This continued raising of the levels of tolerability taken together with the extreme reluctance of official sources to so much as talk, let alone apply countermeasures, only shows how far we have come from the first report of the Federal Radiation Council which emphasized that "every effort should be made to encourage the maintenance of doses as far below" the guide limits as possible.

The Radiation Council has given particular attention, in its latest report, to the contamination of the Arctic food chain by fallout. The Council concedes the inapplicability of the new protective action guides to the continuing and increasing buildup of radionuclides in the food chain. Instead, the Council turns back to the radiation protection guides in evaluating the extent of the contamination—even though these were said in 1962 not to apply to fallout conditions.

Although the radiation protection guide sets a body burden of 3,000 nanocuries of cesium 137 as acceptable for an individual, it reduces substantially the amount allowed for population groups so as to allow for individual extremes within the group. The permissible dose of cesium 137 for population groups is 1,000 nanocuries. As we have seen, in the summer of 1964, the average body burden at Anaktuvuk of a carefully measured group of 40 people was 1,330 nanocuries. In spite of this, the Federal Radiation Council's latest report speaks of average doses for adults in this village as being less than one-third the radiation protection guide.

Certainly it is true that the year-round annual dose would be less than the summer measurement. Dose rates during the summer are thought to be at their highest. Measurements are now being taken on a quarterly basis and the July figures have always so far been the highest. Even so, it is difficult to see how the average annual dose could be as low as one-third the radiation protection guide as claimed by the Radiation Council. The Radiation Council also claims that the annual dose to individual Eskimos having the highest body burdens was slightly more than one-half the radiation protection guide of 3,000 nanocuries for individuals. It has been reported to me that the highest body burden found in July 1964 was 3,000 nanocuries. It is difficult to see how the year-round average for this man could be but one-half the radiation protection guide.

The Council, in its comments on the Alaska situation, does not say what should be done as Arctic rates climb. It does not say what the cumulative effect is of cesium and strontium doses.

The Council says only that:

> Surveillance and research programs examining the special ecological situations in the Arctic region (should) continue until future trends can be predicted with greater confidence.

This is not enough.

In an important speech on the Senate floor the junior Senator from New York [Mr. KENNEDY], recently said that at least 18 nations would be in a position to develop nuclear weapons within the next 3 years.

The history of nations makes clear that if a country can build a better bomb it will do so.

The history of treaties makes clear that sooner or later most are broken.

Although I pray that the test ban treaty will not be broken, it is important that we plan for such a contingency in public health terms as well as military terms.

There has not been been a major series of weapons tests in the atmosphere for 3 years. Even so, not all of the fallout released into the air has come to earth. The remaining poisons are still drifting about the skies settling to earth.

Last year no one expected the contamination rates in the Arctic to double as they did.

The year before no one expected that they would increase by 50 percent as they did.

Who can say what the levels will be this year or next year or the year after?

Who can say that the great powers will not resume their testing at some dreadful day in the future?

Who can say that all 18 or 28 or 128 nations will not begin weapons tests of their own?

We spend over $7 billion a year developing and perfecting our nuclear weapons and their delivery systems. This year we are spending but $20 million on radiological health. It is not enough.

We talk a great deal about pollution; pollution of our air, our water, and our land.

This is a pollution far more dangerous, far more important—the pollution of our inheritance, the mutation of our genes. The effects, both genetic and somatic, of radioactive fallout are so subtle and yet so vital that it is foolishness itself to continue our research efforts at their present penny ante level.

We must step up our research on radiation, especially in the Arctic.

We must step up our radiation monitoring and surveillance, especially in the Arctic.

We must step up our study of radiation countermeasures, especially in the Arctic.

And we must insist that the responsibility for the development of countermeasures and the research on the somatic and genetic effects of radiation exposure be separated completely, totally from the responsibility for the development of our nuclear armory. These responsibilities, the men and the money assigned to them, must be separated into independent and distinct agencies each with its own and sufficient scientific capability. Sound administrative and managerial reasons suggest such a separation. Sound humanitarian reasons require it.

## RECESS UNTIL 10 A.M. TOMORROW

Mr. HART. Mr. President, if there is no further business to be transacted, I move, in accordance with the order heretofore entered, that the Senate stand in recess until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 19 minutes p.m.) the Senate took a recess, under the order previously entered, until tomorrow, Wednesday, August 4, 1965, at 10 o'clock a.m.

## NOMINATIONS

Executive nominations received by the Senate, August 3, 1965:

IN THE MARINE CORPS

The following-named officers of the Marine Corps for temporary appointment to the grade of brigadier general, subject to qualification therefor as provided by law:

Wallace H. Robinson, Jr.
Virgil W. Banning
Earl E. Anderson
Michael P. Ryan
Frank E. Garretson

THE JUDICIARY

Edward M. McEntee, of Rhode Island, to be U.S. circuit judge, first circuit, vice Peter Woodbury, retired.

# HOUSE OF REPRESENTATIVES

## TUESDAY, AUGUST 3, 1965

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D. prefaced his prayer with these words of Scripture: Isaiah 32: 17: *The work of righteousness shall be peace and the effect of righteousness, quietness and assurance forever.*

Eternal God, our help in ages past, and our hope in years to come, we beseech Thee to have mercy upon mankind in its blindness and bitterness, its contention and confusion.

Fill us with a wise and just understanding, a brotherly kindness and love, and deliver humanity from the bondage of hatred and anger and fear, its spirit of rancor and revenge.

Temper the minds of men with some finer essence of forbearance and forgiveness and may we know how to rightly interpret the moral order of the world and Thy divine will for us.

Help us to reorder our thought and living so that reason, sanity, and good will shall prevail everywhere and may we believe that peace is not only possible but inevitable. Hear us in the name of the Prince of Peace. Amen.

## THE JOURNAL

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

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and a joint resolution of the House of the following titles:

On July 21, 1965:

H.R. 3638. An act for the relief of Robert O. Overton, Marjorie C. Overton, and Sally Eitel;

H.R. 5306. An act to continue the authority of domestic banks to pay interest on time deposits of foreign governments at rates differing from those applicable to domestic depositors; and

H.R. 7847. An act to amend the Small Business Act.

On July 24, 1965:

H.R. 225. An act to amend chapter 1 of title 38, United States Code, and incorporate therein specific statutory authority for the presidential memorial certificate program;

H.R. 4185. An act to fix the fees payable to the Patent Office, and for other purposes;

H.R. 5246. An act to amend sections 20a and 214 of the Interstate Commerce Act; and

H.R. 9497. An act to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1966.

On July 27, 1965:

H.R. 4526. An act to extend the provisions of title XII of the Merchant Marine Act, 1936, relating to war risk insurance, for an additional 5 years, ending September 7, 1970;

H.R. 5041. An act to provide for safety regulation of common carriers by pipeline under the jurisdiction of the Interstate Commerce Commission, and for other purposes;

H.R. 5242. An act to amend paragraph (10) of section 5 of the Interstate Commerce Act so as to change the basis for determining whether a proposed unification or acquisition of control comes within the exemption provided for by such paragraph; and

H.R. 8775. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1966, and for other purposes.

On July 28, 1965:

H.R. 3625. An act for the relief of Alfred Estrada.

On July 30, 1965:

H.R. 1217. An act for relief of Capt. Paul W. Oberdorfer;

H.R. 1374. An act for the relief of CWO Elden R. Comer;

H.R. 1487. An act for the relief of Maj. Kenneth F. Coykendall, U.S. Army;

H.R. 1889. An act for the relief of Albert Marks;

H.R. 2881. An act for the relief of George A. Grabert;

H.R. 2913. An act for the relief of Lt. Thomas A. Farrell, U.S. Navy, and others;

H.R. 6675. An act to provide a hospital insurance program for the aged under the Social Security Act with a supplementary medical benefits program and an expanded program of medical assistance, to increase benefits under the old-age, survivors, and disability insurance system, to improve the Federal-State public assistance programs, and for other purposes;

H.R. 8484. An act to amend section 2634 of title 10, United States Code, relating to the transportation of privately owned motor vehicles of members of the Armed Forces on a change of permanent station;

H.R. 8720. An act to amend the Organic Act of Guam to provide for the payment of legislative salaries and expenses by the government of Guam;

H.R. 8721. An act to amend the Revised Organic Act of the Virgin Islands to provide for the payment of legislative salaries and expenses by the government of the Virgin Islands; and

H.J. Res. 591. Joint resolution making continuing appropriations for the fiscal year 1966, and for other purposes.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees, with an amendment, to the amendments of the House to a bill of the Senate of the following title:

S. 893. An act to amend the act of June 19, 1935 (49 Stat. 388), as amended, relating to the Tlingit and Haida Indians of Alaska.

## VOTING RIGHTS

Mr. CELLER. Mr. Speaker, I call up the conference report on the bill (S. 1564) to enforce the 15th amendment to the Constitution of the United States, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (REPT. No. 711)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1564) to enforce the fifteenth amendment to the Constitution of the United States, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the substantive provisions of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: "That this Act shall be known as the 'Voting Rights Act of 1965'.

"SEC. 2. No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color.

"SEC. 3. (a) Whenever the Attorney General institutes a proceeding under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court shall authorize the appointment of Federal examiners by the United States Civil Service Commission in accordance with section 6 to serve for such period of time and for such political subdivisions as the court shall determine is appropriate to enforce the guarantees of the fifteenth amendment (1) as part of any interlocutory order if the court determines that the appointment of such examiners is necessary to enforce such guarantees or (2) as part of any final judgment if the court finds that violations of the fifteenth amendment justifying equitable relief have occurred in such State or subdivision: *Provided,* That the court need not authorize the appointment of examiners of any incidents of denial or abridgment of the right to vote on account of race or color (1) have been few in number and have been promptly and effectively corrected by State or local action, (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonable probability of their recurrence in the future.

"(b) If in a proceeding instituted by the Attorney General under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court finds that a test or device has been used for the purpose or with the effect of denying or abridging the right of any citizen of the United States to vote on account of race or color, it shall suspend the use of tests and devices in such State or political subdivisions as the court shall determine is appropriate and for such period as it deems necessary.

"(c) If in any proceeding instituted by the Attorney General under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court finds that violations of the fifteenth amendment justifying equitable relief have occurred within the territory of such State or political subdivision, the court, in addition to such relief as it may grant, shall retain jurisdiction for such period as it may deem appropriate and during such period no voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect at the time the proceeding was commenced shall be enforced unless and until the court finds that such qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color: *Provided,* That such qualification, prerequisite, standard, practice, or procedure may be enforced if the qualification, prerequisite, standard, practice, or procedure has been submitted by the chief legal officer or other appropriate official of such State or subdivision to the Attorney General and the Attorney General has not interposed an objection within sixty days after such submission, except that neither the court's finding nor the Attorney General's failure to object shall bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure.

"SEC. 4. (a) To assure that the right of citizens of the United States to vote is not denied or abridged on account of race or color, no citizen shall be denied the right to vote in any Federal, State, or local election because of his failure to comply with any test or device in any State with respect to which the determinations have been made under subsection (b) or in any political subdivision with respect to which such determinations have been made as a separate unit, unless the United States District Court for the District of Columbia in an action for a declaratory judgment brought by such State or subdivision against the United States has determined that no such test or device has been used during the five years preceding the filing of the action for the purpose or with the effect of denying or abridging the right to vote on account of race or color: *Provided,* That no such declaratory judgment shall issue with respect to any plaintiff for a period of five years after the entry of a final judgment of any court of the United States, other than the denial of a declaratory judgment under this section, whether entered prior to or after the enactment of this Act, determining that denials or abridgments of the right to vote on account of race or color through the use of such tests or devices have occurred anywhere in the territory of such plaintiff.

"An action pursuant to this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court. The court shall retain jurisdiction of any action pursuant to this subjection for five years after judgment and shall reopen the action upon motion of the Attorney General alleging that a test or device has been used for the purpose or with the effect of denying or abridging the right to vote on account of race or color.

"If the Attorney General determines that he has no reason to believe that any such test or device has been used during the five years preceding the filing of the action for the purpose or with the effect of denying or abridging the right to vote on account of race or color, he shall consent to the entry of such judgment.

"(b) The provisions of subsection (a) shall apply in any State or in any political subdivision of a State which (1) the Attorney General determines maintained on November 1, 1964, any test or device, and with respect to which (2) the Director of the Census determines that less than 50 per centum of the persons of voting age residing therein were registered on November 1, 1964, or that less than 50 per centum of such persons voted in the presidential election of November 1964.

"A determination or certification of the Attorney General or of the Director of the Census under this section or under section

6 or section 13 shall not be reviewable in any court and shall be effective upon publication in the Federal Register.

"(c) The phrase "test or device" shall means any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or interpret any matter, (2) demonstrate any educational achievement or his knowledge of any particular subject, (3) possess good moral character, or (4) prove his qualifications by the voucher of registered voters or members of any other class.

"(d) for purposes of this section no State or political subdivision shall be determined to have engaged in the use of tests or devices for the purpose or with the effect of denying or abridging the right to vote on account of race or color if (1) incidents of such use have been few in number and have been promptly and effectively corrected by State or local action, (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonably probability of their recurrence in the future.

"(e)(1) Congress hereby declares that to secure the rights under the fourteenth amendment of persons educated in American-flag schools in which the predominant classroom language was other than English, it is necessary to prohibit the States from conditioning the right to vote of such persons on ability to read, write, understand, or interpret any matter in the English language.

"(2) No person who demonstrates that he has successfully completed the sixth primary grade in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico in which the predominant classroom language was other than English, shall be denied the right to vote in any Federal, State, or local election because of his inability to read, write, understand, or interpret any matter in the English language, except that in States in which State law provides that a different level of education is presumptive of literacy, he shall demonstrate that he has successfully completed an equivalent level of education in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico in which the predominant classroom language was other than English.

"SEC. 5. Wherever a State or political subdivision with respect to which the prohibitions set forth in section 4(a) are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1964, such State or subdivision may institute an action in the United States District Court for the District of Columbia for a declaratory judgment that such qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not not have the effect of denying or abridging the right to vote on account of race or color, and unless and until the court enters such judgment no person shall be denied the right to vote for failure to comply with such qualification, prerequisite, standard, practice, or procedure: *Provided*, That such qualification, prerequisite, standard, practice, or procedure may be enforced without such proceeding if the qualification, prerequisite, standard, practice, or procedure has been submitted by the chief legal officer or other appropriate official of such State or subdivision to the Attorney General and the Attorney General has not interposed an objection within sixty days after such submission, except that neither the Attorney General's failure to object nor a declaratory judgment entered under this section shall bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure. Any action under this section shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court.

"SEC. 6. Whenever (a) a court has authorized the appointment of examiners pursuant to the provisions of section 3 (a), or (b) unless a declaratory judgment has been rendered under section 4(a), the Attorney General certifies with respect to any political subdivision named in, or included within the scope of, determinations made under section 4(b) that (1) he has received complaints in writing from twenty or more residents of such political subdivision alleging that they have been denied the right to vote under color of law on account of race or color, and that he believes such complaints to be meritorious, or (2) that in his judgment (considering, among other factors, whether the ratio of nonwhite persons to white persons registered to vote within such subdivision appears to him to be reasonably attributable to violations of the fifteenth amendment or whether substantial evidence exists that bona fide efforts are being made within such subdivision to comply with the fifteenth amendment), the appointment of examiners is otherwise necessary to enforce the guarantees of the fifteenth amendment, the Civil Service Commission shall appoint as many examiners for such subdivision as it may deem appropriate to prepare and maintain lists of persons eligible to vote in Federal, State, and local elections. Such examiners, hearing officers provided for in section 9(a), and other persons deemed necessary by the Commission to carry out the provisions and purposes of this Act shall be appointed, compensated, and separated without regard to the provisions of any statute administered by the Civil Service Commission, and service under this Act shall not be considered employment for the purposes of any statute administered by the Civil Service Commission, except the provisions of section 9 of the Act of August 2, 1939, as amended (5 U.S.C. 118i), prohibiting partisan political activity: *Provided*, That the Commission is authorized, after consulting the head of the appropriate department or agency, to designate suitable persons in the official service of the United States, with their consent, to serve in these positions. Examiners and hearing officers shall have the power to administer oaths.

"SEC. 7. (a) The examiners for each political subdivision shall, at such places as the Civil Service Commission shall by regulation designate, examine applicants concerning their qualifications for voting. An application to an examiner shall be in such form as the Commission may require and shall contain allegations that the applicant is not otherwise registered to vote.

"(b) Any person whom the examiner finds, in accordance with instructions received under section 9(b), to have the qualifications prescribed by State law not inconsistent with the Constitution and laws of the United States shall promptly be placed on a list of eligible voters. A challenge to such listing may be made in accordance with section 9(a) and shall not be the basis for a prosecution under section 12 of this Act. The examiner shall certify and transmit such list, and any supplements as appropriate, at least once a month, to the offices of the appropriate election officials, with copies to the Attorney General and the attorney general of the State, and any such lists and supplements thereto transmitted during the month shall be available for public inspection on the last business day of the month and in any event not later than the forty-fifth day prior to any election. The appropriate State or local election official shall place such names on the official voting list. Any person whose name appears on the examiner's list shall be entitled and allowed to vote in the election district of his residence unless and until the appropriate election officials shall have been notified that such person has been removed from such list in accordance with subsection (d): *Provided*, That no person shall be entitled to vote in any election by virtue of this Act unless his name shall have been certified and transmitted on such a list to the offices of the appropriate election officials at least forty-five days prior to such election.

"(c) The examiner shall issue to each person whose name appears on such a list a certificate evidencing his eligibility to vote.

"(d) A person whose name appears on such a list shall be removed therefrom by an examiner if (1) such person has been successfully challenged in accordance with the procedure prescribed in section 9, or (2) he has been determined by an examiner to have lost his eligibility to vote under State law not inconsistent with the Constitution and the laws of the United States.

"SEC. 8. Whenever an examiner is serving under this Act in any political subdivision, the Civil Service Commission may assign, at the request of the Attorney General, one or more persons, who may be officers of the United States, (1) to enter and attend at any place for holding an election in such subdivision for the purpose of observing whether persons who are entitled to vote are being permitted to vote, and (2) to enter and attend at any place for tabulating the votes cast at any election held in such subdivision for the purpose of observing whether votes cast by persons entitled to vote are being properly tabulated. Such persons so assigned shall report to an examiner appointed for such political subdivision, to the Attorney General, and if the appointment of examiners has been authorized pursuant to section 3(a), to the court.

"SEC. 9. (a) Any challenge to a listing on an eligibility list prepared by an examiner shall be heard and determined by a hearing officer appointed by and responsible to the Civil Service Commission and under such rules as the Commission shall by regulation prescribe. Such challenge shall be entertained only if filed at such office within the State as the Civil Service Commission shall by regulation designate, and within ten days after the listing of the challenged person is made available for public inspection, and if supported by (1) the affidavits of at least two persons having personal knowledge of the facts constituting grounds for the challenge, and (2) a certification that a copy of the challenge and affidavits have been served by mail or in person upon the person challenged at his place of residence set out in the application. Such challenge shall be determined within fifteen days after it has been filed. A petition for review of the decision of the hearing officer may be filed in the United States court of appeals for the circuit in which the person challenged resides within fifteen days after service of such decision by mail on the person petitioning for review but no decision of a hearing officer shall be reversed unless clearly erroneous. Any person listed shall be entitled and allowed to vote pending final determination by the hearing officer and by the court.

"(b) The times, places, procedures, and form for application and listing pursuant to this Act and removals from the eligibility lists shall be prescribed by regulations promulgated by the Civil Service Commission and the Commission shall, after consultation with the Attorney General, instruct examiners concerning applicable State law not inconsistent with the Constitution and laws of the United States with respect to (1) the qualifications required for listing, and (2) loss of eligibility to vote.

"(c) Upon the request of the applicant or the challenger or on its own motion the

Civil Service Commission shall have the power to require by subpena the attendance and testimony of witnesses and the production of documentary evidence relating to any matter pending before it under the authority of this section. In case of contumacy or refusal to obey a subpena, any district court of the United States or the United States court of any territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of service of process, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a hearing officer, there to produce pertinent, relevant, and nonprivileged documentary evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

"SEC. 10. (a) The Congress finds that the requirement of the payment of a poll tax as a precondition to voting (i) precludes persons of limited means from voting or imposes unreasonable financial hardship upon such persons as a precondition to their exercise of the franchise, (ii) does not bear a reasonable relationship to any legitimate state interest in the conduct of elections, and (iii) in some areas has the purpose or effect of denying persons the right to vote because of race or color. Upon the basis of these findings, Congress declares that the constitutional right of citizens to vote is denied or abridged in some areas by the requirement of the payment of a poll tax as a precondition to voting.

"(b) In the exercise of the powers of Congress under Section 5 of the Fourteenth Amendment and Section 2 of the Fifteenth Amendment, the Attorney General is authorized and directed to institute forthwith in the name of the United States such actions, including actions against states or political subdivisions, for declaratory judgment or injunctive relief against the enforcement of any requirement of the payment of a poll tax as a precondition to voting, or substitute therefor enacted after November 1, 1964, as will be necessary to implement the declaration of subsection (a) and the purposes of this section.

"(c) The district courts of the United States shall have jurisdiction of such actions which shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

"(d) During the pendency of such actions, and thereafter if the courts, notwithstanding this action by the Congress, should declare the requirement of the payment of a poll tax to be constitutional, no citizen of the United States who is a resident of a State or political subdivision with respect to which determinations have been made under subsection 4(b) and a declaratory judgment has not been entered under subsection 4(a), during the first year he becomes otherwise entitled to vote by reason of registration by State or local officials or listing by an examiner, shall be denied the right to vote for failure to pay a poll tax if he tenders payment of such tax for the current year to an examiner or to the appropriate State or local official at least forty-five days prior to election, whether or not such tender would be timely or adequate under State law. An examiner shall have authority to accept such payment from any person authorized by this Act to make an application for listing, and shall issue a receipt for such payment. The examiner shall transmit promptly any such poll tax payment to the office of the State or local official authorized to receive such payment under State law, together with the name and address of the applicant.

"SEC. 11. (a) No person acting under color of law shall fail or refuse to permit any person to vote who is entitled to vote under any provision of this Act or is otherwise qualified to vote, or willfully fail or refuse to tabulate, count, and report such person's vote.

"(b) No person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for voting or attempting to vote, or intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for urging or aiding any person to vote or attempt to vote, or intimidate, threaten, or coerce any person for exercising any powers or duties under section 3(a), 6, 8, 9, 10, or 12(e).

"(c) Whoever knowingly or willfully gives false information as to his name, address, or period of residence in the voting district for the purpose of establishing his eligibility to register or vote, or conspires with another individual for the purpose of encouraging his false registration to vote or illegal voting, or pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than $10,000 or imprisoned not more than five years, or both: *Provided, however*, That this provision shall be applicable only to general, special, or primary elections held solely or in part for the purpose of selecting or electing any candidate for the office of President, Vice President, presidential elector, Member of the United States Senate, Member of the United States House of Representatives, or Delegates or Commissioners from the territories or possessions, or Resident Commissioner of the Commonwealth of Puerto Rico.

"(d) Whoever, in any matter within the jurisdiction of an examiner or hearing officer knowingly and willfully falsifies or conceals a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

"SEC. 12. (a) Whoever shall deprive or attempt to deprive any person of any right secured by section 2, 3, 4, 5, 7, or 10 or shall violate section 11 (a) or (b), shall be fined not more than $5,000, or imprisoned not more than five years, or both.

"(b) Whoever, within a year following an election in a political subdivision in which an examiner has been appointed (1) destroys, defaces, mutilates, or otherwise alters the marking of a paper ballot which has been cast in such election, or (2) alters any official record of voting in such election tabulated from a voting machine or otherwise, shall be fined not more than $5,000, or imprisoned not more than five years, or both.

"(c) Whoever conspires to violate the provisions of subsection (a) or (b) of this section, or interferes with any right secured by section 2, 3, 4, 5, 7, 10, or 11 (a) or (b) shall be fined not more than $5,000, or imprisoned not more than five years, or both.

"(d) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice prohibited by section 2, 3, 4, 5, 7, 10, 11, or subsection (b) of this section, the Attorney General may institute for the United States, or in the name of the United States, an action for preventive relief, including an application for a temporary or permanent injunction, restraining order, or other order, and including an order directed to the State and State or local election officials to require them (1) to permit persons listed under this Act to vote and (2) to count such votes.

"(e) Whenever in any political subdivision in which there are examiners appointed pursuant to this Act, any persons allege to such an examiner within forty-eight hours after the closing of the polls that notwithstanding (1) their listing under this Act or registration by an appropriate election official and (2) their eligibility to vote, they have not been permitted to vote in such election, the examiner shall forthwith notify the Attorney General if such allegations in his opinion appear to be well founded. Upon receipt of such notification, the Attorney General may forthwith file with the district court an application for an order providing for the marking, casting, and counting of the ballots of such persons and requiring the inclusion of their votes in the total vote before the results of such election shall be deemed final and any force or effect given thereto. The district court shall hear and determine such matters immediately after the filing of such application. The remedy provided in this subsection shall not preclude any remedy available under State or Federal law.

"(f) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether a person asserting rights under the provisions of this Act shall have exhausted any administrative or other remedies that may be provided by law.

"SEC. 13. Listing procedures shall be terminated in any political subdivision of any State (a) with respect to examiners appointed pursuant to clause (b) of section 6 whenever the Attorney General notifies the Civil Service Commission, or whenever the District Court for the District of Columbia determines in an action for declaratory judgment brought by any political subdivision with respect to which the Director of the Census has determined that more than 50 per centum of the nonwhite persons of voting age residing therein are registered to vote, (1) that all persons listed by an examiner for such subdivision have been placed on the appropriate voting registration roll, and (2) that there is no longer reasonable cause to believe that persons will be deprived of or denied the right to vote on account of race or color in such subdivision, and (b), with respect to examiners appointed pursuant to section 3(a), upon order of the authorizing court. A political subdivision may petition the Attorney General for the termination of listing procedures under clause (a) of this section, and may petition the Attorney General to request the Director of the Census to take such survey or census as may be appropriate for the making of the determination provided for in this section. The District Court for the District of Columbia shall have jurisdiction to require such survey or census to be made by the Director of the Census and it shall require him to do so if it deems the Attorney General's refusal to request such survey or census to be arbitrary or unreasonable.

"SEC. 14. (a) All cases of criminal contempt arising under the provisions of this Act shall be governed by section 151 of the Civil Rights Act of 1957 (42 U.S.C. 1995).

"(b) No court other than the District Court for the District of Columbia or a court of appeals in any proceeding under section 9 shall have jurisdiction to issue any declaratory judgment pursuant to section 4 or section 5 or any restraining order or temporary or permanent injunction against the execution or enforcement of any provision of this Act or any action of any Federal officer or employee pursuant hereto.

"(c)(1) The term 'vote' or 'voting' shall include all action necessary to make a vote effective in any primary, special, or general

election, including, but not limited to, registration, listing pursuant to this Act, or other action required by law prerequisite to voting, casting a ballot, and having such ballot counted properly and included in the appropriate totals of votes cast with respect to candidates for public or party office and propositions for which votes are received in an election.

"(2) The term 'political subdivision' shall mean any county or parish, except that where registration for voting is not conducted under the supervision of a county or parish, the term shall include any other subdivision of a State which conducts registration for voting.

"(d) In any action for a declaratory judgment brought pursuant to section 4 or section 5 of this Act, subpenas for witnesses who are required to attend the District Court for the District of Columbia may be served in any judicial district of the United States: *Provided*, That no writ of subpena shall issue for witnesses without the District of Columbia at a greater distance than one hundred miles from the place of holding court without the permission of the District Court for the District of Columbia being first had upon proper application and cause shown.

"SEC. 15. Section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), and amended by section 601 of the Civil Rights Act of 1960 (74 Stat. 90), and as further amended by section 101 of the Civil Rights Act of 1964 (78 Stat. 241), is further amended as follows:

"(a) Delete the word 'Federal' wherever it appears in subsections (a) and (c);

"(b) Repeal subsection (f) and designate the present subsections (g) and (h) as (f) and (g), respectively.

"SEC. 16. The Attorney General and the Secretary of Defense, jointly, shall make a full and complete study to determine whether, under the laws or practices of any State or States, there are preconditions to voting, which might tend to result in discrimination against citizens serving in the Armed Forces of the United States seeking to vote. Such officials shall, jointly, make a report to the Congress not later than June 30, 1966, containing the results of such study, together with a list of any States in which such preconditions exist, and shall include in such report such recommendations for legislation as they deem advisable to prevent discrimination in voting against citizens serving in the Armed Forces of the United States.

"SEC. 17. Nothing in this Act shall be construed to deny, impair, or otherwise adversely affect the right to vote of any person registered to vote under the law of any State or political subdivision.

"SEC. 18. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

"SEC. 19. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby."

And the House agree to the same.

The House recede from its amendment to the title of the bill and agree to the same.

EMANUEL CELLER,
PETER W. RODINO, Jr.,
BYRON G. ROGERS,
HAROLD D. DONOHUE,
WILLIAM M. MCCULLOCH,
WILLIAM C. CRAMER,
*Managers on the Part of the House.*

THOMAS J. DODD,
PHILIP A. HART,
EDWARD V. LONG,
EVERETT M. DIRKSEN,
ROMAN L. HRUSKA,
*Managers on the Part of the Senate.*

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the Senate bill (S. 1564) to enforce the 15th amendment to the Constitution of the United States, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report.

The House passed H.R. 6400 and then substituted the provisions it had adopted by striking out all after the enacting clause and inserting all of its provisions in S. 1564. The Senate insisted upon its version and requested a conference; the House then agreed to the conference. The House also amended the title of the bill, which was not necessary.

The conference report recommends that the Senate recede from its disagreement to the House amendment to the substantive provisions of the bill and agree to the same with an amendment, the amendment being to insert in lieu of the matter inserted by the House amendment the matter agreed to by the conferees, and that the House agree thereto.

The House recedes from its amendment to the title and agrees to the Senate version.

The conference report contains substantially the language of the House amendments with certain exceptions which are explained below.

Sections 1 and 2 of the House and Senate bills were not in disagreement.

Section 3 differed in the House and Senate bills in several respects:

(a) The Senate version authorizes a court to suspend all tests and devices rather than only the particular test found to have been administered discriminatorily. The House version authorizes suspension only of such test or device found to have been used to discriminate. The conference report adopts the Senate version.

(b) The House bill, but not the Senate bill, provides for suspension of tests and devices where such tests or devices have been used for the purpose "or with the effect" of discriminating. The House version was adopted.

(c) The conference report adopts the House version which does not qualify, as the Senate bill does, the duration of suspension of tests or devices.

(d) The House version respecting the court-imposed moratorium on new voting laws was adopted in lieu of the Senate provision requiring that the court order the submission of new voting laws to the Attorney General.

(e) The conference report adopts the language of the Senate bill providing that a declaratory judgment approving the use of a new voting requirement will not bar a subsequent lawsuit to enjoin the use of such a requirement.

With these exceptions and a minor clarification, the conference report adopts the House version of section 3.

Section 4 of the House and Senate bills differed in two important respects, namely, the so-called escape provision (sec. 4(a), and the formula for automatic suspension of tests and devices (sec. 4(b)). The Senate bill suspends tests and devices until (1) the effects of discrimination have been effectively corrected, and (2) there is no reasonable cause to believe that any test or device will be used for the purpose or with the effect of discriminating. The House bill establishes an absolute bar to the lifting of the suspension of tests and devices for 5 years after the entry of a judgment finding that discrimination had occurred within the territory of the State or subdivision. The Senate receded, and the conference report adopts the language of the House bill with a technical amendment.

The formula for suspending tests or devices contained in the House bill requires that there shall have been a test or device in use in November 1964 and that fewer than 50 percent of the voting age population voted or were registered in the presidential election of 1964. The Senate version adds the requirement that 20 percent of the population shall have been nonwhite according to the 1960 census. In addition, the Senate version alternatively provides that where less than 25 percent of the nonwhite population in any State or subdivision are registered to vote, tests or devices are suspended. The Senate receded, and the conference report adopts the language of the House bill with a minor technical change.

Section 4(c) of the House and Senate bills was not in disagreement.

Section 4(d) of the House and Senate bills is substantially identical except for a grammatical difference. The conference report adopts the House version.

Section 4(e) of the Senate bill has no equivalent in the House bill. It allows a prospective voter to qualify with respect to literacy, without taking a literacy test, by demonstrating that he has completed the sixth grade, or whatever grade the State requires, in a school under the American flag conducted in a language other than English. The conference report adopts this provision.

Section 5 of the House bill is similar to the Senate bill, except that the Senate version provides that a declaratory judgment approving the use of a new voting requirement will not bar a subsequent lawsuit to enjoin the use of such a requirement. The conference report adopts the House version with a clarifying amendment and with the Senate provision described above.

Section 6 of the House and Senate bills is substantially identical. The Senate bill requires, however, that examiners shall "to the extent practicable be residents" of the State in which they are to serve. The Senate receded and the conference report adopts the language of the House version of section 6 with a clarifying amendment.

Section 7(a) of the House and Senate bills differs in that the Senate bill permits the Attorney General to require that an applicant for listing allege that he had applied for registration to the State registrar within the preceding 90 days. The conference report adopts the House version, omitting the Senate provision.

Section 7(b) of the House version is retained in the conference report except that the Senate provision requiring State or local officials to place the names of listed persons on the official voting list is adopted. Additional clarifying language contained in the Senate version is added to sections 7 (a) and (b) in the conference report.

Section 7 (c) and (d) of the House and Senate bills were not in disagreement.

Section 8 of the House bill and section 10 of the Senate bill relate to the appointment of election observers. The Senate version provides for both judicial, as well as administrative, appointments of observers. The House version provides only for administrative appointment. In addition, the Senate version provides for administrative appointment of observers by the Attorney General, while the House version empowers the Civil Service Commission to assign such persons. In the conference report, both the House and the Senate agree to language incorporating certain requirements of both bills. Thus, the Senate receded from the provision for judicial appointment of observers, and the House provision authorizing appointment of observers by the Civil Service Commission was adopted.

Except for technical differences, section 9 of the House bill and its equivalent, section 8 of the Senate bill, are identical. The conference report adopts the House version of

section 9 with certain clarifying language contained in the Senate bill.

Section 10 of the House bill is the equivalent of section 9 of the Senate bill. The House bill contains a ban on poll taxes. The Senate bill directs the Attorney General to sue to invalidate the poll tax in States where the tax has the purpose or effect of denying or abridging the right to vote. Both the House and the Senate receded from the poll tax provision in their respective bills. The conference report adopts a substitute provision which rephrases the findings of Congress in subsection (a) and contains a congressional declaration that by the requirement of the payment of a poll tax the right of citizens to vote is denied or abridged, and makes clear, in subsection (b), that the Congress is acting under the authority of section 5 of the 14th amendment and section 2 of the 15th amendment to the Constitution. The remaining subsections (c) and (d) are practically identical to the Senate version.

Section 11(a) of the Senate and House bills prohibits denials of the right to vote with respect to those who are entitled to vote under the Act. In addition, the House bill prohibits denials of the right to vote to persons who are "otherwise qualified to vote." The Senate receded and the conference report adopts the language of the House bill.

Section 11(b) of the House bill prohibits, whereas the Senate bill does not, intimidation of a person "for urging or aiding" any person to vote. The Senate receded and the conference report adopts the House version with the addition of certain clarifying language.

Section 11(c) of the House bill is the equivalent of section 14(d) of the Senate bill. The two versions are substantially identical. The conference report adopts section 11(c) in the House bill with an amendment to include the election of the Resident Commissioner of the Commonwealth of Puerto Rico within the scope of the section.

Section 11(d) of the conference report contains the language of section 14(d) of the House bill prohibiting false or fraudulent statements to an examiner or hearing officer. There was no equivalent provision in the Senate bill.

Sections 12 (a), (b), and (c) of the House and Senate bills, providing penalties for violations of the act, are identical except that in sections 12 (a) and (c) the Senate version applies to deprivations or conspiracies done "willfully and knowingly". In section 12(b), the Senate version applies to prohibited activities committed "fraudulently". The House version contains no similar qualifications. The Senate receded and the conference report adopts the House version of sections 12 (a), (b), and (c) together with certain technical and clarifying amendments.

Section 12(d) in the House and Senate bills was not in disagreement.

Section 12(e) in the House and Senate bills differs in several respects:

(a) Under the Senate version the time limit for an allegation to an examiner of denial of the right to vote is 24 hours; under the House version it is 48 hours. The Senate receded, and the conference report adopts the House version.

(b) A report by the examiner (if the allegation is well founded) is to be made to the U.S. attorney under the Senate version; it is to be made to the Attorney General under the House version. The Senate receded, and the conference report adopts the House version.

(c) Under the Senate version, application to the court must be made within 72 hours by the Attorney General rather than "forthwith" as in the House version. The Senate receded, and the conference report adopts the House version.

(d) Under the House version, the court is required to issue an order temporarily restraining the issuance of any certificate of election prior to a hearing on the merits. The related Senate provision leaves the court discretion to stay election results. The House receded and in lieu of the two-step proceeding contained in the House version, the conference report adopts the Senate language providing for a single proceeding wherein a court would retain the discretionary power to hold election results in abeyance. The conference report also adopts certain grammatical differences contained in the Senate version of section 12(e).

Section 12(f) in the House and Senate bills was not in disagreement.

Section 13 of the House and Senate bills both provide for the removal of examiners and termination of listing procedures by petition to the Attorney General, or to the authorizing court with respect to examiners appointed under section 3(a). In addition, the Senate version permits a political subdivision to seek, through court action in the District Court for the District of Columbia, the termination of listing procedures when more than 50 percent of the nonwhite voting age population is registered, and (1) all persons listed have been placed on the appropriate voting list, and (2) there is no reasonable cause to believe that there will be denials of the right to vote. The conference report adopts the additional Senate provision with certain technical amendments.

Section 14 of the House and Senate bills was not in substantial disagreement. The conference report adopts certain clarifying language in sections 14 (b) and (c) contained in the Senate version. Section 14(c)(1) of the House bill includes as part of the definition of "vote," whereas the Senate bill does not, voting in elections for candidates for "party" office. The Senate receded and the conference report adopts the House version. In addition, section 14(e) of the Senate version, permitting the District Court for the District of Columbia to issue subpenas beyond the 100-mile limit, for which there was no equivalent provision in the House bill, was adopted in the conference report. Except for these additions from the Senate version, the conference report adopts the House version of section 14.

There is no equivalent in the Senate bill to the House version of section 15. This section amends title I of the Civil Rights Act of 1964 by striking out all limiting references therein to "Federal" elections. The Senate receded and the conference report adopts the House provision.

There is no equivalent in the House bill to the Senate version of section 16. This section provides for a joint study by the Attorney General and the Secretary of Defense of voting discrimination against members of the armed forces. The House receded and the conference report adopts the Senate provision.

Section 16 of the House bill which provides that nothing in the Act should be construed to impair the right to vote of any person registered under the law of any State or political subdivision has no equivalent in the Senate bill. The conference report adopts this provision, renumbered as section 17.

Section 17 of the House bill is the equivalent of section 15 of the Senate bill. They provide for appropriations. Section 18 of the House bill is equivalent to section 17 of the Senate bill and they provide for severability. These provisions were not in disagreement. They have been renumbered sections 18 and 19, respectively, in the conference report.

