of independent, small businessmen have banded together to provide this skills center for youth in our area.

We need to see repetition of this kind of project a thousand times over in America if we are to meet the crisis in skills and jobs. But this institute and its staff, its apprentices and its programs give me hope that we will get this job done.

I have spoken at length about accomplishments, about progress and about a lot of hard work that has been done in foreign and domestic policies since January 20th. Thinking back to the President's words on Inauguration Day, asking Americans to lower their voices so they can hear each other's words, one would think that these accomplishments woud help to narrow the polarization and division in our country.

You and I know that this has not happened. If anything, the gap between generations, between the races, between the conservative and the liberal, and between those who support and oppose our peace plans for Vietnam has grown dangerously wider since January 20th.

I have spent some time listening since January, and I have not sensed a lowering of voices or an end to the shouting of one group of Americans against another. If anything, the fever pitch of dissent, of charges, and of counter-charges is higher than it was last winter.

I will not add to the polarization by blaming only the hippies, the black militants and youthful protesters for this failure. For they must share the blame with government and the so-called establishment. Neither side has made any reasonable attempt to see the point of view of the other, or to lower its voice long enough to hear the *meanings* of both sides.

First, we must fault a large body of Americans who seem to be lying in wait for the Administration to make a mis-step—so they can pounce on a new slogan or symbol for the anti-establishment cause. The Administration has made its share of mis-steps, but the public reprimands have been characterized by over-reactions which have had the effect of deliberately widening the credibility gap beyond what it is.

An example is the President's ABM proposal. I, for one, felt that $6 billion or more was a lot of money to spend on an untried and possibly unnecessary new missile. I studied both sides carefully and finally decided to vote against the fiscal year 1970 appropriation for the ABM system. I do not deny that the Nixon ABM proposal is a considerable improvement and paring down over what the last President proposed—an anti-missile system that would have ringed many American cities with rocket sites. That proposal was provocative, not defensive, President Nixon offered this plan in the sincere belief that it was needed. I voted "no" in the sincere belief that its costs did not justify the prospects for its benefits or effectiveness.

But thinking through this decision was not an easy task in the midst of the shouting that both sides carried on. Opponents and potential opponents of the President immediately launched a frontal attack on the Administration, labeling the President and his advisers as militarists and warmongers. The inevitable slogans and bumper

stickers came out on both sides. One said, "ABM is an Edsel." Another boasted: "Missile Defense Makes Sense." Defenders of the Administration proposal somehow saw a need to join the shouting match full blast. They pronounced shadowy warnings of new Russian militarism. Some publications labeled ABM opponents as unpatriotic or even as "communist sympathizers" dangerously tampering with our national security.

None of this shouting from either side was necessary. All of it contributed to a new bandwagon of anti-establishment sentiment, and a new onslaught of opinion against all protesters.

The Vietnam debate is, of course, the center of the polarization in America. The cause of peace—defined as immediate and unilateral withdrawal—is one which unites many groups within American society which otherwise do not always agree. Young people want an immediate end to the war—at least the American portion of it—because they abhor killing and they cannot bear any further deaths of their classmates and friends—they do not want to have to fight for a policy which they see even the government is slowly closing down. They want it closed down before it involves them—Now. Blacks want the war to end because they know that needed federal funds for urban renewal, housing, education, jobs, health and new welfare programs will not be forthcoming in sufficient amount until the war is over. Those who see the impracticality of an outdated policy which has America policing the world want an end to the war. These people are not all young, or black or liberal. They just do not see Vietnam as a moral cause worth dying for. So together, these Americans, all sincere and all united in their cause, march against death and rally for immediate withdrawal in Washington.

I did not participate in the moratorium events, because I believe the President is on the right track in his fixed withdrawal timetable, designed to strengthen the South Vietnamese for the struggle that will continue after we leave. The process of Vietnamization has been going on for a year, and I do not think it should take another full year to complete this process and withdraw our ground combat troops.

Although I do not agree with those whose frustration with the war has grown to the point where they can ignore the consequences of total, immediate withdrawal, I see no need to belittle them, or to characterize them as something they are not. The demonstrations in Washington last weekend were by and large peaceful and sincere. Except for a few groups of hard-core anarchists who seek violence as a means of attracting attention and TV cameras, and as a means of destroying America, the hundreds of thousands of people who journeyed to the Capital were well-behaved. They came to express disagreement with government policies in a dignified way. Over 95 per cent of them did just that.

I was very disturbed to see attempts by Administration officials to downgrade the numbers and the behavior of the demonstrators. The government was right to prepare for the worst, and to insure the presence of sufficient manpower to handle a riot. It was wrong to deny the decorum of those who came in peace.

I agree fully with the President that policy decisions must not be made in the streets in our democracy, which has adequate channels for protest and reform of policies. But I do not think it was necessary to appear to ignore the voices of the peace marchers. That is the other extreme. When there are responsive channels of government—and I believe that there are in America—then decisions should be made through those channels: through Congress, through the White House, through orderly petitioning and in the voting booth. A peaceful demonstration designed to petition the government, and to influence its policies is at home in a democracy. But demands shouted from the sidewalks in disrespect of our system of government have no place here.

The result is more shouting, and a wider gulf between the demonstrators and their elected officials whose policies they wish to change.

You can no more characterize all of the marchers of the Moratorium as "impudent snobs" than you can call every public official or policeman a "fascist pig." Both are wrong. Both are provocative. Both contribute to division and polarization. Both widen the dangerous gulf which has Americans shouting at other Americans, instead of reasoning together.

I say, let us stop the shouting on both sides. If, truly, we are to follow the President's words on January 20, and if the government as well as the people is to follow them, we had better begin now.