Section 18 of the Senate bill provides a temporary exemption from the appointment of examiners and is related to the alternative formula contained in section 4(b) of the Senate bill which the conference report does not adopt. It has no equivalent in the House bill. The Senate receded and the conference report omits this provision.

EMANUEL CELLER,
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WILLIAM C. CRAMER,
*Managers on the Part of the House.*

## CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 217]

| | | |
|---|---|---|
| Ashley | Holifield | Powell |
| Battin | Hosmer | Rivers, Alaska |
| Berry | Jones, Mo. | Roncalio |
| Bingham | Keogh | Taylor |
| Bonner | Laird | Toll |
| Cabell | Lindsay | Vanik |
| Cahill | Long, Md. | Walker, Miss. |
| Callan | McMillan | Watts |
| Carey | Martin, Mass. | Williams |
| Colmer | Morgan | Wright |
| Fraser | Morton | |
| Green, Oreg. | Nelsen | |

The SPEAKER. On this rollcall 401 Members have answered to their names, a quorum.

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

## MILITARY CONSTRUCTION AUTHORIZATION, FISCAL YEAR 1966

Mr. RIVERS of South Carolina submitted a conference report and statement on the bill (H.R. 8439) to authorize certain construction at military installations, and for other purposes.

## VOTING RIGHTS

Mr. CELLER. Mr. Speaker, I yield 30 minutes of my time to the gentleman from Ohio [Mr. MCCULLOCH].

Mr. MCCULLOCH. Mr. Speaker, I thank the gentleman.

Mr. CELLER. Mr. Speaker, one of the more arduous tasks in Congress is that of a conferee. He must seek to reconcile differences in the bill as passed by both Houses. He must try reasonably to preserve the position taken of the Chamber he represents—but only up to a certain point. He dare not persist in such a way as to bring disbandonment of the conference, and thus inaction. Stalemate, to be resolved, ofttimes requires parry and thrust, give and take—in short, compromise.

The conferees met numerous times. The differences were many, wide, and deep. Mutual concession was essential otherwise there would have been no report and there would have been no bill.

Edmund Burke said in his speech on conciliation with the colonies:

> All government, indeed every human benefit and enjoyment, every virtue and every prudent act, is founded on compromise and barter.

So, Mr. Speaker, we compromised. This report is the result of compromise.

In view of the crisis impending on civil rights and the need to act promptly so that the Federal Government be empowered to set up machinery to enable nonwhites to register and to be free to vote in any election, and because the bill represents a long overdue movement toward genuine democracy, we found it prudent to compromise. In the language of President Johnson, we came to a consensus. The alternative would have been failure.

Some may object to some provisions of the conference report. It is exceedingly difficult to undertake to please everyone—try to please all, and you please none. The members of the conference committee on the House side got much of that which we sought. We had to yield, of course, in some instances.

We prevailed, for example, with reference to the "triggering" formula, a very important provision in the bill. The other body differed with us in that regard. The conference report adopts the House formula for suspending tests and devices, namely, that there was a test or device in use in November 1964, and that fewer than 50 percent of the population of voting age voted in the presidential election of 1964. The Senate version which added the requirement that 20 percent of the population be nonwhite was not adopted.

In addition, the Senate version containing an alternative method for suspending tests or devices, namely, that less than 25 percent of the nonwhite population was registered, also was not adopted. I would say that that was a very decided victory for the conferees on the part of the House.

As to the escape provisions of the bill. The conference report adopted the House version of the escape provision which requires a 5-year cooling off period. The House version sets up a bar to the lifting of the suspension of tests or devices for 5 years after the entry of a judgment finding that discrimination had occurred within the State or political subdivision covered under the formula.

The Senate version had a much weaker provision in this regard. The House conferees felt that a number of these States had been derelict in this regard for almost 100 years and it was essential that a reasonable period be set up for redemption, as it were; and 5 years, the conferees all agreed, was reasonable. That again was a victory for the House conferees.

Both the House and Senate bill prohibit denials of the right to vote with respect to those who are entitled to vote under the act.

In addition, the conference report adopted the House version prohibiting denials of the right to vote to persons "otherwise qualified to vote." The Senate version did not extend this protection. In other words, if a person is registered to vote under State law, his right to vote is protected under Federal law from denials by State officials. The conference report adopts the House version prohibiting intimidation of a person for urging or aiding any person to vote. The Senate bill did not contain this protection for registration workers. This is a highly important provision and the House side prevailed in that regard.

As to the so-called 90-day requirement, the conference report adopts the House version.

The conference report adopts the House version by omitting any authority for the Attorney General to require that an applicant for registration before a Federal examiner allege that he had applied for registration to a State registrar within the preceding 90 days. In other words, we do not compel the nonwhite to go back to the source which originally denied him the right to register or to vote. That would be placing him under obloquy once more. We believed it would be wrong thus to denigrate further the nonwhite.

The residence of examiners: The conference report adopts the House version and omits any requirement or preference that Federal examiners be residents of the State in which they are to serve. This matter is left to the discretion of the Civil Service Commission as provided in the House bill. We felt that if there were a command or preference that the examiners be residents of the State where they are to serve, they, taking on the color of their surroundings, might repeat what the State officials had done and thus perpetuate the mischief we are trying to eliminate. Thus we leave it to the Civil Service Commission, a nonpartisan body, a fair body, to determine whether or not the examiners shall or shall not be residents of the States where they are to serve, depending upon conditions to be determined by the Civil Service Commission.

Pockets of discrimination, section 3: The conference report adopts the House version respecting preclearance of new voting laws in lieu of the Senate provision requiring the court to order the submission of new voting laws to the Attorney General. The House version automatically provides for the submission of new laws to the Attorney General.

The conference report adopts, however, the Senate version authorizing a court to suspend all tests and devices rather than only the particular test or device found by the court in section 3 to have been discriminatorily administered. The House bill in this regard was more restricted, and we accepted the Senate provision.

Under section 4, of course, Members know all tests and devices are automatically suspended.

Party office: The conference report adopted the House definition of "vote," which includes voting in elections for candidates for "party" as well as public office.

"Willfully and knowingly" and "fraudulently": The conference report adopts the sanction provisions of the House bill without the qualifying and limiting phrases, "willfully and knowingly" and "fraudulently," which were contained in the Senate bill. These terms of the Senate bill would have hindered adequate enforcement of the measure.

The conference report provides, in accordance with the recommendation of the House conferees and the House bill, that the voting rights provisions of the 1964 Civil Rights Act be amended to make it apply to State and local as well as Federal elections.

The observer section: Observers are to be appointed by the Civil Service Commission as in the House version and not, as the Senate had it, by the Attorney General.

The so-called Puerto Rican amendment: The conference report adopts the Senate provision, for which there was no equivalent in the House bill. It allows a prospective voter to qualify with respect to literacy, without taking a literacy test, by demonstrating that he has completed the sixth grade, or whatever grade the States require, in a school under the American flag conducted in a language other than English. It is interesting to note that approximately 30 States have no literacy test.

Therefore, in general there is no requirement for the knowledge of English. In adopting this provision, which is firmly grounded in the equal protection clause of the 14th amendment, Congress would be finding that it is an arbitrary classification for a State to refuse to accept the American flag education of one of its citizens as evidence of his qualification to participate in the voting process.

The poll tax substitute provision: The conference report adopts the substitute poll tax provision which rephrases the findings of Congress and contains a congressional declaration that by the requirement of the payment of a poll tax the right of a citizen to vote is denied or abridged. This provision also contains the clear statement that the Congress is acting under the authority of section 5 of the 14th amendment and section 2 of the 15th amendment to the Constitution. Subsections (c) and (d) of this provision are practically identical to the Senate version except subsection (d) in the conference report provides—and this is very important—that tender of a poll tax for the current year, up to 45 days before an election, to the appropriate State or local officials—or, to a Federal examiner—in an area covered by the formula will satisfy poll tax requirements during the pendency of lawsuits to invalidate the poll tax.

Now, that means just this: During the pendency of a suit brought by the Attorney General, and thereafter for a period of times, where the court renders a decision that the poll tax is constitutional, then any individual, particularly a nonwhite, would not be deprived of his right to vote if he has paid his poll tax 45 days before the election for the current year. He would not have to pay any cumulative tax. Some States provide that the poll tax must be paid in January preceding the election. Other States have other onerous provisions with reference to the time of paying a poll tax. However, here we provide that if he pays his poll tax 45 days before the election, he shall have the right to vote.

The so-called Long-Boggs amendment: Both the House and Senate bills provide

for the removal of examiners by petition to the Attorney General or to the authorizing court with respect to examiners appointed under section 3(a). In other words, both the House and Senate bills provided for removal of examiners. The conference report adds and adopts the additional Senate provision which permits a political subdivision to seek through court action in the District Court for the District of Columbia the removal of examiners when more than 50 percent of the nonwhite voting age population is registered and, in addition, first, all persons listed have been placed on the appropriate voting list and second, there is no reasonable cause to believe that there will be denials of the right to vote.

This provision does not affect the so-called automatic trigger. It does not stay the operation of the bill. It does not prevent the appointment of examiners. It comes into play only after the examiners have been appointed. In the House version examiners could be removed from the political subdivision by the Attorney General or by the court when you have two conditions present:

First. All persons listed have been placed on the appropriate voting list.

Second. There is no reasonable cause to believe there will be denial of the right to vote.

We add another way to terminate listing procedures under the bill. Access is provided to the political subdivision in question to the court of the District of Columbia where a minimum of 50 percent of the nonwhites have been registered and those two provisions that I have just read are established to the satisfaction of the court.

So that in general I would say, as I said before, we have a very strong bill. We have an adequate bill. We have a bill we may well be proud of. Of course, we did not get everything that we hoped for. You cannot get everything you hope for when you deal with the other body or when the other body deals with us. As I said before, it was a case of give and take, weighing the equities against the inequities, weighing the give as against the take. I think we got more out of the conference than the Senate conferees got out of it. For all these reasons I do hope the conference report will be overwhelmingly adopted.

Mr. McCULLOCH. Mr. Speaker I listened as best I could to the distinguished chairman of the Judiciary Committee in his summary report of the activities and final decision of the conference committee, and I wish to compliment him on the accuracy of his report.

Mr. Speaker, I joined in signing the conference committee report, but I did so with some reluctance and with much regret.

Mr. Speaker, I do not like to engage in a discussion of who has done what and who has been most helpful in writing civil rights legislation in the United States. But in view of what has been said in some high places, I think it is proper to say a few accurate words for the record. There have been few, if any Members of Congress who have given more of their time and ability to this question that the Member from the Fourth Congressional District of Ohio. I am content to let the record tell the story.

Mr. Speaker, one of the things in the conference committee report of which I have misgivings is that provision which nullifies or seeks to nullify by statute a qualification to vote enacted by the State of New York, and which has been on the statute books of that State for more than 40 years. That qualification in the New York law requires a voting citizen in New York to be able to read and write English. Mr. Speaker, this is an English-speaking Nation. Mr. Speaker, English is the official language of our country. I ask the Members of the House and I ask the people of this country, what is wrong with a law requiring citizens to read and write English, before being eligible to vote, when such law is never used to deny or abridge the right to vote by reason of race or color?

Mr. Speaker, as late as 1960, and not longer than 1957 the House and the Senate wrote into the statutory law of the land that jurors serving in cases growing out of civil rights legislation of that year must have the ability to read, write, and understand the English language.

Furthermore, Mr. Speaker, our immigration and naturalization laws require that no citizen of another land may be naturalized in America unless and until he or she can read and write the English language. Yet, with one bold stroke by legislative enactment, we strike down the law of New York which was enacted pursuant to the Constitution of the United States.

Mr. Speaker, as late as 1961 this question was raised in the Federal courts of New York, and by a decision of a three-judge Federal court it was held that New York's law was constitutional. The case was not taken to the Court of Appeals or to the Supreme Court.

Mr. Speaker, if there be a single provision in the Voting Rights Act of 1965. which may be unconstitutional, it is the provision that strikes down the law of the State of New York. You see no charge that such law has been used to deny or abridge the right to vote by reason of race or color.

Mr. Speaker, it is well within the constitutional power of every State to require literacy in the English language as a condition precedent to the right to vote.

The establishment of State and local standards has been held to be within the authority of the States and not subject to Federal supervision—*Guinn* v. *U.S.*, 238 U.S. 347 (1915)—unless as such legislation violates either the 14th and 15th amendments—*Breedlove* v. *Suttles*, 302 U.S. 277 (1937). Payment of a poll tax, residence within a State for a designated period of time, absence of criminal conduct, and the passing of a literacy test have all been held to be constitutionally valid State requirements.

In the legislation before us, it is true that State and local standards of voter eligibility are suspended, but only where discrimination against a portion of the State's population has occurred in violation of the mandate of another provision of the Constitution. But, through this amendment, rejected by this body only a few weeks ago, we are striking down the constitutional power granted to the States—article I, section 2 and the 17th amendment—to establish voter qualifications without even attempting to rationally base it on a constitutional attack against discrimination, denial of equal protection of the laws, or violation of any other provision of the Constitution.

The proponents of the Puerto Rican amendment cite the 14th and 15th amendments to the Constitution as the basis for its validity.

However, the case which looked to the validity of the New York requirement of literacy in English, *Commancho* v. *Rogers* (tried in the New York State courts and finally in a three-judge Federal district court—199 F. Supp. 155 (1961)—denied the validity of these arguments.

First. It is true that the equal protection clause of the 14th amendment prohibits the State from treating people in the same circumstances differently. But a State law requiring literacy in the English language does not distinguish between people similarly situated; it applies equally to all people in the same circumstances. As the district court said in Commancho:

> The literacy requirement is applicable to all citizens of New York without regard to race, creed, color or sex. No charge is made that the test is improperly given or its contents unfair. The test is equally and fairly applied to all who take it. Plaintiff has not been denied the equal protection of the laws nor has he been deprived of his life, liberty, or property, in violation of the 14th amendment. *Lassiter* v. *Northampton Co. Board of Elections*, supra; *Trudeau* v. *Barnes*, supra.

Second. In reviewing the applicability of the 15th amendment, which provides that neither the States nor the Federal Government shall deny or abridge the right of any person to vote on account of race or color, the court in Commancho said in response to the plaintiff who had claimed that he had been denied the right to vote because of his Puerto Rican ancestry:

> Because the plaintiff is unable to vote as a result of his inability to pass the test, it does not follow that the plaintiff is being discriminated against. The 15th amendment was not designed to protect against the claim of this plaintiff. He is not being denied the right to vote because of race, creed, or color, but because of his illiteracy in the English language.

The Supreme Court of the United States said in *Lassiter* v. *Northampton Co. Board of Elections*, 360 U.S. 45, 79 (1959):

> We do not suggest that any standards which a State desires to adopt may be required of voters. But there is wide scope for exercise of its jurisdiction. Residence requirements, age, previous criminal record—are obvious examples indicating factors which a State may take into consideration in determining the qualifications of voters. The ability to read and write likewise has some relation to standards designed to promote intelligent use of the ballot. Literacy and illiteracy are neutral on race, creed, color, and sex, as reports around the world

show. Literacy and intelligence are obviously not synonymous. Illiterate people may be intelligent voters. Yet in our society where newspapers, periodicals, books, and other printed matter canvass and debate campaign issues, a State might conclude that only those who are literate should exercise the franchise.

While this decision looked only to that portion of the North Carolina statute which called for a literacy test and did not address itself to the requirement that it be in the English language, it is appropriate in case of individuals literate only in a foreign language. Citizens trained in a language other than English in American-flag schools are no different than children born in the United States who are taken from this country in their childhood and who return later, literate only in a language other than English. If the proponents are to be consistent, must they not allow such persons to vote, also?

A State law requiring its electorate to be literate in the English language does not create an unreasonable classification of its citizens. In addition to the necessity of being able to read a broad variety of current publications and to understand the language used on radio and TV in order to understand the campaign issues, it is reasonable to expect that a voter be able to read the language used in the voting system itself.

In the next statewide election in New York, there will be at least 20 special issues printed on the ballot for acceptance or rejection by the voters. These issues will be printed in English, along with the titles of offices to be filled and the written directions for the procedure to be used in marking the ballot or operating the voting machine. How can the voter there function intelligently if he is illiterate in the English language? That he cannot do so is the best evidence that an English literacy requirement is not an unreasonable exercise of State powers.

Would the proponents of this legislation suggest that State standards, which require that one must be of a minimum age before is is eligible to vote, constitute a denial of equal protection of the laws? I have never heard such a proposal seriously offered.

Yet what distinction can be validly made between a minimum age requirement and a minimum literacy requirement in the English language? Both apply to all people without distinction in order to provide minimum standards for a qualified and responsive electorate.

I believe that some of us are under the impression that this amendment will affect only the State of New York. While it is true that New York has, perhaps, more residents who will be affected by this amendment than any other State, you should know that there are 13 other States that require the ability to read and/or write the English language.

The States which have such requirements are: Alabama, Alaska, California, Connecticut, Delaware, Georgia, Hawaii, Louisiana, Maine, Massachusetts, New Hampshire, New York, North Carolina, Oregon, and Washington.

It is my opinion that the McCulloch amendment is consistent with existing Federal law, for it would deny the right of the States to require that which the Federal Government requires in the Immigration and National Act. I quote from the act:

REQUIREMENTS AS TO UNDERSTANDING THE ENGLISH LANGUAGE, HISTORY, PRINCIPLES, AND FORM OF GOVERNMENT OF THE UNITED STATES

SEC. 312. No person except as otherwise provided in this title shall hereafter be naturalized as a citizen of the United States upon his own petition who cannot demonstrate—

(1) an understanding of the English language, including an ability to read, write, and speak words in ordinary usage in the English language.

Furthermore this amendment is inconsistent in principle with a portion of the Civil Rights Act of 1957. In that law we amended section 1861 of title 28 United States Code, in regard to the qualifications of Federal jurors. There we provided that a citizen of the United States to be competent to serve as a grand or petit juror must be able to read, write, speak and understand the English language:

SEC. 1861. QUALIFICATIONS OF FEDERAL JURORS

Any citizen of the United States who has attained the age of twenty-one years and who has resided for a period of one year within the judicial district, is competent to serve as a grand or petit juror unless—

(1) He has been convicted in a State or Federal court of record of a crime punishable by imprisonment for more than one year and his civil rights have not been restored by pardon or amnesty.

(2) He is unable to read, write, speak, and understand the English language.

(3) He is incapable, by reason of mental or physical infirmities to render efficient jury service. As amended September 9, 1957, Public Law 85-315, part V, section 152, 71 Stat. 638.

The motive of some people, Mr. Speaker, is purely political.

Finally, Mr. Speaker, the House, by a yea-and-nay vote of 216 to 202 wrote such provision into the law, which position was not sustained in the conference committee.

The second thing about which I have some misgivings in being one of the spokesmen for the House, is the abandonment of the decision of the House on the poll tax amendment.

Mr. Speaker, the Ford-McCulloch bill, and Mr. McCULLOCH as an individual before the Ford-McCulloch bill was written, attacked the poll tax which so few of us like and which I detest and which my State of Ohio has not had for half a century or more, if ever.

Mr. Speaker, in finding that the poll tax in many areas of the United States had been used as a weapon of discrimination solely by reason of color, we mandated the Attorney General of the United States to file complaints testing the validity of such poll taxes in such areas forthwith.

Mr. Speaker, that was my proposal, then. It is really my proposal, now, and for that reason I cannot frown upon it too much. However, the House conferees did not stand by the decision of the House on this important issue.

And, Mr. Speaker, there was the so-called Boggs-Long amendment. At the very outset I would like to say that I supported the Boggs amendment when it was offered on the floor of the House, but I supported it on the statement that the companion amendment, the Long amendment, had been adopted in the other body by the unanimous vote of 80 to 0. As a matter of fact, there was no head count in the Senate. While the vote was unanimous—and I want to be completely fair—there was no head count thereon. Furthermore, the chairman of the committee and the ranking Republican member were outvoted by a veto of 263 to 155 and the House conferees abandoned their position on that proposal notwithstanding that vote.

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

Mr. McCULLOCH. I yield to the gentleman from Maryland.

Mr. MATHIAS. I thank the distinguished gentleman from Ohio for yielding because this point in the conference report is a significant one.

The House conferees yielded on this amendment. One of the cardinal reasons given was that this amendment differed from the Willis amendment which we considered in the Judiciary Committee where it was characterized as an amendment which would "gut the bill." I want to point out that the Long-Boggs amendment does differ from the so-called Willis amendment which we considered in the committee.

The Willis amendment, offered in an executive session of the House Judiciary Committee on May 4, 1965, and the Boggs-Long amendment, now incorporated in the voting rights bill agreed to by the House-Senate conference, are the same in basic intent. Both would give relief to a political subdivision that can meet a specified statistical test: a demonstration that a specific percentage of its nonwhite population is now registered or that a specific percentage was registered and voted in the last presidential election.

The Willis proposal would have added a new subsection (e) to section 4, the automatic triggering provision. Its effect would have been to allow a political subdivision, with respect to which the 50-percent test has been applied under section 4(b), to get relief from the bill if, when seeking a declaratory judgment under section 4(a), it could allege and prove: "that more than 40 percent of the nonwhite voting-age population was registered on November 1, 1964, and that more than 60 percent of such persons voted in the presidential election of 1964."

The Boggs-Long proposal is an amendment to section 13, the "termination of listing" section which was defeated in the House by a rollcall vote of 262 to 155, but adopted by the conferees. Its effect would be to bring a termination of listing procedures by the Federal examiners not only where the Attorney General has found: "that all persons listed have been placed on the voting rolls and, that there is no reasonable cause to believe that voter discrimination will continue," but additionally whenever "the District

Court for the District of Columbia in an action for a declaratory judgment brought by any political subdivision with respect to which the Director of the Census has determined that more than 50 per centum of the nonwhite persons of voting age residing therein are registered to vote," has found one and two above.

Section 13 is further amended in the conference report by adoption of the Boggs-Long amendment to authorize a political subdivision to "petition the Attorney General to request the Director of the Census to take such survey or census as may be appropriate for the making of the determination provided for in this section. The District Court for the District of Columbia shall have jurisdiction to require such survey or census to be made by the Director of the Census and it shall require him to do so if it deems the Attorney General's refusal to request such survey or census to be arbitrary or unreasonable."

The Willis amendment requires that statistical minimums for both registration and voting be met before the political subdivision escapes."

The Boggs-Long amendment inquires only as to the level of registration. Unlike the Willis amendment it does not look to statistics from the 1964 election, the basis for the automatic trigger from which relief is being sought for innocent subdivisions, but its relief can be effected at any time in the future when a political subdivision increases its registration of nonwhite voting age persons beyond the 50-percent level.

Thus, the Boggs-Long amendment would give a political subdivision the opportunity to apply self-help to extricate itself from the coverage of the bill by actively encouraging Negroes to register until the 50-percent level has been attained. On the other hand, such a political subdivision is still faced with sustaining the burden of proof "that there is no longer reasonable cause to believe that persons will be deprived of or denied the right to vote on account of race or color in such subdivision"—section 13(a)(2).

But the exact point is this was an amendment upon which the House had given its judgment in forceful and inescapable terms, as the gentleman from Ohio pointed out. To retreat from this position was a retreat which was significant in the bill.

In considering the conference report as a whole I want to point out that the record vote on the Long-Boggs amendment to which the gentleman from Ohio has referred was of extreme importance because it was by virtue of the House insistence on this amendment, on poll tax and on other important points that we were able to come out of conference with a bill significantly better than the bill the administration sent to us. Without the strength of the House and without the insistence of the rank-and-file Members of the House on these points, it would have been impossible for us to improve the original draft. The other body certainly did not give us any help in this respect. The advances made in conference under this bill were the advances made by this House and the strength of the House and the purpose of the House is what made the difference.

I thank the gentleman for yielding.

Mr. McCULLOCH. Mr. Speaker, I thank the gentleman for his contribution, because he is the Member who sensed the play, even before the quarterback snatched the ball, and spelled it out so clearly before the House.

Mr. Speaker, for the record, and while I am feeling so pleased and so good about so many things, and while I have not irritated or infuriated anyone, I would like to say even with my record as I have described it, this is the most weakening amendment that was offered to the Voting Rights Act of 1965 since the day it came before the House Judiciary Committee.

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

Mr. McCULLOCH. I yield to the gentleman from Ohio.

Mr. LATTA. Mr. Speaker, let me say to my colleague that the gentleman from the Fourth District of Ohio [Mr. McCULLOCH], in my opinion, is the most dedicated individual in this House on civil rights. I know he is standing here today asking us to support this conference report with a lot of reservations. The Ford-McCulloch substitute bill that he offered and was turned down by the House was a far better bill. That bill was a much stronger and a more effective bill than the shambles that are before us today.

I commend the gentleman for his foresight in the field of civil rights. He recognizes these problems before they are upon us. He has been a champion of civil rights. I congratulate him, but I want to ask him how he can urge his colleagues on this side to support this compromise in view of the fact that we are against the poll tax and we want to get rid of this tax now and forevermore. We do not want to prolong and perpetuate this problem just to carry it over to another campaign. We on the Republican side want to get rid of this tax now. We were doing that in the House-passed bill. In view of the fact that we did not want to vitiate an English-speaking statute in New York by this legislation, and thirdly, that we defeated the Boggs amendment in the House overwhelmingly, how could the conferees agree to this report?

Now in view of these conference changes, how can the gentleman from Ohio, one dedicated to the cause of civil rights, humbly ask his colleagues on this side to support this conference report? Before he answers that question, let me ask this second question. Why would it not be better for us on this side to turn this proposal down and send it back to conference?

Mr. McCULLOCH. Mr. Speaker, answering the last question first, I regret to say we the minority do not have the king's horses and we do not have the king's men nor are we of the administration supporting this weakened and watered-down bill. We did not have the king's horses and we did not have the king's men in subcommittee nor did we have them in the full committee.

Finally, Mr. Speaker, I think it is so essential in a representative republic that all qualified people be permitted to vote without let or hindrance—and not just 50 percent of them—but all of them—that I am now willing to help move even a weakened bill to final enactment into law.

Mr. LATTA. Mr. Speaker, will the gentleman yield for another question?

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

Mr. McCULLOCH. I will yield only for a question by my friend, the gentleman from Ohio [Mr. LATTA.] I might say I only have one-half the time. I would be glad to yield to some of my distinguished and able and persuasive friends on the other side who were so helpful last year when they did not have all the king's horses and all the king's men, but I do not have the time.

Mr. LATTA. When the gentleman speaks about the king's men and the king's horses, I suppose he means the administration supporters on the other side of the aisle who are pledged to civil rights legislation. I think it is now time to line up some of the king's men and some of the king's horses to support the House-passed bill, a good piece of civil rights legislation and not delay the abolition of the poll taxes in the country.

Mr. McCULLOCH. Well, Mr. Speaker, those of us in the committee from the earliest days have been supporting strong and effective legislation which would meet the test of the Constitution of the United States, but in view of the conditions which are now upon us, I am so interested in seeing that all qualified people get the right to vote, and I am so interested in the clean elections amendment of my colleague from Florida [Mr. CRAMER], that I am supporting the legislation as the best we can get at this time.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Ohio has consumed 16 minutes.

Mr. CELLER. Mr. Speaker, I yield 5 minutes to the gentleman from Louisiana [Mr. BOGGS].

Mr. BOGGS. Mr. Speaker, and Members of the House, I take this time to review and to repeat my support of this legislation. I supported this bill when it was here on July 9 and I say today what I said then, that the right to vote is one of the most sacred rights an American citizen has. I shall support the conference report today.

Mr. Speaker, I take this time for just a minute or two, in view of the limitation of time when the bill was originally considered by the House, to talk a bit about the so-called Boggs amendment which was agreed to in the conference. Now the idea that this is, as someone has said, a gutting amendment or this amendment in any fashion weakens the right of American citizens to register and vote just is not so. A lot of people like to make a lot of statements and sometimes they do not quite know what they are talking about. This amendment is designed to encourage registration and to reward those who comply with the laws.

Now what are the facts? Under section 13 of this bill, as it passed the House, there are certain provisions under which the Attorney General of the United States may remove an examiner. There are two principal conditions. One, that all eligible voters have been registered to vote and, two, that there is no discrimination of any kind whatsoever.

If a political subdivision meets these requirements, then the Attorney General of the United States may say that a Federal examiner is no longer required.

I am happy the gentleman from Ohio made the statement he made, and did support the bill. I am happy the gentleman from Maryland corrected his original statement, in that he said this was a different amendment from the one originally considered by the Judiciary Committee.

All this amendment does is supplement the House-passed bill. That is all. It does not take anything away. It says that if all these conditions are met—the same conditions as in the bill—then and if at least 50 percent of the non-whites are registered a political subdivision may come in to the District Court of the District of Columbia, and if the District Court of the District of Columbia is satisfied that the requirements of the statute are met, then the District Court of the District of Columbia may withdraw the examiner, but the District Court maintains its jurisdiction and supervision.

I submit that in many ways that is not only a supplemental provision but in many ways it is a more desirable provision. Why do I say that? I believe it can be assumed that a court is less apt to be pressured than an appointee, even though he be the highest legal officer in the land, the Attorney General. Nobody is going to call up a District Court judge and try to influence him. It could happen the other way around.

The point is that this is not a weakening amendment. It is a supplemental amendment. It was agreed to by the other body, so far as I know, unanimously, although the RECORD does show there was no record vote taken on it.

I believe the amendment is a good amendment, and I am happy indeed that the conferees agreed to it.

The notion that the amendment would limit registration to 50 percent is totally incorrect. What the provision does is permit a political subdivision with a minimum of 50 percent registration of nonwhite to then apply to the District Court and the District of Columbia for the removal of an examiner provided all of the other requirements of the act are met. Specifically, those requirements approving nondiscrimination and the lack of devices to prevent registration.

It should be remembered that the "50 percent nonwhite registration figure" which makes a political subdivision eligible for withdrawal of examiners, is a minimum, not a maximum. The amendment does not and cannot underwrite token compliance with the 15th amendment.

A court would also have to find that first, all persons listed have been placed on the voting rolls, and second, there is no reasonable cause to believe voter discrimination will continue. A minimum of 50 percent nonwhite registration would probably never even lead to the appointment of Federal registrars.

Presumably whenever all these conditions exist, the Attorney General would find it inappropriate to appoint examiners.

As 50 percent is a floor not a maximum, a political subdivision by merely complying with this 50 percent figure would not be meeting the requirement of this amendment.

Finally, Mr. Speaker, let me say that it has been some days since I voted to support this legislation. Some people were kind enough to say some nice things about the fact that I did, which I appreciate no end. But I am happy to say that from the district which I represent with pride, and which I have had the honor and privilege of representing now off and on for 25 years, I have been generally applauded for saying that the right of every American to vote should be and must be supported by this Congress and by the American people generally.

Mr. CELLER. Mr. Speaker, I yield 1 minute to our distinguished majority leader, the gentleman from Oklahoma, [Mr. ALBERT].

Mr. ALBERT. Mr. Speaker, I take this brief time only to say that this is a historic measure. This is a historic day in this Chamber.

Many men on both sides of the aisle have contributed to the legislation before us, but I cannot let this moment escape without saying that this remarkable piece of legislation is another monument to the great dean of the House, who for more than 40 years has been the supreme champion in this chamber of the rights of human beings—and particularly of the right of all Americans to vote.

Mr. MCCULLOCH. Mr. Speaker, so that the RECORD will be unmistakably clear, I stand by my statement about the Boggs-Long amendment. It materially weakens the bill, and it is satisfied when 50 percent of nonwhites are permitted to vote. Or, said substantially accurately in another way, it is all right with the proponents of this amendment if 50 percent of the nonwhites are not permitted to vote or are not accorded the right.

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

Mr. MCCULLOCH. I cannot yield to the gentleman from Louisiana.

Mr. BOGGS. The gentleman made an untrue statement. The gentleman ought to yield.

Mr. MCCULLOCH. Mr. Speaker, I now yield 4 minutes to the gentleman from New York [Mr. FINO].

Mr. FINO. Mr. Speaker, on July 9, this House, by a bipartisan effort, rejected an amendment to the voting rights bill that would permit hundreds of thousands of Spanish-speaking residents of New York to vote in the forthcoming election without meeting the English language literacy requirement specified by the State constitution.

The amendment, which was offered on the floor of this House and which the Judiciary Committee had not considered in its hearings, was turned down by a vote of 216 to 202.

Unfortunately, this provision was adopted by the Senate on the floor also without hearings. Therefore, it became the subject for conference between the Senate and the House.

I must say that I am very disappointed with the conference report now before us. I very much regret that the House conferees saw fit to recede from the House position and accept a provision in this bill which has absolutely nothing to do with racial discrimination.

The decision to ban New York State's English-language literacy test for Puerto Rican citizens is a pure concession to political demagoguery.

These are not my words but the words of the New York Times in its July 30 editorial. I fully subscribe to this editorial expression. I am certain the other 215 Members of this House, who voted against the Javits-Kennedy amendment, feel the same.

In describing the unfortunate compromise arrived at by the House-Senate conferees as "bad public policy," and "errors of judgment" the Times went on to say:

> It is a device for discouraging the full integration of these citizens into a community that conducts all its public affairs in English.

This kind of compromise on the part of the House conferees could hardly come at a worse time. This year, New York's voting machines will contain 25—let me repeat—25 questions, propositions and amendments ranging from budget procedure to water pollution. All of these issues will be captioned in English and, as sure as God made little apples, will be utterly unintelligible to the newly enfranchised Puerto Ricans.

No one sincerely believes or expects these newly enfranchised voters to familiarize themselves with these 25 proposals through Spanish language media.

I said in the floor debate on July 9, that this amendment was unfair, unjust, and discriminatory. I repeat here again that this amendment would discriminate in favor of Puerto Ricans and against Jews, Italians, Irish, Poles, Germans, and other naturalized U.S. citizens who cannot satisfy the English literacy requirement although they have at least shown some basic knowledge of English and understanding of citizenship in order to get their citizenship papers.

If anything, they are far better qualified to vote than non-English speakers who have never shown any literacy or civic proficiency but whose brief schooling in a foreign language fortuitously occurred under the American flag.

This amendment which this House rejected and which the House conferees accepted from the Senate is hypocritical and political because it removes the need and necessity for Puerto Ricans to learn English, which is so very essential if we are to help lead them out of the slums in our war against poverty.

This amendment, which this House rejected and which the House conferees accepted, represents legal irrelevancy and political opportunism.

I said it on July 9 and I will say it again. This Congress has no business

in interfering with New York State's English literacy requirement which our State court of appeals upheld, as constitutional, as recent as May 27 of this year.

This Congress has no right to grant any citizen the right to vote—nor do we have the right to regulate or control any State's requirements and qualifications of voters unless there is evidence of discrimination on account of race or color.

No one has ever said that New York's English language literacy requirement has any racial overtones that would justify its destruction by this provision.

The House, in rejecting this amendment, expressed its position on this subject matter and the House conferees should have held fast and firm on this proposal.

The failure and refusal of the House conferees to stand pat against this provision and its willingness to accept this most discriminatory amendment will mean nothing more than a one-way ticket to trouble for New York State and future trouble in other States of the Union.

I urge this House to vote down this conference report and insist that the House conferees stand fast and firm on the House position against this provision.

Mr. CELLER. Mr. Speaker, I yield myself 1 minute, to state that the gentleman who just addressed the House very carefully avoided mentioning the fact that the New York State Legislature at its last session adopted a law reducing the requirement of literacy from the eighth grade to the sixth grade and significantly provided that there shall be no English requirement as a prerequisite to voting; and recommended that the Constitution of the State of New York be changed in that regard. So that in a way the whole question is academic. I wanted the House to know that as far as New York State is concerned it is on its way to striking out from its election laws the requirement of English.

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

Mr. Speaker, I should like to say in answer to my colleague's statement that the matter is academic that I do not believe it is. I have been advised there are at least 12, if not 14 States of the Union which have the same requirement as does New York.

Mr. Speaker, I now yield to the gentleman from Florida [Mr. CRAMER] 6 minutes.

Mr. CRAMER. Mr. Speaker, this was an interesting conference on which I had the privilege of serving. It was interesting for many reasons. One of the principal reasons is this. I always thought that conferees had the responsibility of trying to uphold the position of the House on major questions. I thought, after the House took a vote on some of these questions— and this is regardless of what my position may have been—that the conferees had the responsibility of trying to uphold the House position.

Lo and behold, the first day we went in conference, the Long-Boggs amendment was agreed to, contrary to the position of the House which defeated it, 262 to 155.

Second, the House voted down the so-called Puerto Rican amendment 202 to 214. That kind of dangled until the last 2 days of conference. There were two meetings of the conferees on this and on poll taxes. On Tuesday preceding the final decision last week, lo and behold, I walked into the conference meeting and was informed that a deal had been made with the other body and that both of these major controversies remaining had been settled in favor of the other body.

All three major questions, major as far as I was concerned, at issue, were all decided in favor of the other body. They were decided contrary to the position taken by the House. The Long-Boggs amendment, which we voted down, was agreed to the very first day in conference. The poll tax ban which the House voted, was bartered away the last day of the conference, after the Tuesday deal fell through, because the conferees on Tuesday refused not to sustain the House position on poll taxes.

On the Puerto Rican amendment, Thursday of that same week, when we met in conference and the House conferees changed their Thursday position, and the House was sold out in conference on these two major provisions.

Mr. Speaker, I always thought that conferees had a responsibility to uphold or to try to uphold the House position. In my opinion, the conferees did not do so.

Now, admittedly, those in charge of the conference report, will indicate that we had 14 amendments and the Senate had 7 in conference. I am not necessarily too good a horse trader, I guess, but I never thought that trading a horse for a rabbit was a good deal. That is just about what the House conferees did. We gave up three horses for a number of rabbits.

On the three major issues we gave up to the other body. I am thinking of the integrity of the House. This has nothing to do with my position. My position is a matter of record on these matters. I voted for the bill on final passage. I say that the House capitulated with relation to these three major questions.

And, it is very interesting to note what happened between the Tuesday conference at which no agreement could be reached with respect to the Puerto Rican amendment and with respect to the poll tax ban and the Thursday conference at which time the position was reversed.

On Thursday we were called to conference again and we were informed of certain meetings with civil rights leaders that had taken place. I was not a party to those meetings. The gentleman from Ohio [Mr. McCULLOCH] shakes his head and indicates he was not a party to the meeting where the position taken on Tuesday was changed. However, a certain meeting was held with civil rights leaders who were consulted with respect to what the press said was one of the basic major issues facing the conferees and that was whether to have an absolute poll tax ban, or to have a court determination of the poll tax constitutional question with perhaps stronger findings of fact.

We were informed that a certain meeting had taken place and that certain civil rights leaders were consulted and certain changes in positions then were taken. As a matter of fact, that was documented, as it relates to one of those leaders, and I have a copy of the document before me.

Now mind you, this is a document, a letter, read to the conferees but, unfortunately, my hands are tied to make this document public because of the last paragraph of the letter. And I thought this was done. It was not, but the conference was assured that it would be made public by the writer of the letter indicating what evidence was before us upon which the conferees based their determination not to stand by the House position on banning poll taxes.

Mr. Speaker, I discussed this matter of releasing the letter with our distinguished chairman and I would like to ask the chairman now what the chairman intends himself to do or does he intend to request the writer of the letter to make this letter, which was a suggestion read to the conferees and a suggestion of the conferees upon which they made a decision, whether it is going to be made public?

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

Mr. CRAMER. I yield to the distinguished chairman of the committee.

Mr. CELLER. The Chair does not wish to violate the confidence. If the gentleman from Florida wants to make it public, that is his responsibility. But the Chair will not. I will not make that public.

Mr. CRAMER. Does not the chairman feel that this is information to which the House is entitled in that the conferees had such information and unquestionably it affected the judgment of the conferees? Would not the gentleman from New York join me in a request that the writer of the letter make it public?

Mr. CELLER. Ali civil libertarians naturally are interested in what we do with reference to this civil rights bill, this voting bill, and as in all cases, representations are made and requests are made by those who are interested in the bill and we get representations from them. In this particular instance the writer of the letter asked that its contents be held in confidence until he personally would make a public statement. And, I say his confidence should be respected.

Mr. CRAMER. I think this should be made public and I shall insist upon the writer doing so. I believe this is in the public domain.

Mr. McCULLOCH. Mr. Speaker, I yield to the gentleman from Michigan [Mr. GERALD R. FORD], our minority leader, the remainder of the time on our side.

Mr. GERALD R. FORD. Mr. Speaker, the bill before us today or the conference report in reference to the bill before us is a weaker bill than that which passed the House on July 9. It has been diluted by the capitulation of the House conferees in three instances. This has been well explained by the gentleman

from Ohio and others who have taken the floor here this afternoon.

I would like to speak specifically about one concession that has been made by the conferees. I refer here to what is called the Boggs-Long amendment.

I am told that in the subcommittee of the House Committee on the Judiciary, when this amendment was offered, the distinguished Chairman of the House Committee on the Judiciary indicated that such amendment would gut the bill. I am told that when the amendment was offered in the full Committee of the House Committee on the Judiciary a similar comment was made, that the Boggs-Long amendment would gut the bill.

On the floor of the House on July 9 a majority, an overwhelming majority of the Members of this body, voted to agree with the opinion that this amendment, the Boggs-Long proposal, would gut the bill. As a matter of fact, the vote was 262 against the Boggs amendment to 155 who voted for it.

Now we have the conferees agreeing to accept the so-called Boggs-Long amendment. May I say at this time that 23 days later—today—there will be a motion to recommit offered that will move to send the conference report back to the conference committee with instructions to strike the Boggs-Long amendment. A vote for the motion to recommit will sustain the House position. It will strengthen the legislation. Those people who voted to disapprove of the Boggs amendment on July 9 will have a similar opportunity to vote the same way today.

Let me add that on July 10 the President said:

> I also congratulate the House on its decisive defeat of the substitute amendment submitted by the Republican leadership, which would have seriously damaged and diluted the guarantee of the right to vote for all Americans.

The gentleman from Ohio [Mr. McCULLOCH] and I and many others violently disagree with the President's views in this regard. If the Boggs amendment is defeated today—and I hope it is—I trust the President will make this kind of a statement:

> I also congratulate the House on its decisive defeat of an amendment, resisted by the Republican leadership, which would have seriously damaged and diluted the guarantee of the right to vote for all Americans.

Mr. CELLER. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. PEPPER].

Mr. PEPPER. Mr. Speaker, as one who, beginning as early as 1941, was the author of a bill in the other body to abolish the poll tax, I wish to commend the able chairman of the Committee on the Judiciary and those who worked with him for bringing to this House a conference report which I am morally certain will lay the legislative groundwork for a judicial holding that the poll tax as a condition for the exercise of the right to vote is in violation of the Constitution of our land.

Mr. Speaker, the early cases of the U.S. Supreme Court's failing to strike down the poll tax had nothing to do with the exercise of congressional power under the 14th and 15th amendments. Beginning with Reynolds against Sims, the Supreme Court of the United States laid down the principle of one man, one vote, and gave assurance for the equal protection of that franchise on the part of every citizen. In April of this year the Supreme Court of the United States, through the distinguished Chief Justice, in Harman against Forssenius, significantly referred to congressional hearings and debate, which indicated "a general repugnance to the disenfranchisement of the poor occasioned by failure to pay the poll tax."

Mr. Speaker, since that language was written by the Supreme Court, this House by a vote of 333 to 85 passed the bill outlawing by statute the poll tax. The other body, lacking only four votes, did the same thing. Extensive hearings, reports, and debate have further indicated a general repugnance to the disenfranchisement of the poor occasioned by failure to pay the tax.

Now we have fulfilled, I believe, the requirements of the Supreme Court decision for striking down the poll tax as a condition to voting in the findings made in this conference report. A summary of the findings of the report is in this language:

> The conference report adopts a substitute provision which rephrases the findings of Congress in subsection (a) and contains a congressional declaration that by the requirement of the payment of a poll tax the right of citizens to vote is denied or abridged.

Mr. Speaker, I commend the able chairman of the Judiciary Committee and his associates for taking the price tag off the franchise to vote in America.

The SPEAKER. The time of the gentleman has expired.

Mr. CELLER. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. CORMAN].

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

Mr. CORMAN. I yield to the gentleman.

Mr. CONTE. Mr. Speaker, I must admit I am dismayed and more than a little frustrated by the action taken on the voting rights bill by the conference committee. I am speaking specifically of their action with respect to the provision which would have outlawed State poll taxes as a qualification for voting.

I am particularly disappointed over the failure of the conference committee to retain this provision because it was largely over the poll tax issue that I was constrained to desert the alternative measure drafted as a substitute by the leadership of my own party. I supported the so-called committee measure, espoused by the majority on the other side of the aisle, and I voted on its behalf.

A conference is designed to compromise on conflicting provisions in similar bills approved in this body and in the other; to work out a version acceptable to both. The spirit of compromise is that you give a little in order to win a little. I must say I deeply regret and I am somewhat mystified that the "little" which our conferees gave was the poll tax provision.

This provision was voted on and upheld by the House in our version of the bill. It was knocked out of the Senate version by the narrowest of margins. I cannot help wondering what pressures were brought to bear to fortify the Senate objections to this provision and to so weaken and undermine the determination to retain the provision expressed by the positive vote of this body.

I intend to support this bill. I will vote for it and I urge my colleagues to do likewise. There is much of merit in the bill. However, it remains incomplete without the ban against State poll taxes. It cannot do the job it is designed to do so long as these discriminatory, unfair devices are permitted to exist. I do not think there can remain any doubt in the minds of any of us as to what these poll taxes accomplish, and what they are specifically designed to accomplish. So long as they remain legal, there will remain a device which can be used to deny fundamental rights to our citizens.

I confidently predict that we will soon be forced to return to this issue for the third time perhaps in as many years. We will have to come back and deal with the poll tax because we are failing to deal with it now and because, by not dealing with it, we are not solving the problem of denial of voter rights. The bill we approve now snips some of the fringe around the edge, but leaves the binding intact.

We will have to come back to it and deal with it in another panicky, so-called must bill in another few years, perhaps in another few months. And we will have to answer the same letters from our constituents who will write to find out why. They will want to know then, as many of them have wondered this year, why it is necessary to tackle another major civil rights bill so soon after we have finished with one. Their questions will have a more pointed ring to them since, by that time, we will have enacted not one but two major civil rights laws in as many years, and one of these will have been in the very same ballpark—voter rights.

I must say, it is not a prospect to which I am looking forward.

Mr. CORMAN. Mr. Speaker, let us look very briefly at where we have been and where we are.

In 1964 we passed a great civil rights bill. It effectively eliminated the scourge of racial discrimination in many areas of our national life. But it was a matter of compromise and in that compromise we weakened the section that dealt with voting rights.

In early 1965 it became apparent that new legislation would be required to implement the 15th amendment. At that time, many supporters of strong civil rights legislation were impatient with the administration and expressed apprehension that the proposal to come from the Justice Department would not be strong enough to correct what had become a disgraceful and intolerable situation in the hard-core areas of segregation.

President Johnson sent us a strong, effective proposal. During our weeks of legislative work, our committee made

some improvements and certainly that is as it should be.

The House approved our committee's efforts. But every one of us was apprehensive about the outcome of a House-Senate conference. Historically, no civil rights legislation had ever weathered a conference.

I tell you that this conference report is the finest, fairest, most effective bill that any of us could ever have hoped for.

Much has been said in criticism of the Long-Boggs amendment. No part of the bill has been so erroneously distorted as this provision. It does one thing; it encourages voluntary compliance with the voting rights bill.

Now no one is "satisfied" when one-half of the Negroes are registered. But that is not the factor which implements the Long-Boggs amendment. That merely puts the case in court, and in court in the District of Columbia, to insure uniformity of standards. Local officials must then prove that there is not and is not likely to be racial discrimination in that district in voting.

Results of the public accommodations section of the 1964 act clearly demonstrate a willingness in some areas in the South to comply with the law. This amendment simply encourages such compliance.

Some of our colleagues on the other side of the aisle have suddenly become champions of the poll tax ban. Their sincerity becomes somewhat questionable when one remembers the original Ford substitute. It kept poll taxes. It did not ban them.

The gentleman from Ohio [Mr. LATTA] referred to this conference report as a shamble. He errs. The only shamble was the Ford substitute. It was left in that condition when the House properly and overwhelmingly rejected it on July 9.

We hear that certain parts of the House bill over which the conferees differed should be inviolate of compromise because they were a matter of record vote. How much legislation would Congress enact if we followed that suggestion?

Mr. Speaker, those whose rights have been so wrongly and sometimes viciously denied, have been uncommonly patient. Rejection of this conference report would be a tragic betrayal of that patience. I urge its adoption.

Mr. CELLER. Mr. Speaker, it strikes me that this last-minute attack on this conference report is simply a demagogic device to defeat the bill. I can say now as a conferee, we fought hard with reference to this bill and we have the major provisions of the House bill in the conference report.

Some want to make very light of that.

With reference to the so-called Long-Boggs amendment, it must be remembered that a court order must be obtained to remove examiners. It does not merely rely on the discretion of an appointee. This provision permits a subdivision to seek, through court action in the District Court for the District of Columbia, the removal of examiners when more than 50 percent of the nonwhite voting age population is registered. This is a minimum. The subdivision also has to establish to the satisfaction of the court that (1) all persons listed have been placed on the voting rolls, and (2) there is no reasonable cause to believe that there will be future denials of the right to vote. What wrong can there be in that? It is only doing what is right to do. I say to you again, any vote to strike this out will imperil this bill.

Mr. RYAN. Mr. Speaker, the conference report on S. 1564 is now before us. It is the final step in developing this bill on voting rights which is long overdue.

It is almost 100 years since the 15th amendment to the Constitution was adopted. It made a solemn pledge to our Nation's citizens—a pledge that all Americans, regardless of race or color, shall enjoy the right to vote. This pledge has not been fulfilled; it is common knowledge that there has been a determined conspiracy in the South to prevent Negro citizens from voting. It took violence, brutality, and murder to arouse the Nation and make the Congress recognize the need for legislation to implement the pledge of the Constitution.

Now we have that legislation before us. It has been ably guided through the conference by the gentleman from New York, Chairman EMANUEL CELLER, of the House Judiciary Committee. In most cases the Senate conferees receded from their version of the bill and accepted the stronger language adopted in the House.

However, in at least three cases the differences are significant. In one, that dealing with the voting rights of Spanish-speaking citizens, the conference has adopted the Senate language for which I have been fighting for so long.

Section 4(e) of the conference bill allows a prospective voter to qualify, without taking a literacy test, by demonstrating that he has completed the sixth grade, or whatever grade the State requires, in a school under the American flag, without regard to whether that school was conducted in English.

Mr. Speaker, my colleagues will no doubt remember that, at the very beginning of the House debate on the voting rights bill, I urged that H.R. 6400 be amended to include this provision. I noted that, without it, hundreds of thousands of American citizens, residing in New York, but educated in Puerto Rico, are being arbitrarily disenfranchised, merely because of New Yorks State's English language literacy test. Chairman CELLER immediately responded and assured me that he would accept the provision. Unfortunately, the amendment was narrowly defeated in the House.

The Senate adopted exactly the same provision by an overwhelming vote of 48 to 19. Now the conference has taken the same wise course. Its action is an important step toward assuring equal rights for all American citizens.

Mr. Speaker, the second difference represents a setback, for the House receded from the complete ban on the poll tax which the House adopted. Instead, a congressional finding—that the poll tax precludes persons of limited means from voting or imposes financial hardship upon such persons as a precondition to their exercise of the franchise, that the tax does not bear a reasonable relationship to any legitimate state interest in the conduct of elections, and that in some areas the poll tax has the purpose or effect of denying persons the right to vote because of race or color—is inserted. The conference bill also directs the Attorney General to institute action to test the constitutionality of the poll tax.

It is most disappointing that the House has retreated on the poll tax. Now is the time to ban, once and for all, the arbitrary and discriminatory poll tax in all elections. I fail to understand why the administration did not support the abolition of the poll tax.

Thirdly, Mr. Speaker, I opposed the Boggs amendment when it was offered in the House. It was defeated then. I regret that the conferees receded on this point.

Mr. Speaker, by adopting the conference report on the 1965 voting rights bill, we will at long last be responding to the conscience of America, a conscience that cries out for an end to voting discrimination. After the President signs it, I urge the Attorney General to move immediately to implement its provisions.

Mr. WAGGONNER. Mr. Speaker and Members of the House, under the rules of the House time does not permit adequate discussion of this conference report. It is a foregone fact that this House is today going to adopt this conference report and I must once again raise my voice in opposition to this unconstitutional legislation.

I would like to know how any Member of this Congress can believe that this measure is by any stretch of the imagination, constitutional.

Section II, article 4, of the Constitution, states, and I quote:

> Citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

This legislation is discriminatory in that citizens of all the States are not entitled by this legislation, as the Constitution provides, to all the privileges and immunities of the citizens of other States.

It further ignores the Constitution in that it takes away from a few States the right to prescribe voter qualifications. The penalty of the law is discriminatory in that the penalty is more severe on six Southern States than on the other States. It contains much more. But we've discussed the provisions of this bill on a number of occasions before, and I am convinced that this House is not to be guided by constitutional principles nor by what is right or wrong. The mass hysteria which has swept over this country has come to roost in this Congress and too many Members of this House are going to be guided simply by what, at the present, appears to be political expediency.

I will not be caught up by such hysteria, because I remember the oath I took upon becoming a Member of this Congress. Therefore, in good conscience and without reservation, I will vote

against this conference report and cannot for the life of me, understand how any man, especially a resident of one of the States to be discriminated against, could do otherwise.

Mr. DONOHUE. Mr. Speaker, I most earnestly urge this House to promptly and resoundingly accept and approve this historical conference report on voting rights because I very deeply believe its adoption is absolutely vital to the continuing existence of this Nation as a democracy.

As a member of the conference committee I can conscientiously reassure you that the committee members, from both Chambers, worked diligently and arduously to cooperatively construct the strongest possible voting rights measure in our legislative history.

The basic objective of your committee was twofold. We pledged ourselves to forge a legislative instrument that would give each American citizen everywhere in this country an equal opportunity to participate in the free elections of all public officers and which would encourage him to so participate. At the same time we sought to reach this objective by the most careful choosing of such language and means as would tend to avoid and minimize the temptations and opportunities to project legal challenges and probings that could result in interminable obstruction and delay of the fullest and speediest operation and application of all the benefits and provisions of the bill. After reviewing the substance of this report, I feel you will agree it represents the most prudent achievement of this twofold objective.

This is particularly reflected, I think, in the final language of the most controversial poll tax provision which emphasizes the solid sentiment of the Congress and the country at large against the poll tax levy as a precondition of voting and instructs the Attorney General to proceed forthwith to move in traditional court channels for its invalidation as constituting a device of discrimination. It appears that all authorities and interested parties are united in their approval and acceptance of this final provision.

Another prominent feature in the bill is that providing automatically for Federal examiners to register voters in States and subdivisions in which less than 50 percent of persons of the voting age were registered last fall and in which a test or device was used as a prerequisite for voting.

A further vitally important provision prescribes criminal penalties for persons acting under the color of law for failure or refusal to permit a qualified individual to vote or failure to properly count or tabulate their votes and for the coercion, the intimidation, or the threatening of voters.

An overall examination of this report will show that in its antipoll tax provisions and in protection of voters the bill before you goes far beyond the administration's original proposals. The distinguished and esteemed chairman of our committee has already very ably and fully explained all other pertinent issues and decisions within the report and there is no need to burden you now with unnecessary repetitions.

Mr. Speaker, as I indicated at the outset of my remarks I believe that the right to vote is fundamental to true democracy in action and I further believe it is the duty of this Congress to exert every possible legislative effort to preserve, extend, and encourage the exercise of that right. The only way we can carry out that duty is through the enactment of legislation designed to remove and eliminate all the obstacles and obstructions that have been wittingly or unwittingly used to deny that right to any citizen anywhere in this country.

This great Nation was founded upon and has been committed to the principle of equal justice under the law to all citizens. By approval of this history making bill before us we can take another mighty step along this Nation's honored march toward further fulfillment of our traditional goals of equal opportunity and equal treatment for all Americans regardless of race, creed, color, or national origin. Let us take that giant step now.

The SPEAKER. All time has expired.

Mr. CELLER. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

MOTION TO RECOMMIT

Mr. McEWEN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the conference report?

Mr. McEWEN. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. McEWEN moves to recommit the conference report on S. 1564 to the committee of conference with instructions to the managers on the part of the House to insist upon the following amendments:

In Section 13, the first sentence, clause (a), after the words "Civil Service Commission" strike the words, "or whenever the District Court for the District of Columbia determines in an action for declaratory judgment brought by any political subdivision with respect to which the Director of the Census has determined that more than 50 per centum of the nonwhite persons of voting age residing therein are registered to vote,".

In section 13, the second sentence, after the words "of this Section", insert a period and strike the remainder of the sentence.

In section 13, strike all of the third sentence.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 118, nays 284, not voting 32, as follows:

[Roll No. 218]

YEAS—118

| | | |
|---|---|---|
| Adair | Baldwin | Broomfield |
| Anderson, Ill. | Bates | Brown, Ohio |
| Andrews, N. Dak. | Bell | Burton, Utah |
| | Betts | Byrnes, Wis. |
| Arends | Bolton | Carter |
| Ashbrook | Bow | Cederberg |
| Ayres | Bray | Chamberlain |
| Clancy | Halleck | Pelly |
| Clausen, Don H. | Halpern | Pirnie |
| | Hamilton | Quie |
| Clawson, Del | Hansen, Idaho | Quillen |
| Cleveland | Harsha | Reid, Ill. |
| Collier | Harvey, Ind. | Reifel |
| Conable | Harvey, Mich. | Reinecke |
| Conte | Horton | Rhodes, Ariz. |
| Corbett | Hutchinson | Robison |
| Cunningham | Johnson, Pa. | Roudebush |
| Curtin | Keith | Rumsfeld |
| Curtis | King, N.Y. | Saylor |
| Dague | Kunkel | Schneebeli |
| Davis, Wis. | Langen | Schweiker |
| Derwinski | Latta | Secrest |
| Devine | Lipscomb | Shriver |
| Dole | McClory | Skubitz |
| Duncan, Tenn. | McCulloch | Smith, Calif. |
| Dwyer | McDade | Smith, N.Y. |
| Ellsworth | McEwen | Springer |
| Erlenborn | Macdonald | Stafford |
| Findley | MacGregor | Stanton |
| Fino | Mailliard | Talcott |
| Ford, Gerald R. | Martin, Nebr. | Teague, Calif. |
| Frelinghuysen | Mathias | Thomson, Wis. |
| Fulton, Pa. | May | Tupper |
| Goodell | Michel | Watkins |
| Griffin | Minshall | Whalley |
| Gross | Mize | Widnall |
| Grover | Moore | Wilson, Bob |
| Gubser | Morse | Wyatt |
| Gurney | Mosher | Wydler |
| Hall | O'Konski | Younger |

NAYS—284

| | | |
|---|---|---|
| Abbitt | Edwards, Calif. | Karsten |
| Abernethy | Evans, Colo. | Karth |
| Adams | Everett | Kastenmeier |
| Addabbo | Evins, Tenn. | Kee |
| Albert | Fallon | Kelly |
| Anderson, Tenn. | Farbstein | King, Calif. |
| | Farnsley | King, Utah |
| Andrews, George W. | Farnum | Kirwan |
| | Fascell | Kluczynski |
| Andrews, Glenn | Feighan | Kornegay |
| | Fisher | Krebs |
| Annunzio | Flood | Landrum |
| Ashmore | Flynt | Leggett |
| Aspinall | Fogarty | Lennon |
| Bandstra | Foley | Long, La. |
| Barrett | Ford, William D. | Long, Md. |
| Beckworth | | Love |
| Belcher | Fountain | McCarthy |
| Bennett | Fraser | McDowell |
| Blatnik | Friedel | McFall |
| Boggs | Fulton, Tenn. | McGrath |
| Boland | Fuqua | McVicker |
| Bolling | Gallagher | Machen |
| Brademas | Garmatz | Mackay |
| Brock | Gathings | Mackie |
| Brooks | Gettys | Madden |
| Brown, Calif. | Giaimo | Mahon |
| Broyhill, N.C. | Gibbons | Marsh |
| Broyhill, Va. | Gilbert | Martin, Ala. |
| Buchanan | Gilligan | Matsunaga |
| Burke | Gonzalez | Matthews |
| Burleson | Grabowski | Meeds |
| Burton, Calif. | Gray | Miller |
| Byrne, Pa. | Green, Pa. | Mills |
| Callan | Greigg | Minish |
| Callaway | Grider | Mink |
| Cameron | Griffiths | Moeller |
| Casey | Hagan, Ga. | Monagan |
| Celler | Hagen, Calif. | Moorhead |
| Chelf | Haley | Morgan |
| Clark | Hanley | Morris |
| Clevenger | Hanna | Morrison |
| Cohelan | Hansen, Iowa | Moss |
| Conyers | Hansen, Wash. | Multer |
| Cooley | Hardy | Murphy, Ill. |
| Corman | Harris | Murphy, N.Y. |
| Craley | Hathaway | Murray |
| Cramer | Hawkins | Natcher |
| Culver | Hays | Nedzi |
| Daddario | Hébert | Nix |
| Daniels | Hechler | O'Brien |
| Davis, Ga. | Helstoski | O'Hara, Ill. |
| Dawson | Henderson | O'Hara, Mich. |
| de la Garza | Herlong | Olsen, Mont. |
| Delaney | Hicks | Olson, Minn. |
| Dent | Holland | O'Neal, Ga. |
| Denton | Howard | O'Neill, Mass. |
| Dickinson | Hull | Ottinger |
| Diggs | Hungate | Passman |
| Dingell | Huot | Patman |
| Donohue | Ichord | Patten |
| Dorn | Irwin | Pepper |
| Dow | Jacobs | Perkins |
| Dowdy | Jarman | Philbin |
| Downing | Jennings | Pickle |
| Dulski | Joelson | Pike |
| Duncan, Oreg. | Johnson, Calif. | Poage |
| Dyal | Johnson, Okla. | Poff |
| Edmondson | Jonas | Pool |
| Edwards, Ala. | Jones, Ala. | Price |

| | | |
|---|---|---|
| Pucinski | Scheuer | Tuck |
| Purcell | Schisler | Tunney |
| Race | Schmidhauser | Tuten |
| Randall | Scott | Udall |
| Redlin | Selden | Ullman |
| Reid, N.Y. | Senner | Utt |
| Resnick | Shipley | Van Deerlin |
| Reuss | Sickles | Vanik |
| Rhodes, Pa. | Sikes | Vigorito |
| Rivers, S.C. | Sisk | Vivian |
| Roberts | Slack | Waggonner |
| Rodino | Smith, Iowa | Walker, N. Mex. |
| Rogers, Colo. | Smith, Va. | Watson |
| Rogers, Fla. | Staggers | Weltner |
| Rogers, Tex. | Stalbaum | White, Idaho |
| Ronan | Steed | White, Tex. |
| Rooney, N.Y. | Stephens | Whitener |
| Rooney, Pa. | Stratton | Whitten |
| Roosevelt | Stubblefield | Willis |
| Rosenthal | Sullivan | Wilson, |
| Rostenkowski | Sweeney | Charles H. |
| Roush | Teague, Tex. | Wolff |
| Roybal | Tenzer | Yates |
| Ryan | Thompson, N.J. | Young |
| Satterfield | Thompson, Tex. | Zablocki |
| St Germain | Todd | |
| St. Onge | Trimble | |

NOT VOTING—32

| | | |
|---|---|---|
| Ashley | Holifield | Rivers, Alaska |
| Baring | Hosmer | Roncalio |
| Battin | Jones, Mo. | Taylor |
| Berry | Keogh | Thomas |
| Bingham | Laird | Toll |
| Bonner | Lindsay | Walker, Miss. |
| Cabell | McMillan | Watts |
| Cahill | Martin, Mass. | Williams |
| Carey | Morton | Wright |
| Colmer | Nelsen | |
| Green, Oreg. | Powell | |

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Martin of Massachusetts for, with Mr. Walker of Mississippi against.

Until further notice:

Mr. Keogh with Mr. Lindsay.
Mr. Thomas with Mr. Hosmer.
Mr. Toll with Mr. Laird.
Mr. Colmer with Mr. Nelsen.
Mr. Holifield with Mr. Berry.
Mr. Roncalio with Mr. Morton.
Mr. Watts with Mr. Battin.
Mr. Williams with Mr. McMillan.
Mr. Bingham with Mr. Baring.
Mr. Ashley with Mr. Carey.
Mr. Rivers of Alaska with Mr. Powell.
Mr. Wright with Mr. Cabell.
Mr. Taylor with Mr. Bonner.

Mr. POAGE changed his vote from "yea" to "nay."

Mr. BROCK changed his vote from "yea" to "nay."

Mr. BROYHILL of North Carolina changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on agreeing to the conference report.

Mr. CELLER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 328, nays 74, not voting 32, as follows:

[Roll No. 219]

YEAS—328

| | | |
|---|---|---|
| Adair | Ayres | Bolling |
| Adams | Baldwin | Bolton |
| Addabbo | Bandstra | Bow |
| Albert | Barrett | Brademas |
| Anderson, Ill. | Bates | Bray |
| Anderson, Tenn. | Belcher | Brock |
| | Bell | Brooks |
| Andrews, N. Dak. | Bennett | Broomfield |
| | Berry | Brown, Calif. |
| Annunzio | Betts | Brown, Ohio |
| Arends | Blatnik | Burke |
| Ashbrook | Boggs | Burton, Calif. |
| Aspinall | Boland | Burton, Utah |
| Byrne, Pa. | Hansen, Wash. | Pelly |
| Byrnes, Wis. | Harsha | Pepper |
| Cabell | Harvey, Ind. | Perkins |
| Callan | Harvey, Mich. | Philbin |
| Cameron | Hathaway | Pickle |
| Carter | Hawkins | Pike |
| Cederberg | Hays | Pirnie |
| Celler | Hechler | Price |
| Chamberlain | Helstoski | Pucinski |
| Chelf | Herlong | Purcell |
| Clancy | Hicks | Quie |
| Clark | Holland | Quillen |
| Clausen, Don H. | Horton | Race |
| | Howard | Randall |
| Clawson, Del | Hull | Redlin |
| Cleveland | Hungate | Reid, Ill. |
| Clevenger | Huot | Reid, N.Y. |
| Cohelan | Hutchinson | Reifel |
| Collier | Ichord | Reinecke |
| Conable | Irwin | Resnick |
| Conte | Jacobs | Reuss |
| Conyers | Jarman | Rhodes, Ariz. |
| Corbett | Jennings | Rhodes, Pa. |
| Corman | Joelson | Robison |
| Craley | Johnson, Calif. | Rodino |
| Cramer | Johnson, Okla. | Rogers, Colo. |
| Culver | Johnson, Pa. | Rogers, Fla. |
| Cunningham | Karsten | Ronan |
| Curtin | Karth | Rooney, N.Y. |
| Curtis | Kastenmeier | Rooney, Pa. |
| Daddario | Kee | Roosevelt |
| Dague | Keith | Rosenthal |
| Daniels | Kelly | Rostenkowski |
| Dawson | King, Calif. | Roudebush |
| de la Garza | King, N.Y. | Roush |
| Delaney | King, Utah | Roybal |
| Dent | Kirwan | Rumsfeld |
| Denton | Kluczynski | Ryan |
| Derwinski | Krebs | St Germain |
| Devine | Kunkel | St. Onge |
| Diggs | Langen | Saylor |
| Dingell | Latta | Schisler |
| Dole | Leggett | Schmidhauser |
| Donohue | Lipscomb | Schneebeli |
| Dow | Long, Md. | Schweiker |
| Dulski | Love | Secrest |
| Duncan, Oreg. | McCarthy | Senner |
| Duncan, Tenn. | McClory | Shipley |
| Dwyer | McCulloch | Shriver |
| Dyal | McDade | Sickles |
| Edmondson | McDowell | Sisk |
| Edwards, Calif. | McFall | Skubitz |
| Ellsworth | McGrath | Slack |
| Erlenborn | McVicker | Smith, Iowa |
| Evans, Colo. | Macdonald | Smith, N.Y. |
| Evins, Tenn. | MacGregor | Springer |
| Fallon | Machen | Stafford |
| Farbstein | Mackay | Staggers |
| Farnsley | Mackie | Stalbaum |
| Farnum | Madden | Stanton |
| Fascell | Mahon | Steed |
| Feighan | Mailliard | Stratton |
| Findley | Martin, Nebr. | Stubblefield |
| Flood | Mathias | Sullivan |
| Fogarty | Matsunaga | Sweeney |
| Foley | May | Talcott |
| Ford, Gerald R. | Meeds | Teague, Calif. |
| Ford, William D. | Miller | Tenzer |
| | Minish | Thompson, N.J. |
| Fraser | Mink | Thompson, Tex. |
| Frelinghuysen | Minshall | Thomson, Wis. |
| Friedel | Mize | Todd |
| Fulton, Pa. | Moeller | Trimble |
| Fulton, Tenn. | Monagan | Tunney |
| Gallagher | Moore | Tupper |
| Garmatz | Moorhead | Udall |
| Giaimo | Morgan | Ullman |
| Gibbons | Morris | Van Deerlin |
| Gilbert | Morrison | Vanik |
| Gilligan | Morse | Vigorito |
| Gonzalez | Mosher | Vivian |
| Goodell | Moss | Walker, N. Mex. |
| Grabowski | Multer | Watkins |
| Gray | Murphy, Ill. | Weltner |
| Green, Pa. | Murphy, N.Y. | Whalley |
| Greigg | Natcher | White, Idaho |
| Grider | Nedzi | White, Tex. |
| Griffin | Nix | Widnall |
| Griffiths | O'Brien | Wilson, Bob |
| Grover | O'Hara, Ill. | Wilson, Charles H. |
| Gubser | O'Hara, Mich. | |
| Hagen, Calif. | O'Konski | Wolff |
| Halleck | Olsen, Mont. | Wyatt |
| Halpern | Olson, Minn. | Wydler |
| Hamilton | O'Neill, Mass. | Yates |
| Hanley | Ottinger | Young |
| Hanna | Patman | Younger |
| Hansen, Iowa | Patten | Zablocki |

NAYS—74

| | | |
|---|---|---|
| Abbitt | Andrews, Glenn | Broyhill, N.C. |
| Abernethy | Ashmore | Broyhill, Va. |
| Andrews, George W. | Beckworth | Buchanan |
| | | Burleson |
| Callaway | Hansen, Idaho | Pool |
| Casey | Hardy | Rivers, S.C. |
| Cooley | Harris | Roberts |
| Davis, Ga. | Hébert | Rogers, Tex. |
| Davis, Wis. | Henderson | Satterfield |
| Dickinson | Jonas | Scott |
| Dorn | Jones, Ala. | Selden |
| Dowdy | Kornegay | Sikes |
| Downing | Landrum | Smith, Calif. |
| Edwards, Ala. | Lennon | Smith, Va. |
| Everett | Long, La. | Stephens |
| Fino | McEwen | Teague, Tex. |
| Fisher | Marsh | Tuck |
| Flynt | Martin, Ala. | Tuten |
| Fountain | Matthews | Utt |
| Fuqua | Michel | Waggonner |
| Gathings | Mills | Watson |
| Gettys | Murray | Whitener |
| Gross | O'Neal, Ga. | Whitten |
| Gurney | Passman | Willis |
| Hagan, Ga. | Poage | |
| Haley | Poff | |

NOT VOTING—32

| | | |
|---|---|---|
| Ashley | Hosmer | Roncalio |
| Baring | Jones, Mo. | Scheuer |
| Battin | Keogh | Taylor |
| Bingham | Laird | Thomas |
| Bonner | Lindsay | Toll |
| Cahill | McMillan | Walker, Miss. |
| Carey | Martin, Mass. | Watts |
| Colmer | Morton | Williams |
| Green, Oreg. | Nelsen | Wright |
| Hall | Powell | |
| Holifield | Rivers, Alaska | |

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Keogh for, with Mr. Colmer against.
Mr. Holifield for, with Mr. Bonner against.
Mrs. Green of Oregon for, with Mr. Taylor against.
Mr. Roncalio for, with Mr. Williams against.
Mr. Rivers of Alaska for, with Mr. McMillan against.
Mr. Martin of Massachusetts for, with Mr. Walker of Mississippi against.
Mr. Hosmer for, with Mr. Battin against.

Until further notice:

Mr. Thomas with Mr. Laird.
Mr. Carey with Mr. Lindsay.
Mr. Ashley with Mr. Hall.
Mr. Bingham with Mr. Nelsen.
Mr. Toll with Mr. Morton.
Mr. Wright with Mr. Watts.
Mr. Powell with Mr. Scheuer.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE TO EXTEND

Mr. CELLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the conference report just agreed to.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

## AMENDING PEACE CORPS ACT

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2054) to amend further the Peace Corps Act (75 Stat. 612), as amended, and for other purposes, with House amendments thereto, insist on the House amendments and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair

hears none and appoints the following conferees: Mr. MORGAN, Mr. ZABLOCKI, Mrs. KELLY, Mr. HAYS, Mrs. BOLTON, Mr. ADAIR, and Mr. MAILLIARD.

## SALINE WATER CONVERSION PROGRAM

Mr. ASPINALL submitted a conference report and statement on the bill (S. 24) to expand, extend, and accelerate the saline water conversion program conducted by the Secretary of the Interior, and for other purposes, which was ordered to be printed.

## INTEREST EQUALIZATION TAX

Mr. DELANEY from the Committee on Rules reported the following privileged resolution (H. Res. 498, Rept. No. 719) which was referred to the House calendar and ordered to be printed:

*Resolved,* That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4750) to provide a two-year extension of the interest equalizaton tax, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. It shall be in order to consider the substitute amendment recommended by the Committee on Ways and Means now in the bill and such substitute shall be considered as having been read for amendment. No other amendment to the bill or committee substitute shall be in order except amendments offered by direction of the Committee on Ways and Means, and said amendments shall be in order, any rule of the House to the contrary notwithstanding, but such amendments shall not be subject to amendment. At the conclusion of such consideration, the Committee shall rise and report the bill to the House, with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion, except one motion to recommit with or without instructions.

## INCOME TAX TREATMENT OF CASUALTY LOSSES ATTRIBUTABLE TO MAJOR DISASTERS

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 7502) relating to the income tax treatment of certain casualty losses attributable to major disasters, which was unanimously reported by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COLLIER. Mr. Speaker, reserving the right to object, and I shall not object, I take this time for the purpose of asking the chairman of the committee to make an explanation of the bill.

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

Mr. COLLIER. I am happy to yield to the gentleman.

Mr. MILLS. Mr. Speaker, the purpose of H.R. 7502 as reported to the House by the Committee on Ways and Means is to amend the provisions of existing law relating to the income tax treatment of casualty losses to provide that if property is destroyed or damaged by a storm, flood, or other casualty which is designated by the President of the United States as a major disaster, then, if the losses exceed the gains, both the losses and the gains will be treated as ordinary for tax purposes.

Under present law, uninsured business losses—or those from property held for the production of income—arising from a fire or other casualty are treated as ordinary losses without regard to any gains the taxpayer may have. This rule is not changed by H.R. 7502—which was introduced by our colleague in the Committee on Ways and Means, the gentleman from Oregon, the Honorable AL ULLMAN. In the case of major disasters, the pending bill supplements this rule of existing law to provide substantially similar loss treatment for partially insured business property—or property held for the production of income. This loss treatment also is provided in the case of major disasters for losses of personal assets held for over 6 months——such as a personal residence—whether or not it is covered by any insurance.

In addition, a technical amendment makes it clear that uninsured losses arising from the destruction—in whole or in part—theft, or seizure, or requisition or condemnation of property—used in the trade or business or capital assets held more than 6 months—are to be offset against gains otherwise treated as capital gains except to the extent they are specifically excluded from the provision.

The Treasury Department has indicated that it has no objection to this legislation, and the Committee on Ways and Means is unanimous in urging its enactment.

Mr. COLLIER. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill as follows:

H.R. 7502

A bill relating to the income tax treatment of certain casualty losses attributable to major disaster

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) section 1231(a) of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new sentence: "In the case of any involuntary conversion of property (subject to the provisions of this subsection but for this sentence) in respect of which the taxpayer is compensated for by insurance in some amount, and which is attributable to a storm, flood, fire, or other casualty which is subsequently designated by the President of the United States as a major disaster for the purposes of the Act of September 30, 1950, as amended, entitled 'An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes' (64 Stat. 1109), this subsection shall not apply to such involuntary conversion (whether resulting in gain or loss) if, during the taxable year, the recognized losses from such partially insured conversions exceed the recognized gains from such involuntary conversions."

(b) The amendment made by this Act shall apply to taxable years ending after November 30, 1964.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That (a) section 1231(a) of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new sentence: 'In the case of any involuntary conversion of property (subject to the provisions of this subsection but for this sentence) which is attributable to a storm, flood, fire, or other casualty designated by the President of the United States as a major disaster for the purposes of the Act of September 30, 1950, as amended, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C., secs. 1855–1855g), this subsection shall not apply to such involuntary conversion (whether resulting in gain or loss) if, during the taxable year, the recognized losses from such conversions exceed the recognized gains from such conversions.'

"(b) The amendment made by subsection (a) shall apply to taxable years ending after November 30, 1964.

"SEC. 2. (a) Paragraph (2) of section 1231 (a) of the Internal Revenue Code of 1954 is amended by inserting after 'losses' the first place it appears '(including losses not compensated for by insurance or otherwise)'.

"(b) The amendment made by subsection (a) shall apply in respect of losses sustained after the date of the enactment of this Act in taxable years ending after such date."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time and was read the third time and passed, and a motion to reconsider was laid on the table.

## SUSPENSION OF DUTY ON CERTAIN FORMS OF NICKEL—ANNOUNCEMENT

Mr. MILLS. Mr. Speaker, it had been my intention to ask unanimous consent for the consideration today of the bill, H.R. 6431, but I have been advised by the gentleman from Oregon [Mr. DUNCAN] that if I did do so he would have to object today. Therefore, I am not asking that the bill be considered, but I will ask later in this session for its consideration.

## NORA ISABELLA SAMUELLI

Mr. SENNER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 618) for the relief of Nora Isabella Samuelli.

The Clerk read the title of the bill.

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

Mr. TALCOTT. Mr. Speaker, reserving the right to object, I wish to briefly discuss this bill.

Mr. Speaker, I wish to discuss for a few moments private bill, S. 618, which provides for a $55,000 lump sum payment and retirement benefits "as a gratuity for the sacrifices" of Miss Nora I. Samuelli, of Rumania, a former employee of the American Legation in Bucharest.

This legislation requires a more complete explanation than we have received to date. The bill was drawn by the State Department, originated in the Senate, and has been passed over thrice by the House objectors when called up on the Private Calendar.