The shouting has grown so thick and so loud that neither side can see that both share a common goal in Vietnam, a prompt end to the bloody and costly presence of American troops. The ABM is a subject about which reasonable men can differ—but the shouting prevents either side from hearing or recognizing anything reasonable about their adversaries.

I think the President has the first responsibility to implement his own words. If Administration attacks on demonstrators will soften and those Americans who delight in pouncing on the mistakes of their leaders will stop and think before they dream up a new bumper sticker, or a new slogan—then we can get down to the business of listening to each other. The only shouts that remain would be the shouts of the true anarchists, those who are really impudent enough to want to destroy America any way they can. If only we would isolate their shouts, I think we would see their apparent numbers shrink, and I think we could deal properly and forcefully with them.

We have a great deal to be proud of in America. I have listed what I think are the significant accomplishments of our Nation in the past 10 months.

We have much to be thankful for on Thanksgiving Day.

We must remember how far we have come as a Nation in the last 200 years, and in the last 300 days, and must work feverishly to build on our accomplishments. The building we dedicated today is one of which you should be proud. I hope that this accomplishment is given as much public attention as the unsolved problems are given this weekend.

The President paid a surprise visit to the Congress last week. He said one thing that I wish to leave you with tonight. He said we must remember that we are all Americans. Whatever our political, or racial, or economic differences—we are Americans. That is the most important fact about every one of us. With that thought, we are united in spirit, in purpose and in nationhood. Without it, we risk permanent polarization. As Lincoln said a century ago: "A house divided against itself cannot stand."

BIG TRUCK BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. SCHWENGEL. Mr. Speaker, my editorials for today are from the Philadelphia Inquirer, the Somerset, Pa., American, the Pittsburgh Press, the Corry, Pa., Journal, and WSBA radio station editorial of September 9, 1969, in the State of Pennsylvania. The editorials follow:

[From the Philadelphia (Pa.) Inquirer, Sept. 7, 1969]

SAFETY AND BIGGER TRUCKS

The reported smiles on the faces of members of the House Public Works subcommittee who favor bigger, longer, wider, heavier trucks must have given Federal Highway Administrator F. C. Turner some inkling of what his "inability" to make a recommendation on the issue meant.

Mr. Turner said he did not have "sufficiently reliable evidence" to say whether interstate highway safety would be adversely affected by raising allowable truck weights from 73,280 pounds to 108,500 pounds; allowable width from eight feet to 8½, and setting the maximum length at 70 feet.

For obvious reasons, the trucking industry has long been advocating these increases—the big economy package gets bigger and more economical all the time, so far as their interests are concerned. And those smiling committee members seem to indicate the truckers may be on the way to having their way.

But it is also of some small interest to tax-paying motorists and the American Automobile Association has fought valiantly against letting trucks, which already clog many of the public's roads, be extended to infinity. We think the AAA has made a good case; trucks are already big enough, and the way truck lines whipsaw the states to gain advantages must seem to many drivers (even some truck drivers) to be close to the proportions of a scandal.

We know industry must move the goods, and the more pounds of cargo you can put in the hands of one team of drivers, the lower the unit costs.

But there has to be a limit or there will be nothing but trucks on our major highways. Though they pay more taxes individually, they certainly don't pay more than the mass of ordinary drivers—and even if they did, John Q. Public has never, that we know of, proposed to build roads exclusively for their use.

Although the legislation in question deals only with interstate highways, it is no secret that the supertrucks have to come down to state and local roads somewhere, so the legislation, in effect, is for smaller roads (and bridges and tunnels) too.

It seems to us the national legislation is desirable, but modest, rather than extreme, limits are required. We regret that the Highway Administrator has "copped out' 'on this question, but we hope Congress will have the intestinal fortitude to stand up to a formidable lobbying interest and set a "thus far and no farther" rule the journeying layman can live with, too.

[From the Somerset (Pa.) American, Sept. 17, 1969]

BIG TRUCK BILL

Legislation before Congress permitting bigger, heavier trucks on interstate highways should be run right off the road.

A similar type measure was killed last year and it is a tribute to the power of the trucking interests that a new bill of this type can be revived and built into a formidable threat in just a year's time.

The big truck bill now being considered would raise federal limits on the interstate system from 73,280 pounds to 108,500 pounds.

If the bill passes Congress and is signed into law it will be up to the states to determine what weights they will permit, up to the federal maximum. The spectacle in

Harrisburg as the lobbyists swing into action is not difficult to picture, providing Congress acts, which we hope it doesn't.

Testimony before the House Public Works Committee of George Kachlein of the American Automobile Association should be sufficient in itself to defeat the big truck bill.

According to Kachlein, a quarter of federally regulated inter-city trucks and more than half of inter-city buses were involved in accidents in fiscal 1967.

Kachlein used Federal Bureau of Motor Carrier safety reports and a truck accident study done in 1968 for the Automobile Manufacturers Association to show that most of those killed in truck-auto collisions were auto occupants.

The manufacturers' study showed there were 0.3 fatal injuries per 100 persons in collisions between autos and pickup trucks.

"The rate jumps to 7.1 per 100 when the collision is between a passenger car and a tractor-trailer combination," Kachlein said. When the collision is between a passenger car and a tractor-two-trailers combination, the rate increases to 13-3—A 173 per cent increase in severity.

Bigger, heavier trucks also constitute a threat to public property.

* * * has estimated that bigger trucks would add $8.5 billion in repair and construction costs to the interstate systems in 10 years.

[From the Pittsburgh Press, June 8, 1969]

BIGGER AND BIGGER?

Once again, Rep. Frank M. Clark has revealed himself as a champion of those who hope to burden our highways with giant trucks and giant buses.

Last year the Lawrence County Democrat was a co-sponsor of a bill which would have permitted almost a doubling of the 73,280-pound truck-weight limit on Interstate highways. Motorists became so enraged by this highway-boxcar proposal that the House wisely buried the bill.

Rep. Clark doesn't give up easily, however. Now he has introduced a bill which would authorize widening buses from 96 to 102 inches.

This measure, regarded as the opening shot in a new battle for bigger buses and bigger trucks, also would permit side-view mirrors on buses to extend outward without limit—even beyond the 102-inch width.

Although these elongated mirrors would protrude above auto roofs, some highway experts fear they could force oncoming trucks to swerve in order to avoid them. And if any autos should happen to be in the way then—well, that's just too bad.

After Mr. Clark got his big-vehicle steamroller under way, another bill was introduced by an Illinois Congressman with the enthusiastic endorsement of the American Trucking Assn. This measure would permit longer, wider and heavier rigs on Interstate Highways.

The proposed dimensions—70 feet long, 102 inches wide and 92,500 pounds would hardly contribute to highway safety. Trucks in Pennsylvania now are limited to a maximum length of 55 feet; width, 96 inches; weight, 73,280 pounds. And they are big enough!

It may be interesting to note that the so-called Truck Operators Non-Partisan Committee distributed thousands of dollars in campaign contributions between 1966 and 1968 to 15 members of the House Public Works Committee, which approved the ill-fated big-truck bill last year. Mr. Clark, a member of this committee, received $500 himself.

Now, according to records of the House clerk, a new group formed by bus operators—The Bus Industry Public Affairs Committee—has passed out several thousand dollars in contributions to key congressmen.

Mr. Clark was re-elected last year. He will be up for election again next year.

Perhaps it's time for his constituents in Beaver, Butler and Lawrence Counties who oppose Big Trucks and Big Buses to get ready to give Mr. Clark the Big Boot.

[From the Corry (Pa.) Journal, Sept. 20, 1969]

THE "BIG RIG" BILL SHOULD BE FLAGGED DOWN

Any Corry motorist who has tried in vain to pass a tractor-trailer rig on one of our lesser and thus more dangerous highways will frown on the bill now before Congress to allow an increase in the size of the behemoths.

We are doing our share of frowning too.

The big truck bill now being considered would raise federal limits on the Interstate system from 73,280 pounds to 108,500 pounds.

If the bill passes Congress and is signed into law it will be up to the states to determine what weights they will permit, up to the federal maximum. The spectacle in Harrisburg as the lobbyists swing into action is not difficult to picture, providing Congress acts, which we hope it doesn't.

Testimony before the House Public Works Committee of George Kachlein of the American Automobile Association should be sufficient in itself to defeat the big truck bill.

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The manufacturers' study showed there were 0.3 fatal injuries per 100 persons in collisions between autos and pickup trucks.

"The rate jumps to 7.1 per 100 when the collision is between a passenger car and a tractor-trailer combination" Kachlein said. When the collision is between a passenger car and a tractor-two-trailers combination, the rate increases to 13.3—A 173 percent increase in severity.

Bigger, heavier trucks also constitute a threat to public property.

Experts have testified that the life expectancy of interstate highway pavements and bridges would be reduced by the weightier vehicles permitted under the bill now before Congress. The Bureau of Public Roads has estimated that bigger trucks would add $8.5 billion in repair and construction costs to the Interstate system in 10 years.

Congressmen Joseph P. Vigorito and Sens. Hugh Scott and Richard Schweiker should vote against the big truck bill.

[A WSBA radio editorial, Sept. 9, 1969]

THE RIGS ARE TOO BIG

Do you want bigger and heavier trucks on the highways? After all, in truck-car accidents, automobile occupants are the ones most likely to be killed. Research shows in these truck-car wrecks, only 2% of deaths were drivers of heavy trucks . . . while 98% were passenger car drivers and occupants! Would you like to see your odds in such accidents get worse? Then be sure to stand by while pending legislation, H.R. 11870, passes in Washington. This bill would permit the operation of bigger trucks on our roads. If enacted this legislation would guarantee premature cracking of pavements, causing expensive repairs, or worse—rebuilding entirely. And, guess who will pay the largest share for such repairs? If you enjoy paying these extra taxes then, by all means, see that house bill 11870 is enacted! If, on the other hand, you are fed up with the hazard of big trucks on the highways, and don't want even bigger rigs allowed—urge Congressmen Eshleman, Goodling and Schneebeli to vote against House bill 11870. If you're debating writing your man in Washington, ponder this sobering evidence . . . In a collision between a pick-up truck and a passenger car, there are three-tenths fatal injuries per 100 persons. When you collide with a tractor-trailer, the rate goes up to 7.1. In wrecks with tractor-two-trailer outfits—rigs encouraged by House bill 11870—the death rate increases to 13.3 deaths per 100 people.

COOPERATION SPEEDS SOLUTION TO DESALINATION

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. JOHNSON of California. Mr. Speaker, it is estimated that during the next 30 years the water needs of this Nation will increase some 300 percent. Based on the most recent figures that I have available to me, this means that the water consumption throughout the Nation by the year 2000 will reach approximately 1 trillion gallons per day; or to bring this figure down to a more personal standpoint, the consumption of water for commerce, industry, irrigation, livestock, and simple drinking water will total nearly 5,000 gallons per day per person.

Where will we get this water? There are many answers, not the least of which is the augmentation of our natural sources of ground and surface water by the conversion of saline water.

I am pleased to advise that the Federal Government is looking today for ways of meeting this challenge. This goal can only be achieved by the close cooperation between Federal agencies and private industry. For this reason, it is most commendable that the Department of the Interior has embarked upon a program of Government and industry cooperation on saline water conversion.