Because of the extraordinary emotional factors inherent in a case of this type much publicity has been generated which makes objective and rational consideration exceptionally difficult.

As Members know, the Private Calendar does not permit any question, discussion or debate of a bill. Therefore, I take this time to present some additional facts and views regarding S. 618. I commend the members of the Claims Subcommittee of the Judiciary Committee for providing this opportunity for discussion.

Miss Samuelli, by all reports, is a decent, sensitive person who performed her job loyally and well for the United States. She was imprisoned by Rumanian authorities for 12 years—probably because of her employment by the United States. She is entitled to full consideration, even sympathy—which I am determined to accord her. But individual personalities and special interests should not supersede the best interests of the United States and its citizens.

Miss Samuelli had been employed at the American Legation in Bucharest, Rumania, as a clerk, performing unclassified duties, for 3½ years, when, in July 1949, she was arrested, tried, and convicted—unjustly by our standards—by the Rumanian Communist regime for treason and espionage as a turncoat spy for the United States. She was confined for almost 12 years. Her imprisonment was harsh—often incommunicado and sometimes in solitary confinement. She suffered a painful, but not disabling, accidental back injury during this period.

Miss Samuelli was not a spy for the United States. There is no evidence whatsoever that she was a spy for the Communists.

After her release from prison in June of 1961, Miss Samuelli went to France, where she contacted her former superior officer who strongly recommended that the Department of State show full appreciation for her loyal services to the United States and the hardships she endured. For several reasons—the unusual circumstances involved, the lack of a clear law or regulation covering the case, the insistence by Miss Samuelli that the United States reward her comparably with her English and Israeli counterparts, and a variety of bureaucratic mistakes—no satisfactory compromise of her entitlement was effected.

In 1963, Miss Samuelli had an opportunity to come to the United States in order to present her case in person. The State Department agreed to sponsor legislation to compensate all persons in her category for their full salaries for the time spent in prison. Such a bill is now pending in the House. Miss Samuelli also importuned several Members of the other body, who were impressed with her story, and who urged the Secretary of State to seek a more generous award of her full back salary, plus retirement benefits, plus a $20,000 gratuity.

Miss Samuelli's compensation at the time of her arrest was $1,920 per annum—a fair and mutually satisfactory wage for unclassified work in Bucharest at the time. The Department of State, which now contends her case is "the most deserving ever encountered," originally set her entitlement at $26,972.46—computed on the basis of her last prearrest salary rate projected over the total period of her imprisonment.

After the Members of the other body interceded, the Department of State revised the figure upward to $44,873.67—computed on the basis of the actual compensation received by a fellow employee—who held a similar position and was paid the same salary as Miss Samuelli at the time she was imprisoned—and who continued to work throughout the period during which Miss Samuelli was confined, plus full pay for an additional 2 years at the highest estimated rate of about $3,300 per annum, plus accrued annual leave. Value of pension benefits are difficult to compute; however, at present rates her annuity would be about $85 per month, $1,020 per year, or an actuarial value of $10,440 to $28,700. If Miss Samuelli were to apply for service-connected disability compensation, and if approved, her total benefits could be greater.

Pursuant to standard procedure, the mother of Miss Samuelli received a sum equal to her salary for 6 months shortly after Miss Samuelli was arrested in 1949.

Another pending bill would grant U.S. citizenship to Miss Samuelli.

In addition to the above, a $10,000 payment for "suffering and expenses" was recommended by the Department of State. The Department has stated that this sum is "a gratuity in recognition, not only of the physical and mental suffering she endured, but also the expenses to which Miss Samuelli has been put in developing this first case of its kind." These expenses are said to include legal fees and costs of travel in pursuing her claim, although payment of the former is specifically prohibited by the bill. This provision, in effect, pays a bonus to a stateless person for developing a claim against the U.S. Treasury. Some Members believe this is a first-of-its-kind bonus—which should not be encouraged, let alone subsidized.

It is understood that another almost identical case is known to the Department of State, but was withheld because the Samuelli case has more emotional and political appeal, and also because Miss Samuelli has more prominent supporters and advocates. This appears to be a questionable parliamentary tactic—discriminatory and conceivably detrimental to the other case—which casts a shadow of doubt on both, in my opinion. The State Department has assured me, in writing, that the "Department will not consider the amount provided in this bill as a precedent for other claimants." In other words, we are assured that other claimants will not be given bonuses. Some Members consider this unfair to other claimants—or special treatment for this particular claimant.

On the other hand, it is also alleged that there are pending as many as 50 comparable or similar cases for which this case would be a precedent.

Some Members contend that such a novel first case of its kind, with dozens more standing in the wings, deserves more thorough consideration, debate, and deliberation than the "ask-no-question, see-no-problem, hear-no-answers, assume - no - public - interest" Private Calendar procedure can provide.

Some Members have demanded that Congress, and the public, be permitted to know first, why the State Department changed its mind and proposed a more than 100-percent increase in lost back salary; two, whether the U.S. Government intends to pay gratuities for imprisonment to foreign nationals which were not paid to our own military and civilian employees; and three, how this case will affect the computation of salaries of future prisoners of war—will they be entitled to hypothetical potential pay raises and gratuities; and, if so, what will be the criteria?

Some proponents have suggested that, unless we treat Miss Samuelli with special generosity, recruitment of nationals for employment in our embassies and legations will be severely handicapped and Communist governments will propagandize that the United States "pays only salaries, not bonuses, for imprisonment; so do not work for economy-minded, inhumane capitalists."

In other words, "do not work for the United States unless you are guaranteed a bonus when we put you in jail." Not everyone concurs.

Some proponents have suggested that our friends in captive nations may say "after all we did for the United States, now we do not get a bonus—how cheap." Or "after all, we are volunteers, we did not have to work for the United States—so we should be entitled to special gratuities in addition to back salary, when imprisoned."

These arguments may have some validity—and perhaps should be a part of the basis of our foreign employment policy. Perhaps there is no other way we can attract competent, loyal foreign workers. However, the objectors simply believe that these are dramatic deviations from our existing policy and therefore should have a fuller debate than is possible under the Rules of Procedure of the Private Calendar.

Some proponents support the gratuity also on the basis that Miss Samuelli did an excellent job. We do not dispute her competency. If she had not done a good job, she should have been dismissed; if her services were more valuable than her compensation, she should have been promoted. Adjustments of compensation at termination has not been the practice of our foreign employment policy. The objectors believe our policy in this respect should not be changed via a private bill.

Other proponents justify the gratuity on the basis that she was loyal to the United States. We do not disparage her loyalty; we even applaud it. But if

she were not loyal, she should not have requested or been given employment in the first place. If she were anything but loyal, she should receive nothing. A policy of gratuities for loyalty needs more discussion, the objectors suggest.

Her friends say, "She suffered pain and severe hardships while in prison." We do not deny or disparage this. In fact, none of us can fully appreciate the full extent of her physical, mental, and emotional suffering—as we were not there. But we have never awarded special gratuities to our own citizens—military or civilian—for harsh and inhumane treatment while military or political prisoners.

Some advocates of this bill say that gratuities for Miss Samuelli based upon hypothetical potential salary increases, promotions and increments is progressive and enlightened. We do not necessarily disagree, but we believe that there should be some criterion and that the policy should apply also to our own civilian and military prisoners—which is believed not to be the practice now. If our policy is to be changed, some objectors believe it should not be done by a precedent established in the House by a Senate bill without question or debate under the Private Calendar.

A point also is made that England, France, and Israel treat their political prisoners more generously than the United States and that this is embarrassing or damaging to our international reputation, especially when we are more affluent than they. First, substantiating evidence of this argument has not been adduced. Second, if our policy is different, there has been no evidence that a change is necessary. If a change is necessary, the specific proposals for such change have not been suggested. There has been no evidence that our present policy failed to produce adequate, competent personnel or that our international relations or goals have been adversely affected by our policy. Some might even dispute the efficacy or appropriateness of maintaining a policy which give more generous gratuities than other nations give to their political or military prisoners. Such considerations and arguments cannot be developed during the call of the Private Calendar.

It can be fairly said that $44,873.67—lately proposed by the State Department—represents a handsome salary for the 12 years' work she could have obtained during those years in Rumania. No others with her training and classification were paid so well. The actual salary of a similarly classified coworker, Miss Maria Rothbacker, during the entire term of Miss Samuelli's internment totaled $35,729.46. Lost annual leave amounted to $2,385.44—for a total of $38,114.90.

The inexcusable bureaucratic mistakes and delay in the State Department should not become an excuse for hasty, inadequately considered congressional action which may have far-ranging future consequences.

We concede that most of the arguments for this particular claimant are emotionally appealing—to conscientious legislators; decent, humane officials; sob-sisters; and avid, earnest anti-Communists—and they are absolutely apolitical; nevertheless, the questions, reservations, and even objections have some validity. Not only is it the official duty of an objector to investigate, question, and call to the attention of the House any reservation or objection he may have, or another Member may request of him, but every Member should interest himself in private bills which are of such great importance to our Nation and to so many individuals who may have been, or may be, similarly situated.

Nobody with whom I have discussed this case would object to full recompense for Miss Samuelli—even acceding to the imponderables and vagaries of favorable hypothetical potential increases; but when the State Department proposed to more than double or triple her remuneration, after the intercession of influential Senators, but without any objective explanation or rational criterion, grave doubts were bound to arise which could not be properly or adequately satisfied by way of the limited and narrow Private Calendar procedure.

Scores of comparable cases come to mind—and I believe research and elaboration of comparable situations might be interesting, sobering, and cautionary. The Philippine Scouts, I understand, were certainly competent and loyal, and certainly suffered hardships and imprisonment, even death—to themselves and their families. They voluntarily served along with our Army often without pay during the Pacific campaign of World War II, and were later promised compensations equal to our servicemen—not bonuses—but the Government has never seen fit nor thought it appropriate to grant these loyal, competent, suffering nationals any gratuity.

We suspect that many persons throughout the world, now and in the future, might qualify for money payments under the criterion or principles of this case. The objectors simply think they should have hard evidence, fuller discussion, and cleaner legislative history before we establish new criterion and policy by the precedent of a private bill.

This case is already beginning to bring inquiries from individuals asking if they and others are not eligible for back pay, gratuities, and retirement benefits for their employment, service, or imprisonment before, during, and after World War II. The objectors think it would be wise to have a policy and criterion before we open the floodgates by passing a private bill granting a special gratuity.

This case could open up an enormous Pandora's box of pending, dormant, or future cases which are identical, comparable, or sufficiently similar to warrant or invite an avalanche of private bills and claims. Some Members question whether this appealing, highly emotional, pressurized, single case should become the criterion for the disposition of all future prisoner-of-war cases.

As one Member of Congress who wants to help Miss Samuelli and expedite her claim, who believes a fair employment practice requires our Government to pay full wages during enemy imprisonments, but as one who concurs with numerous other Members of the House that the novel aspects of gratuities should be the subject of general, rather than special legislation, I concur that the only way this bill can be passed by the House now is to accept the committee amendment proposed by the gentleman from Arizona [Mr. SENNER] at my request. I understand that the amendment is being accepted by the minority objectors and the minority members of the Claims Subcommittee of the Judiciary Committee. I especially commend the gentleman from Arizona [Mr. SENNER], the proposer of this bill, and the gentleman from South Carolina [Mr. ASHMORE] the chairman of the subcommittee, for their splendid cooperation in working out this compromise amendment which I trust is satisfactory to the claimant and also in the best interests of the United States and its citizens. The committee demonstrated concern for the claimant and for the U.S. citizens. The committee has demonstrated that special private bills can be processed through the Private Calendar and that, when necessary and appropriate, a bill can be given full consideration and that the House can work its will.

Furthermore, Mr. Speaker, there are several other worthy claimants equally entitled with Miss Samuelli—at least one who served the United States longer and was imprisoned longer and under more harsh circumstances, and who returned from imprisonment to continue loyal employment for the United States, but she has had no influential supporters in the Congress. Another case is even more pathetic, but tragically her imprisonment left her so broken in mind, health, and spirit that she could not pursue any claim, no matter how valid.

If we are today going to pass a bill for the benefit of Miss Samuelli, which I have worked assiduously to pass, we should be prepared to pass forthwith comparable bills for the benefit of other nationals loyal to the United States who were imprisoned because of their employment by the U.S. Government abroad.

I intend to introduce private bills for the benefit of several persons not my constituents but known to me, who should be compensated comparably with Miss Samuelli, not to give them bonuses, gratuities, extra pay, or special consideration, but simply to treat them fairly and comparably with other foreign nationals employed by the United States in our legations abroad.

Mr. REID of New York. Mr. Speaker, will the gentleman yield?

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

Mr. REID of New York. Mr. Speaker, I believe this bill for the relief of Nora Isabella Samuelli is a clearly meritorious one. I appreciate the efforts of the gentleman from California, and I hope this bill, which is equitable and long overdue, will pass in the full amount recommended by the Department of State.

The Deputy Under Secretary of State for Administration, William Crockett, has informed me that staff physicians report Miss Samuelli is "physically incapacitated" and would meet criteria for "medical retirement." Under other circumstances this could make Miss Samuelli eligible for a certain percentage of her annual salary for the rest of her life and I trust this will be taken into consideration by Members of the House and by Members of the other body.

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

Mr. GROSS. Mr. Speaker, further reserving the right to object, it is the intention of the gentleman to offer an amendment to this bill, is it not?

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

Mr. GROSS. I am glad to yield to the gentleman from Arizona.

Mr. SENNER. Mr. Speaker, in answer to the gentleman, I would like to inform him that I am presenting a committee amendment to the bill, S. 618, for the relief of Nora Isabella Samuelli. This bill was favorably reported to the House on May 27, 1965. In the time intervening from that date, it has been possible to review the provisions of the bill and to secure additional information. On the basis of this information it has been concluded that there should be a modification of the amount provided in the bill so as to make it correspond with the amount computed by the Department of State to be the equivalent of that Miss Samuelli would have earned had she not been seized by Rumanian authorities and imprisoned for a 12-year period. This requires a deduction of a $10,000 figure which is stated in the State Department report as being an additional sum over and above that which she should have earned. Further, it appears that Miss Samuelli was imprisoned from July 24, 1949, to June 14, 1961; however, due to some inadvertence in the period selected in the computation of the compensation Miss Samuelli would have earned, the period covered was extended to 1963. Accordingly, this amounted to the inclusion of approximately 2 additional years in the original computation; therefore, the figure for the loss of compensation which previously was $44,873.67 has been reduced by the figure of $6,758.77 to the revised figure of $38,114.90. This is the amount stated in the committee amendment.

Section 2 of the bill provides for the period of Miss Samuelli's imprisonment to be recognized as creditable service for the purpose of the Civil Service Retirement Act. The committee in reporting the bill assumed that Miss Samuelli would make the required employee contribution in order to receive the credit for this service; however, to make this point absolutely clear, the committee also recommends that the bill be amended to state affirmatively that she shall be granted this service provided that she makes the required employee contribution.

Mr. GROSS. Mr. Speaker, I submit that this is the type of bill which ought to have been brought to the House floor under a rule, because I am fearful it does set a precedent. I am not going to object, but in the future I will object to the unanimous-consent consideration of bills of this unique nature on the floor of the House by way of the Private Calendar where, under ordinary circumstances, it cannot be discussed; no questions can be asked and no answers given. I hope that we have seen the end of this sort of legislation on the Private Calendar.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the unanimous-consent request of the gentleman from Arizona?

There being no objection, the Clerk read the bill as follows:

S. 618

An act for the relief of Nora Isabella Samuelli

*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 Nora Isabella Samuelli, the sum of $55,000 as a gratuity for the sacrifices sustained by her as a result of having been imprisoned for twelve years by the Communist Government of Rumania on charges that the said Nora Isabella Samuelli acted as a spy for the United States while employed in the United States Legation in Bucharest, Rumania: *Provided,* That no part of the amount appropriated in this Act 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.

SEC. 2. The period from July 24, 1949, to June 14, 1961, inclusive, during which Nora Isabella Samuelli was imprisoned by the Communist Government of Rumania on charges that she acted as a spy for the United States while employed in the United States Legation in Bucharest, Rumania, shall be determined to be creditable service for the purposes of the Civil Service Retirement Act (5 U.S.C. 2251, et seq.).

AMENDMENT OFFERED BY MR. SENNER

Mr. SENNER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SENNER:

Page 1, line 6, strike "$55,000 as a gratuity for the sacrifices" and insert "$38,114.90 for loss of compensation".

Page 2, line 15, after "2251, et seq.)" insert "*Provided,* That, she makes the required employee contribution".

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

## FIRST ANNUAL REPORT OF THE ATLANTIC-PACIFIC INTEROCEANIC CANAL STUDY COMMISSION (H. DOC. 253)

The SPEAKER laid before the House the following communication from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Merchant Marine and Fisheries and ordered to be printed with illustrations:

*To the Congress of the United States:*

By Public Law 88–609, I was authorized to appoint five men from private life to make a full study of the most suitable site for, and best means of constructing, a sea-level canal connecting the Atlantic and Pacific Oceans. On April 18, 1965, I appointed five distinguished American citizens to serve on the Atlantic-Pacific Interoceanic Canal Commission. They are: Robert B. Anderson, Chairman; Robert G. Storey, Vice Chairman; Milton S. Eisenhower, Kenneth E. Fields, and Raymond A. Hill.

The Commission immediately set about its difficult and complicated mission. The initial phase of its work has been to develop a program of investigations covering the many aspects of the construction of a sea-level canal. It has selected the Chief of Engineers, U.S. Army, to conduct the engineering feasibility study under the direction of the Commission. The Commission will soon call upon other Government and private agencies to carry out additional studies to aid in assessing the broad national and international implications of a sea-level canal. By early next year the Commission expects to begin onsite surveys of possible canal routes. The Commission is also contemplating a trip to Panama in the near future to study, at first hand, the present Canal Zone and another possible canal route in Panama's Darien Province. I am highly gratified by the progress made by the Commission, under the able leadership of Mr. Anderson, during the short period that it has been working.

The Commission has requested the Congress to appropriate sufficient funds in fiscal year 1966 to initiate investigations on the most promising sea level canal routes. Onsite surveys would begin in January, with the next annual dry season in the isthmus. I recommend prompt action on the request in order that the Commission be in position to initiate this important aspect of its work during this 4-month period of favorable weather conditions.

Under the terms of the authorizing legislation, the Commission is required to report to me on its progress for transmittal to the Congress on July 31 of each year and to make its final report not later than June 30, 1968. I take pleasure in submitting the first annual report of the Commission.

In forwarding this report to the Congress, I wish to reiterate the importance which I attach to pressing forward with plans and preparations for a sea-level canal. I think this is needed for the protection and promotion of peaceful trade, as well as for the welfare of the hemisphere. It is needed in the true interests of the United States and in fairness and justice to all.

LYNDON B. JOHNSON.

The WHITE HOUSE, *July 31, 1965.*

## PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

MRS. NATHALIE ILINE

The Clerk called the bill (H.R. 1380) for the relief of Mrs. Nathalie Iline.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALCOTT and Mr. GROSS objected, and, under the rule, the bill was recommitted to the Committee on the Judiciary.

OUTLET STORES, INC.

The Clerk called the bill (H.R. 2924) for the relief of the Outlet Stores, Inc.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALCOTT and Mr. HALL objected, and, under the rule, the bill was recommitted to the Committee on the Judiciary.

CHARLES MAROWITZ

The Clerk called the bill (H.R. 1445) for the relief of Charles Marowitz.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS and Mr. HALL objected, and, under the rule, the bill was recommitted to the Committee on the Judiciary.

EDWARD V. AMASON AND EMERITA CECILIA AMADOR AMASON

The Clerk called the bill (H.R. 1473) for the relief of Edward V. Amason, and Emerita Cecilia Amador Amason.

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

JOANNE MARIE EVANS

The Clerk called the bill (H.R. 3103) for the relief of Joanne Marie Evans.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

DEDRICK A. MAANUM

The Clerk called the bill (H.R. 4070) for the relief of Dedrick A. Maanum.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALCOTT and Mr. GROSS objected, and, under the rule, the bill was recommitted to the Committee on the Judiciary.

MRS. RUTH GORFAIN

The Clerk called the bill (H.R. 5206) for the relief of Mrs. Ruth Gorfain.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McEWEN and Mr. HALL objected and, under the rule, the bill was recommitted to the Committee on the Judiciary.

LT. COL. JAMES P. HUBBARD, U.S. ARMY

The Clerk called the bill (H.R. 5815) for the relief of Lt. Col. James P. Hubbard, U.S. Army.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL and Mr. GROSS objected and, under the rule, the bill was recommitted to the Committee on the Judiciary.

E. F. FORT, CORA LEE FORT CORBETT, AND W. R. FORT

The Clerk called the bill (H.R. 6527) for the relief of E. F. Fort, Cora Lee Fort Corbett, and W. R. Fort.

There being no objection, the Clerk read the bill as follows:

H.R. 6527

*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 E. F. Fort, of Beaumont, Texas, to Cora Lee Fort Corbett, of Lake Wales, Florida, and to W. R. Fort, of Palestine, Texas, the sum of $4,000 in full settlement of their claims against the United States for payment for land formerly owned by them and taken by the United States located in the west half of the northeast quarter of section 34, township 39 south, range 42 east, of the Tallahassee meridian, county of Martin, State of Florida, and known as tract numbered 131, Camp Murphy, Florida: *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.

With the following committee amendment:

Page 2, line 4, strike "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

MARVIN D. NELLS

The Clerk called the bill (H.R. 7822) for the relief of Marvin D. Nells.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALCOTT and Mr. HALL objected and, under the rule, the bill was recommitted to the Committee on the Judiciary.

DEBRA LYNNE SANDERS

The Clerk called the bill (S. 916) for the relief of Debra Lynne Sanders.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

MRS. MICHIKO MIYAZAKI WILLIAMS

The Clerk called the bill (H.R. 1274) for the relief of Mrs. Michiko Miyazaki Williams.

There being no objection, the Clerk read the bill as follows:

H.R. 1274

*Be it enacted by the Senate and House of Representtaives of the United States of America in Congress assembled,* That, notwithstanding the provision of section 212(a)(23) of the Immigration and Nationality Act, Mrs. Michiko Miyazaki Williams may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

LOUIS ADLER

The Clerk called the bill (H.R. 1821) for the relief of Louis Adler.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

ANNA DEL BAGLIVO

The Clerk called the bill (H.R. 1871) for the relief of Anna Del Baglivo.

There being no objection, the Clerk read the bill as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for the purposes of the Immigration and Nationality Act, Anna Del Baglivo shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota control officer to deduct one number from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bond, which may have issued in the case of Anna Del Baglivo. From and after the date of the enactment of this Act, the said Anna Del Baglivo shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced on any such warrants and orders have issued."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third

time, and passed, and a motion to reconsider was laid on the table.

## MRS. GUISIPPINA RUSSO LUCIFORO

The Clerk called the bill (H.R. 1415) for the relief of Mrs. Giusippina Russo Luciforo.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALCOTT and Mr. GROSS objected and under the rule, the bill was recommitted to the Committee on the Judiciary.

## CARLO ANTONIO DeLUCA

The Clerk called the bill (H.R. 4032) for the relief of Carlo Antonio DeLuca.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McEWEN and Mr. HALL objected, and under the rule, the bill was recommitted to the Committee on the Judiciary.

## WRIGHT G. JAMES

The Clerk called the bill (S. 1196) for the relief of Wright G. James.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

## 1ST LT. ROBERT B. GANN

The Clerk called the bill (H.R. 1644) for the relief of 1st Lt. Robert B. Gann.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

## WILLIAM S. PERRIGO

The Clerk called the bill (H.R. 6726) for the relief of William S. Perrigo.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McEWEN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

## KENT A. HERATH

The Clerk called the bill (H.R. 8212) for the relief of Kent A. Herath.

There being no objection, the Clerk read the bill, as follows:

H.R. 8212

*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 Kent A. Herath the sum of $676 in full satisfaction of his claim against the United States for the loss of certain personal property from his official residence in David, Panama, where he was serving as United States Information Service branch public affairs officer: *Provided,* That no part of the amount appropriated in this Act 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 $1,000.00.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## SUCCESSORS IN INTEREST OF COOPER BLYTH AND GRACE BLYTH

The Clerk called the bill (H.R. 8350) for the relief of the successors in interest of Cooper Blyth and Grace Johnston Blyth otherwise Grace McCloy Blyth.

There being no objection the Clerk read the bill, as follows:

H.R. 8350

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Attorney General is authorized and directed to return to Barclays Bank Limited, 54 Lombard Street, London, E.C. 3, as executor under the will of Cooper Blyth, deceased, the sum of $654.73, representing the proceeds of fifteen shares of capital stock of the National City Bank of New York evidenced by certificate numbered CTF 155563, which were vested under vesting order 11122, dated April 26, 1948.

With the following committee amendment:

Part 1, line 10: Strike "948." and insert "1948.".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

## CLARENCE L. AIU AND OTHERS

The Clerk called the bill (H.R. 8351) for the relief of Clarence L. Aiu and others.

There being no objection, the Clerk read the bill, as follows:

H.R. 8351

*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 each of the following claimants, or to his survivors, the sum designated, in full satisfaction of his claim against the United States, which sum represents the reasonable value of each claimant's personal property lost, damaged, or destroyed by, and personal expenses incurred as a result of, Typhoon Karen which occurred at Guam, Marianas Islands, on November 11, 1962, where each claimant was required to be incident to his service as an employee of the United States Government:

Clarence L. Aiu, $652.06; Ralph C. Alexander, $225; Ronald E. Bereman, $570; Donald F. Berrigan, $660.77; John M. Bonvissuto, $1,919.60; Thomas G. Brown, $2,475.45; Norman L. Butner, $675; George T. Candy, $1,886; Willis S. Cannon, Junior, $2,134; Harry Clark, Junior, $2,537.50; George DeLima, $801; John C. Enlow, $198; Wilfrid F. Gehrkin, $325; Marvin A. Gradwohl, $6,500; Emil E. Guenther, $881; Harold W. Hamm, Junior, $235; Chester D. Hand, $1,638;

George T. Harris, $3,084.74; George F. Hartley, $1,951.50; William A. Hawkins, $618.22; Yushio Hirata, $1,290; Guy R. Hudson, $1,476.10; Ronald H. Inefuku, $843.19; William G. Jackson, $1,909; Loren E. Jones, $1,146.95; Leroy E. Joppie, $260; Arthur K. Kawai, $529; Lyle V. Kilpatrick, $489; Verden Kim, $876; Albert S. C. Kong, $2,181.40; James T. Kushima, $264.25; William A. Lawless, $1,503.83; Roy S. Makio, $797; Manuel Marin, $6,500; K. Steward McClelland, $329;

Lestel D. McQuay, $54.77; Alexander S. Melligio, $2,584.45; Wallace T. Morioka, $3,128.19; Thomas J. Morris, $1,284; Judson S. Munsey, $3,463.05; Gary J. Nelson, $510.50; Cornelius E. O'Brien, $1,023; James T. O'Donnell, $2,536.97; Robert E. Orr, $675; John H. Outcalt, $1,108.25; Daniel J. Pereira, $1,453; James V. Powell, $214; Agnes M. Pratt, $1,144.20; John B. Pratt, Junior, $807.90; Joe C. Price, $947.55; Lloyd V. Richmond, $2,495; Leroy Rosa, $80; Kenneth H. Short, $1,768;

Vianna C. Stream, $626.50; Chester K. Tatsumura, $1,106.90; Raymond S. Tokumoto, $971.22; Charles M. Unten, $3,184.75; Arthur H. Watt, $545; James A. Wene, $449; Homer L. Willess, $1,834.85; Robert G. C. Wong, $135; Gordon R. Yen, $400.

*Provided,* That no part of the amounts appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, 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.

SEC. 2. This Act shall become effective immediately upon its enactment.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

## MAJ. DERRILL DeS. TRENHOLM, JR., U.S. AIR FORCE

The Clerk called the bill (H.R. 8641) for the relief of Maj. Derrill deS. Trenholm, Jr., U.S. Air Force.

There being no objection, the Clerk read the bill as follows:

*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 Major Derrill deS. Trenholm, Junior, [redacted], United States Air Force, Offutt Air Force Base, Nebraska, the sum of $472.96 in full satisfaction of his claim against the United States for reimbursement in addition to the amount he received under section 2732 of title 10, United States Code, for household goods and personal effects that were lost or destroyed as a result of a fire of undetermined origin on August 9, 1963, at the Smitty's Van and Storage Company warehouse, Omaha, Nebraska, while the property was stored in a warehouse under a Government contract. No part of the amount appropriated in this Act will 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.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

### MAJ. RAYMOND G. CLARK, JR.

The Clerk called the bill (S. 45) for the relief of Maj. Raymond G. Clark, Jr.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

### LT. RAYMOND E. BERUBE, JR.

The Clerk called the bill (S. 97) for the relief of Lt. Raymond E. Berube, Jr.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

### LLOYD K. HIROTA

The Clerk called the bill (S. 134) for the relief of Lloyd K. Hirota.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

### BENJAMIN A. RAMELB

The Clerk called the bill (S. 149) for the relief of Benjamin A. Ramelb.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

### HONORATA A. VDA DE NARRA

The Clerk called the bill (S. 263) for the relief of Honorata A. Vda de Narra.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

### ROBERT L. WOLVERTON

The Clerk called the bill (S. 572) for the relief of Robert L. Wolverton.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

### LT. COL. WILLIAM T. SCHUSTER, U.S. AIR FORCE (RETIRED)

The Clerk called the bill (S. 919) for the relief of Lt. Col. William T. Schuster, U.S. Air Force, retired.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

### OTTILIA BRUEGMANN JAMES

The Clerk called the bill (S. 1008) for the relief of Ottilia Bruegmann James.

There being no objection, the Clerk read the bill as follows:

S. 1008

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the limitation on the time within which applications for disability retirement are required to be filed under section 7(b) of the Civil Service Retirement Act (5 U.S.C. 2257(b)) is hereby waived in favor of Ottilia Bruegmann James, a former employee of the Department of the Army, and her claim for disability retirement under such Act shall be acted upon under the other applicable provisions of such Act as if her application had been timely filed, if she files application for such disability retirement within sixty days after the date of enactment of this Act. No benefits shall accrue by reason of the enactment of this Act for any period prior to the date of enactment of this Act.

SEC. 2. Notwithstanding any other provision of law, benefits payable by reason of the enactment of this Act shall be paid from the civil service retirement and disability fund.

Passed the Senate May 27, 1965.

Attest:

FELTON M. JOHNSTON,
*Secretary.*

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

### FRED E. STARR

The Clerk called the bill (S. 1068) for the relief of Fred E. Starr.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McEWEN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

### LT. ROBERT C. GIBSON

The Clerk called the bill (S. 1138) for the relief of Lt. Robert C. Gibson.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

### JACK C. WINN, JR.

The Clerk called the bill (S. 1267) for the relief of Jack C. Winn, Jr.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

### BETTY H. GOING

The Clerk called the bill (H.R. 1221) for the relief of Betty H. Going.

There being no objection, the Clerk read the bill as follows:

H.R. 1221

*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 Betty H. Going, of Jacksonville, Florida, the sum of $5,000 in full settlement of all her claims against the United States for an amount equal to the amount she would have received as the beneficiary under a life insurance policy (number 85538–E) issued in 1948 by the Guardian International Life Insurance Company of Dallas, Texas, on the life of her brother, the late Sergeant Walker D. Howle ([redacted]), if the United States had not caused such policy to lapse for nonpayment of premiums. 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.

With the following committee amendments:

Page 1, line 6, strike "$5,000" and insert "$4,718.44".

Page 2, lines 3 and 4, strike "in excess of 10 per centum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

### IRENE McCAFFERTY

The Clerk called the bill (H.R. 1395) for the relief of Irene McCafferty.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

## M. SGT. RICHARD G. SMITH, U.S. AIR FORCE, RETIRED

The Clerk called the bill (H.R. 1892) for the relief of M. Sgt. Richard G. Smith, U.S. Air Force, retired.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

## RALPH S. DeSOCIO, JR.

The Clerk called the bill (H.R. 2571) for the relief of Ralph S. DeSocio, Jr.

There being no objection, the Clerk read the bill as follows:

*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 Ralph S. DeSocio, Junior, of Pine City, New York, the sum of $1,500 in full settlement of all claims of Ralph S. DeSocio, Junior, against the United States for reimbursement of amounts paid in settlement of judgments against him obtained in the Supreme Court, State of New York, county of Chemung, as a result of a motor vehicle collision on December 22, 1958, in Elmira, New York, between a privately owned vehicle and a Government vehicle being operated by him within the scope of his employment with the United States Post Office Department. The payment authorized by this Act shall be made on the condition that the amount so received shall be paid in accordance with the settlement referred to herein in full and final satisfaction of the judgments obtained against Ralph S. DeSocio, Junior: *Provided,* That no part of the amount appropriated in this Act 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.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

## MAJ. ALEXANDER F. BEROL, U.S. ARMY, RETIRED

The Clerk called the bill (H.R. 3684) for the relief of Maj. Alexander F. Berol, U.S. Army, retired.

Mr. McEWEN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

## PACIFIC MISSILE RANGE EMPLOYEES

The Clerk called the bill (H.R. 3770) for the relief of certain individuals employed by the Department of the Navy at the Pacific Missile Range, Point Mugu, Calif.

Mr. McEWEN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

## WILLIAM L. MINTON

The Clerk called the bill (H.R. 4078) for the relief of William L. Minton.

There being no objection, the Clerk read the bill as follows:

H.R. 4078

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That William L. Minton, of Tacoma, Washington, Navy service number XXXXXXXX, is hereby relieved of liability to the United States in the amount of $241, the amount of his liability to the United States for overpayments of per diem during the period August 16, 1960, to April 13, 1961, while he was serving as a member of the United States Navy. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for any amount for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to said William L. Minton, an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, in complete or partial satisfaction of the liability to the United States specified in the first section. 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.

With the following committee amendment:

Page 2, line 10, strike "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed and a motion to reconsider was laid on the table.

## MYRA KNOWLES SNELLING

The Clerk called the bill (H.R. 4596) for the relief of Myra Knowles Snelling.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

## JAMES P. BRADLEY

The Clerk called the bill (H.R. 5121) for the relief of James P. Bradley.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

## WILLIAM C. PAGE

The Clerk called the bill (H.R. 5903) for the relief of William C. Page.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

## MRS. HARLEY BREWER

The Clerk called the bill (H.R. 5915) for the relief of Mrs. Harley Brewer.

There being no objection, the Clerk read the bill as follows:

H.R. 5915

*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 Mrs. Harley Brewer (or, in the event of her death, to her estate) of San Ildefonso Pueblo, New Mexico, the widow of Harley Brewer, the sum of $4,500. The payment of such sum shall be in full satisfaction of all the claims of the said Harley Brewer against the United States for compensation authorized to be paid to him by Private Law 88-360, approved October 14, 1964, but which was not so paid to the said Harley Brewer by reason of his death prior to enactment of the said private law: *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.

Amend this title so as to read: "A bill for the relief of the estate of Harley Brewer, deceased."

With the following committee amendments:

Page 1, lines 5, 6, 7, 8, and 9 strike "to Mrs. Harley Brewer (or, in the event of her death, to her estate) of San Ildefonso Pueblo, New Mexico, the widow of Harley Brewer, the sum of $4,500. The payment of such sum shall be in full satisfaction of all the claims of the said Harley Brewer" and insert "the sum of $4,500 to the estate of Harley Brewer, deceased, in full satisfaction of the claims of the decedent".

Page 2, lines 3 and 4, strike "in excess of 10 per centum thereof".

The committee amendments were agreed to.

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

The title was amended to read: "A bill for the relief of the estate of Harley Brewer, deceased".

A motion to reconsider was laid on the table.

## RICHARD D. WALSH

The Clerk called the bill (H.R. 7282) for the relief of Richard D. Walsh.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

## WALTER K. WILLIS

The Clerk called the bill (H.R. 8218) for the relief of Walter K. Willis.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

## CERTAIN EMPLOYEES OF THE FOREIGN SERVICE OF THE UNITED STATES

The Clerk called the bill (H.R. 8352) for the relief of certain employees of the Foreign Service of the United States.

There being no objection, the Clerk read the bill as follows:

H.R. 8352

*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 each of the following employees of the Foreign Service of the United States, the sum designated in full satisfaction of their claims against the United States for compensation for personal property lost while performing their official duties: Edward H. Brown, $2,240; Anna J. Bryant, $1,625; Ronald G. Dixon, $211; John J. MacDougall, $1,465; Rene A. Tron, $1,500.

With the following committee amendment:

Page 1, line 11, insert:

"No part of the amount appropriated in this Act 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."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

## CHIEF M. SGT. ROBERT J. BECKER, U.S. AIR FORCE

The Clerk called the bill (H.R. 8640) for the relief of Chief M. Sgt. Robert J. Becker, U.S. Air Force.

There being no objection, the Clerk read the bill as follows:

H.R. 8640

*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 Chief Master Sergeant Robert J. Becker, AF 33597473, United States Air Force, Headquarters, Tactical Air Command (DA), Langley Air Force Base, Virginia, the sum of $702.70 in full satisfaction of his claim against the United States for reimbursement in addition to the amount he received under section 2732 of title 10, United States Code, for household goods and personal effects destroyed as a result of a fire of undetermined origin on July 6, 1958, at the Tidewater Storage and Crating Company warehouse, Hampton, Virginia, while the property was stored in a warehouse under a Government contract: *Provided,* That no part of the amount appropriated in this Act 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.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

## COL. EUGENE F. TYREE, U.S. AIR FORCE (RETIRED)

The Clerk called the bill (H.R. 8642) for the relief of Col. Eugene F. Tyree, U.S. Air Force (retired).

There being no objection, the Clerk read the bill as follows:

H.R. 8642

*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 Colonel Eugene F. Tyree, 33218A, United States Air Force (retired), Louisville, Kentucky, the sum of $3,601.24 in full satisfaction of his claim against the United States for reimbursement in addition to the amount he received under section 2732 of title 10, United States Code, for household goods and personal effects that were lost or destroyed as a result of a fire of undetermined origin on March 26, 1964, at the Lincoln Moving and Storage Company warehouse located in Moses Lake, Washington, while the property was stored in the warehouse under a Government contract. No part of the amount appropriated in this Act 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.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

## LT. (JG.) HAROLD EDWARD HENNING, U. S. NAVY

The Clerk called the bill (H.R. 4603) for the relief of Lt. (jg.) Harold Edward Henning, U.S. Navy.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

## AUTHORIZING HON. JOSEPH W. MARTIN, JR., TO ACCEPT AWARD OF THE MILITARY ORDER OF CHRIST

The Clerk called the bill (H.R. 10132) to authorize the Honorable JOSEPH W. MARTIN, JR., of Massachusetts, a former Speaker of the House of Representatives, to accept the award of the Military Order of Christ with the rank of grand officer.

There being no objection, the Clerk read the bill as follows:

H.R. 10132

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Honorable Joseph W. Martin, Junior, of Massachusetts, former Speaker of the House of Representatives, is authorized to accept the award of the Military Order of Christ with the rank of grand officer tendered by the Government of Portugal, together with any decorations and documents evidencing such award, and the consent of Congress is hereby expressly granted for this purpose as required under section 9 of article I of the Constitution. The Secretary of State is authorized to deliver to the Honorable Joseph W. Martin, Junior, the decorations and documents evidencing such award.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

## PACIFIC MISSILE RANGE EMPLOYEES

Mr. TEAGUE of California. Mr. Speaker, I ask unanimous consent to return to Private Calendar No. 162, for the consideration of the bill (H.R. 3770) for the relief of certain individuals employed by the Department of the Navy at the Pacific Missile Range, Point Mugu, Calif.