On behalf of the Federal Government, this effort is being guided by the Honorable Carl L. Klein, Assistant Secretary of the Interior for Water Quality and Research. In view of this challenge which faces this Nation and the responsibility which this Congress has in meeting this challenge, I thought it appropriate that Assistant Secretary Klein's remarks before the Government-Industry Conference on Saline Water Conversion, October 29, 1969, be shared with my colleagues. Accordingly, I include his remarks at this point in the RECORD:

REMARKS BY THE HONORABLE CARL L. KLEIN

This Government-Industry Conference on Saline Water Conversion marks a fitting conclusion to a month of unprecedented activity by the Interior Department in leading this Nation toward improved water quality.

Just last Friday, we wound up a two-day conference of industry executives like yourselves who came to Washington to exchange views on what was being done by industry about water pollution abatement and to learn what the Government was doing to encourage their efforts.

Six of the top executives of this Nation and six from abroad presented their companies' plans. They revealed a growing aware-

ness of the pollution problems throughout the industrialized Western World. They also showed industry was accepting responsibility for cleaning up its own mess and for preventing or minimizing water pollution in the future.

This, perhaps, was the most rewarding aspect of the conference from the point of view of the Federal Government and the public interest. The recognition of responsibility for water pollution by executives from such industrial giants as United States Steel Corporation, du Pont de Nemours and Consolidated Edison Company of New York means that abatement efforts are at last getting the attention they deserve.

It also means that our children and grandchildren will have the chance after all to enjoy cleaner streams and lakes instead of facing the prospect of continually shrinking sources of quality water for drinking, fishing and recreational purposes.

The exchange of ideas which proved so mutually rewarding was shared by more than 750 representatives of a wide variety of industries. By helping to clear the air of uncertainty and to clarify the position of the Interior Department in the campaign for clean water, the conference established a framework for future cooperation in a struggle in which we can all be victors.

Earlier this month we held hearings on one of the most notorious pollution situations of our times—Lake Erie. On October 7 and 8 in Cleveland, and the following day in Toledo, our people met with municipal, state and industry officials to determine how we might speed up the pollution abatement programs that are needed to save Lake Erie from a premature death.

Secretary Hickel called these hearings "just a beginning" of this Department's efforts to identify major polluters all across the Nation and to set enforcement schedules for a prompt cleanup directed toward the complete elimination of pollution.

And the Secretary said at the time that if those found violating water quality standards have not taken steps to eliminate pollution within 180 days after hearings have been held, he has the authority to go directly to the Attorney General for the filing of court actions by the U.S. Justice Department.

We're just now in the process of announcing a follow-up meeting November 6 and 7 to examine the progress made during the first six months of the Potomac River cleanup program that was agreed to in May by Virginia, Maryland and the District of Columbia. Representatives of each of the water pollution control agencies involved will report on the activities now under way to comply with each of the 14 specific actions required by the program.

The Potomac situation naturally has a high priority because it concerns the Nation's River here in the Nation's Capital, and the people expect us to make sure the quality of its water meets national standards. Unfortunately, years of inadequate pollution abatement efforts have made it unsuitable for swimming and fishing and scarcely usable for boating.

We have a long way to go on the Potomac, but we've already come a long way—just in the past month.

On October 8, Secretary Hickel authorized an engineering study of a pollution control program for another river here in Washington—the Anacostia—which may help solve water problems faced by a number of other cities. The preliminary engineering plans foresee the creation of two 40-acre artificial lakes for recreational purposes which would also be used to halt pollution caused by overflows from combined storm and sanitary sewers.

If successful, this plan would not only provide swimming or boating facilities for thousands of District residents, but would also result in a major step toward cleaning up the Potomac.

The Anacostia is a tributary of the Potomac, and during heavy rains, combined outfall from storm and sanitary sewers in the Northeast section of the city are discharged directly into the river in order to avoid the risk of flooding waste treatment plants. According to the new plan, storm water overflows would be stored and treated in a 15-acre artificial lake before being discharged into the two proposed recreational lakes for community use.

There is nothing new in the concept of purifying waste water to such a degree that it can be used again for recreational purposes. But this is the first time such an approach has been applied to the problems of combined storm water discharges.

To speed the cleanup of the Potomac, a contract for almost $750,000 was announced October 12 for a pilot waste treatment project which promises to eliminate pollutants faster and more cheaply and reliably than any method previously employed. The physical-chemical plant now under construction at Blue Plains will treat 100,000 gallons of raw sewage a day and will remove 99 per cent of contaminants.

The process relies heavily on chemicals to remove impurities. Lime is added to remove solids, phosphorous and other waste material. And before the effluent is discharged into the river, it is stripped of its ammonia content, filtered through a combination of sand and coal, passed through activated carbon absorption units and, finally, chlorinated.

Still another milestone was reached by Interior just 10 days ago when the Federal Water Pollution Control Administration announced its intention to revise its regulations so municipalities and other agencies would have to provide secondary sewage treatment in order to qualify for Federal construction grants.

As you probably know, secondary treatment eliminates between 85 and 95 per cent of contaminants in effluent. At present, however, only primary treatment is required for a grant. Since primary removes only from 35 to 45 per cent of pollutants, it has long been considered inadequate by most health officials.

Our efforts to reduce and eliminate water pollution are by no means confined to pressing the states to crack down harder on their own offenders. Another step that was taken by Secretary Hickel this month was the initiation of an inquiry to determine the need for water quaity standards on non-Federal properties that are located on Federal lands.

There are a number of areas—notably Indian reservations, public lands, national parks and certain sections of seacoast—that are not now subject to the water standards of the states where they are located. It will be the aim of this study to make certain water quality standards are broadly applied in these places.

But today is your day. . . .

With all that has gone on already this month in the field of water quality, I believe that what you have assembled for here today may well prove the most significant occasion of the month.

That is because our expanding population and agricultural and industrial output will be placing the severest strain on our existing freshwater resources in the years ahead. And aside from developing methods to treat our waste water for eventual reuse, it appears almost certain that we will have to look to the sea to supplement our needs in this area.

It has been some time now since the Office of Saline Water and industry representatives teamed up for a series of exploratory meetings leading to this one here today. Out of these meetings came a decision to seek out areas of mutual interest to OSW and those of you in the desalting industry.

The areas which you will hear much more about later in this conference include: (1) the role of OSW and industry; (2) patents; (3) markets for desalting; (4) general contractual policies, procurement practices and procedures, and (5) dissemination of information.

For each of these areas, committees were assigned the job of refining the issues for future discussion—in open forum. The committees were made up of industry representatives active in the desalting field and familiar with its problems.

In all, more than 60 representatives of some 30 U.S. industries and institutions have given generously of their time and capabilities in preparing items for your consideration. The committee members, along with key personnel of OSW, worked long and hard to make these two days a success. And I want to thank each one of you for your devotion to this task . . . especially our new Director, Dr. Chung-ming Wong.

We already have under review some of the committee recommendations. At the conclusion of this conference, and after some study, we expect to implement those proposals which would help us achieve our mutual goal of low-cost fresh water from the sea.

At this point, though, I would like to talk about some of the recommendations made by the committee on the role of OSW and industry, and cover a few points that bear on policy.

The committee recommends the creation of a standing advisory group that would give considered views relative to master plans, future plans, programs and schedules. I agree with this to the point of a master plan review, but specific programs or task plans should be an in-house matter.

The major thrust of where we are going is a valid topic. But any lower-level cut may start to impinge on specific company interests, and we must keep ourselves flexible in such areas.

In regard to OSW's patent policy, it is my understanding that there has been considerable difficulty with many of our contractors and grantees in this matter. The result has been delays in contracting and prolonged patent negotiations.

I was pleased to see that the patent committee raised several questions about OSW's policy, and many of their points were well taken. We will work with the Solicitor to review present policies to determine if new interpretations can be developed under existing laws.

I have spoken of the desire for improved cooperation between OSW and industry in the future. In the past, OSW and industry team-work accounted for some outstanding advancements in desalting technology. Today I would like to discuss some of the more recent examples which you may or may not know about.

We have received preliminary results of a study (Aqua-Chem) that presents some exciting possibilities for the use of desalting. The study deals with the potential use of desalting equipment to recover valuable products from industrial wastes. It would reduce stream pollution and create a new market for desalination equipment. In fact, the proper application of this technology could provide hundreds of millions of dollars of business in food and other by-products.

The dairy industry offers just one example of the potential in this field. From about two gallons of milk, the dairy industry presently obtains about one pound of cheese and one pound of whey solids. About 70 per cent of the whey is now being wasted, imposing a severe added burden upon sewage treatment facilities if it is not being discharged directly into streams, rivers or lakes.

By treating whey with a combination of distillation and membrane desalting processes, the study shows a high protein food supplement can be produced which would have a market value of about 25 cents a pound. This represents a sales potential of more than $200 million per year for upgraded whey products.

The recovery and reuse of dairy wastes alone is believed capable of generating a U.S. market for desalting equipment of around $250 million. Just as important, it would remove a sizeable pollution problem on a profitable basis. You might say fighting pollution can make you rich.

The findings thus far show that some 8,000 industrial plants could use some form of desalting to recover commercially valuable contents in their liquid wastes. This is particularly true of certain metalplating plants using copper, cadmium, zinc or nickel. About 2,000 of these can use desalination units averaging 25,000 gallons per day and costing around $25,000 apiece, for a total market of $50 million.

These are impressive figures, and from them we can get an insight into what appears to be an unlimited and unending role for desalting in the not-too-distant future.

In the area of pollution abatement, there are a number of problems—and opportunities—involving salts. Remember that dissolved salts are pollutants, and that we must control their entry into our usable aquifers, streams and lakes.

The Colorado River is one of those being studied by OSW in connection with this problem. As you know, the salinity of this river is increasing, with detrimental results to water users. To develop data for further investigations, OSW is now testing reverse osmosis desalting processes at three sites on the river: Grand Junction, Colorado; La-Verkin Springs, Utah, and Las Vegas Wash in Nevada.

The tests are being conducted on three basic types of waters which are the main causes of the salinity problem. These are irrigation return flows, mineral springs and highly saline surface streams. With the information obtained from these tests, we will have a baseline from which we will be able to determine what part desalting may play in cleaning up our streams.

Also in Colorado, at Fort Morgan, OSW has been conducting intensive studies of the potential of desalting processes for improving the quality of a city's water supply. Fort Morgan's local water supply gradually has been increasing and now contains approximately 1800 parts of dissolved solids per million parts of water. Therefore, the problem is not one of being short of water, but simply of water quality.

More and more communities are learning that the salinity of their available water is increasing due to over-pumping or because man-made pollutants are finding their way into fresh water aquifers.

Several mobile brackish water pilot desalting plants were used for the test operations at Fort Morgan. Data from the tests is still being evaluated to determine the best solution to the specific water quality problems involved. This information is expected to be useful in assisting cities and other communities facing similar situations.

Another problem confronting the Interior Department is what to do about the pollution problem caused by the release—from the Solvay process—of calcium and sodium chloride into surface streams. OSW recently completed a preliminary study of this situation which found that basic desalting technology, combined with the use of commercial methods of crystallization, can result in the production of salts in solid form.

It also found that a significant portion of the waste water from this process could be recovered in distilled form. The reclaimed sodium chloride could then be reused in the process.

Since it may not be possible to market all the calcium chloride, the remainder—in solid form—could possibly be placed in depleted limestone galleries. The point is that you would not have to market a large percentage of the calcium chloride to pay off the investment in the solid waste process.