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

There was no objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

H.R. 3770

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That each individual named in section 3 of this Act is relieved of liability to pay to the United States the amount set forth opposite his name, which amount represents an erroneous payment of compensation received by him during the period, 1959 through 1964, as a civilian employee of the Department of the Navy at the Pacific Missile Range, Point Mugu, California, and was erroneously paid to him due to administrative error.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to each individual named in section 3 of this Act, the sum certified to him by the Secretary of the Navy as the aggregate of amounts paid by such individual to the United States, or withheld from amounts due him from the United States, on account of the liability for which relief is granted by the first section of this Act.

SEC. 3. The individuals referred to in the first section of this Act, and the amount of the liability of each of them, are as follows:

| Name | Amount of overpayment |
|---|---|
| Baker, Donald M | $340.00 |
| Baldonado, Ernest C | 226.40 |
| Ballinger, Ben C | 168.78 |
| Bell, Lloyd A | 115.20 |
| Blackwood, Adams G | 199.20 |
| Blayney, Walter L., Jr | 138.40 |
| Brauer, William E | 207.22 |
| Brewer, Kenneth R | 168.00 |
| Brewer, Max R | 81.28 |
| Breyer, Theodore J | 115.20 |
| Brickley, Cecil E | 168.00 |
| Bright, Donald R | 782.34 |
| Burch, J. D | 91.20 |
| Carter, Norman S | 340.00 |
| Chiellon, Hector J | 739.20 |
| Clark, Harold A | 318.73 |
| Cowley, James A | 137.60 |
| Cox, Arthur C., Jr | 19.44 |
| Day, James H | 97.60 |
| Devine, Lloyd W | 91.20 |
| Dick, Perry K | 149.60 |
| Domes, William J | 124.80 |
| Doran, Gerald F | 8.80 |
| Doran, Lawrence B | 28.00 |
| Dragoo, Norman R | 91.20 |
| Duncan, Robert E | 36.10 |
| Duryea, Leon K | 66.40 |
| Ellis, Edgar C | 274.40 |
| Ellison, Silas W | 272.63 |
| Ferguson, Francis, Jr | 85.60 |
| Fox, J. L | 234.40 |
| Fraser, Thomas A | 260.00 |
| Gallagher, Warren L | 279.20 |
| Gustafson, John G | 25.60 |
| Hall, James B | 56.00 |
| Hansen, Loren R | 79.20 |
| Hayden, Edgar H | 104.80 |
| Higginson, Leo T | 33.60 |
| Hollan, John E | 137.92 |
| Hopwood, Arthur E | 193.60 |
| Hutton, Sidney D | 149.60 |
| James, Anthony B | 79.84 |
| Jensen, Carl O | 176.00 |
| Johnston, Robert L | 205.60 |
| Kline, Robert A | 67.20 |
| Knapp, Thomas R | 340.00 |
| Lake, Robert A | 25.60 |
| Lary, Benjamin E., Jr | 97.60 |
| Lee, Robert E | 212.80 |
| Liennmann, Lee Roy D | 139.89 |
| Lopert, Robert C | 304.80 |
| Lucier, Robert L | 341.69 |
| Lukshis, Edward R | 340.79 |
| Lundy, John O | 72.80 |
| McCarty, Michael | 148.80 |
| McDaniel, Dale Z | 234.96 |
| McQueen, Russell O | 161.60 |
| Magasis, Arthur | 175.04 |
| Martin, Alex | 212.80 |
| Mayo, Van S | 104.80 |
| Morris, Paul W | 378.20 |
| Norton, Walter T., II | 97.60 |
| Oakley, Gerald E | 243.89 |
| Pratt, William G., Jr | 30.05 |
| Preciado, Ruben H | 107.20 |
| Rice, William G | 112.00 |
| Riley, Merle H., Jr | 91.20 |
| Roberts, Bernard L | 343.83 |
| Rockwell, Duane D | 199.54 |
| Seaglione, Samuel F | 200.53 |
| Selva, Adolph | 59.20 |
| Sessions, Alma G | 212.80 |
| Smith, Charles E | 162.92 |
| Steffen, Maynard G | 746.40 |
| Thorpe, Carl O | 277.60 |
| Tucker, George D | 105.44 |
| Tucker, Gordon L | 51.20 |
| Turner, Robert E., Jr | 57.60 |
| Valencia, Albert J | 104.80 |
| Valencia, Robert R | 212.00 |
| Varela, Alfred | 817.60 |
| Villarreal, Philip R | 144.52 |
| Vogus, William D | 52.00 |
| Walker, Jesse J | 86.24 |
| Young, Chester C | 114.11 |

SEC. 4. No part of the amount appropriated in this Act for the payment of any claim shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such 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 in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

## CIVIL SERVICE RETIREMENT ANNUITY ADJUSTMENT

Mr. YOUNG. Mr. Speaker, by direction of the Committee on Rules, I call up the resolution, House Resolution 471, and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 471

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8469) to provide certain increases in annuities payable from the civil service retirement and disability fund, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and continue not to exceed two hours, to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Post Office and Civil Service, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order the amendments recommended by the Committee on Post Office and Civil Service now printed in the bill. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Texas is recognized for 1 hour.

Mr. YOUNG. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. BROWN], and pending which I yield myself such time as I may require.

Mr. Speaker, House Resolution 471 provides for consideration of H.R. 8469, a bill to provide certain increases in annuities payable from the civil service retirement and disability fund, and for other purposes. The resolution provides an open rule, waiving points of order, with 2 hours of general debate; also, it shall be in order to consider without the intervention of any point of order the amendments recommended by the Committee on Post Office and Civil Service now printed in the bill.

The history of civil service annuity adjustments to meet exploding costs of living has been one of too little and too late. The responsibility rests squarely on the Congress and there is general agreement that this problem requires our most immediate attention.

The unprecedented expansion of our economy is a serious problem to active workers, but in a larger measure has become the mortal enemy of elder citizens who are caught between rising prices and fixed incomes. The impact on these senior citizens is far more critical than it is on any other segment of our economy.

The purpose of H.R. 8469 is to provide equitable, moderate, and desperately needed adjustments in the annuities of Federal civil service retirees and survivors currently on the annuity rolls, to improve the existing cost-of-living adjustment principle by gearing it to a more sensitive monthly price index indicator, and to increase the survivorship protection of spouses of employees and future annuitants.

Mr. Speaker, I urge the adoption of House Resolution 471.

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

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

Mr. GROSS. Mr. Speaker, would the gentleman state why points of order are waived on this bill?

Mr. YOUNG. Mr. Speaker, the points of order are waived on the bill because it involves certain appropriated funds that are being disbursed under the bill.

Mr. GROSS. In other words, under this rule the House is not able to work its will on this legislation to the extent that points of order are ruled out?

Mr. YOUNG. That is a matter of a point of view, of course, Mr. Speaker. I will say to the gentleman, in one sense waiving points of order permits a broader exercise of the will of the House.

Mr. GROSS. I cannot conceive that it does, I will say to the gentleman from Texas. When points of order are waived on a bill of this nature, to provide for the handling of money in a way that is not in conformance with the rules of the House, I would think it would be restricting the ability of the House to legislate in a normal and regular way.

I thought that when the Rules Committee was packed we were supposed to get a different deal from the Rules Committee, but apparently not.

Mr. SMITH of California. Mr. Speaker, will the gentleman yield?

Mr. YOUNG. I yield to the gentleman from California.

Mr. SMITH of California. Actually, we waived points of order on this because a certain amount of the money will be paid from funds in the civil service retirement fund. We will be able to use that money without having to go through the Appropriations Committee and appropriating all the money. That is why there is to be a transfer of money from that fund, so it can be used without having it all appropriated. I believe we have in here up to $148.4 million. That is the reason, I say to the gentleman from Iowa.

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

Mr. YOUNG. I yield to the gentleman from Missouri.

Mr. HALL. Would the gentleman specifically say that it is the language on page 2, lines 3 to 8 of the bill, H.R. 8469, which requires the waiver of all

points of order? In that paragraph it says:

And for payment of administrative expenses incurred by the Commission.

Mr. YOUNG. Mr. Speaker, I will defer to the gentlemen of the committee, since this is a substantive matter.

Mr. DANIELS. The answer is "Yes" on subsection (b) on page 2. The other relates to section 3, which provides that these increases be paid from the retirement fund notwithstanding the limitation of the Independent Offices Appropriation Act, 1959.

Mr. HALL. If the gentleman will yield further, will the distinguished subcommittee chairman advise me whether the payment of administrative expenses incurred by the Commission involves the increased annuities to the civil service retirees, or whether that is simply the administrative expenses of the Commission?

Mr. DANIELS. It is my understanding that it is the expense of the Commission and does not involve any increase in the costs for the retirees.

Mr. HALL. That would not involve the $148 million coming out of the civil service retirement fund, referred to by the gentleman from California?

Mr. DANIELS. That is correct.

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

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

Mr. GROSS. Where is this fund the gentleman is talking about? I thought that was $36 to $38 billion in the red.

Mr. DANIELS. I understand that the fund has $12 billion in cash assets at the present time.

Mr. GROSS. And it is still $36 billion in the red?

Mr. DANIELS. If the Government does not make its annual contribution to the fund, then there is a deficiency.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

I favor this resolution and the passage of the bill, which would increase the compensation paid to civil service annuitants, to those who have retired both before 1956 and since.

We have seen here in the Congress throughout the years a steady inflationary trend as result of our Federal Government engaging in deficit financing. This policy has increased the cost of living for all our citizens; it particularly hurts those people who have been living on fixed retirement benefits.

We have seen Congress increase the pay of many Government employees, including its own Members. I voted against the pay increase for myself, because I did not believe it was a proper thing to vote to increase my own pay, but Congress saw fit to increase the pay of its Members and other executive and high-ranking officials of Government, as well as employees of Government both in the civil service branches and in the Post Office Department.

We have seen the Congress enact legislation to increase by 7 percent the benefits paid to social security annuitants because it was necessary to give them that large an increase to meet the increase in the cost of living.

They have to eat the same as the rest of us. We have seen this House pass a bill to increase the pay not once but three times for those serving in the Armed Forces. It is only fair and only right that the Congress give to these retirees the same treatment and consideration that we have given to ourselves and almost every other Government employee.

Therefore, Mr. Speaker, I favor this bill.

I understand that the cost will be somewhere around $90.4 million a year. If we include certain increases in benefits for widows and others who are not covered under the original bill but who, like the rest of us, must eat, the cost will be increased by another $58 million.

There were no minority views filed on the bill; the measure came out of the Committee on Post Office and Civil Service with a unanimous vote. It was cleared by the Committee on Rules by a unanimous vote, and I hope that the House will approve the measure in the same way.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG. Mr. Speaker, I yield to the gentleman from New York [Mr. SCHEUER] for 1 minute for the purpose of making a unanimous-consent request.

Mr. SCHEUER. Mr. Speaker, I ask unanimous consent to speak out of order.

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

There was no objection.

Mr. SCHEUER. Mr. Speaker, I ask unanimous consent to explain for the record that, just as I voted against the motion to recommit the voting rights bill, I would have voted for approval of the conferees' report had I not been called off the floor on an urgent matter concerning my district. Unfortunately, I underestimated the dispatch, speed, and efficiency with which my colleagues can act on a matter of such high national priority. I have enthusiastically supported the bill throughout this session and would have voted to approve the conferees' report, had I not missed this vote by a few moments.

Mr. YOUNG. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

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## CORRECTION OF SALARY INEQUITIES FOR OVERSEAS TEACHERS

Mr. YOUNG. Mr. Speaker, by Direction of the Committee on Rules and on behalf of my colleague, the gentleman from Mississippi, [WILLIAM M. COLMER], I call up House Resolution 483 and ask for its immediate consideration.

The Clerk read the resolution as follows:

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6845) to correct inequities with respect to the basic compensation of teachers and teaching positions under the Defense Department Overseas Teachers Pay and Personnel Practices Act. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except on motion of recommit.

Mr. YOUNG. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska [Mr. MARTIN], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 483 makes in order the bill H.R. 6845, to correct inequities with respect to the basic compensation of teachers and teaching positions under the Defense Department Overseas Teachers Pay and Personnel Practices Act. It provides an open rule with 1 hour of general debate.

Mr. Speaker, the situation has become such in the teaching profession in the Department of Defense overseas that it makes it extremely difficult for the Department to secure teachers for the teaching of dependents' children overseas. This bill would provide that the secretaries of the various services in the Department of Defense have authority to adjust the overseas salaries of teachers in accordance with the average teachers' salaries in urban communities in the United States of 100,000 or more.

Mr. Speaker, I urge the adoption of House Resolution 483.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Texas has just stated to the House the provisions of House Resolution 483. The resolution makes in order the consideration of H.R. 6845. The rule is an open one, calling for 1 hour of debate. I know of no opposition to the rule.

Mr. Speaker, H.R. 6845 seeks to correct an inequity in the wage scale which has had some part in continuing a difficult problem, that of securing and retaining qualified teachers for the schools operated by the Department of Defense, in connection with the overseas military bases of the United States.

In the hearings before the Rules Committee, testimony brought out that while there are indeed other reasons for the problem, lower wage scales than are available in the average urban school system of 100,000 or more population plays a significant part in our securing and retention problem. I should add, Mr. Speaker, that this is true in spite of the fact that the Department of Defense has more applications than it has job openings each year. Many of the schools are located in desirable areas, giving the teacher many opportunities not available in domestic school systems, for trips, study, and vacationing.

H.R. 6845 will require that the salaries paid teachers in the DOD overseas schools be equal to the average of the minimum, intermediate, and maximum rates paid teachers holding positions of comparable responsibility in our urban

school systems in cities of 100,000 or more population. The estimated cost of increasing teachers' salaries is $3,065,000 over the present budgetary amounts for such salaries. The average increase for approximately 6,300 teachers is $785 per year, or $300 more than the budget request.

Mr. Speaker, increased pay alone will not secure and retain qualified teachers for the children of our servicemen in foreign lands. Such positions, as I said, have other benefits not available to teachers in domestic school systems. A full and complete study must be made if the problem is to be removed. The Committee on Education and Labor has looked into this situation. I hope it will intensify its efforts. I understand it plans to do so. I hope that we shall shortly see on the floor of the House legislation directed at this problem.

Mr. Speaker, I know of no opposition to the rule and I reserve the balance of my time.

Mr. YOUNG. Mr. Speaker, I yield such time as he may require to the distinguished gentleman from Arkansas [Mr. MILLS].

Mr. MILLS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and proceed out of order.

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

There was no objection.

## FEDERAL TAX COURT JUDGE RUSSELL TRAIN RESIGNS BENCH TO HEAD CONSERVATION GROUP

Mr. MILLS. Mr. Speaker, just a few days ago the resignation of the Honorable Russell E. Train as a judge of the U.S. Tax Court was announced by the White House, and simultaneously an announcement was issued stating that Judge Train has accepted the presidency of the Conservation Foundation effective August 1.

The resignation of Judge Train from the Tax Court of the United States will be a loss to that institution. Judge Train has participated, since his appointment to that court by President Eisenhower in 1957, in many hundreds of imporant decisions and in his capacity as a judge has been an important influence on the course of the development of tax law through judicial decisions. I regret that Judge Train decided to leave the court because he brought to bear on that institution a rich background which peculiarly suited him for service on the court.

Judge Train, immediately before his appointment to the Tax Court, served as assistant to the Secretary of the Treasury for tax legislation. Prior to his service in that capacity, he served as the clerk of the Committee on Ways and Means during the formulation of the Internal Revenue Code of 1954 during the 83d Congress and, subsequently, he served as minority adviser from 1954 until 1957. Judge Train also had experience prior to his service with the Committee on Ways and Means as a staff member of the Joint Committee on Internal Revenue Taxation. This combined background enabled Judge Train to make important contributions to the public interest through his service as a judge on the U.S. Tax Court. I know that his presence there will be missed by his colleagues and by the members of the Tax Court bar.

I do want to take this opportunity, while expressing my regret that he decided to resign from the Tax Court, to express to him best wishes on the very important position which he has accepted as the president of the Conservation Foundation. I understand that organization has performed functions of a very valuable nature in the field of population growth, water resources, air and water pollution, recreation planning, conservation education, and plant and animal life, and that it is one of the foremost of many volunteer organizations which have interested themselves in the increasingly important problem in this day and age of preserving our diminishing natural resources. I know that Judge Train will provide a sound and constructive and imaginative leadership to the work of that organization and its allied groups. I wish him well in his new endeavor.

Mr. YOUNG. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Wisconsin [Mr. BYRNES].

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent to speak out of order.

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

There was no objection.

Mr. BYRNES of Wisconsin. Mr. Speaker, I noted with some regret the resignation of Judge Russell E. Train as a judge of the Tax Court of the United States. During the past 9 years, Judge Train has made a great contribution to that court. He will be missed. However, I am glad that he is taking over the presidency of the Conservation Foundation, and will continue his good work in the service of the Nation.

Prior to his appointment as a judge of the Tax Court, Judge Train served as assistant to the Secretary of the Treasury for tax legislation and with the Ways and Means Committee. He was clerk of the committee in the 83d Congress and minority counsel in the 84th Congress. In that capacity, he made valuable contributions in the work of the committee. I am certain that all the members of the committee join me in wishing him happiness and success as president of the Conservation Foundation.

## CIVIL SERVICE RETIREMENT ANNUITY ADJUSTMENT

Mr. YOUNG. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore (Mr. SISK). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. DANIELS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8469) to provide certain increases in annuities payable from the civil service retirement and disability fund, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Commitee of the Whole House on the State of the Union for the consideration of the bill H.R. 8469 with Mr. STRATTON in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule the gentleman from New Jersey [Mr. DANIELS] will be recognized for 1 hour and the gentleman from Pennsylvania [Mr. CORBETT] will be recognized for 1 hour.

The Chair now recognizes the gentleman from New Jersey [Mr. DANIELS].

Mr. DANIELS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the purpose of H.R. 8469 is to provide equitable, moderate, and desperately needed adjustments in the annuities of Federal civil service retirees and survivors currently on the annuity rolls, to improve the existing cost-of-living adjustment principle by gearing it to a more sensitive monthly price index indicator, and to increase the survivorship protection of spouses of employees and future annuitants.

H.R. 8469 was unanimously reported by the Subcommittee on Retirement, Insurance, and Health Benefits, and the full Committee on Post Office and Civil Service without a dissenting vote.

Mr. Chairman, I have always felt that the U.S. Government—the largest employer in the United States—should serve as a model for all employers in the private sphere of our economy. Unhappily, this has for the most part not been the case. And in no area has the Congress been slower to act than in those areas that deal with the retired civl servant. Granted that we have made important steps in the last few years, but we still have a long way to go.

We are all sharply aware, I am sure, that the vast expansion of our economy is a serious problem to active workers. Are we as well aware, however, of the extent of its effect upon our own Federal retirees? Are we as cognizant of its repercussion upon widows and children of retirees and former employees that inevitably feel the squeeze of steadily rising living costs and fixed, meager income? A serious problem to workers, it has in a large measure become the mortal enemy of elder citizens. I submit—without fear of contradiction—that its impact on these senior citizens is far more critical than it is in any other sector of our modern economy.

In times past, our civil service retirees have earned fair and decent retirement incomes for themselves and their dependent survivors. Unfortunately, however, too often they do not receive such incomes. They have truly become the forgotten people in our Great Society,

and particularly in relation to their friends and former colleagues who make up our family of Federal employees.

At a time when $3,000 is deemed to be the borderline below which a couple is in the poverty class, the record shows that more than 75 percent of retired Federal employees are receiving annuities of less than $3,000. The figures with respect to survivor annuitants is even more shocking. Only 1 percent receive annuities of $3,000 and about 80 percent receive benefits of less than $1,200. These conditions are the result of a decade of neglect of the welfare of older retirees and survivors.

These are the people of whom I speak today—nearly 700,000, a vast majority of whom have been consigned to lives of marginal survival on the fringes of poverty—innocent victims rather than beneficiaries of this country's expanding economy. If any one group in our society has been denied justice, it is those older retired persons who reached retirement age 10 or 20 years ago and whose annuities, based on the smaller salary bases in effect then, are literal pittances in the light of present day standards.

A further examination of the records discloses that 44 percent of these retirees are receiving less than $1,800 a year. Even more astounding is the fact that 26 percent are paid less than $1,200, and that 10 percent are receiving less than $600 a year. The plight of many of our retirees is literally at the point of desperation, and the record is replete with authoritative testimony which clearly points to the urgent need for immediate remedial action. The committee files contain thousands of letters from retirees and survivors who are existing at a marginal level because the purchasing value of the dollar is declining. Mr. Chairman, these letters cry out for an answer—an answer today.

This legislation is an effort to help equalize inherent disparities of existing laws. It is a long overdue attempt to restore some sense of fairness and basic justice to thousands of loyal and devoted public servants whose golden years have, for too long, been tarnished by the neglect of a busy, growing, and prosperous society. It is my conviction that the Government has the responsibility to maintain the annuities of its retirees and survivors at a level that will give them a living comparable to what they had and rightfully expect to have at the time of retirement.

Mr. Chairman, the reported bill provides fair, moderate, and desperately needed adjustments designed to increase the annuities where the greatest relief is warranted. It is the product of voluminous testimony received by the subcommittee during extensive hearings, in which over 50 Members of the House and Senate appeared, in addition to representatives of every major employee organization. It provides for an adjustment in benefits of approximately 11 percent to those whose annuities commenced on or before October 1, 1956, and approximately 6 percent to those whose benefits commenced thereafter, effective the first day of the third month after enactment of this bill.

The increase is in two parts: The first part is a straight 6½ percent increase. The second part is a cost-of-living increase based upon the rise in the cost of living as reported by the Consumer Price Index published monthly by the Bureau of Labor Statistics, over the average of the price index for 1962. The price index in June 1965 had risen 4½ percent since 1962.

I might, at this point, anticipate a question which many Members may have. On page 3 of the report on this bill it states that the increases in annuity total 10.2 percent for those whose annuities commenced before October 1, 1956, and 5.2 percent for those whose annuities commenced after that date. The actual figures now are 11 percent and 6 percent, respectively. The difference between the actual current figures and those printed in the report comes about because of a rise of eight-tenths of 1 percent in the cost of living since the bill was reported by the full committee. This trend in the rising cost of living is indicative of the urgent need for enactment of this legislation.

The 6-percent rise for those whose annuities commenced after October 1, 1956, is arrived at by combining a 1½-percent increase with a 4½-percent cost-of-living adjustment.

Mr. Chairman, I might explain at this time why we have chosen to distinguish between those who retired before the 1956 date and those who retired later.

The 1956 amendments raised the annuities of those who retired after September 1956 by about 20 percent. These amendments, however, did nothing for those who retired before that date. Since that time, the pre-1956 group have received about 10 percent more in the form of increases than those who retired after the 1956 date. Thus, we have made some progress in closing the gap between the two groups. This bill narrows the gap even more.

Mr. Chairman, I call your attention to line 5 of page 3 of the bill. The sentence which begins at this point grants an increase of 15 percent or $10, whichever is least, to the so-called forgotten widows. These are the widows of employees or annuitants who passed away at a time when widows were not entitled to survivorship benefits.

At present, these annuities which in law are really gratuities, are, for the most part, pitifully small, averaging about $44 per month. No one can deny that there is a desperate need for us to do something for these singularly deserving individuals.

One of the most salient facts brought out during hearings was the fact that the cost-of-living feature for annuities contained in the 1962 bill is not working out very well.

This provision provides that whenever the Consumer Price Index of the Bureau of Labor Statistics shall have risen by an average of 3 percent or more for a full calendar year above its average for the calendar year 1962, annuitants shall receive a comparable increase effective April 1 of the next year.

It also projects into the future with provision for similar cost-of-living adjustments when a like percentage increase in the Consumer Price Index occurs after any cost-of-living increase in annuities is placed in effect.

As a practical matter, here is what has happened since 1962. The rise in the Consumer Price Index over 1962 reached 3 percent in November 1964, and has remained at that point or above ever since. In fact the latest available index shows a 4½-percent increase as of June 1965. Under the formula in the 1962 retirement amendments, annuitants will not receive an adjustment until April 1, 1966—3 years and 6 months after the 1962 law was enacted.

For this reason we are seeking to change this provision. Under the provisions of H.R. 8469, whenever the Consumer Price Index of the Bureau of Labor Statistics shall have risen by an average of 3 percent or more for 3 consecutive months, annuities shall be increased by the highest percentage during such 3 months with the increases beginning the third month which begins after the end of such 3-month period. This provision will retain the spirit of the 1962 amendments but will accelerate the effective application of the cost-of-living feature.

The language beginning with line 12 on page 4 and ending with line 15 on page 5 extends the effect of the basic annuity adjustment provisions proportionately to surviving widows and children.

Mr. Chairman, the bill proposes to amend existing law, from the date of enactment, to provide that the annuities of eligible widows of employees who die while actively employed, or who die after retirement, be computed at the rate of 60 percent of the earned annuity or of the survivor base elected by the retiree. Existing law provides that such computation be at the rate of 55 percent of the earned annuity or selected base.

By proposing to increase the annuity of future survivors under our retirement laws from 55 percent of the annuity to 60 percent, we are making a pitifully small attempt to maintain some semblance of equity and justice for very deserving people.

The Government was late—as late as 1920—in getting around to doing anything at all about a retirement program for its employees. Almost every private industry in the country had a retirement program in operation when the Government finally found time to follow suit.

The treatment of survivors of employees and retirees has been even more tardy. Not until 1948 did the Government embark upon a program of providing benefits to widows and children of its employees. The benefits provided then, and subsequently, have been parsimonious in the extreme.

Under the present laws, for instance, 38 percent of all the survivors on the rolls—and there are more than 200,000 of them—are receiving less than $50 a month. Seventy-nine percent are receiving less than $100 a month. Ninety-three percent are getting less than $150 a month.

With full knowledge of the depressing history of insensitive treatment of the

survivors of Federal retirees in the past, we are, in this bill, trying to avoid some of the mistakes that have been made. We can make a start toward doing this by increasing the annuity rate for survivors from 55 to 60 percent.

I want to make it clear that although there are several categories of survivors in our retirement plan, we are talking here, for the most part, about widows. By far, the greatest percentage of our survivors consists of widows of former employees.

I do not completely subscribe to the theory, Mr. Chairman, that two can live as cheaply as one, but there is a great deal of solid truth to the saying as far as it applies to elderly retired couples. They have certain fixed expenses: rent or mortgage payments, taxes, and so forth, and these fixed expenses go on undiminished after one member of the couple dies. As a matter of fact, the income taxes go up after one dies, since the survivor cannot claim her spouse as a dependent.

The survivor can save a little on food, but not much, since it is proportionately considerably more expensive to shop for one than it is to shop for two. She may also find she can save a little on clothes, but, again, not very much, since elderly couples in straitened circumstancese spend very little on self-adornment.

And that is about all the survivor can effect in savings.

Meanwhile, a surviving widow often finds, as she grows older, that there are other expenses to be met which she did not experience when her husband was alive. She finds herself increasingly unable to take care of herself properly without some kind of help. Help costs money. She finds herself becoming more and more dependent upon her doctor and his prescriptions. These, too, cost money. She finds that she must use public transportation for distances which she used to be able to walk. This also costs money. When you are old, and alone, and a woman, the simple business of keeping body and soul together becomes increasingly expensive.

Under the present 55-percent provision, many widows find they cannot make ends meet, no matter how hard they try. This has led too many of them to panic into hasty, ill-advised remarriages, solely to have someone share the crushing burden of poverty with them. This has caused, in far too many cases, heartbreak and misery during those sunset years when all should be serene and secure.

Mr. Chairman, just because we have treated the widows and other survivors of our Federal employees inadequately in the past, there is no justification for accepting this state of affairs as a way of life and a precedent for our future course.

Even with the increased pensions provided for under this bill, the annuities will not be generous. The value of the dollar—which has been constantly changing, and changing downward, ever since 1895—except for a few years in the great depression—continues to move downward. Unless we increase the percentage of the survivor annuities from 55 to 60 percent, we shall be condemning a whole generation of widows to a life of penury, misery, and insecurity.

We can avoid this course, to a certain extent, by increasing the percentage for the annuities of future widows from 55 to 60. This is a first step. I hope that future Congresses will continue the good work and build on this foundation a pension program for survivors that will be worthy of the Government of the greatest and richest Nation on the face of the earth.

Section 3 of the bill is technical in nature and authorizes payment of the annuity increases from the Civil Service Retirement and Disability Fund. The benefits would not be payable unless funds to cover their cost were appropriated.

Mr. Chairman, the conclusion is inescapable that the vast bulk of annuities now being paid are inadequate, that altogether too large a proportion of our annuitants are not receiving amounts which represent a minimum subsistence level of living. Meanwhile, these annuitants wait and look to us, the Congress, to act.

It has been said many times, but can never be said often enough, that Government has an absolute obligation to its retired workers. That obligation rests squarely, I believe, on the Congress. The past history of delays and inadequate adjustments should not be repeated. Let us start with the simple principle that this Nation has no intention of permitting further deterioration of the relative position of its annuitants. Let our goal be that these senior citizens, whose work laid the foundations of the prosperity the country now enjoys, should not be deprived of a just share in that prosperity.

Mr. Chairman, I urge the full support of this body for H.R. 8469.

Mr. MORRISON. Mr. Chairman, will the gentleman yield?

Mr. DANIELS. I yield to the gentleman from Louisiana.

Mr. MORRISON. Mr. Chairman, I want to commend the gentleman, who is chairman of the subcommittee that spent a great deal of time and effort on this legislation, and the other members of the subcommittee. As one of those who voted to support this legislation in the full committee. I certainly support it on the floor of the House today.

I think the gentleman and his committee have done a very excellent and outstanding job.

Mr. DANIELS. I thank the gentleman.

Mr. RACE. Mr. Chairman, will the gentleman yield?

Mr. DANIELS. I yield to the gentleman.

Mr. RACE. Mr. Chairman, I rise in support of the legislation and I also want to commend the gentleman in the well who is chairman of the subcommittee on retirement, insurance, and health benefits for bringing this legislation before us.

Mr. DANIELS. I thank my colleague.

Mr. OLSEN of Montana. Mr. Chairman, will the gentleman yield?

Mr. DANIELS. I yield to the gentleman from Montana.

Mr. OLSEN of Montana. I wish to compliment the gentleman from New Jersey, now in the well, and the subcommittee on retirement for an excellent job on this bill and this legislation for the benefit especially of the survivors of annuitants of the Federal retirement system. I subscribe to his remarks and rise in support of the bill.

I note that especial attention has been given to the forgotten widows and to retirees who were getting and are getting a great deal less than a subsistence level of income.

I am happy to note they are to be given an increase—at about $10 per month.

Mr. DANIELS. At least that much.

Mr. OLSEN of Montana. Regardless of percentage, there has been an increase in the retirement for all retirees in general, and the gap between benefits has been closed.

I notice in the second section of the bill—which I believe is justly done—there is an increase in percentage that future survivors may receive of a future retiree's annuity. It has been increased to 60 percent.

Mr. DANIELS. The base is increased from 55 to 60 percent.

Mr. OLSEN of Montana. I believe this is well merited. I would hope that in the future attention could be given to increasing the amount that older survivors of annuitants might receive by, say, 20 percent.

Mr. Chairman, while the committee bill would increase the amounts of all annuities, the bill does not go as far as I would like. I supported the bill in committee, but I believe these widows should be treated a little better than they have in the past. I sponsored six bills providing better treatment for these survivors, all of which are before our Committee on Post Office and Civil Service. H.R. 2645 would apply the 55-percent formula to annuities of survivors of a retired employee who retired prior to October 11, 1962. This bill would have required a recomputation of the annuities of these people. The administration objected to this requirement on the basis that it would be too difficult to administer. I hope in the near future your committee will overcome this difficulty by not requiring recomputations, but will provide a straight 20-percent increase in annuities for these survivors whose annuity is based on service which terminated prior to October 11, 1962.

Another bill I sponsored, H.R. 9, would increase the 55-percent formula to 75 percent.

I believe additional benefits for these survivors are fully justified.

Mr. Chairman, my attentions are directed to the extraordinary inequities in the case of survivors, but more particularly to the "forgotten widows."

This latter group are surviving widows of employees or annuitants who passed away at a time when their widows were entitled to no survivor benefits. Congress recognized that special inequities existed for this class, and under various

laws about 15,000 widows are receiving an annuity averaging $44 a month.

I hope that in the near future we can provide an increase of 20 percent in widows' annuities which are based on laws in effect prior to October 11, 1962, and will be in addition to the increases otherwise provided in this bill. Thus, the average $44 monthly widow's annuity for the 15,000 widows will be increased 15 percent under this bill, or by $6.60, and then by 20 percent of the new total, or a new monthly annuity of about $61.

Of course, many of the survivors affected by these sections are receiving amounts in excess of $44. However, I am sure you will agree that this is a most modest increase.

Mr. Chairman, as I have indicated, we have granted only token annuities to "forgotten widows" of pre-1948 laws. In addition, employees who retired before 1956 are still suffering annuity reductions up to 25 percent in order to provide survivor benefits for their spouses, while persons retiring more recently may provide similar benefits by deductions of only 2½ percent.

Survivors of former employees who retired before October 11, 1962, cannot receive more than half of the annuities paid to their spouses, but in the case of those who retired on or after that date, survivor annuities are 10 percent higher.

H.R. 8469, the committee bill, proposes to correct this deficiency, but only for those who retire after the date of enactment. I believe we should give our widows equal treatment and not just provide these benefits for the future, as is provided by the bill.

My first proposal will do this by providing an additional 20-percent increase for those whose annuities are based on service which terminated prior to October 11, 1962, and another proposal which I make covers those whose annuity is based on service which terminated on or after October 11, 1962.

Federal civil retirees and their survivors are truly the forgotten people in the United States. At a time when $3,000 is deemed to be the borderline below which a couple is in the poverty class, the records of the Civil Service Commission show that more than 75 percent of the 482,000 retired Federal employees on the retirement rolls are receiving annuities of less than $3,000.

The figures with respect to survivor annuitants are even more shocking. Of 205,855 survivor annuitants, only 2,237, about 1 percent, receive annuities of $3,000, and 163,274, about 80 percent, receive annuities less than $1,200, or under $100 per month.

As I have indicated, the forgotten widows receive an average of only $44 a month. Naturally, any increase involving approximately 200,000 survivors is bound to cost a substantial sum. The best estimate I could obtain on the cost of my first proposal is $31 million for the first year.

As you no doubt know, the administration has taken the position on all retirement legislation that we should wait until they complete their studies sometime at the end of the year. Also, they say there is neither need nor justification for any further annuity increase legislation beyond that already enacted into law. It is a little hard for me to understand this position, particularly when, as I have shown, 15,000 survivors are receiving an average of $44 a month. We could also go on to show that over 200,000 annuitants are receiving well under $3,000 a year, and over 163,000 are receiving under $1,200 a year.

I am sure you will agree that it is time we did a little more to help these survivors, and that the cost is amply justified.

Mr. Chairman, I urge the membership today to support this bill and I hope we can soon take up my additional proposals.

Further, I urge that soon the Committee and the Congress apply the 60-percent formula proposed by section 2 of the committee bill to those survivors whose annuity is based on service which terminated on or after October 11, 1962.

Section 2 of the committee bill applies the 60-percent formula prospectively only, and specifically provides that it shall not apply with respect to employees retired or separated prior to the date of enactment.

Existing law provides that such computation be at the rate of 55 percent of the earned annuity. This percentage originally was provided by the 1962 act, Public Law 87–793. I supported a higher increase at that time, and believe that the 60-percent formula now proposed by the committee bill should be applied from October 11, 1962. As I indicated earlier, my bill, H.R. 9, proposed to increase the 55 to 75 percent.

Mr. Chairman, all the arguments I have advanced in connection with my first proposal are equally for application to this. As in the former case, the administration, of course, does not favor this additional increase, but here again, I am convinced that any increases or additional benefits that we may authorize for these survivors is amply justified and this proposal would bring uniformity and justice.

The cost of this latter proposal is estimated at only $2 million for the first year.

I urge that you support this amendment.

Mr. DANIELS. Mr. Chairman, I might say to the distinguished gentleman from Montana that the President has appointed a Commission to study the entire field of retirement legislation. That Commission is due to come in with its report on December 1, 1965. I want to assure the gentleman from Montana that when that report is received our committee will give careful consideration and study to it and look into this question of retirement legislation once again. I am sure there must be some other inequities which exist which we have not had the opportunity to explore, but I do give you my assurance that our committee will look into that proposal once again.

Mr. OLSEN of Montana. Mr. Chairman, I certainly appreciate that assurance and know that you share with me anxiety over these people, because people who retired many years ago had to pay out of their own retirement a considerable percentage of the money in order to obtain the right of benefit for their survivors. I would like to see those survivors whose retirees paid a large percentage of these benefits get substantial increases. I am sure they will, because we have talked of this matter off the floor privately ourselves.

Mr. OLSEN of Montana. Mr. Chairman, I ask unanimous consent that the gentleman from Texas [Mr. BECKWORTH] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. BECKWORTH. Mr. Chairman, Texas has nearly 30,000 Federal retirees and survivors, and we know their plight in these days of inflation.

H.R. 8469 and its amendments will in some degree correct conditions for these folks who carried the workload of our Government for 30 to 40 years and who are now plagued by high costs and low annuities.

Federal civil retirees and their survivors are truly the forgotten people in the United States today. At a time the sum of $3,000 does not go very far when a retired couple confronts the usual health problems, the records of the Civil Service Commission show that more than 75 percent of the 482,131 retired Federal employees on the retirement rolls are receiving annuities of less than $3,000. The figures with respect to survivor annuitants are even more shocking. Of 205,855 survivor annuitants, only 2,237, about 1 percent, receive annuities of $3,000, and 163,274, about 80 percent, receive annuities less than $1,200, or under $100 per month.

These conditions are the result of neglect of the welfare of older retirees and survivors. There have been many revisions of the retirement laws since the system was established in 1920, all because of experience that demonstrated that liberalizations were necessary. Basic retirements benefits were liberalized in 1926, 1930, 1942, 1948, and 1956. It was recognized during the early years that when it was necessary to increase benefits for those who would retire in the future, it was equally necessary to increase the annuities of those previously retired. Those who would retire in the future would have the opportunity of salary increases to boost their retirement annuities while those previously retired were seriously handicapped financially. Consequently, we see that in the retirement increase legislation approved in 1926, 1930, 1942, and 1948, comparable adjustments were not made in the annuities of persons previously retired to equalize them generally with the new retirees. There was no comparable provision in the 1956 law.

Furthermore, in the first part of the decade between 1950 and 1960, annuity increases were approved to match increases in salaries of employees. The annuity increase of $36 for each half year the employee had been on the retirement rolls in 1952 was roughly equivalent to a salary increase the previous year. An

annuity increase of 12 percent on the first $1,500, and 8 percent on the excess over $1,500 in 1955, was directly related to the salary increase in that year. Since 1955, there have been no annuity increases to match salary increases.