I have touched on only a few of the many activities which concern our Interior agencies, but we can pursue our goals as a cohesive group in a climate of understanding.

We have every expectation that the results of this meeting will be mutually beneficial. I can assure you that all of your recommendations will receive careful consideration. We want a dynamic saline water conversion program and we also want a strong desalting industry.

Cooperation is the key means of achieving this goal—and of hastening the day when desalination will provide mankind's supplementary source of water.

Conferences such as this will bring us all a lot closer to that reality in the shortest possible time.

I thank you all for providing the interest and imagination needed to achieve success that is demonstrated by your presence here today.

ANNIVERSARY OF PLYMOUTH AND PROVINCETOWN, MASS.

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. KEITH. Mr. Speaker, I am today filing a bill to provide for the establishment of a special commission, to plan for the observance of the 350th anniversary of Plymouth and Provincetown, Mass.

This is an especially appropriate time, I feel, to introduce this measure, on the eve of Thanksgiving Day. For it was at Plymouth, 349 years ago, that the small band of intrepid Pilgrims first gathered together with their Indian neighbors to give thanks for their survival in a hostile, unknown land. This tradition has continued and spread, until tomorrow it will be celebrated in every corner of this Nation.

Three hundred fifty years have passed since the landing of the Pilgrims. In those years, the Nation they helped to found has become the leader of the free world. And much of what makes this Nation what it is today is a direct result of the heritage of the Pilgrim fathers.

Our tradition of religious freedom, almost unique in the world, is a natural outgrowth of the Pilgrim's search for a land where they could practice their religious beliefs without fear of persecution.

Our tradition of constitutional government can be traced in part to the Mayflower Compact, which established the principle that government exists at the consent of the governed. And the spirit of overcoming adversity and hardship that moved the Pilgrims has become a part of the American tradition, and their example is still an inspiration to us today.

So the Pilgrim legend is an integral part of the American heritage. And I think it altogether appropriate that the Congress should involve the resources and imagination of the entire Nation in the planning of this 350th anniversary celebration.

For this reason, I am joining the senior Senator from Massachusetts, Mr. KENNEDY, in filing this bill, which will create a 15-member commission for the purpose of developing suitable plans for the 1970 celebration.

It is my hope that both the House and the Senate will take swift action on this proposal, so that plans for this most significant celebration can begin in the near future.

DISTRICT OF COLUMBIA ENVIRONMENT—THE STRUGGLE TO ESCAPE A MODEL CITY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. RARICK. Mr. Speaker, the schools of the District of Columbia now have 94.3 percent Negro students, an increase over last year.

The unelected bureaucrats of HEW and the Supreme Court must enjoy with a deep feeling of satisfaction their coercive efforts to overcome racial imbalance in Southern States while in their own bailiwick, here in the Nation's Capital, racial proportions continue to become more and more out of balance.

White parents, still having freedom to choose to do so, continue to escape. Regardless of the self-imposed blindness of the communications people and bureaucrats, the truth of the situation remains—the people are not buying socialism—not even when labeled "brotherhood," "charity," or "equality."

In neighboring Maryland, high schools are discontinuing football games because of violence. In another nearby community, white parents—many of whom have already suffered financial loss and experienced firsthand the bitterness of their lives being disrupted in having to relocate for the safety of their children—announce they will spend additional moneys from their own pockets to seek prohibitions against further injustices—sacrificial busing of their children as offerings to pacify the racial obsession of politicians and social experimenters.

Little do these hopeful parents realize that by living in Virginia or Maryland, they fall into a separate region of the United States governed by special edicts and guidelines which deny them full citizenship and are intended to compel them to accept the rigors of the unwholesome environment from which they have sought to escape.

I include several local news clippings:

[From the Washington (D.C.) Evening Star, Nov. 26, 1969]

DISTRICT OF COLUMBIA NEGRO ENROLLMENT IN SCHOOLS UP SLIGHTLY

(By John Mathews)

Student enrollment in Washington schools is virtually static this year, with small increases in the number of Negro students

balanced off by continued decreases in the number of white students.

The annual enrollment count by race taken Oct. 17 shows that city schools now have 94.3 percent Negro students, an increase of 0.8 percent over last year. The school system has 140,667 Negro students, 1,155 more than last year, and 8,449 white students, 1,102 less.

Over-all, the declining birthrate and the inability of local schools to increase significantly the number of pupils in preschool and kindergarten classes because of lack of funds and space resulted in a net gain of only 53 students over last year. At the elementary school level, there are 1,567 fewer students than last year.

WHITE DEPARTURE SLOWS

Of 190 schools in Washington, only nine elementary schools, plus Deal Junior High School and Wilson High School, all west of Rock Creek Park, have majority white enrollments. Only about a half dozen other schools have any meaningful racial integration.

In the dozen elementary schools west of the park, there was a sharp increase last year in the exodus of white students. This year the departure of white students has slowed with 170 fewer white students, compared to a 400-student decrease between October 1967 and 1968.

Deal Junior High and Wilson High, which three years ago had only a handfull of Negro students, both now have over 35 percent Negro enrollments.

RESULT OF WRIGHT RULING

The integration of schools west of the park was a direct result of the June 1967 de facto school segregation decision of Judge J. Skelly Wright. The judge ordered voluntary busing of Negro students from overcrowded schools to the below-capacity largely white schools.

The dozen elementary schools west of the park are about 80 percent white, the same percentage as last year. The number of white students, Negro students and the over-all enrollment has dropped in the schools.

In other areas of the city, integrated schools continue to become less integrated.

NEIGHBORS INC. AREA

Shepherd, Brightwood and Takoma Schools in the Neighbors Inc. area, a section of Northwest with active efforts to maintain residential integration, are still integrated, but continue to lose white children.

The Tri-School Project in the new Southwest area, which had a degree of integration three years ago, now has only 81 white children out of a total enrollment of 1,963 students.

On Capitol Hill, Brent Elementary School has gained some white children, but proportionately more black children since its new and larger building opened last year. The school has 85 white children and 289 Negro children.

Citywide elementary schools have 93,270 students; Junior high schools, 33,250; senior high schools, 19,571 and vocational high schools, 2,963. The Capitol Page School with 62 students, four of them Negro, is also counted with city schools.

[From the Washington (D.C.) Evening Star, Nov. 26, 1969]

COUNTY MAY END GAMES BETWEEN HIGH SCHOOLS

(By Thomas Love)

Athletic events between Prince Georges County public high schools may have to be eliminated because of violence at the games, the board of education was told yesterday.

Deputy Superintendent George A. Robinson raised the possibility of dropping all interschool athletics as he gave a report on a disturbance following a football game between two schools on Nov. 15.

He also criticized Hyattsville city police at the scene, they made no attempt to quell the trouble when it started at the Northwestern High School Stadium.

The fighting, during which he said white High Point High School students were beaten by unidentified black Northwestern High School supporters, was "a racial incident" without question, Robinson declared.

BOTH SCHOOLS INTEGRATED

Both schools are integrated, and both blacks and whites played on the High Point team, but only white students were attacked, he said.

Following his report to the board, he said that the incident was only the latest in a continuing series of violent disturbances following high school athletic events.

The Northwestern-High Point game, which Northwestern won 7–6, decided the county Class AA football championship, so emotions were unusually high, Robinson said.

EIGHT POLICEMEN HIRED

At halftime, he said, spectators from the Northwestern stands poured onto the field. He said that eight Hyattsville policemen, hired to keep order, made no attempt to stop them. They disrupted ceremonies and "monkeyed around with the goal posts," Robinson said.

After the game, spectators from the same stands "swarmed over the fence" onto the playing field "like a wave of water," he said.

"I don't know if the police could have done anything at this time," he said, "but they didn't even try."

As spectators were trying to leave the stadium through a single gate, he reported, "fists flew and a few people were hurt."

A mob set upon the High Point players with lead pipes, hoses and empty machine gun cartridge cases sharpened and swung at the end of leather thongs, Robinson said.

PRETTY BADLY BEATEN

Some of the students were "pretty badly beaten up," he told the board. One team member had his nose broken even though he was still wearing his football helmet with face guard.

Since the game, he said, some of the coaches who tried to help the visiting team have received threatening phone calls.

During the entire event, "the police just didn't seem to be around," he charged.

The violence continued as white High Point students who were leaving the stadium were pulled from their cars and beaten by blacks, he said.

Robinson told the board that "more things like this seem to happen at Northwestern," which uses the old County Memorial Stadium for games.

Many non-students take part in the trouble, Robinson said. He added that violence following athletic events is not limited to Northwestern.

[From the Washington (D.C.) Evening Star, Nov. 26, 1969]

CHEVERLY PARENTS BACK SUIT TO BAR PUPIL BUSING

(By Stephen Neary)

An all-white group of more than 200 Cheverly parents gave overwhelming endorsement last night to taking the Prince Georges County school desegregation plan into court.

After only about 45 minutes of discussion, almost all opposed to cross-district busing of white and black students, the group voted to send a delegate to the Coalition of Concerned Citizens "for the purpose of determining the legality of the . . . redistricting plan."

ONE "NO" VOTE

A statement by one parent, who said "I've got a daughter affected by this, and she'll never spend a day in Fairmont Heights, not even if I go to jail," won applause from the audience and a call from one member: "Well, it'll be full."

The meeting was called by the Cheverly Citizens Association. While only one member stood up to vote "no" on the resolution, only about two-thirds of the remaining audience stood up to approve it. The remaining third apparently abstained, or was made up of nonmembers.

Two other motions, on stating the association's opposition to busing of children just to achieve racial balance and another "advising" the Cheverly mayor and town council that they too should oppose it, also passed at the association's special meeting.

Association members working at the door to sign up newcomers told them they would not * * * members. They reported they enlisted 55 new members last night.

Association President Arthur Sands said the last regular meeting drew 36 persons.

OTHER GROUPS REPRESENTED

The large turnout for last night's meeting apparently was due at least partially to circulation of leaflets through the northern Prince Georges municipality by order of the association's executive board. No Negro residents (who live in the town's 4th Ward, attended the meeting).

In addition to the Coalition of Concerned Citizens an amalgam of established civic groups, representativs were present from the Citizens for Action, which has threatened to file suit against the desegregation plan and to petition the governor to throw out the plan and remove the five school board members who voted to pass it.

The board's plan, which has been accepted by the Department of Health, Education and Welfare, will integrate Fairmont Heights Senior and Mary Bethune Junior High Schools, both of which are all Negro, by busing about 700 students from the Bladensburg Senior and Kent Junior High schools.

AMERICAN EDUCATION WEEK

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 26, 1969

Mr. SCHWENGEL. Mr. Speaker, during the week of November 9–15, we observed American Education Week in this country. Dr. Harold M. Kaiser, superintendent of the Davenport Community School District, wrote a guest editorial in the Davenport Times-Democrat to mark the occasion. I would like to share his excellent editorial with my colleagues:

BETTER EDUCATION: YOUR JOB

(EDITOR'S NOTE:—The following is by Dr. Harold M. Kaiser, superintendent of the Davenport Community School District, in connection with American Education week, which begins Sunday.)

The theme for American Education Week this year is "Better Education: Your Job." During this week, every parent or other interested person has a special invitation to visit the schools and to become better acquainted with the total school program.