A limited annuity increase of 10 percent was approved in 1958, only for persons retired before the effective date of the 1956 retirement liberalization law. This was not a general annuity increase because it was restricted to a particular class of annuitants. It was a partial compensation to pre-1956 retirees who did not receive the benefits of the 1956 act. We can judge its sufficiency by the statement of the Chairman of the Civil Service Commission on the first day of the committee hearings in March of this year that the 1956 act increased benefits for retirees retiring after October 1, 1956, approximately 25 percent, while the 1958 compensating adjustment was only 10 percent.

In round figures this leaves older retirees 10 percent behind and others proportionately.

H.R. 8469 is a compromise of many bills introduced in this Congress. I urge passage of H.R. 8469.

Mr. OLSEN of Montana. Mr. Chairman, I ask unanimous consent that the gentleman from California [Mr. MILLER] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. MILLER. Mr. Chairman, I rise to support H.R. 8469.

Over the past years, the annuities paid to our retired civil servants have failed to provide a comfortable existence for them. Although we have attempted to provide salaries for Government employees which have kept abreast of the increasing cost of living, we have been falling behind in keeping the retirement payments in the same proportion. In addition, we have failed to make substantial compensation for those civil servants whose retirement or survivor benefits are based on wages earned when the cost of living was far below what we enjoy today. As a result, over 75 percent of our retired civil servants are receiving annual payments of less than $3,000, thus placing them in the poverty bracket by our economic standards for today.

Previous legislation has attempted to alleviate the effects of inflation on the annuities of Government employees, but this only has succeeded in providing patchwork remedies. Two major changes occurred in 1948 and 1956. These have either become ineffective due to a lapse of time or have not provided overall improvement of the situation. There have been no annuity increases to match salary increases since 1955. In 1962, legislation was enacted which provided payment increases based on a 3-percent or more rise in the cost of living from the 1962 average. However, these increases are only calculated on a yearly basis. Annuitants would not receive their first increase provided in the 1962 act until April of 1966.

The bill before the House is not patchwork legislation. It is a comprehensive bill which provides for the future and compensates those who have received inadequate payments in the past. It provides for the future by increasing every annuity in equal proportion to the increase in the cost of living, with fluctuations to be calculated quarterly instead of annually. These increases will occur whenever the Consumer Price Index figures rise to 3 percent or more of the base period. Three months from the time of enactment, annuitants or their survivors would receive their first increase in payments based on a near 4 percent rise in the cost of living since 1962. The bill also provides for increasing the survivor annuities from 55 to 60 percent in the case of future retirees.

The bill compensates for past inadequacies in several provisions. First, by providing an additional 1.5 percent increase for all persons retired after October 1, 1956. Second, by providing compensation for those widows whose husbands passed away before survivor protection was afforded in 1948, and who are only receiving an average of $44 per month under present conditions.

But most important, H.R. 8469 recognizes that the greatest inadequacies are to be found among those who retired before 1956. Annuities are based on the average of the 5 highest income years. The cost of living has increased over 18 percent since that time. Therefore, the pre-1956 annuities could not possibly be adequate in today's living standards. In addition, these retirees have gained only minimally from recent legislation. At the same time, the elderly age of these people imposes tremendous medical expenses on them. H.R. 8469 alleviates these lamentable conditions by alloting an additional 6.5 percent increase to the annuities of all persons retired before 1956.

The cost of the program would involve $50 million initial cost and $650 million in actuarial costs. These figures are small in comparison to the millions of dollars which have been denied the civil service retirees and survivors over the past years. We are asked to wait for further studies and for time to find justifications for such expenditures in the budget. We must not waste time on further studies. The facts we have before us today clearly indicate the inadequacy of the present conditions. What more justification is needed than the dire need of these retired civil servants, many of whom are classified in the poverty bracket?

We are debating whether or not to provide an opportunity for a comfortable existence in retirement for our fellow public servants who have dedicated themselves to the service of our country, many of them being employed over 40 years. These people are victims of history and a spiraling cost of living. Twenty or thirty years ago, it was impossible to plan for the financial demands that would come with the last half of the 20th century. And yet, under the present superannuated retirement plan, we expect these retirees and their survivors to pay the current taxes, meet the fast-increasing medical expenses, and compete economically with members of private industry retirement plans.

Passage of the bill would have a broad effect in every part of the country. In my own State of California, there are over 70,000 people who would be affected. Its provisions reach both far into the future and deeply into the past. At a time when we are working with the problems of poverty throughout our Nation and at a time when we are able to eliminate taxes on some of our luxury items, we must not lose sight of these retired civil servants who are so often referred to as the forgotten people.

Mr. OLSEN of Montana. Mr. Chairman, I ask unanimous consent that the gentleman from California [Mr. ROOSEVELT] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. ROOSEVELT. Mr. Chairman, I rise in support of H.R. 8469, a bill which provides relief from hardship to those facing the greatest need.

It is my firm conviction that it is the responsibility of the Government to maintain the annuities of its retirees and survivors at a level which will enable them to enjoy freedom from want and a measure of economic security throughout their declining years.

Retirement income should be fairly and directly related to the level of earnings and length of service and, as a practical matter, must be calculated to reflect new standards of living. The real basis of a merit system in retirement cannot be measured by the dollar rate received in a past generation, but must be a rate deliberately reappraised from time to time to meet the rising cost of living.

It is a well-known fact that large numbers of our senior citizens elect to spend their years of retirement in my State of California. In July 1964 the Civil Service Commission ranked California first as having the largest geographical distribution of annuitants. Out of 650,367 annuitants, 70,183 had settled in California. It is in their behalf that I say to you that, while the unprecedented expansion of our economy is a serious problem to many active workers, it is fast becoming an insuperable problem to retired citizens caught between rising prices and fixed incomes.

At a time when $3,000 is deemed to be the borderline below which a couple is in the poverty class, the records of the Civil Service Commission show that more than 75 percent of the 482,131 retired Federal employees on the retirement rolls receive annuities of less than $3,000; and, 80 percent of the survivor annuitants receive annuities of less than $1,200 a year, or under $100 per month. These conditions are the result of a decade of neglect of the welfare of older retirees and survivors.

The purpose of the legislation before us is to provide much needed adjustment in the annuities of Federal civil service retirees and survivors currently on the annuity rolls by gearing the cost-of-living adjustment principle to a more

sensitive monthly price indicator to meet the exploding cost of living; and, provide an increase in the survivorship protection of spouses of employees and future annuitants.

Mr. OLSEN of Montana. Mr. Chairman, I ask unanimous consent that the gentleman from Maryland [Mr. SICKLES] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. SICKLES. Mr. Chairman, I am pleased to rise in support of H.R. 8469. The purpose of a pension plan is not simply to pay an employee a set amount of money monthly, but to provide him with a certain amount of financial security after retirement. It is the obligation and duty of the Government to assure Federal employees sufficient retirement income to allow them to maintain an adequate living standard during their retirement years.

Increases in the cost of living present a drawback to most workingmen, but they affect the retired in an even greater sense, in view of the fact that as the cost of living goes up, their income remains stationary. During the hearings on this bill, spokesmen from groups of retired Federal employees stressed the need for immediate passage of legislation increasing retirement pay. Their testimony clearly pointed out the necessity of helping those who live on small, fixed incomes in dealing with the problems presented by the wage and price rises in our economy.

In view of the fact that a married couple with an income below $3,000 a year is considered to be living in poverty, it has been pointed out that most Federal civil service retirees are getting annuities of a considerably smaller amount and are therefore in the poverty bracket. These retirees and their survivors are clearly a neglected segment of our economy, and I feel that H.R. 8469 would come to their rescue to some degree by providing the increases in annuities where they are most urgently needed.

The bill would also benefit widows of employees who died before a law concerning survivor protection existed. It has also been disclosed that the survivor benefits currently provided are drastically inadequate and accordingly, H.R. 8469 provides for an increase in these benefits.

The aspect of the 1962 amendments to the retirement act dealing with the automatic cost-of-living adjustment has proven inadequate also and H.R. 8469 provides for a percentage increase in benefits whenever the consumer price index rises. The acceleration of cost-of-living increase provisions, along with other provisions make the bill a much welcomed, long needed asset to our Federal civil service retirees. We in the Congress, out of obligation to our Federal employees who have served our country so faithfully, should not let this opportunity to repay them slip by.

Mr. OLSEN of Montana. Mr. Chairman, I ask unanimous consent that the gentleman from Iowa [Mr. SCHMIDHAUSER] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. SCHMIDHAUSER. Mr. Chairman, I urge support of H.R. 8469, a bill to increase annuities of retired civil servants. The time is long past due for a realistic adjustment upward of the retirement annuities of the many civil servants whose dedicated public service has earned the gratitude of the American public. The gentleman from New Jersey, Congressman DANIELS, and the members of the Post Office and Civil Service Committee are to be commended for their fine legislative craftsmanship and their humane understanding of the serious financial problems of our retired civil servants and their survivors.

Mr. OLSEN of Montana. Mr. Chairman, I ask unanimous consent that the gentleman from Maryland [Mr. MACHEN] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. MACHEN. Mr. Chairman, this bill to increase civil service retirement annuities is of great interest to me as Representative of the Fifth Congressional District of Maryland. My district, a neighbor of the District of Columbia, is heavily populated with Federal employees. These people have communicated to me their concern for their future after retirement. I have been pleased to tell them that this Congress is cognizant of their needs and is moving along toward enactment of a bill providing substantial increases in retirement annuities.

This Congress has written legislative history by enacting a medical care and social security law that acknowledges the responsibility of a nation to its senior citizens. Can we do any less for those Federal employees who do not have social security benefits? I think not.

This Nation is engaged in a siege on poverty with some of the assaults aimed especially against poverty among the elderly. Congress has passed bills providing housing assistance for low income elderly, for medical care and for a special administration on aging. However, when you get right down to it, the most direct weapon against poverty is increased income.

There is another compelling reason for passage of this bill. A decent level of retirement income will improve the employment situation considerably and open the way for younger men to advance themselves. This is true because the older workers will be more likely to retire knowing that, instead of having to eke out a living on an inadequate pension, they will be able to better enjoy the fruits of their labor with a feeling of comfort not previously possible under present, below-standard benefits. Unfortunately, at this time, retirement for thousands of people means not a rest from years of labor, but instead the acceptance of a poorly paying job, unsuited to their talents, to supplement a totally insufficient retirement income.

I am particularly pleased by that feature of the bill which provides for closing part of the gap between annuity improvements for pre-1956 retirees and post-1956 retirees. These people are not recipients of charity. They have earned their retirement by contributions throughout their working years. It is not their fault if the cost of living has risen so rapidly. We must recognize that we are not dealing with the same dollar today as before 1956 and those whose incomes were adequate years ago are severely shortchanged today.

I hope that these factors and the reasons set forth so forcefully in the excellent committee report on this bill will convince the Congress to move swiftly toward passage of this badly needed legislation.

Mr. BROYHILL of Virginia. Mr. Chairman, will the gentleman yield?

Mr. DANIELS. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. Mr. Chairman, I wish to commend the gentleman from New Jersey for an outstanding job on this leglisation.

Mr. Chairman, I strongly support the civil service retirement annuity adjustments before us today and my only criticism of this legislation is that it does not go as far as it should to provide for the needs of our deserving Federal annuitants. Much has been said in recent days in this Chamber and in the press about poverty. According to most of the definitions of poverty that have been proffered, fully 97 percent of the 200,000 survivors of civil service annuitants are poverty stricken, if their entire income is derived from their annuities.

There were a total of about 687,000 civil service annuitants in all categories at the end of fiscal 1964 and fully 75 percent of these annuitants received less than $3,000 per year. This, I believe, the President has cited as the borderline between barely living and poverty. Shockingly enough, nearly half of these retirees receive less than $2,400 a year.

One of the main attractions the Federal service has had over the years has been its vaunted retirement system. I submit that this is rapidly becoming a myth. It is rapidly becoming a myth because the Congress has failed to keep faith with those who served our Government and yet have had no control over the cruel inflation that has ensued over the past several years.

It seems that many of our people still assume that anyone who has retired from the Federal service enjoys the best retirement benefits the world has to offer. Perhaps at one time this may have been true. It is certainly a bitter farce today.

I am aware that the President has called for special studies on retirement systems. I am in full accord with this program and applaud it. However, nothing can be done for the civil service annuitant as a result of that study until next year. The need for relief by our retirees is immediate. They need help now.

Therefore, I urge my colleagues to join me in strong support of this measure.

Let us begin to fulfill our obligations to the civil service retiree by enacting this bill at once.

Mr. O'HARA of Illinois. Mr. Chairman, will the gentleman yield?

Mr. DANIELS. I yield to the gentleman from Illinois.

Mr. O'HARA of Illinois. Mr. Chairman, if I have lived long enough to speak for the senior citizens, I would like to say for them, blessed be the name of DANIELS. This is good legislation, long overdue.

Mr. DANIELS. I thank you.

Mr. HENDERSON. Mr. Chairman, will the gentleman yield?

Mr. DANIELS. I yield to the member of the committee [Mr. HENDERSON].

Mr. HENDERSON. Mr. Chairman, I would like to commend the chairman and the members of the subcommittee. This has been somewhat controversial legislation in years past, at least among the members of our subcommittee. To find here today that this subcommittee after many long hours of deliberation brought out a bill unanimously supported by every member of the committee is a tribute to you, Mr. Chairman, and to the members of your subcommittee.

Mr. Chairman, I rise in support of H.R. 8469.

As a member of the Post Office and Civil Service Committee over the past 4½ years, I have seen the Congress adopt the policy of comparability in establishing compensation for our civil employees and tie to this principle cost-of-living increases. In the business world we see cost-of-living escalation clauses written into employment contracts.

I am and have been most concerned about the great number of our retirees who retired 20 or more years ago when basic compensation was so much lower. Although these annuitants have had increases in 1948 or 1950, 1952, 1955, 1958, and 1963, their annuities are still approximately 80 percent below the annuities being received by today's retirees from the same positions.

There are probably today about 30,000 retirees who are receiving only a little more than half the annuities paid to persons recently retired from the same or similar positions.

It costs the 1945 retiree just as much to live as it costs the 1965 retiree.

H.R. 8469 will help to provide the retirees whose service was terminated at a time when salaries were lower a better break and I support it strongly for this reason.

Mr. KING of Utah. Mr. Chairman, will the gentleman yield?

Mr. DANIELS. I yield to the gentleman from Utah.

Mr. KING of Utah. Mr. Chairman, I commend the distinguished gentleman from New Jersey for the work he has done in bringing this measure to the floor of the House. I support H.R. 8469, and urge the House to approve it. I think it tragic that the very people who need the help the most, our retirees and senior citizens, are the ones who receive it the least. One of the tragedies of our Federal retirement annuity system is that the recipients of annuity payments are caught in a cost-price squeeze. Their income is fixed, and their expenses go up steadily. The more elderly they become, the less becomes their real income, but the higher become their expenses.

As their medical expenses mount, which they almost invariably do during the declining years, their resources diminish.

This bill attempts, in a small way, to adjust this gross inequity which inflicts itself upon almost 700,000 Federal retirees and their survivors.

The bill accomplishes a fair and a just result. I urge its adoption.

Mr. DULSKI. Mr. Chairman, will the gentleman yield?

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

Mr. DULSKI. Mr. Chairman, I would like to associate myself with the remarks of the other members of our committee and congratulate the chairman of our subcommittee who led H.R. 8469 to reality.

Mr. Chairman, I rise in wholehearted support of this meritorious and badly needed legislation to help meet the needs of our civil service retirees who, for the most part, are struggling to survive on inadequate pensions.

Now is the time for us to act toward improving the living standards of those dedicated civil servants who have given their best when our Government needed them most. The least we can do here, as a grateful employer, is to help raise our former workers and their survivors out of the depths of poverty into which so many have been allowed to remain far too long.

Since the inception of the retirement system in 1920, the Congress has enacted over 200 amendments, the great bulk of them improving the retirement benefits of prospective retirees. As desirable as these improvements have been, they have been seldom applicable to persons previously retired. I am fully aware that Congress has improved conditions, to some extent, for those already retired, but I am equally aware that many sad disparities remained. Let us correct some of these disparities by giving them some help now.

In the last several Congresses we made salary adjustments for Federal employees and military personnel. At the present time we are considering additional adjustments for these same groups. Are we now going to overlook the people who carried the burden of Government for many years?

Almost a half-million civil service retirees are receiving annuities averaging approximately $2,200 per year. Over 200,000 widows and children of former Federal employees and retirees are receiving approximately $800 yearly in survivor benefits. This pathetic situation exists with almost three-quarters of a million beneficiaries of our retirement program at a time when the badge of the impoverished has been affixed to Americans with annual incomes of less than $3,000. The Government has too long contributed to the very poverty it seeks to eliminate by permitting Federal retirees and survivors to live on inadequate incomes.

These victims of our rapidly expanding economy have but one place to look to for relief—that is, to us, the Congress. H.R. 8469 is a partial remedy, modest as it is, but at least an antidote that is readily available and directly accessible to their needs. I know that Members of Congress are greatly concerned over these inadequate pensions. I urge you all to express that concern by overwhelmingly supporting this measure.

Mr. CORBETT. Mr. Chairman, I yield such time as he may require to the gentleman from Nebraska [Mr. CUNNINGHAM], who is the capable ranking member of the subcommittee.

Mr. CUNNINGHAM. Mr. Chairman, I find myself to be one among many Members of Congress who believe that "justice long delayed is justice denied." I further find that I am also but one among the large majority of Members who believe that the history of civil service annuity adjustments to meet exploding costs of living has been one of too little and too late.

I am one who fully subscribes to the definition of a noted actuary—that the basic purpose of a retirement plan is to enable each employee to enjoy freedom from want and a measure of economic security after he or she is no longer actively employed, and throughout the declining years. To think of a pension plan simply as a promise to pay a stated number of dollars monthly represents a superficial view.

I submit, Mr. Chairman, that the Consumer Price Index fails to fully reveal the plight of these elder citizens who are attempting to maintain themselves and their dependents after years of dedicated public service—years during which their hopes and expectations were continuously built around the concept that they would be able to retire on a dignified basis, and with enough income to meet their basic needs. With the constant introduction of new products, with the necessity of increasing governernment at all levels, with the concentration of population in urban areas, and with the necessity for more dollars to maintain our standard of living, the situation of the declining purchasing power of the dollar is not likely to change.

The Consumer Price Index covers prices of everything people buy for living—food, clothing, cars, homes, furnishings, household supplies, fuel, drugs, recreational goods, fees to doctors, lawyers, beauty shops, rent, repair costs, transportation, public utilities, and so forth. It deals with prices actually charged to consumers, including sales, excise, and real estate taxes, but it does not include Federal, State, or municipal income taxes, nor personal property taxes.

The various items are given specific weights, with the total percentage being 100. The health and recreation items which affect retirees greatly, provide 20 percent, and include but 1 percent for drugs; 2½ percent for professional medical services; 3 percent for personal care; 6 percent for reading and recreation; and 5½ percent for other goods and services. It would appear that, in the case of retirees, the medical care item would greatly exceed the allowance made in the

index, particularly if the retiree had to spend substantial time in a hospital or nursing home. It is a well-known fact that medical costs have risen more than any other single item in the Consumer Price Index. Medical studies disclose that almost one-third of our citizenry age 65 and older are chronically ill, and that they have twice as many disabling illnesses lasting a week or longer as do persons under age 62. These illnesses of the aged last twice as long as those of younger persons.

In recent years hospital charges have increased over 85 percent, hospital insurance rates over 95 percent; medical services over 40 percent; doctors' fees over 35 percent; and drugs and prescriptions over 10 percent. As these elder citizens require more medical attention, with constantly increasing medical expenses, it is quite obvious that these cost items strike them particularly hard. It is equally obvious that these people are not physically able to evade them or adjust to them, as might a younger person. As important as cost-of-living figures are, the Consumer Price Index does not represent a true reflection of the changes in the cost of living of retirees. Its official name is the "Consumer Price Index for Urban Wage Earners and Clerical Workers," and it is weighted to reflect the costs of a wage-earning family, the expenses of which are not representative of the expenses of a retired family. Salaries of active workers have gone up somewhat in relationship to increased living costs, but civil service annuities have not maintained a comparable increase. Our social security program has done better, relatively, for elder citizens in the private segment of our economy during recent years and, as all Members of this House are fully aware, in the past week.

Roughly 40 percent of the retirees and survivors on the annuity rolls are persons whose benefits are based upon pre-1956 law. Their annuities, on the average, would be increased about $12 per month. The remaining 60 percent, constituting those who enjoy the 1956 retirement improvements, would receive increases, again on the average, of about $8 per month.

A third category consists of only 6 percent of the entire annuity rolls, and represents about 43,000 elderly widows of employees or annuitants who died at a time when no survivor protection was provided by law. Congress has recognized the special equities of these forgotten widows over the years, and bestowed upon them minimal, gratuitous annuities. Because of the very small size of their annuities, averaging only $44 per month, the committee recommends a slightly larger increase than the percentages otherwise provided. In view of these particular recipients' monthly benefits, an average adjustment of 15 percent would increase their annuities to about $50 per month.

Mr. Chairman, H.R. 8469 is a measure that has been developed after prodigiously careful and meticulous resolution of all of the merits and factors concerned. It was unanimously reported by the Subcommittee on Retirement, Insurance, and Health Benefits, and the full Committee on Post Office and Civil Service without a dissenting vote. It is an inescapable fact, Mr. Chairman, that we cannot remake the past. We cannot alter the evidence that the vast bulk of annuities now being paid are inadequate. However, Mr. Chairman, we propose here today a partial remedy that is immediately available, and the access to which is direct.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield.

Mr. TEAGUE of California. Mr. Chairman, I asked the gentleman to yield simply for the purpose of expressing my appreciation to the subcommittee and to the committee for bringing this legislation to the floor. It has my full support.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman.

Mr. PELLY. Mr. Chairman, as one who is not a member of the Committee on Post Office and Civil Service I would like to express my appreciation to the committee members for bringing this legislation to the floor. I think it is long overdue. I certainly support it and intend to vote for it.

Mr. CUNNINGHAM. I thank the gentleman.

Mr. CORBETT. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama [Mr. BUCHANAN].

Mr. BUCHANAN. Mr. Chairman, I ask unanimous consent that the remarks of Mr. ELLSWORTH be inserted in the RECORD immediately following my own.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. BUCHANAN. Mr. Chairman, I am delighted, as a member of the subcommittee, to join in this chorus of praise to our subcommittee chairman for his outstanding leadership. It is particularly a pleasure to be able to agree with the gentleman from Illinois [Mr. O'HARA], the distinguished member with whom this may be the first and last time I shall agree, in his beatitude to the subcommittee chairman, which is well deserved. This is indeed a needed bill. It is a bill that reaches out to a group of people to whom we have a unique responsibility in the Congress, people who have given their lives to Government service and are therefore in a unique sense our responsibility here.

I will quote a second scriptural statement, and that is simply this:

He that careth not for his own is worse than an infidel.

It seems to me that there is an application here for us to these who have given so many years of service to our country as civil service employees.

In my own State there were some 10,682 of these retirees as of July 1, 1964. In the Nation there are close to 700,000. Many of them are living on incomes pitifully low. This is therefore needed legislation and it is good legislaiton. This bill does not do all that we ought to do for the retired civil service and postal employees of this country, but it is a significant step in the right direction. It does increase their annuities. It does provide a mechanism whereby they can more closely keep up incomewise with the cost-of-living index in the future. It does make greater provision for the survivors of future retirees.

May I join the gentleman from Montana and the distinguished subcommittee chairman and others in expressing my hope that this shall be the beginning and not the end of corrective action by this body to place these, who have given themselves to Government service through the years, in a more equitable position in the future. I specifically hope that we shall be able to increase the annuities, in later legislation, of survivors of civil service retired employees, not covered by the increase to 60 percent in this legislation.

Mr. Chairman, I hope that we shall be able to continue to work toward placing these whom we touch here today, these 700,000 Americans, in a more equitable position. Many of them are living on incomes well below what this Congress has determined to be the poverty level. At a time when $3,000 is declared to be the borderline the records of the Civil Service Commission show that more than 75 percent of the 482,131 retired Federal employees on the retirement rolls are receiving annuities of less than $3,000. The figures with respect to survivor annuitants are even more shocking. Of 205,855 survivor annuitants, only 2,237, about 1 percent, receive annuities of $3,000; and 163,274, or about 80 percent, receive annuities less than $1,200, or under $100 per month.

Mr. Chairman, in addition there are internal inequities. People who retired at different times and did not receive the same salary levels during their working period, did not retire at the same percentage level and hence we have a group of retirees who are in the same grade and class but who are receiving different benefits because of the differing times of their retirement.

Those who worked earlier or the older retirees working on small salaries, are receiving smaller annuities. Later legislation has worked toward increasing the percentage of the annuities and toward increasing salaries for working employees. Hence, inequities have been created and perpetuated.

Mr. Chairman, this bill goes a long way toward correcting such inequity but it does not fully do the work.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. CORBETT. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. BUCHANAN. I thank the gentleman.

Mr. OLSEN of Montana. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from Montana.

Mr. OLSEN of Montana. Mr. Chairman, I wish to rise and compliment the gentleman from Alabama upon his comments on this bill. I believe we share the same views. I want to say especially I admire his ambition to go further than this bill in the future, after some further study, and I certainly hope that

that can be done, as the gentleman from New Jersey [Mr. DANIELS] pointed out, after having received recommendations from the present retirement commission and that it will be done certainly earlier next year.

Mr. BUCHANAN. I want to thank the gentleman from Montana and assure him that this shall have my personal, active support and I am sure the active interest of the full committee. I share the gentleman's concern. We shall be actively working toward that end.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from Arizona.

Mr. UDALL. Mr. Chairman, I want to say that the gentleman from Alabama [Mr. BUCHANAN] is a new member of our committee, but he is a member with a heart, he is a member with a conscience, he is a member who works diligently in the important work of our committee.

Mr. Chairman, I congratulate the gentleman for the very constructive attitude and the constructive work which he has contributed toward the enactment of this bill.

Further, Mr. Chairman, I congratulate a real leader, the gentleman from New Jersey [Mr. DANIELS], for taking the action to get this bill to the floor of the House, and I support it.

Mr. BUCHANAN. I thank the gentleman from Arizona.

The CHAIRMAN. The time of the gentleman from Alabama has again expired.

Mr. CORBETT. I yield the gentleman 1 additional minute.

Mr. BUCHANAN. Mr. Chairman, may I read into the RECORD some additional facts. Insofar as the benefits for survivors are concerned, one can understand some of the present inequities when one sees this analysis, all based on an annuity income of $3,600 per annum:

Those who retired between 1948 and 1949 must pay $360 per annum in order for the surviving spouse to receive $1,800 annually.

Those who retired between 1949 and 1956 pay only $285 per annum for the same benefits.

Those retiring between 1956 and 1962 have to pay but $180 per annum for the $1,800 benefit. Those retiring now pay only $90 per annum but receive benefits for their survivors of $1,980 per annum.

This illustrates the kind of inequity which we only partially correct here, and which we must more fully eliminate in the future.

I support the bill, and urge your support of this much-needed and worthwhile legislation.

Mr. ELLSWORTH. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. ELLSWORTH. Mr. Chairman, I wholeheartedly support my colleagues on the committee in the hopes that this meritorious and sorely needed legislation soon can become law. Reasons for enactment of H.R. 8469 are quite evident and have been carefully defined in the committee report.

Certainly, the increases provided in H.R. 8469 can be considered fair, moderate, and although not truly corrective, they will go far to assist the Nation's civil service retirees who have seen their purchasing power drained by continuing increases in the cost of living. I am pleased to see that some 43,000 widows of our former Government workers are receiving increases to assist in their financial plight.

I would like to direct attention to section 2 of the bill which makes it possible for future widows of employees and/or annuitants to receive 60 percent of the earned annuity. I believe in the case of the retiree, we find a true example of the age-old adage that "two can live as cheaply as one"; however, when that one finds herself alone in the world, the costs originally borne by the two end up, generally, being the burden of the survivor.

Let us consider a typical widow of a retiree who has enjoyed living with her spouse for many years in a home which they were able to call their own. The widow has suddenly found herself alone in the world and her expenses started mounting, despite the fact that under present law overnight the household income dropped 45 percent. The widow found after her first month of being alone that the electric light bill remained the same, telephone costs were not reduced; and when repairs were necessary, she had to pay where previously her husband was able to handle the chores.

Then came the annual expenses and the widow learned that the real estate taxes and the fire insurance were not reduced because of the death of her husband; but in fact in some instances were increased.

All that section 2 of H.R. 8469 does is to insure future widows that their annuities will be 60 percent of the amount received by their retiree husbands rather than 55 percent which is the present law.

Mr. DANIELS. Mr. Chairman, I yield such time as he may desire to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Chairman, the purpose of this legislation is to provide equitable, moderate, and desperately needed adjustments in the annuities of Federal civil service retirees and survivors currently on the annuity rolls, to improve the existing cost-of-living adjustment principle by gearing it to a more sensitive monthly price index indicator, and to increase the survivorship protection of spouses of employees and future annuitants.

The history of civil service annuity adjustments to meet exploding costs of living has been one of too little and too late. The responsibility rests squarely on the Congress and there is general agreement that this problem requires our most immediate attention.

To think of a pension plan simply as a promise to pay a stated number of dollars monthly represents a superficial view. Pension plans are long-term financial operations, and the basic purpose to be served is to enable an employee to enjoy freedom from want and a measure of economic security upon the expiration of active employment and throughout his declining years. During the period of employment, the hopes and expectations of employees are continuously built around the concept that they will be able to retire on a dignified basis and with enough income to meet their basic needs. It is the responsibility of the Government to maintain the annuities of its retirees and survivors at a level that will give them a living comparable to what they had, and rightfully expected to have, at the time of retirement.

Representatives of organizations of retired Federal employees have strongly urged the immediate approval of increases to meet the critical need of those living on small, fixed incomes to cope with the continued upward spiral of our vastly expanded economy. Every major organization of active Federal employees lent its support to these proposals. More than 50 individual Members of Congress appeared in person or submitted statements recommending immediate increases in benefits. These witnesses presented testimony and evidence which clearly established the urgent need for the early adjustments provided in this legislation.

At a time when $3,000 yearly income is the borderline below which a married couple is deemed to be in the poverty class, the record shows that the bulk of the 700,000 civil service retirees and survivors are receiving annuities of much less than such amount. It is a well-known fact that medical costs have risen more than any other single item in the Consumer Price Index. Medical studies disclose that up to one-third of those 65 years of age or older are chronically ill, and that they have twice as many disabling illnesses lasting a week or longer as do persons under age 65. Moreover, the average disabling illness of the aged lasts twice as long as that of younger persons. During the past decade the cost of medical services has increased over 40 percent; doctors' fees over 35 percent; hospital charges over 85 percent; hospital insurance rates over 95 percent; and prescriptions and drugs over 10 percent.

As people over age 65 require more medical care, these cost items hit them particularly hard. They are confronted with reduced income, impaired health, depressed living standards—and, in most cases, with increased medical expenses. Federal civil service retirees and their survivors are truly the forgotten people in the economic life of the United States today.

The reported bill provides fair, moderate, and direly needed adjustments designed to increase annuities where the greatest relief is warranted. This is our opportunity to do our part and pass this legislation.

Mr. DANIELS. Mr. Chairman, I yield 5 minutes to the gentleman from Hawaii [Mr. MATSUNAGA].

Mr. MATSUNAGA. Mr. Chairman, I rise in support of H.R. 8469 and wish at the outset to commend the chairman of the subcommittee on his demonstrated

leadership. This legislation is a step in the right direction toward a sound and lasting policy with respect to Federal employee retirement benefits.

In my studies of retirement theory and practice, as a new member of the Post Office and Civil Service Committee, I was impressed by the definition of an effective retirement plan, as stated by an associate of the Society of Actuaries in America. This is what he said:

> The basic purpose to be served in establishing a pension plan is to enable each employee to enjoy freedom from want and a measure of economic security after he or she is no longer actively employed.
>
> * * * * *
>
> Pension plans are very long-term financial operations. To think of a pension plan simply as a promise to pay a stated number of dollars monthly, commencing at some future date, represents a superficial view. The hopes and expectations of employees are continuously built, during the period of employment, around the concept that they will be able to retire under the plan on a dignified basis and with enough income to meet their basic needs.

The ideal plan, in my judgment, would provide for the adjustment of annuities, from time to time, to equate them on the basis of length of service and level of responsibility, regardless of when the service was performed. Sharp disparities in treatment of former employees now exist, as evidenced by an example cited in our hearings. On the one hand, an employee who retired in 1945 from a grade GS–9 position after 36 years of service, whose original annuity was $150 a month, after all subsequent annuity increases, now receives $257 a month. His surviving widow would receive an annuity of $58 a month.

On the other hand, an employee who retires under today's law from an identical position in grade GS–9, with the same years of service, can provide for a widow's annuity of $165 a month and receive a life annuity of $468 a month.

This results from the many pay raises during the 20-year period, plus the 1956 Retirement Act Amendments. The GS–9 salary average for the 1945 retiree was $3,917 per annum, compared to $8,200 for the 1965 retiree, and the 1956 Retirement Act Amendments improved annuity benefits by more than 20 percent for those retiring thereafter.

While H.R. 8469 is not by any means perfect, it is, as I have noted, a step in the right direction since it gives at least partial recognition to the relative condition of salary and benefit provisions at various times of retirement.

Mr. Chairman, I am the last to believe that we are not to provide all retirees with a decent living and security. The Government attracts well-qualified personnel for its activities with the promise of amply designed retirement benefits which would permit withdrawal from active service with the knowledge that they and their dependents will be financially secure insofar as the necessities of life are concerned. This expected security is not an actuality because year after year the cost for services, utilities, medical fees, insurance, and staples keeps increasing while the annuity income remains stationary.

Just how vital a part these retired employees have played in shaping our Government cannot be fully appreciated until one has observed some of the lesser-developed countries in this world where the lack of competent governmental staffing at all levels has put up the greatest of barriers to effective administration of national affairs. Fortunately, in this country we have no such problem—and it is because of the dedicated men and women who would be the beneficiaries of the legislation before us today, that this is the case.

A retirement annuity, to pass the fairest tests, must meet two conditions: namely, provide an income for the principal that is sufficient to maintain dignity and self-respect—and to provide an adequate annuity for survivors who suffer the loss of the principal's salary or annuity income.

Congress has taken cognizance of this, to a degree, by providing increases for other retirement programs within its jurisdiction—social security, veterans' benefits, and railroad retirement. It would be a gross inequity were we not to do the same for our own civil service annuitants. We have supported constructive legislation aiding the senior citizens of our country with the medicare bill, we have passed legislation benefiting millions of children with the elementary and secondary school bill, and we are presently involved in writing salary legislation designed to attract and retain high-quality personnel. Yet, we have done relatively little to increase the benefits of a retirement program that assists, in many ways, to maintain a high level of quality in Federal employees.

Mr. Chairman, a primary concern of Congress is to legislate towards effectuating equity. The bill now before us will deliver justice to a long neglected segment of our population. These are the ones who have borne too long the burden of Federal service in years past, and are now forced to meet an ever-increasing living cost with a retirement income that was inadequate by fair standards a decade ago. Certainly, this Nation has a primary obligation to its own retired citizens, many of whom are septuagenarians and octogenarians.

Mr. Chairman, the mechanisms of this bill will help to guarantee that the greatest percentage increases will inure to the emergent need of those who need them most, with the lesser increases designed for those who have benefited by salary increases and improved computation formulas. We cannot, in all good conscience, deny a degree of comparability to these deserving citizens over whom the ever-increasing cost of living has cast a cloud of poverty during the very years that they had been promised would, at least, be uncomplicated and secure.

As a Congress that is well on its way to bringing about the reality of the Great Society, it behooves us to act in behalf of the ones we owe a great obligation, our own retired Federal workers. I urge a favorable vote on H.R. 8469.

Mr. CORBETT. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama [Mr. BUCHANAN].

Mr. BUCHANAN. Mr. Chairman, I merely wish to say that the gentleman from Hawaii has not only eloquently spoken here on behalf of retired civil service and postal employees of this Nation, but he has worked with energy and dedication on the committee. The gentleman has shown a very active interest in making certain that there shall be no inequity based on year of retirement and that present inequities shall be eliminated. He has demonstrated his determination that there shall be adequate provision for these folks who have felt the full brunt of all cost of living increases without comparative increases in their annuities. The gentleman has pursued this with energy and dedication, and I thank him for his work on the committee as well as here.

Mr. MATSUNAGA. Mr. Chairman, if the gentleman will yield, I thank the gentleman from Alabama. I join in the commendation earlier attributed to him for the great contribution he has made to the subcommittee.

Mr. CORBETT. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. MATHIAS].

Mr. MATHIAS. Mr. Chairman, I thank the distinguished gentleman from Pennsylvania for yielding.

Mr. Chairman, this bill would correct an injustice which has existed far too long and I support it. The need for an increase in annuities under the Civil Service Retirement Act has been apparent for several years, and I am gratified that the committee has seen fit to report such a comprehensive and worthy bill.

The point which I should like to stress is that the recipients of civil service retirement annuities, the recipients of the increases proposed today, are people who have devoted their lives to public service. They are the manpower behind the process of implementing and administering the laws which this Congress enacts. They comprise the work force of the strongest and most active national government in the world. As members of the civil service, they are a very special and deserving class.

It is the responsibility of this Government to insure that its employees will enjoy freedom from hardship and can sustain economic security during retirement. It is our responsibility to insure that Federal employees will be able to retire with dignity and with enough income to meet their basic needs.

Civil service retirement annuities simply have not kept pace with the swiftly rising cost of living. However adequate the schedule of annuities may have appeared a few years ago, it is clearly inadequate now. The Civil Service Commission's own records show that more than 75 percent of the 482,131 retired employees on the retirement rolls receive annuities which fall below the "poverty line" of $3,000 per year. The figures for those receiving survivor annuities are even more disgraceful.

This bill would help raise these annuities to a more satisfactory level. The bill in part makes up for past neglect by providing increases consistent with the rise in the cost of living. It also

provides for automatic cost-of-living increases whenever the Consumer Price Index registers an advance of 3 percent for 3 consecutive months, and makes needed adjustments in survivor annuities.

Mr. Chairman, this bill does not restore to retired Federal employees the retirement income which was lost before Congress responded to the rising cost of living. But it does reaffirm our intent to provide our civil servants with adequate and equitable retirement annuities. It does affirm our intent to maintain retirement annuities in the future at their present levels of purchasing power, and not to let the real value of an annuity decline as prices rise. It is a promise of continuing attention and further action.

For several years I have advocated necessary increases in civil service retirement annuities. I commend the committee for the hard work which it has done in drafting this comprehensive bill, and I urge its prompt enactment.

Mr. CORBETT. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. FINO].

Mr. FINO. Mr. Chairman, I rise in support of this very important bill. This legislation is long overdue. In recent years, retiree living standards have been progressively undermined by the creeping inadequacy of pension purchasing power.

I am glad to see H.R. 8469 come before this House for consideration. It constitutes a recognition of our Government's obligation to provide a continuing and ascertained standard of living for retired Federal employees. This bill proves that we have come a long way toward seeing pensions as moral obligations and not merely dollars-and-cents contracts. This is only proper and just.

In the first place, this bill includes a much-needed increase in existing pensions. This increase will lessen the inequities which have accumulated over the years as a result of the fact that persons retiring today receive far higher benefits than persons of the same grade received when they retired years ago. The increases provided for—which vary according to whether or not the employee retired before October 1956—will make existing pensions correspond better to those presently being granted. Unfortunately, the increase provided for does not relieve older retirees of all of the relative economic disability that has been accumulating during recent years of prosperity. My own feeling is that we still have not exhausted our backlog of obligation to our retired workers. We must remember that the booming economy we enjoy—which cuts into the value of fixed incomes—is something our retirees helped to create, and in which they should share.

This bill we have before us does not just aim at correcting the past—it also seeks to better anticipate and solve future retiree needs by making the automatic cost-of-living increase mechanism more responsive to actual economic change and consequent retiree needs. At the present, automatic cost-of-living increases are based on changes in the consumer price index over a period of a year, and these cost-of-living increases thus do not generally become available as quickly as they are needed. Under H.R. 8469, automatic cost of living will be computed every 3 months enabling retirees to more quickly get the increased benefits they need to cope with the rising costs of living.

I am also heartened to see the surviving spouse's annuity being raised from 55 percent of the earned annuity or survivor base to 60 percent. This is necessary for the future, but we must also consider those who have already come under the woefully inadequate existing benefit levels. I therefore support the amendments to be offered which will make this increase retroactive with respect to some recently granted surviving spouses' annuities, and provide also for a straight increase in older surviving spouses' annuities.

I have long urged increases in Federal retiree benefits and, I am happy to see this day arrive. For each Congress, since the 83d, I have introduced a packet of legislation designed to improve the status of Federal employees—present and retired—as they so much deserve. I am glad to see this legislation on the threshold of passage today, with its promise of fulfilling at least some of our Nation's obligation to its retired civil service workers.

Mr. CORBETT. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. HARVEY].

Mr. HARVEY of Michigan. Mr. Chairman, I rise in support of H.R. 8469. Several months ago I introduced similar legislation to provide reasonable and long-overdue adjustments in the annuities of Federal civil service retirees and surviving spouses of certain former employees who died in service or after retirement.

The record, I believe, clearly shows that this legislation not only is overdue but is fair. As a matter of fact, strong arguments may be made that perhaps it does not go far enough even to meet the swiftly rising cost of living.

As this Congress concentrates and acts on poverty, it should not and must not ignore its responsibility to those dedicated public servants who have served so long and well.

This is a modest bill, providing a 3.8-percent increase in every annuity. There are other provisions, thoroughly discussed by other Members, which attempt to rectify a situation demanding our attention and action.

Let us keep in mind that more than 700,000 retirees and survivors are now on the retirement rolls of the Civil Service Commission. They should not be forgotten, but treated fairly and recognized for their contributions to our Nation.

Mr. CORBETT. Mr. Chairman, I yield 2 minutes to the gentleman from Utah [Mr. BURTON].

Mr. BURTON of Utah. Mr. Chairman, I am pleased to rise in support of H.R. 8469, a bill to provide badly needed adjustments in the annuities of Federal civil service retirees and survivors.

Mr. Chairman, Federal civil service retirees are today's fogotten people in the United States. The Federal Government is very much concerned about programs for assistance to families in our Nation whose income is low. Those whose income is below $3,000 are being regarded as being below the borderline of the poverty class. But at this same time the records of the Civil Service Commission show that more than 75 percent of the 482,131 retired Federal employees on the retirement rolls are receiving annuities of less than $3,000. The situation is even more serious with survivor annuitants. Of 205,855 survivor annuitants, only about 1 percent receive annuities of $3,000 or more.

Retirement income should be fairly and directly related to level of earnings and length of service, but should be adjusted to reflect new standards and cost-of-living changes. It needs to be recognized that an individual retiring today likely will receive a much higher retirement benefit—as a result of having drawn higher salary—than the individual who retired from a similar job several years ago. Adjustment should be made to bring the older retiree's annuity more nearly in line with the current annuities.

I urge my colleagues to approve H.R. 8469 to bring a measure of relief to the older civil service retirees.

Mr. Chairman, these people are people who have devoted their careers and their lives to the service of their country and their countrymen. I am happy today and thankful to the members of the subcommittee for allowing us the opportunity on the floor and in our subsequent vote to show these people that we are concerned with their welfare and to support them.

Mr. HORTON. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

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

There was no objection.

Mr. HORTON. Mr. Chairman, I would like to urge prompt passage of H.R. 8469, providing civil service retirement annuity adjustments. The range of this bill covers not only the retirees of our civil service, their dependents and survivors, but expands to benefit America at large, by the protection and preservation of a capable civil service, a system which forms the core of our democratic Federal framework.

The expression "civil servant" in the true sense connotes selfless service—long hours, often with little or no recognition. It is the responsibiliy, and indeed the moral obligation of those of us in Congress to remedy the present injustice suffered by our civil service retirees. It is a travesty of every form of compensation we hold dear to raise salaries of the military and present Federal workers, without also turning to those retirees of the Government who through no fault of their own are overwhelmingly burdened by inflation. They, too, are entitled to a life of dignity, a life of retirement which shows our appreciation for the services they performed and which is in keeping with the contributions made during their working years. We can no longer neglect to provide this relief where it is most warranted.

We are all painfully aware of the exploding costs of living and the hardships caused those senior citizens who find themselves victims of our expanding modern economy. In this case, it is not the fault of the individual, but rather that of the system which needs long-overdue correction.

This bill would increase the annuities of pre-1956 retirees by 10.2 percent, and that of post-1956 retirees by 5.2 percent. It would go a long way toward closing the gap created by different systems, the gap between those who have benefited from post-1956 improvements and those who retired from active service before that date. Moreover, this measure provides a flexible standard, with cost-of-living increases based on the Consumer Price Index. This flexibility is urgently needed; until this point, Congress has never brought the retiree up to par with the rising cost of living.

I am fully aware of the position and needs of our more than 700,000 retired folks and survivors, which include 51,262 from New York State alone. To remedy the anomaly of their situation, I have introduced two bills, H.R. 5694 and H.R. 5695, which contain provisions very similar to those considered here today. It was my privilege to testify earlier this year before the Subcommittee on Retirement, Insurance and Health of the House Committee on Post Office and Civil Service. I return to the plea I made at that time to do something now, and not wait for future studies by committees appointed to report in the distant future. This is one of many cases where actions speak louder than words; the need for present improvements is the first order of business—it is not only reasonable and just, but mandatory. Let these measures go into effect now, and then, in the future, let us continue to remember our retired and active civil service employees. This annuity increase is only one of many needed measures affecting the condition of American workers.

I think all of us are aware of constituent letters in the files, numerous cases citing need and inequity. I can think of no more fitting way of showing our thanks and pride in the long history of selfless service and devotion among this Nation's civil employees than by granting them retirement benefits in keeping with the fine service they have demonstrated.

Mr. CORBETT. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. COLLIER].

Mr. COLLIER. Mr. Chairman, I thank the gentleman.

I, too, rise in support of the legislation before us, as it is quite apparent that most of the Members of the House do favor this necessary legislation. However, in the committee report I notice on page 8 in a letter from Chairman Macy to the gentleman from New Jersey Representative DANIELS—and I refer you to the next to the last paragraph thereof—it says that the Bureau of the Budget advises that enactment of this bill would be inconsistent with the program of the President if it includes the provisions in section 2 of the bill. I understand that these provisions are still in the bill. Does this mean, therefore, that the administration is opposed to the bill as it is being presented to us today?

Mr. DANIELS. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I yield to the gentleman from New Jersey.

Mr. DANIELS. If the gentleman will read that letter very carefully, he will find that the bill which was originally opposed by the administration now has its approval except for section 2. We feel or, rather, it is the feeling of the committee that section is a much needed provision. It is reasonable, equitable, and fair. Most of these people on the rolls who would be affected by section 2 are people whom we feel it is necessary to include in this legislation.

Mr. COLLIER. Mr. Chairman, I happen to agree with the gentleman, but I do repeat my question, namely, is the administration opposed to the bill inasmuch as this provision is still in the bill?

Mr. DANIELS. All I can say in answer to the gentleman is this letter from Commissioner Macy speaks for itself. He says that he favors the bill except for section 2. I think our committee can stand on its own two feet and do its own thinking. We put this provision in there. It was unanimously approved not only by the subcommittee but by the full Committee on Post Office and Civil Service.

Mr. COLLIER. I agree with the committee's position, and I thank the gentleman for his comments.

Mr. DANIELS. Mr. Chairman, I yield 3 minutes to the able gentleman from Florida [Mr. PEPPER].

Mr. PEPPER. Mr. Chairman, I thank the able gentleman from New Jersey for yielding to me.

It is with deep interest that I urge the Members of this House to recognize the need for helping our Federal retirees. H.R. 8469 with its amendments will give help and encouragement to the thousands of retirees on low meager annuities. The bill is so designed to give greater help to those who need it the most—those who retired several years ago.

My personal concern is for the nearly 35,000 Federal annuitants and survivors in my State of Florida, as well as the more than 700,000 retirees and survivors throughout these United States.

In simple justice to these folks let us pass this bill and give encouragement to those who are the last to benefit. It seems we have taken care of most everyone but them.

H.R. 8469 would give retirees an immediate increase in every annuity, effective the first day of the third month after approval of the bill, of the amount of the accrued increase in the cost of living since the year 1962, now 3.7 percent, and perhaps up to as much as 3.8 or 3.9 percent by the time the bill passes.

An additional increase in the annuities of all persons retired prior to October 1, 1956, and of the surviving spouses of such persons as are receiving survivor annuities, in the amount of 6.5 percent, making a total increase of more than 10 percent.

An additional increase in the annuities of all persons retired since October 1, 1956, and of the surviving spouses of such persons who are receiving survivor annuities, in the amount of 1.5 percent making a total increase of more than 5 percent.

A provision that the minimum increase in the surviving annuity of a former employee who died or retired prior to April 1, 1948, shall be 15 percent or $10 per month, whichever is less. This would mean a minimum increase of 15 percent for each of these survivor annuitants whose present annuity is less than $67 per month.

Automatic cost-of-living increases in the future whenever the Consumer Price Index has registered an advance of 3 percent for 3 consecutive months since the base average, instead of waiting for more than a year under the present law.

Increasing the percentage of survivor annuities for persons retiring in the future to 60 percent and the amendments would give all survivors this needed improvement.

There are thousands who get only meager annuities because when they retired the salaries, and the benefits of retirement laws were then low. Many of the retiree survivors fare worse. Letters bring us data on these folks who are receiving amounts as low as $40 per month, $50 per month and until recent years, very, very few received over $200 a month after a lifetime of work.

Let me read extracts from a letter of one of the more fortunate ones. Surely you will agree his lot is a rough one. We, none of us, would like to be in this predicament:

> It is with deep regret I have to write you regarding your low pensioned retiree employees. We need more money and we need it badly now. Life is short—we don't need it after we're dead.
>
> I get a check for $185 out of which I have to pay $101 for rent and electricity. I cannot live on $85 a month in this age of high cost of living. I have to buy secondhand clothes and my hospital policy I gave up. We need that increase now. Time is short; so is life.
>
> We have money to throw all around the world by the millions to nations we can't depend on in times of war. Yet there is nothing to give but a few crumbs to our faithful servants who gave the best years of their lives serving their country and are old men—some sick and can't get a living pension to enjoy those few years to live. It's time we got action now for more money, next year may be too late.
>
> I know you're doing your best for us retired men. I would appreciate it if you would show some of the Congressmen and Senators this letter.

Yes, we have hundreds upon hundreds of similar letters, and some are really pitiful. In Florida we have more than 34,000 of these retirees who need help and need this help now.

I strongly support this measure. I believe it does justice, although in some instances delayed justice, to one of the most deserving and important segments of our citizens, the retirees from the Federal service. I warmly commend the able gentleman from New Jersey [Mr. DANIELS] for the leadership that he has given us in the presentation of this meritorious measure to this House.

Mr. DANIELS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New York [Mr. HANLEY].

Mr. HANLEY. Mr. Chairman, the paramount objective of H.R. 8469 is the granting of the financial relief that our Federal retirees and survivors so desperately need. It has been well substantiated by the testimony offered in the hearings, that tens of thousands of our retired employees are in dire circumstances—and that only a comparative few are in receipt of annuities that permit them to maintain a reasonably decent standard of living.

The word "poverty" is being bandied about these days by people who set their own standards as to what constitutes impoverishment. Certainly, by any standards, and particularly those which the President himself has adopted in connection with his antipoverty program, a family income of $200 a month is a poverty income. Now, since this Congress has seen fit to appropriate massive sums of money to combat poverty on every conceivable front, are we not at least morally obligated to upwardly adjust the poverty level incomes of those people who have so loyally served their Government? The cold facts of the matter completely justify the overwhelming need of this legislation—not next year—but now.

Mr. Chairman, it is unfortunate, but nevertheless true, that a survey of our economic activity over the past decade shows a significant amount of inflation. In its simplest definition, inflation means that a dollar buys less today than it bought yesterday. I believe it is safe to say that this burden falls heaviest upon these persons whose fixed incomes do not rise with the times. It is these persons, with this type of income, with whom we are concerned here today. It is these persons, many of whom paid for their annuities with 100-cent dollars, who are being compensated with 30-cent dollars in their twilight years. We are concerned today with the problems of those retired from public service, who 20 or 30 years ago were laying plans for their later years in life, and who could not foresee the inflationary erosion of the household budget in the latter half of the 20th century.

There is much concern, Mr. Chairman, for the welfare of our elderly citizens, as is apparent from the legislative record of the Congress the past few months. Is there similar concern for the welfare of our own former employees? Are we as concerned over the economic requirements of their widows and children? These are the people who have been characterized as the "truly forgotten people in our Great Society." These are the same people who worked to make life better for all Americans, but whose dreams of a peaceful and serene retirement have been turned into an inflationary nightmare in our present-day economy.

Legislation providing increases should have been enacted in the 88th Congress, and only the fact that time ran out on that Congress prevented passage last year. Meanwhile, these annuitants wait and look to us, the Congress, to act on an increase that is long overdue. How much longer will the Federal Government—the would-be benefactor of a Great Society—turn away from the actual and existing needs of its own former employees? I hope, not long. The subcommittee has acted, the full committee has acted, but we must see that the Congress itself acts—today.

Mr. Chairman, there can be no escaping the fact that this body is dutybound to ease the burden placed upon these worthy persons. By taking diligent and favorable action today we will not condemn them to retirement years that will be unpleasant ones. They are the same golden years for which we ourselves, I am sure, are laying plans. They are the same years upon which we all are continuously building our own hopes and expectations—a concept of hopes and expectations that we may be able to retire from our duties on a dignified basis—and with sufficient income to meet the basic needs of our future years.

Mr. Chairman, in further support of H.R. 8469 which amends the Civil Service Retirement Act, I say the bill has four major provisions: percentage increases in the annuities of Federal retirees, a cost-of-living increase in annuities, modification of the procedure to determine and effectuate cost-of-living increases, and a 5-percent increase in the percentage of the life annuities of their husbands to be received by surviving widows.

It is my belief that H.R. 8469 is a good bill worthy of the support and approval of the Congress. It is clearly a compromise measure with its provisions stemming directly from the information produced in our hearings and discussions with interested parties, including the Civil Service Commission.

To my way of thinking the major feature of the bill is the 6½-percent increase in the annuities of former Federal employees who retired prior to October of 1956. The bill also includes a 1½-percent increase in the annuities of post 1956 retirees. Testimony before the Subcommittee on Retirement and Pension revealed that 75 percent of the 482,131 Federal retirees receive annuities of less than $3,000 and 80 percent of the survivor annuitants receive less than $1,200. These figures, shocking as they may be, do not of themselves necessarily demand that we amend the Retirement Act. Again it was testimony before the subcommittee directing our attention to the fact that older retirees were concentrated on the lower end of the annuity scale which prompted that 6½-percent increase. While it was brought up that many former Federal employees receive small pensions because of short periods of Federal service, it was never suggested that short Federal service alone was responsible for negligible annuities. This 6½-percent increase cannot be considered an expedient welfare measure designed to help people who are in need merely because they are in need. Testimony disclosed that a portion of the blame for the plight of Federal retirees stems from the departure by the Congress from a principle of long standing.

That principle was expounded by Clarence Tarr, president of the National Association of Retired Civil Employees, during the hearings. He said:

> It was recognized during the early years that when it was necessary to increase benefits for those who retire in the future, it was equally necessary to increase annuities of those previously retired. Those who would retire in the future would have the opportunity of salary increases to boost their retirement annuities, while those previously retired were helpless.

The reason H.R. 8469 is before us today is that this principle was not adhered to in the major amendments to the Retirement Act enacted in 1956. Unfortunately 1956 became a watershed dividing Federal retirees. Chairman Macy alluded to this division during the hearings when he said:

> The other half of the annuity roll was made up of annuitants with benefits based on service which ended on or after October 1, 1956. These annuities had been computed under the liberalized annuity formula installed by the 1956 Retirement Act amendments which afforded benefits average some 25 percent higher than previous levels.

That the Congress recognized the unfairness of this gap was evident in 1958 when a 10-percent increase in the annuities of pre-1956 retirees was enacted into law. The gap was not closed in 1958 nor will it be closed upon the enactment of 8469. As Congressman DANIELS has stated, however, this bill will produce a much more reasonable relationship than presently exists between the two groups.

The second major feature of this bill is the cost-of-living adjustment increase to be granted in the third month following enactment. In 1962 legislation called for automatic cost-of-living increases, and the time has come for one. Our subcommittee chairman, Congressman DANIELS, pointed out in the report on H.R. 8469 that there is need for modification of the procedures set up in 1962 to handle the principle of cost-of-living increases in annuities. The purpose of the changes the committee suggests is to bring the cost-of-living adjustments somewhat closer in terms of time to the actual changes in cost of living. Instead of employing a yearly average showing a 3 percent or more increase in the cost of living, the annuity increase to become effective in the fourth month following that year, H.R. 8469 would institute a procedure whereby an increase will be granted in the third month following a 3-month period showing a consecutive 3 percent or more increase in the Consumer Price Index. I feel that since the Congress established automatic cost-of-living adjustments in annuities in 1962, it is important that we amend the law to make the application of the principle more effective.

The fourth provision of the bill, the 5-percent increase the percentage of full annuity provided survivors, will apply to the survivor of an employee who retires or is otherwise separated after the enactment of this bill.

I believe that H.R. 8469 is the best possible bill the committee could produce at this time, and I earnestly urge all of my colleagues to support its passage.

Mr. CORBETT. Mr. Chairman, I yield to the gentleman from New York [Mr. ROBISON] such time as he may consume.

Mr. ROBISON. Mr. Chairman, I rise in support of H.R. 8469, a bill designed to give some measure of relief to the more than 700,000 retired civil servants of this Nation whose needs have largely been overlooked in our recent efforts to provide necessary increased benefits for those in the military and for those other citizens covered by social security.

On April 29 of this year I introduced my own bill—H.R. 7753—dealing with this problem, and, though the bill as reported by the committee and now before us does represent a compromise from the position I have previously taken as set forth in H.R. 7753, I do support the committee bill and urge my colleagues to do likewise.

As the committee report on H.R. 8469 states:

> The history of civil service annuity adjustments to meet exploding costs of living has been one of too little and too late.

This has resulted, as much as anything else, from the unfortunate fact that these deserving, retired Federal employees have not the organized voice to speak with strength comparable to us, in behalf of equitable treatment, as do the many more thousands of others now presently employed by our Government. So, I think it is accurate to say that these people have found themselves too often forgotten.

H.R. 8469 takes a substantial step forward correcting this oversight, and I believe it is our responsibility to see that that step is taken in behalf of—to again quote from the report—these "elder citizens that are caught between rising prices and fixed incomes."

The Congress also, long ago, accepted the premise that the benefits of those who retired some years ago should not be permitted to lag too far behind the benefits being granted those who retire currently—and H.R. 8469 addresses itself specifically to this problem in a helpful manner.

It seems to me, therefore, Mr. Chairman, that H.R. 8469 should be passed, and that the additional expenditure which its enactment will entail can well be justified not only on the basis of doing equity to those to be benefited thereby—with whom we must keep faith—but also on the added ground that we should not expect to be able to attract to the Federal service the type of dedicated talent and skills it needs unless we also provide the adequate financial incentives that such employees should have to look forward to in their retirement years.

One more word—perhaps of gratuitous advice: This whole situation also serves to point up, once again, at least the indirect relationship between the fiscal and budgetary policies followed by the Federal Government, which policies are supposedly partly within our control, and the gradual increase we have been witnessing in the general cost of living which affects all our citizens. It ought, Mr. Chairman, to encourage us to be more watchful than we have of the results of our other actions in other legislative fields to the end that we are able to maintain some degree of control over the inflationary tendencies that are inherent, today, in our economy, and so that we do not place further financial burdens on those of our fellow citizens who do have to live on fixed incomes and who therefore have to bear the brunt of inflation, which has aptly been called the cruelest tax of all.

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

Mr. FULTON of Pennsylvania. Mr. Chairman, I strongly support H.R. 8469 and I urge its immediate passage.

H.R. 8469 is a bill which deals with retirement and annuities, one of the complex and difficult functions of our U.S. Government. This is an area of human interest, personal needs, and human living requirements and necessities, which requires constant vigilance by Congress. This retirement legislation must be reevaluated and reexamined constantly by the committees of the House of Representatives.

The purpose of this legislation is to provide long overdue and exceedingly necessary adjustment in the annuities of retired U.S. Federal employees and survivors presently on the annuity rolls. The present cost-of-living adjustment will be vastly improved by keeping it to the more sensitive and realistic monthly price index indicator.

It is imperative that Congress recognize the present hardship plight of the U.S. civil service retirees and survivors. In our age of ever increasing food costs and clothing and rent prices we must provide adequate means for the good and worthy people on our retirement rolls. Congress should not cast them aside, nor should Congress force our retirees to exist on a substandard basis.

It is the duty and the responsibility of the U.S. Government to assure adequate financial means so that U.S. retirees may maintain a living standard comparable to what they had while working, and which they rightfully deserve in retirement. Retirement should be a pleasure and a period of well-deserved good living earned through our good service during our working years. Retirement should not be a punishment, a period of lower living standards, and real suffering time of need.

The administration has accepted the standard that an income of $3,000 a year is the borderline below which a married couple is classified as being in the poverty class. Yet most of the good U.S. civil service retirees and survivors are receiving amounts which are well below this figure. For the Government to permit this injustice to happen is to me not only wrong morally, it is an unhappy and unhealthy situation for our U.S. economy. This is really hardship to our older people who have given efficient, loyal, and devoted service to the U.S. Government and the American people.

We must not forget that in most instances the cost of living for the elderly is higher than for the general population.

It is well known that our senior citizens have special food, special housing needs, medical requirements, and longer hospital stays, than any other age group in our society. We must see that our older people can meet their present needs adequately, and can face the future with confidence.

The retirees of this Nation must not face impaired health, increased medical expenses, and a reduced income. We in Congress have the responsibility to act now.

This bill will provide reasonable and urgently needed increases and adjustments. It will provide a 10.2-percent increase for those who retired on or before October 1, 1956, and a 5.2-percent increase for those who retired after this date. This is a good increase, but we should in Congress examine these U.S. retirement pensions and annuities soon, to make sure these retirees have adequate purchasing power for decent and comfortable living and they are able to keep this purchasing power in spite of inflation and rising costs of living.

The initial cost of the first section of H.R. 8469, covering U.S. retirees, will be $90.4 million, as estimated by the Civil Service Commission. The second section covering annuities of widows and widowers of employees who die in U.S. service, would increase the cost approximately $58 million, or 0.18 percent of the payroll. This expenditure is reasonable and worthwhile.

I recommend to the Members of this House that we act and vote today to provide the U.S. civil service retirees and survivors with the increase they so desperately need, and certainly deserve. This legislation will permit our U.S. retirees to be our gratefully remembered retirees, rather than to become the "forgotten people" of the United States, the tragic term by which they are now so often designated.

I am confident this Congress will promptly authorize this legislation. I hope all the Members of Congress recognize the necessity and desirability of this bill, and will act favorably on this legislation by voting for final passage.

Mr. CORBETT. Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Chairman, I support this measure.

Mr. CORBETT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just simply want to point out to the Committee that this has been a year of tax decreases. As you know, we have decreased the income tax rate, we have decreased the excise taxes, but up until right now we have left intact the most cruel tax that we have in this or any other country which is inflation.

Mr. Chairman, this effort represents really the first onslaught which we have made against inflation by this Congress.

Mr. Chairman, we all recognize that people who are living on fixed incomes wherever they may be in the world or in the Nation are the real victims of rising prices. They are the ones who see their standards of living falling as

perhaps the standards of living may be going up for other people because of easy money, easy credit, and increased salaries.

Now, Mr. Chairman, for most of these retirees there is no place they can turn except to their Representatives in the Congress for any help in a situation that has found them going backward instead of forward.

Mr. Chairman, if there is anything at all to this war on poverty, if there is anything at all to the business that we ought to make this a better place in which to live in these United States, it seems to me that we are attacking at exactly the right point today.

Mr. Chairman, I believe that this House will be doing the Nation a service and our elderly employees a service if we pass this bill unanimously. Mr. Chairman, I hope that that will be the result of our actions here this afternoon.

Mr. Chairman, I yield back the balance of our time on this side.

Mr. DANIELS. Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado [Mr. McVICKER].

Mr. McVICKER. Mr. Chairman, the Congress has just enacted a retirement increase on behalf of some 20 million Americans in adopting the Social Security Amendments of 1965—a measure which has been called the greatest single social enactment of this century. I applaud this action, and I supported it. But I appear today on behalf of a forgotten segment in this momentous legislation—namely the some 700,000 retirees of Federal service in our Government whose retirement income is largely unaffected by this legislation. I support passage of the bill, H.R. 8469, which would make an appropriate adjustment on their behalf.

The bill reported by the Committee on Post Office and Civil Service would help to rectify this situation. I am happy to say that it incorporates a principle contained in my bill, H.R. 8709, introduced on June 2 of this year, in that it triggers the effect of the adjustment to the automatic increased cost-of-living principle incorporated in 1962 legislation, by tying it to a monthly rather than an annual measure. The earlier legislation had provided that whenever the Consumer Price Index of the Bureau of Labor Statistics shall have risen by an average of 3 percent or more for a full calendar year above its average for 1962, a comparable percentage increase will become effective on April 1 of the following year.

But, during hearings conducted this spring it became abundantly clear that the automatic "cost-of-living adjustment" feature contained in the 1962 amendments has not operated as effectively as was anticipated. The rise in the Consumer Price Index over 1962, although averaging 2.6 in 1964, reached 3 percent in November 1964 and has steadily risen to around 3.7 percent. However, under the existing formula, annuitants will receive no adjustment until April 1, 1966. The need for a better measuring rod is thus apparent.

The present inequity suffered by older retired Federal employees is compounded by the fact that their annuities are based on the low salaries for which they worked for their Government. This result is illustrated by the following examples which were presented to the committee:

A man who retired in 1949, for example, after 30 years of service as a postal clerk is entitled to an annuity of $2,328, while in the event of his death his wife's survivor annuity would be $1,020.

A present postal clerk, with the same years of service, would be eligible for an annuity of $3,624 a year—or 39 percent more—while his wife would be entitled to $2,052 or more than twice of the older wife's benefit.

As I pointed out when I introduced my bill in early June, a person who retired 10 or 12 years ago receives from 30 to 50 percent less than one who has retired recently from the same kind of a position. Moreover, the 5 percent increase enacted in 1962 was meant to cover increases in the cost of living only since 1958 because another adjustment had been made at that time for persons who retired before October 1, 1956.

Present law, therefore, largely disregards the steep increases in the cost of living since 1956 for many annuitants. And for older workers it fails to reflect changes in living standards since their working years when they were paying for their annuities with 100-cent dollars but are now receiving 30-cent dollars, comparatively.

Most of all I am concerned with the fact that a good principle incorporated into present law—the principle of an automatic adjustment of retirement income to increases in the cost of living—has proven itself to be unworkable. It is a mechanical weakness, rather than a weakness of principle, and it can easily be fixed.

Under the bill all annuities would be increased by the same percentage as the rise in the Consumer Price Index from the annual average of calendar year 1962 to the month latest published on the date of enactment. Moreover, annuities which began, or survivor annuities deriving from annuities which began, on or before October 1, 1956, would be further increased by 6½ percent while annuities which began after October 1, 1956 would be further increased by 1½ percent.

I know that there has been some argument that such action should be delayed because, on February 1, 1965, the President created the Cabinet Committee on Federal Staff Retirement Systems under the chairmanship of the Director of the Bureau of the Budget. However, the Civil Service Commission itself, while holding that major changes should await the report of this Committee, scheduled for December 1, 1965, acknowledged that experience to date has shown that the 1962 formula can be improved by shortening the time element from years to months. Accordingly, the Commission does not object to this feature since it makes workable a principle adopted in the 1962 legislation.

Mr. Chairman, in introducing my bill on June 21, I said:

If we want to attract and retain high caliber career Federal employees we must offer them an equitable and adequate guarantee that retirement benefits will keep pace with increasing living costs.

That is good personnel practice and it is good business.

By enacting the bill, which does justice and preserves equity for our currently retired civil servants we will not only be benefiting them, but we will be providing assurance to all present employees of the Federal Government that they will not be forgotten when they have retired from years of faithful and dedicated service.

Mr. DANIELS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New Jersey [Mr. KREBS].

Mr. KREBS. Mr. Chairman, I rise in support of H.R. 8469. I want to say, also, that I feel our subcommittee chairman, my distinguished colleague from the State of New Jersey [Mr. DANIELS] deserves the plaudits which he has received, because the gentleman has done an excellent job. I want to say, too, that I am extremely happy that this bill went through the full committee with its unanimous support. After listening to the expressions of concern for the 19 million elderly citizens in this country today and for the tens of thousands who are dependent upon their meager annuities or pensions, I eagerly look forward to the day when the Members on the Republican side of the aisle join again with the Members of the Democratic side of the aisle to make the next bill unanimous in raising a bit closer the benefits as compared to the needs of the elderly citizens today.

Although much of its purpose has been amply explained by my colleagues, I should like to emphasize the importance of this bill in our overall legislative program.

We have heard much about the Great Society and the war against poverty. But where should this Great Society begin, if not with those who have given the productive years of their lives in the service of their Nation? Can there be a war against poverty if we ignore the veterans who served unheralded in the domestic battlefields of the past?

The men and women whom we seek to aid today worked unselfishly in an organization which did not keep pace with the salaries of private industry, which did not keep its salary structure abreast of the rising cost of living, and which has provided an inadequate retirement program.

When many of our retirees first entered into Government service, I am sure they anticipated monetary benefits approximating those of private industry. A below-comparable pay scale has increased the burden of a low retirement annuity. The lower salary made week-to-week savings difficult, and there was no prospect that future income would be supplemented by generous retirement benefits.

Could our retirees have left the Government for better-paying jobs? This question can best be answered rhetorically—should this have been necessary? We certainly did not want to encourage our qualified civil servants to find positions elsewhere.

With the growing need for Government activity produced by the increasing pressures of our fast-paced industrial society, there has been a corresponding need for qualified personnel to administer new Government programs. It would indeed be a sad commentary on our way of life if we removed from the Great Society of the future those individuals who unselfishly laid its foundations in the past.

H.R. 8469 is not a panacea, but it is an aid. Most of our 700,000 civil service retirees are receiving less than $3,000 in annuities. That is borderline income, below which a married couple is considered to be living in poverty. An increase in benefits by 5½ or 10½ percent is not going to provide a substantial income. But it will help to supplement past savings.

H.R. 8469 remembers the "forgotten widows." These 43,000 widows whose husbands died when there was no retirement annuity provision will receive a 15-percent increase, with the maximum set at $10.

One very important aspect of this legislation is the alteration of the cost-of-living adjustment feature contained in the 1962 amendments to the Retirement Act. This feature, which has not as yet become operable, provided that whenever the Consumer Price Index of the Bureau of Labor Statistics shall have risen by an average of 3 percent or more for a full calendar year above its average for 1962, a comparable percentage increase shall become effective on April 1 of the following year. It further provided similar increases when a like increase in the Consumer Price Index occurs after any increase predicated upon such feature.

The rise in the Consumer Price Index over 1962, although averaging 2.6 in 1964, reached 3 percent in November 1964, and has steadily risen to 3.7 percent at present. However, under this formula annuitants will receive no adjustment until April 1, 1966.

It should be obvious that retirees are least able to wait for cost-of-living adjustments. With the productive years spent in serving their Nation, they are often unable to supplement their income to meet the rising cost of living. These people did not wait to serve when it was convenient; they should not be made to wait unnecessarily for an annuity that reflects the cost of living. H.R. 8469 does not change the substantive policy that the annuity should reflect the cost of living. It does allow for faster reflections by providing for increases in annuities whenever the Consumer Price Index rises by 3 percent or more for 3 consecutive months after any previous increase.

Thus, I am glad that I have had the opportunity to speak on behalf of H.R. 8469. It is needed legislation; it is equitable legislation. I am happy that I can lend my support to make the future a bit brighter for those who did so much for all of us in the past. And I am proud that the Great Society will benefit some of its greatest workers and that the war on poverty will not neglect the deserving domestic veterans.

Mr. RANDALL.. Mr. Chairman, it is a long past due privilege to raise a voice in support of H.R. 8469.

This bill to provide increases in annuities payable from the Civil Service Retirement and Disability Fund is an action which should have been taken a long time ago. Even the wording of the bill itself, when it refers to these increases as adjustments, is perhaps too moderate. For, the truth of the matter is that the increases are equitable and are desperately needed. No longer is it realistic to look at a pension which states its extent in terms of a stated number of dollars payable monthly. In this day and age that just does not make good sense. If a pension plan has any real usefulness it cannot remain static because the basic purpose and the underlying philosophy of any pension proposal is that the pensioners enjoy some measure of comfort and convenience in their declining years. Not only is it important that an annuitant be free from want but that they have a feeling of economic security after the expiration of their active employment.

The reason the enactment of this measure is so important is that our retirees and their survivors thought or expected at the time of their retirement that they would have a measure of income proportionately comparable to what they had received during their active employment.

We all prefer times of prosperity and we all hail these 52 uninterrupted months of continued expansion in our economy. Yet who can deny that the present tempo has posed serious problems for elder citizens caught in the squeeze between rising prices and their fixed incomes in the form of an annuity that remains the same number of dollars they had received before the expansion of our economy. Yes, prosperity is good for most of us but the fact is its impact on a large group of our senior citizens has been very critical.

There has been a lot of talk about what measure of income puts a person in the poverty class. We hear that if one receives less than $3,000 a year he is a borderline case. Yet, the bulk of our 700,000 civil service retirees are receiving annuities in an amount much less than $3,000.

Mr. Chairman, every time in recent months when I have visited my congressional district I have been reminded by these retirees of their plight. For a long time now I have assured them that they would soon be given consideration. H.R. 8469 is fair. Maybe it does not go far enough but it does provide a direly needed adjustment and after the action of the House on this bill, we may be able to say to these retirees with reduced income, impaired health along with increased medical expenses who are existing upon a depressed living standard that they will no longer be the truly forgotten people in this present era of economic prosperity. H.R. 8469 will also give assurance to these annuitants that, in the future, they will receive more frequent and hence more flexible and more responsive adjustments in annuities to reflect the increased costs of living. Our enactment in 1962 providing for an adjustment on an annual basis has been shown to be a too-infrequent adjustment. The bill under consideration now will assure an increase in annuities to be reflected immediately upon a change in the cost of living. This should be some assurance that those who have been so badly neglected in the past will not be forgotten in the future.

Mr. HALPERN. Mr. Chairman, I rise in support of H.R. 8469, a bill which makes long-overdue adjustments in the annuities that our civil servants must live on in retirement.

H.R. 8469 is a simple, straightforward, proposal to help better the lot of the Federal civil service retiree. Because of our ever-expanding economy, civil service retirees are caught in the economic straightjacket of fixed incomes and increasing prices. It is shocking to learn that most of the 700,000 Federal retirees and survivors are receiving annuities of much less than $3,000 yearly, the income below which a married couple is considered in the poverty class. This bill would increase by about 10 percent the annuities which commenced before October 1, 1956, and by approximately 5 percent those which commenced thereafter. The reason for this difference is quite evident: The 1956 retirement liberalization law improved the annuities of those who retired after that date, but neglected to adjust the annuities of those who retired before.

Mr. Chairman, we have been told that Federal civil service retirees are the forgotten people in the affluent society of the United States today. Well, that is why we are considering this legislation. Let the Congress and the people of the United States not forget these civil servants who spent their lifetimes in the service of their Nation. These men and women have toiled for the Government of the United States; they and their survivors, deserve retirement annuities at least comparable to those who retire from employment in the private sector of our economy.

H.R. 8469 also provides a higher increase in annuities for approximately 43,000 elderly widows of employees who passed away when no survivor protection was afforded by law. Moreover, this bill would increase from 55 to 60 percent of the annuity or of the survivor base, the annuities of eligible spouses of those who retire or who die in service.

Finally, H.R. 8469 would correct the presently slow-moving adjustment principle, based on the fluctuations in the cost of living, to be more sensitive to changes. Under this bill, whenever the Consumer Price Index, rises by 3 percent or more for 3 consecutive months the annuities would be increased to the same amount.

Mr. Chairman, H.R. 8469 is an important step forward in realizing the goal of providing our Federal civil service retirees with an adequate retirement income. I strongly urge my colleagues to give it their support, so that this House may keep faith with those men and women who dedicated their working years to the service of the U.S. Government.

Mr. BOLAND. Mr. Chairman, I rise in favor of H.R. 8469, to provide certain

increases in annuities payable from the civil service retirement and disability fund. This legislation will provide equitable and desperately needed adjustments in the annuities of Federal civil service retirees and survivors currently on the annuity rolls, to improve the existing cost-of-living adjustment principle by gearing it to a more sensitive monthly price index indicator, and to increase the survivorship protection of spouses of employees and future annuitants.

The only general annuity increase legislation that has been enacted since 1955 was the 5-percent increase enacted in 1962. Yet the cost of living rose by 14 percent between 1955 and January 1, 1963, the effective date of the 1962 increase. I think that we should make this effort to allow retired Federal employees benefit from our expanding national economy. American workers today are enjoying unprecedented increases in real wages, and this is particularly true of Federal employees who have benefited from several substantial salary increases in recent years. Retired Federal workers have not been treated nearly as generously as have active employees in this regard. I urge my colleagues to vote for this much needed legislation for retired civil service employees.

Mr. HARVEY of Indiana. Mr. Chairman, most Americans, I am happy to say, make allowances for their retirement years and most Americans by the time they reach retirement age have a pretty good equity in their homes. Many have life insurance policies.

The one thing that most senior citizens cannot predict is the rising cost of living and inflation. For this reason I am pleased to add my support to H.R. 8469 and I would like to commend the House Post Office and Civil Service Committee for reporting out this legislation because it is, in my opinion, a good bill.

It has been reported that, since 1900, the number of persons in the United States, aged 65 and over, has increased from 3.1 million to well over 15 million. It also has been reported that over 10 million are receiving or participating in compensation retirement programs. This is a good bill because it will enable the recipients to take care of what they have in a dignified and deserving fashion.

Mr. GILBERT. Mr. Chairman, the main reason for a retirement plan is to enable an employee to live in dignity and enjoy economic security upon his retirement and through his declining years. It is the responsibility of Congress to maintain the annuities of our retired Federal workers and their survivors at a level that gives them a living comparable to what they had looked forward to and expected upon their retirement.