The teachers and other school personnel welcome this opportunity to acquaint the parents with the school situation and to focus interest on the main objective of educational concern: The individual student and his welfare.

The week is an appropriate time to express appreciation for commendable factors at work in the total school situation. The community has a sincere interest in the welfare of the public schools. This was clearly demonstrated

recently in the successful bond issue for additional school facilities.

The Board of Education has shown high integrity and a real devotion to the cause of education. The staff members have demonstrated competence and skill in their individual fields, and most of all, a genuine interest in the welfare of young people.

Staff members have recently increased their efforts toward involving the community in school and community problems. Saturday parent coffee hours, joint efforts in the surveillance of problems of young people off school property, the formation of student and parent human relation committees are examples of these innovations.

In addition, staff members are active in efforts to provide an enriched program for our school. This program includes orchestra, band and choral concerts, science fairs, athletic events, plays, school parties and dances, field trips, art exhibits, speech contests, school newspapers and other related school activities.

The large majority of our students make good use of the opportunities offered by our schools and they stand high in scholastic achievement. In comparison with schools in other large cities, our schools have a small number of disciplinary problems. This is probably due to a cooperative effort by students, parents, school staff and other community agencies.

A few of our students need increased efforts to become better school citizens. Recently, parents and community leaders did respond to a request for more help in protection of the right of students going to and from school. As a result of this joint effort, the situation has improved.

There will still be increased efforts to continue to provide an atmosphere at school in which students can learn and increased efforts to protect the rights and safety of all individuals. Parents must continue to encourage students to work up to their ability and develop traits of good citizenship in school and in the community.

While there always is a "generation gap," certain standards should prevail for all generations. High moral values, good conduct, fairness and concern and respect for others—these never go "out of style."

Those of us who work with youth know that they have high ideals and want to have an opportunity to explore—to find new solutions to old problems.

The schools make a strong effort to provide means by which students, under faculty guidance, can direct their concerns into wholesome activities and outlets which should make a better community.

The community must continue to help youth find better jobs, to aspire to better living conditions, and to provide for education of the individual to the maximum of his potential.

It takes the total cooperation of the school, the community, the home, the church, civil authorities and other community agencies to provide youth the best education and opportunities for using skills and talents.

HOUSE OF REPRESENTATIVES—*Monday, December 1, 1969*

The House met at 12 o'clock noon.

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

The Lord will give strength unto His people; the Lord will bless His people with peace.—Psalm 29: 11.

O Thou whose mercy is everlasting and whose truth endureth forever, direct us, we pray Thee, as we face the duties of another week. Grant unto us the wisdom of Thy wise spirit and the confidence of Thy creative mind that we may eagerly seek the best and the noblest in all things. Help us to be courageous when courage is needed, strong when strength is demanded, patient when patience is necessary, and kind when kindness is essential.

Bless our President, our Speaker, Members of Congress, and all who work with them. May they be strengthened by the assurance that Thy hand supports them as they endeavor to lead our country in the paths of righteousness and peace.

In Thy name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Wednesday, November 26, 1969, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 19. An act to reimburse certain persons for amounts contributed to the Department of the Interior.

S. 497. An act for the relief of the estate of Capt. John N. Laycock, U.S. Navy (retired);

S. 1678. An act for the relief of Robert C. Szabo; and

S. 3180. An act to adjust the salaries of judges in the government of the District of Columbia.

DISTRICT OF COLUMBIA CRIME PACKAGE

(Mr. MIZE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MIZE. Mr. Speaker, I want to talk today about one aspect of the administration's District of Columbia crime package—the proposed changes in the laws relating to juveniles.

The administration's basic court reorganization bill, which has been pending before this body for 3 months, would establish a new family division with jurisdiction, among other things, over delinquents. There would be no size limit to this division, as there is for the present juvenile court, so that the chief judge of the new superior court could assign as many judges as necessary to see that delinquents are tried promptly. This should take care of problems like the recent instance where four juveniles, still waiting for trial for armed robbery and out on release, committed another armed robbery while waiting for the juvenile court to act.

Even more important is the proposed change in the waiver law—useless under present court of appeals decisions. The new waiver provision would require the family division to waive any youth over 15 charged with a felony unless it affirmatively finds he can be rehabilitated in the juvenile system before the age of 21.

I am sure my colleagues are aware that juvenile crime is increasing throughout this country, but I wonder if they realize how bad it is in this city. In the last fiscal year there were 22 homicides committed by youths over 15 and 24 rapes. In the last 6 years robberies by those over 16 have increased 258 percent, grand larcenies by 106 percent, aggravated assaults by 91 percent. It is time we wake up to the fact that these are criminals, not children, and should be treated as such.

The problem is acute, Mr. Speaker. We must act in this session of Congress. We must pass the court reorganization and juvenile code now.

SWEARING IN OF MEMBER

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois, Mr. PHILIP M. CRANE, be permitted to take the oath of office today. His certificate of election has not arrived, but there is no contest, and no question has been raised with regard to his election.

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

There was no objection.

Mr. CRANE appeared at the bar of the House and took the oath of office.

NEW PROGRAM FOR STUDENT LOANS

(Mr. FUQUA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FUQUA. Mr. Speaker, today I am introducing a bill to amend the Higher Education Act of 1965, to increase the funds available to commercial lenders who make insured student loans under such act to students throughout the country.

A critical need for such loans has arisen, but the commercial lenders have been unable to meet this need because of the long-term nature of the loans. Under the present law, students can borrow from banks a limited sum to assist in their educational expense. After graduation, these loans are repaid.

The measure I propose would set up a central fund, created by the sale of bonds, from which banks may borrow up to 80 percent of the total amount of funds they have loaned to students under the insured student loan program of the Higher Education Act. The result would be twofold: First, it would make more money from more banks available to more de-