Our elderly citizens living on fixed incomes have suffered more than any other segment of our population due to the spiraling cost of living. Retirees and survivors are being forced to get by on very low annuities; nearly 300,000 of them receive less than $100 a month. We consider $3,000 the minimum income for a couple for a decent living and less than that is considered in the poverty class, and yet the records of the Civil Service Commission show that more than 75 percent of the 482,131 retired Federal employees are receiving annuities of less than $3,000. Only about 1 percent of the 205,855 survivor annuitants receive as much as $3,000; and about 80 percent receive less than $1,200 a year—or under $100 a month.

We must bring the annuities of persons who retired 15 and 20 years ago up to a fair comparison with the annuities of current retirees. We must improve the existing cost-of-living adjustment principle and increase the survivorship protection of spouses of employes and future annuitants.

Mr. Chairman, the House Post Office and Civil Service Committee held extensive hearings on annuity-increase proposals, and the committee has recognized the urgent need of retirees living on fixed incomes. The committee is to be commended for reporting out H.R. 8469. I believe it is a fair bill and I support it. I believe it will benefit annuitants and survivors who are most in need.

H.R. 8469 will provide increases totaling about 5.2 percent in all annuities based on service which terminated after October 1, 1956, and it will provide a 10.2-percent increase in all annuities based on service which terminated prior to October 1, 1956. The bill also provides up to 15-percent increase in the annuities of widows of persons who retired or who died prior to April 1, 1948. It will change the plan for automatic annuity increases to match increases in the cost of living, and will liberalize survivor annuities for persons who retire in the future.

Mr. Chairman, I voice my support of H.R. 8469. The increased cost of living in recent years makes this adjustment in annuities imperative, and I call upon my colleagues in the House to join me in supporting this bill.

Mr. BINGHAM. Mr. Chairman, I am pleased to support H.R. 8469 which provides increases in annuities payable from the civil service retirement and disability fund.

The adjustments proposed in this legislation will appreciably relieve the economic burdens of Federal civil service retirees and survivors presently on the annuity rolls. The record shows that the bulk of the 700,000 civil service retirees and survivors are receiving annuities of much less than $3,000 yearly—the borderline below which a married couple is included in the poverty class. Compounding the effect of the reduced income, these civil service retirees and survivors generally face higher medical expenses and a mounting cost of living. Benefits for those who have served their country have lagged far behind rising prices.

H.R. 8469 provides fair and reasonable adjustments to benefit these annuitants and survivors. It provides approximately a 10.2 percent adjustment in those annuities which commenced on or before October 1, 1956, and 5.2 percent in those which commenced thereafter. The difference in relief is aimed at closing approximately one-half of the gap in annuity improvements for the pre-1956 retirees as compared to improvements which benefited the post-1956 retirees.

The bill also fulfills a moral obligation on the part of the Government in providing for a 5-percent increase in the share of annuities for some 43,000 elderly widows of employees of annuitants who passed away at a time prior to the enactment of survivor protection. In addition, the bill would remedy a serious defect in application of the cost-of-living principle in the 1962 amendments to the Retirement Act. While the bill will not alter the substantive policy of the Retirement Act, the revision provides for reflecting rises in the Consumer Price Index on a current basis. That is, whenever the index increases by 3 percent or more for 3 consecutive months after any previous increase resulting from this feature, the level of annuities will be raised.

I hope and trust that passage of the bill will not jeopardize the chances for improvements in the health benefits program for retired Federal employees. This is a commitment contained in the Conference Report on Social Security Act Revisions—one we must redeem.

In passing H.R. 8469 Congress will demonstrate its ability to meet responsibilities to our senior citizens who devoted their most productive years to the service of our Government.

Mr. MORSE. Mr. Chairman, I hope that the House will give prompt approval to this long overdue legislation. While more and more groups in our society have moved forward to full participation in our economy and our national growth, the men and women who have served our Government faithfully over the years have been left behind.

We should never have permitted the income of the majority of the 700,000 annuitants and their survivors to fall below the $3,000 poverty level. Now we have an opportunity to right this wrong and guard against such developments in the future.

This bill will increase the annuities of those who retired on or before October 1, 1956, by approximately 10.2 percent and the annuities of those who retired after that date by approximately 5.2 percent. This difference is necessary to close the gap in the pensions now available to those early retirees. The 1956 amendments were of great benefit to those who retired after that date, but did nothing for those already retired. This legislation will not right the balance completely, but it goes a long way toward that goal.

The other significant amendment would change the formula for the determination of the cost-of-living increases. According to the findings of the Post Office and Civil Service Committee, this automatic provision has not worked successfully because of the lag between the increase in the cost of living and its reflection in the annuity checks. This measure, by providing for immediate reflection in the annuities after a 3-month period of 3-month increases in the index, should give those on fixed incomes immediate relief from inflation. I urge the passage of H.R. 8469.

Mr. ADDABBO. Mr. Chairman, I rise in support of H.R. 8469, legislation which

it is imperative that we enact and which is long overdue.

We all know from our own experience how rising costs hit each of us. However, I am sure that no one feels the effects of the rising cost of living more than annuitants living on fixed incomes. The bill before us provides for a much-needed increase for the primary beneficiaries, and, furthermore, it provides increases to bring more closely together the annuities of those who retired prior to October 1, 1956, and those who retired after that date and who have thus far fared better than the "prior to October 1, 1956, group."

It is to the credit of the Committee on Post Office and Civil Service that it has seen the need to provide higher percentage increases for the approximately 43,000 elderly widows of employees who passed away before survivor protection was enacted into law. The gratuity payment they receive under existing law averages only $44 per month, absolutely inadequate.

Our Federal retirees are at the age where many are chronically ill or can expect more disabling illnesses than the general population—we all know the costs of medical care, medicines, and hospitalization. This group can least afford it. The bill before us today will not solve all the problems of our annuitants, but it will be a big help.

Mr. Chairman, I was a member of the Committee on Post Office and Civil Service in 1962 when we enacted legislation to provide for an automatic increase in annuities, based upon the consumer price index. Unfortunately, the cost-of-living adjustment provision has not worked out as well as we had anticipated. The bill before us today seeks to correct this, and future increases in the consumer price index will be more quickly reflected in annuity benefits.

Mr. Chairman, I can recall no legislation which has evoked such support since I have been in Congress. I have received a great deal of mail on this subject and not one letter or postal card has been against this legislation.

As I have stated, this legislation is overdue, I support it wholeheartedly, and I urge my colleagues to do the same.

Mr. EDMONDSON. Mr. Chairman, I support H.R. 8469 and urge its approval.

This bill is urgently needed to meet the problem of rising living costs for our civil service retirees and survivors. For many, the need is desperate and this action is already in the category of "too little and too late."

Certainly this great Government, which commands our common allegiance, should not delay any longer in assuring at least a minimum opportunity for a dignified and decent retirement to millions who have served America honorably and well.

This bill should be approved without a dissenting vote in the Congress, and speedily sent to the President.

Mr. DYAL. Mr. Chairman, I am pleased to support the passage of H.R. 8469. I think we all recognize the dire need of all the older retirees of our Federal Government. Of the more than 650,000 Federal retirees and survivors in the United States, more than 10 percent reside in the State of California.

Inflation has hurt our Federal retirees with fixed incomes. Thousands upon thousands of our retirees have very low incomes. This is due to two causes, the first being inflation and the other being low salaries at the time of retirement.

The National Association of Retired Civil Employees is the champion of these former Federal workers. This association has asked the Congress through the years to introduce bills in their behalf and is just as much interested in being fair to the Federal Government as to the Federal retiree. H.R. 8469 was proposed by the House Post Office and Civil Service Committee and is a fair bill, although it does not give all that these folks deserve. However, it gives encouragement and will aid retirees who find themselves in most difficult situations because of the inroads of inflation.

An analysis of cost-of-living figures from July 1956 through December 1964 will disclose there was an increase of approximately 15 percent. Only a part of this gap was covered by the increase of 1962 which became effective January 1, 1963. This bill will correct this deficiency.

Again, let me tell you the reason for my deep concern. In California we have over 70,000 Federal retirees, so you can easily see the reason for my great concern and interest in these deserving folks. Because of its climate and environment, California, with the many friendly and desirable locations, such as Apple Valley, Twentynine Palms, Desert Hot Springs, Sun Valley, Escondido, San Diego, and others, is the goal of retirees. I shall continue my interest in their welfare.

Mr. GURNEY. Mr. Chairman, an article on the front page of last Friday's Washington Post announced that the cost of living last month set a 23-month high—the biggest jump in nearly 2 years of steady increase.

The consumer price index is over 10 percent higher now than it was from 1957 to 1959. The recent increase is blamed on the 6-percent rise in the cost of meat and the 10-percent rise in potato prices, both staple foods.

This increase in the cost of living was no news to me. It was no news to the housewife who shops for her family's food every week. And it was no news to the retiree on the fixed income. To him it has become a sad and expected fact of life. For in the past few years he has become resigned to this trend and each new rise just means that he tightens his belt a little tighter and does without a few more things. But the time is rapidly approaching for some, and already here for others, when the belt will not tighten any farther.

Food is not the only necessity whose cost has risen. The rest of the economy has done its part in keeping up. And right at the top of the list is the one thing that older people need in greater amounts than those below retirement age—medical care.

One-third of those people who are over 65 are chronically ill. They have twice as many disabling diseases lasting a week or longer as their younger friends. The average disabling illness of the older person lasts twice as long. But despite their increased need for medical care at this time of their lives, older citizens must live on sharply decreased incomes. And to top off the already difficult situation, in the past 10 years the cost of medical services have risen 40 percent, doctors fees have increased over 35 percent and hospital charges have jumped a whopping 85 percent. At the same time all this was happening, the cost of medical insurance has almost doubled. These increases have hit us all, but to the older American the squeeze has been its most severe.

They are confronted, at just the time of their life when they need to slow down and deserve a restful retirement, with the added burdens of reduced income, impaired health, depressed living standards, and increased medical expenses.

What has happened to the program set up to provide annuities for our civil servants? Retirement benefits were set up on the basis of the highest 5 years of salary. In 1956, the benefits of those who retired after that were improved by over 20 percent, but those who were already on the rolls were not affected by the increase. Since then they have received 10 percent more in increases than the post-1956 retirees, but there is still a gap of about 10 percent.

What does this mean in dollars and cents to the retirees? A man who retired in 1949 after 30 years as a postal clerk gets $2,328 a year. In case of his death, his wife gets $1,020. A present postal clerk with the same years of service would get $3,624 and his wife $2,052, more than twice that of the earlier retiree's wife. Yet the two families must pay the same prices for food, clothes, housing, and medical care. Certainly the more recent retiree's income is not a princely one—it is barely above the limits this Congress has set in its definition of poverty. But the man who retired in 1949 is far below these limits.

The retiree of the 1940's or 1950's is not buying food at 1950 prices, yet he is paid 1950 wages. What would have happened to our civil service employees if we had not raised their salaries in the past 15 or 20 years? We would have mighty few civil servants—they would have left for other jobs where the pay scale kept up with the economy. But we have done just this for our retirees, and they cannot go out and get another job.

I think it is about time we asked ourselves what our responsibilities are in this area—our responsibilities to the retirees who have served their Government even when they could have made more money in private enterprise, and our obligation to the whole country. A pension plan is not merely a promise to pay a man a certain number of dollars every year as long as he lives. It is a financial obligation to provide retirees with enough money to assure them freedom from want and a small measure of financial security. It is our unquestionable responsibility to assure these men and women a living comparable to that which they had at the time they retired and

were led to expect that they would always have.

The impact of the squeeze between fixed income and the rising cost of living is the greatest upon our senior citizens and we have not accepted our responsibility to help them.

We have a national responsibility too, to set the pace for employee relations and benefits. Yet in retirement annuities we have lagged far behind other employers.

What can these people think of their Government when we pass legislation here to aid the poverty stricken with incomes below $3,000 and ask our older citizens to live on less?

My mail is full of letters from older people trying to maintain a decent home and live in dignity on unbelievably low incomes. I hear from men who are trying to save enough from this pitiful amount so that their wives will have a more decent income than the pittance we will allot them when their husbands die. Some of the cases are heartbreaking.

What are these people asking for? Not for luxuries—they are people with simple tastes who ask only for clothes and a roof over their heads and food on the table. It amazes me that some of them are able to provide even a sembiance of these necessities from the amounts we give them.

These are not people asking for handouts, they are loyal citizens who have spent their lives working for us, and who were assured that when they retired, they would not be forgotten to live on the charity of their relatives.

Our treatment of them is one economy of which the Congress cannot be proud.

H.R. 8469, civil service retirement annuity adjustments, has my complete, unqualified support.

Mr. ROGERS of Florida. Mr. Chairman, I rise in support of this legislation. As a sponsor of legislation to increase annuities for retired Federal employees I am pleased that the Committee has taken action on this matter.

My bill, H.R. 6633, would have allowed annuities increases for the 482,000 retiree annuitants in the Nation today. Approximately 75 percent of those annuitants were receiving annuities of less than $3,000 per year at the end of the last fiscal year. At a time when there is growing national concern about poverty, and the poverty label has been applied to those Americans with annual incomes of less than $3,000 per year, I feel that strong action is needed by the Congress.

The bill recommended by the Committee would have a total effect of giving a combined increase of at least 10.2 percent to those whose annuities were in effect on or before October 1, 1956, and not less than 5.2 percent to those whose annuities went into effect after that date.

Mr. Chairman, the elder annuitants are those who are feeling the greatest hardships today as they were Federal employees when Federal service salaries were generally less than they are now. This measure will do much to alleviate the inequities presently imposed on those whose service to the United States contributed to our present well-being.

I urge that this Congress give speedy enactment to this legislation.

Mr. SCHISLER. Mr. Chairman, I am pleased to support the passage of H.R. 8469, a bill which will provide equitable adjustments in the annuities of Federal civil service retirees and survivors. I introduced a measure similar to H.R. 8469 into the House of Representatives, and I was happy to lend my support to the final piece of legislation which was reported by the House Post Office and Civil Service Committee.

The history of civil service annuity adjustments to meet the rising costs of living has been one of too little and too late. At a time when $3,000 yearly income is the borderline below which a married couple is deemed to be in the poverty class, the record shows that the bulk of our 700,000 civil service retirees and survivors are receiving annuities of much less than such amount.

During the period of employment, the hopes and expectations of employees are built around the concept that they will be able to retire in a dignified manner and with enough income to meet their basic needs. But as people reach age 65, they require more medical care and the costs of living in retirement are continually rising. I feel it is the responsibility of the Government to maintain the annuities of its retirees and survivors at a level that will give them a living comparable to what they had, and rightfully expected to have, at the time of retirement.

This bill provides fair, moderate, and directly needed adjustments designed to increase annuities where the greatest relief is warranted. It provides an adjustment in benefits of approximately 11 percent in those annuities which commenced on or before October 1, 1956, and approximately 6 percent in those which commenced thereafter. The increase is designed to compensate for the lag in annuity improvements in past years.

This legislation will also provide a higher percentage increase for approximately 43,000 elderly widows of employees of annuitants who passed away at a time when no survivor protection was afforded by law.

The Civil Service Commission estimates the initial increase in annuities to be about $90.4 million. No longer will civil service retirees be the forgotten people in the economic life of the United States. The passage of this legislation means that our retired citizens, whose work laid the foundation of the prosperity our country now enjoys, will not be deprived of a just share in that prosperity.

The CHAIRMAN. If there are no further requests for time, the Clerk will read the bill for amendment.

The Clerk read as follows:

H.R. 8469

A bill to provide certain increases in annuities payable from the civil service retirement and disability fund, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) section 1(t) of the Civil Service Retirement Act, as amended (5 U.S.C. 2251(t)), is amended to read as follows:

"(t) The term 'price index' shall mean the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics. The term 'base month' shall mean the month for which the price index showed a per centum rise forming the basis for a cost-of-living annuity increase."

(b) Section 17(a) of such Act, as amended (5 U.S.C. 2267(a)), is amended by inserting immediately before the period at the end thereof the following: ", and for payment of administrative expenses incurred by the Commission in placing in effect such annuity adjustment granted under section 18 of this Act".

(c) Section 18 of such Act, as amended (5 U.S.C. 2268), is amended to read as follows:

"SEC. 18. (a) Effective the first day of the third month which begins after the date of enactment of this amendment each annuity payable from the fund which has a commencing date not later than such effective date shall be increased by (1) the per centum rise in the price index, adjusted to the nearest one-tenth of 1 per centum, determined by the Commission on the basis of the annual average price index for calendar year 1962 and the price index for the month latest published on date of enactment of this amendment, plus (2) 6½ per centum if the commencing date (or in the case of the survivor of a deceased annuitant the commencing date of the annuity of the retired employee) occurred on or before October 1, 1956, or 1½ per centum if the commencing date (or in the case of the survivor of a deceased annuitant the commencing date of the annuity of the retired employee) occurred after October 1, 1956. The month used in determining the increase based on the per centum rise in the price index under this subsection shall be the base month for determining the per centum change in the price index until the next succeeding increase occurs. Each survivor annuity authorized (1) by section 8 of the Act of May 29, 1930, as amended to September 1, 1950, or (2) by section 2 of Public Law 85-465, shall be increased by any additional amount which may be required to make the total increase under this subsection equal to 15 per centum or $10 per month, whichever is the lesser.

"(b) Each month after the first increase under this section, the Commission shall determine the per centum change in the price index. When the Commission determines that the price index has for three consecutive months shown a rise of at least 3 per centum over the price index for the base month, the following adjustment shall be made:

"(1) Effective the first day of the third month which begins after the price index shall have equaled a rise of at least 3 per centum for three consecutive months, each annuity payable from the funds which has a commencing date not later than such effective date shall be increased by the per centum rise in the price index (calculated on the highest level of the price index during the three consecutive months) adjusted to the nearest one-tenth of 1 per centum.

"(c) Eligibility for an annuity increase under this section shall be governed by the commencing date of each annuity payable from the fund as of the effective date of an increase, except as follows:

"(1) Effective from its commencing date, an annuity payable from the fund to an annuitant's survivor (other than a child entitled under section 10(d)), which annuity commences the day after annuitant's death and after the effective date of the first increase under this section, shall be increased by the total per centum increase the annuitant was receiving under this section at

death, except that the increase in a survivor annuity authorized by section 8 of the Act of May 29, 1930, as amended to September 1, 1950, shall be computed as if the annuity commencing date had been prior to the effective date of the first increase under this section.

"(2) For purposes of computing an annuity which commences after the effective date of the first increase under this section to a child under section 10(d), the items $600, $720, $1,800, and $2,160 appearing in section 10(d) shall be increased by the total per centum increase allowed and in force under this section and, in case of a deceased annuitant, the items 40 per centum and 50 per centum appearing in section 10(d) shall be increased by the total per centum increase allowed and in force under this section to the annuitant at death.

"(d) No increase in annuity provided by this section shall be computed on any additional annuity purchased at retirement by voluntary contributions.

"(e) The monthly installment of annuity after adjustment under this section shall be fixed at the nearest dollar, except that such installment shall after adjustment reflect an increase of at least $1."

SEC. 2. Section 10 of the Civil Service Retirement Act, as amended (5 U.S.C. 2260), is amended by striking out "55" wherever it appears therein and inserting in lieu thereof "60". This amendment shall not apply with respect to employees or Members retired or otherwise separated prior to the date of enactment of this Act.

SEC. 3. The provisions under the heading "CIVIL SERVICE RETIREMENT AND DISABILITY FUND" in title I of the Independent Offices Appropriation Act, 1959 (72 Stat. 1064; Public Law 85-844), shall not apply with respect to benefits resulting from the enactment of this Act.

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: (1) Page 2, line 7, strike out "such" and insert in lieu thereof "each".

(2) Page 3, line 7, strike out "September 1, 1950," and insert in lieu thereof "July 6, 1950,".

(3) Page 3, line 14, strike out all matter after the period in such line and all that follows down through the period in line 2 on page 4 and insert in lieu thereof the following:

"Effective the first day of the third month which begins after the price index shall have equaled a rise of at least 3 per centum for three consecutive months over the price index for the base month, each annuity payable from the fund which has a commencing date not later than such effective date shall be increased by the per centum rise in the price index (calculated on the highest level of the price index during the three consecutive months) adjusted to the nearest one-tenth of 1 per centum:".

(4) Page 4, line 16, strike out "September 1, 1950," and insert in lieu thereof "July 6, 1950,".

(5) Page 4, lines 17 and 18, strike out the words "prior to".

(6) Page 4, line 25, immediately before the comma insert "for employee annuities which commenced after October 1, 1956".

The committee amendments were agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. STRATTON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8469) to provide certain increases in annuities payable from the civil service retirement and disability fund, and for other purposes, pursuant to House Resolution 471, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced the ayes had it.

Mr. DULSKI. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 397, nays 0, not voting 37, as follows:

[Roll No. 220]

YEAS—397

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, George W.
Andrews, Glenn
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Ashmore
Aspinall
Ayres
Baldwin
Bandstra
Baring
Barrett
Bates
Beckworth
Belcher
Bell
Bennett
Betts
Blatnik
Boggs
Boland
Bolton
Bow
Brademas
Bray
Brock
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke
Burleson
Burton, Calif.
Burton, Utah
Byrne, Pa.
Byrnes, Wis.
Cabell
Callan
Callaway
Cameron
Carter
Casey
Cederberg
Celler
Chamberlain
Chelf
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Clevenger
Cohelan
Collier
Conable
Conte
Conyers
Cooley
Corbett
Corman
Craley
Cramer
Culver
Cunningham
Curtin
Curtis
Daddario
Dague
Daniels
Davis, Ga.
Davis, Wis.
Dawson
de la Garza
Delaney
Denton
Devine
Dickinson
Diggs
Dingell
Dole
Donohue
Dorn
Dow
Dowdy
Downing
Dulski
Duncan, Tenn.
Dwyer
Dyal
Edmondson
Edwards, Ala.
Edwards, Calif.
Ellsworth
Erlenborn
Evans, Colo.
Everett
Evins, Tenn.
Fallon
Farbstein
Farnsley
Farnum
Fascell
Feighan
Findley
Fino
Fisher
Flood
Flynt
Fogarty
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Gallagher
Garmatz
Gathings
Gettys
Giaimo
Gibbons
Gilbert
Gilligan
Gonzalez
Goodell
Grabowski
Gray
Green, Pa.
Greigg
Grider
Griffin
Griffiths
Gross
Grover
Gubser
Gurney
Hagan, Ga.
Hagen, Calif.
Haley
Hall
Halleck
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Iowa
Hansen, Wash.
Hardy
Harris
Harsha
Harvey, Ind.
Harvey, Mich.
Hathaway
Hawkins
Hébert
Hechler
Helstoski
Henderson
Herlong
Hicks
Horton
Howard
Hull
Hungate
Huot
Hutchinson
Ichord
Irwin
Jacobs
Jarman
Jennings
Joelson
Johnson, Calif.
Johnson, Okla.
Johnson, Pa.
Jonas
Jones, Ala.
Karsten
Karth
Kastenmeier
Kee
Keith
Kelly
King, Calif.
King, N.Y.
King, Utah
Kirwan
Kluczynski
Kornegay
Krebs
Kunkel
Landrum
Langen
Latta
Leggett
Lennon
Lipscomb
Long, La.
Long, Md.
Love
McCarthy
McClory
McCulloch
McDade
McDowell
McEwen
McFall
McGrath
McVicker
Macdonald
MacGregor
Machen
Mackay
Mackie
Madden
Mahon
Mailliard
Marsh
Martin, Ala.
Martin, Nebr.
Mathias
Matsunaga
Matthews
May
Meeds
Michel
Miller
Mills
Minish
Mink
Minshall
Mize
Moeller
Monagan
Moore
Moorhead
Morgan
Morris
Morrison
Morse
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nedzi
Nix
O'Brien
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen, Mont.
Olson, Minn.
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Poage
Poff
Pool
Price
Pucinski
Purcell
Quie
Quillen
Race
Randall
Redlin
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Resnick
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rivers, S.C.
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Ronan
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roudebush
Roush
Rumsfeld
Ryan
Satterfield
St Germain
St. Onge
Saylor
Scheuer
Schisler
Schmidhauser
Schneebeli
Schweiker
Scott
Secrest
Selden
Senner
Shipley
Shriver
Sickles
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Smith, Va.
Springer
Stafford
Staggers
Stalbaum
Stanton
Steed
Stephens
Stratton
Stubblefield
Sullivan
Sweeney
Talcott
Teague, Calif.
Teague, Tex.
Tenzer
Thompson, N.J.
Thompson, Tex.
Thomson, Wis.
Todd
Trimble
Tuck
Tunney
Tupper
Tuten
Udall
Utt
Van Deerlin
Vanik
Vigorito
Waggonner
Walker, N. Mex.
Watkins
Watson
Weltner
Whalley
White, Idaho
White, Tex.
Whitener
Whitten
Widnall
Williams
Willis
Wilson, Bob
Wilson, Charles H.
Wolff
Wyatt
Wydler
Yates
Young
Younger
Zablocki

NAYS—0

NOT VOTING—37

Battin
Berry
Bingham
Bolling
Bonner
Cahill
Carey
Colmer
Dent
Derwinski
Duncan, Oreg.
Green, Oreg.
Hays
Holifield
Holland
Hosmer
Jones, Mo.
Keogh
Laird
Lindsay
McMillan
Martin, Mass.
Morton
Nelsen
Powell
Rivers, Alaska
Roncalio
Roybal
Sisk
Taylor
Thomas
Toll
Ullman
Vivian
Walker, Miss.
Watts
Wright

So the bill was passed.

The Clerk announced the following pairs:

Mr. Keogh with Mr. Laird.
Mr. Thomas with Mr. Battin.
Mr. Toll with Mr. Morton.

Mr. Taylor with Mr. Berry.
Mr. Bonner with Mr. Hosmer.
Mrs. Green of Oregon with Mr. Martin of Massachusetts.
Mr. Rivers of Alaska with Mr. Derwinski.
Mr. Bingham with Mr. Nelsen.
Mr. Holifield with Mr. Walker of Mississippi.
Mr. Colmer with Mr. Vivian.
Mr. Roncalio with Mr. Carey.
Mr. Dent with Mr. Duncan of Oregon.
Mr. Hays with Mr. Roybal.
Mr. Sisk with Mr. Holland.
Mr. Watts with Mr. Ullman.
Mr. Wright with Mr. McMillan.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

## GENERAL LEAVE TO EXTEND REMARKS

Mr. DANIELS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

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

There was no objection.

## MRS. HARLEY BREWER

Mr. ASHMORE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1198) for the relief of Mrs. Harley Brewer, a bill similar to House bill H.R. 5915, as passed by the House today on the call of the Private Calendar.

The Clerk read the title of the bill.

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

There being no objection, the Clerk read the Senate bill, as follows:

*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 Mrs. Harley Brewer (or, in the event of her death, to her estate) of San Ildefonso Pueblo, New Mexico, the widow of Harley Brewer, the sum of $4,500. The payment of such sum shall be in full satisfaction of all the claims of the said Harley Brewer against the United States for compensation authorized to be paid to him by Private Law 88–360, approved October 14, 1964, but which was not so paid to the said Harley Brewer by reason of his death prior to enactment of the said private law: *Provided,* That no part of the amount appropriated in this Act 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. ASHMORE. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASHMORE: Strike out all after the enacting clause of the bill S. 1198, and insert the provisions of H.R. 5915 as passed today.

The amendment was agreed to.

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

A similar House bill (H.R. 5915) was laid on the table.

A motion to reconsider was laid on the table.

## CORRECTION OF SALARY INEQUITIES FOR OVERSEAS TEACHERS

Mr. UDALL. Mr. Speaker, pursuant to the resolution, House Resolution 483, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6845) to correct inequities with respect to the basic compensation of teachers and teaching positions under the Defense Department Overseas Teachers Pay and Personnel Practices Act.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 6845, with Mr. STRATTON in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Arizona [Mr. UDALL] will be recognized for 30 minutes and the gentleman from Pennsylvania [Mr. CORBETT] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. UDALL. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, let me say that I am advised this is the last legislative business scheduled for today. I have discussed this with the managers on the minority side, and we believe, with the cooperation of the House, we can dispose of the general debate in perhaps 20 minutes.

There are no controversial amendments of which I know except one. I intend to urge the House to accept one amendment which will be offered by my friend from North Carolina [Mr. BROYHILL].

I would urge those Members who might be inclined to vote with me on this amendment to stay seated in these comfortable chairs. I know you have had a busy day. You will not wish to wander. On the other hand, I would understand that those who might want to vote against me on an amendment do have business back in their offices. We will let them know if we should have a rollcall vote.

I have prepared a very learned and eloquent statement on this bill.

Mr. Chairman, the real issue presented in the bill before us is whether or not the children of our military and civilian personnel assigned to overseas posts are to be denied educational opportunities equal to those they would have were they in the United States.

To provide these children educations of American caliber requires, first of all, that they have not only teachers in sufficient numbers but, especially, teachers of sufficient quality. One thing is certain; we get only what we pay for. If our budgets for goods or services are miserly and below the going market rate for sound goods and services, then we can expect to receive only shoddy goods and inferior services. I hardly think anyone can quarrel with this basic economic principle.

Most regrettably—and I believe through honest misunderstanding—we have forced our overseas dependents school system into the untenable position of paying cutrate salaries to teachers while at the same time demanding the first-class qualities to which American children are entitled although they are in foreign areas because their parents are there looking to the worldwide interests of the United States.

The purpose of H.R. 6845—to provide an adequate salary structure for overseas dependents schools—was also one of the major purposes of Public Law 86–91. This is the one important purpose of that law in which the Department of Defense has failed completely.

Our Subcommittee on Compensation this year conducted an exhaustive review of events leading up to enactment of Public Law 86–91, as well as all pertinent new information and evidence presented in our extensive public hearings. We consulted in detail with representatives of the Department of Defense, the military departments, the overseas teachers, the National Education Association, the American Legion, and other authorities—and with senior members of our committee who developed and drafted the legislation that became Public Law 86–91. They all support the principles of H.R. 6845.

The chief misunderstanding that has clouded perspective in the matter of overseas teachers' salaries relates to the frame of reference in which the bill that became Public Law 86–91 was written. Before our committee reported the bill the Department of Defense had prepared draft regulations which it assured the committee would be placed in effect upon enactment. Therefore, it was, in direct consideration of those proposed regulations that the language of the law was carefully prepared to coincide. The key operating principle of the regulations was that salaries of overseas teachers should be fixed in relation to salary rates for urban school jurisdictions of 100,000 or more population in the United States.

Accordingly, so as to authorize the issuance and implementation of such regulations, Public Law 86–91 explicitly spelled out that the secretary of each military department shall fix salary rates of teachers in his department in relation to the going salary rates "for similar positions" in the United States. The Secretary of Defense, in turn, was required to issue regulations governing the fixing of salary rates for overseas teachers in relation to salary rates "for similar positions" in the United States.

The words "similar positions" were very carefully selected to make certain that appropriate bases would be used for comparison of domestic teachers' salaries with overseas teachers' salaries. One of the most important of such bases was

understood and agreed to be the size and complexity of the overseas dependents school system as compared to school systems of various sizes and complexities in the United States. In other words, the necessity of making salary comparisons in consideration of size and complexity was fully recognized during the deliberations on the legislation and the writing of the law.

Today there are some 160,000 American children who look to the Department of Defense dependents school system and its 6,200 teachers for the kind of education they could receive were they in the United States. Any diminution in the quality of instruction—whatever the cause—makes these children the innocent victims.

Both the numbers of students and teachers and their diverse geographical locations in fact constitute the overseas dependents school system one of the larger and most complex school systems operated anywhere for American children. It is the ninth largest in point of numbers alone.

According to the National Education Association, a school student population of only about 25,000 is representative of an urban school jurisdiction with 100,000 population in the United States. Against this test, therefore, a fair comparison of the 160,000-student overseas dependents school system properly could be made with an urban school jurisdiction in the United States having several times more population than the 100,000 level prescribed by administrative regulation under Public Law 86–91 and provided for in H.R. 6845. I cannot too strongly emphasize this point, in view of certain suggestions that have been made for reducing the 100,000 population standard to a ridiculously low level—and other proposals I anticipate here today which would have a similar damaging effect.

Incidentally, let me remind my colleagues that in writing Public Law 86–91 we removed the overseas teachers from the Classification Act because it was clearly inappropriate in terms of both salary levels and school personnel practices. Now we find that had these teachers been left under the Classification Act their salaries today would be higher even than those that will be provided with the enactment of H.R. 6845. But, however that may be, the salaries of these overseas teachers now average $785 below the levels authorized by Department of Defense regulations issued in accordance with Public Law 86–91. H.R. 6845 will merely bring them up to the level authorized by the regulations.

Should the 100,000 population standard of comparison provided in this bill and the administrative regulations be revised downward to 50,000, for example, it would mean a reduction of $150 in the average salaries authorized by the bill. Make no mistake about it, the burden and the damage in such a change would fall squarely on the students. The already serious difficulty in recruiting and retaining teachers of the required professional standard would be further aggravated. Numbers of applicants alone are misleading and meaningless. One hundred or more applicants for physical education positions can do nothing to meet the need for capable teachers of mathematics and science and American history. High-quality teaching skills cannot be purchased at cut-rate prices.

H.R. 6845 as introduced would have tied the teachers' salary rates directly to those of teachers with similar levels of responsibility in the District of Columbia school system. This standard was opposed by the administration and the Department of Defense, in particular, recommended substitution of the standard already authorized by administrative regulations—that is, equating of overseas teaching salary rates to salary rates for teaching positions with similar levels of responsibility in urban school jurisdictions in the United States having 100,000 or more population.

The committee amendments carry out this Department of Defense recommendation and, in addition, require that the full range of rates, including minimum and maximum rates, be recognized in making salary comparisons. It is to be noted, in passing, that one of the military departments already is paying teachers in its dependents schools in Puerto Rico salaries equal to teachers' salaries in the District of Columbia school system.

The salary-determination procedures of H.R. 6845 are intended to require that the salary scheduled for a particular school year will be set in consideration of rates paid in school jurisdictions in the United States for the preceding school year. This is necessary because the Department of Defense budget must be prepared during the preceding year when salary schedules in the United States for the coming school year cannot be determined. Under Bureau of the Budget regulations, departments may not budget for anticipated increases in wages or salaries based on prevailing rates outside of the Federal Government. Only wage or salary schedules based on wages or salaries actually being paid can be considered.

To sum up, Mr. Chairman, H.R. 6845 will reaffirm the policy laid down by the Congress in Public Law 86–91 and, at long last, make it fully effective as originally intended. It will help restore to children of our overseas military and civilian personnel access to the kind of American education which is their right. It will halt the gradual erosion in teachers' morale and overall level of professional competence that has reached a critical point—an erosion far more damaging to the 160,000 students than to the teachers.

I earnestly hope that our committee bill will receive the same overwhelming approval of the House which was given in 1959 to our bill which became Public Law 86–91.

Mr. Chairman, if I may have the attention of my colleagues, I believe I can state what this bill is about in 3 or 4 minutes.

We have a very serious problem. It involves one of the largest American school systems in the country. There are 150,000 American children who go to school in American schools overseas. These are dependents and children of military people stationed in Germany, in Japan, and some 28 other countries. They are located in some 200 different locations.

There are about 6,000 American citizens who are teachers in these schools. These are professional people. They have B.A.'s. They have M.A.'s. Many of them have teaching experience in this country.

The shocking fact is that these people are now paid an average of $750 a year less than is paid to comparable teachers in this country.

This bill would do something about it. I am concerned about an injustice to the teachers, but I am also concerned about an injustice to the students. These are American children who, through no fault of their own, are forced to live abroad because their parents are serving our country in the Defense Establishment, in the State Department, in the foreign aid program, and in the other vast operations overseas.

These children are not getting the kind of education they deserve because we have not provided the quality of teaching they need, because the Defense Department cannot recruit good teachers as a result of the salaries which are paid.

Let me give the cold statistics quickly. The turnover is reflected by the fact that in a recent study made, 58 percent of the teachers were there in the first year. Eighty-one percent of them had been there for 1 year or 2 years. How in the world can we provide a high school or grammar school with proper teachers when they lack experienced teachers to carry the work along from year to year and to provide continuity? That is the kind of turnover we have had under the present salary schedule.

Another plain fact is that a GS–4, a secretary-typist in the base adjutant's office at one of these air bases, who perhaps has had 2 years of high school and a little business school education, is paid more than a professional teacher, because she is under the Classification Act.

There are all sorts of inequities.

In the United States the teachers in the Bureau of Indian Affairs are mostly rated GS–7, yet we are providing less than GS–4's for these overseas teachers.

One of the really ironic things is that the Defense Department operates a school in Puerto Rico under a different law and pays its teachers the same salaries paid to District of Columbia teachers.

I could outline the inequities in other ways, but this is the heart of the problem.

What will this bill do? How will the bill solve the problem?

This bill will solve the problem by fixing mandatory standards for teachers' pay at overseas dependent school systems equal to the average salary rates paid in U.S. school jurisdictions of 100,000 or more population. This is a well-recognized standard used in educational statistics all over the country.

It is recognized as the medium grade of teachers' salaries in this country. This bill would pin the oversea teachers effective in this next school year to the salary level paid in jurisdictions in this

country of over 100,000 people. It simply puts in statutory form what the Department of Defense always tries to do, because their regulations under existing law fix teachers' pay at the level of 100,000 population or more and which we have been unable to do.

The cost of this bill will be $3 million a year. This will be $3 million invested in better salaries and in better schools for these 160,000 students overseas. This bill is supported by the National Education Association, the Overseas Teachers Association, the AFL–CIO teachers group, and the American Legion. It was voted out of our committee without a single vote being cast against it. It has broad bipartisan support. The distinguished gentleman from Washington [Mr. PELLY] has a companion bill. The distinguished gentleman from New York [Mr. STRATTON] who will be unable to participate in this debate with us, has a companion bill. The gentleman from Hawaii [Mr. MATSUNAGA] also has a companion bill. This bill has broad bipartisan support in the committee and I hope without a great deal of argument or discussion here that we can pass this badly needed legislation.

Mr. OLSEN of Montana. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Montana.

Mr. OLSEN of Montana. Mr. Chairman, I wish to commend the gentleman in the well and his committee for bringing this very much needed legislation to the floor of the House. I rise in support of the legislation.

Mr. UDALL. Mr. Chairman, I had hoped for some support in this debate from the gentleman from New York [Mr. STRATTON] but because I am unable to see him here, I ask unanimous consent that he have leave to revise and extend his remarks in connection with this bill.

The CHAIRMAN (Mr. STRATTON). Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STRATTON. Mr. Chairman, I rise in support of H.R. 6845 which would correct the salary inequities of our overseas teachers and I wish to commend the distinguished gentleman from Arizona [Mr. UDALL] for his effective leadership in guiding this legislation through committee and here on the floor.

I joined in the fight to correct this inequity by introducing a companion bill because both as a former schoolteacher and as a member of the Armed Services Committee, I have long been concerned with the problem of pay for our Defense Department's schoolteachers overseas. Legislation was passed by Congress in 1959 which took teachers in these dependent schools overseas out of the regular classified civil service structure. The reason for this action was that their positions were professional, and therefore somewhat more difficult to evaluate and grade than would be the case of regular civil service personnel. Needless to say, had these teachers remained in the classified civil service they would have been eligible for all the regular pay increases which have come to civil service employees since 1959. In order to assure these teachers that they would not suffer financially from this change, however, the understanding and assurance was given that periodic adjustments in the pay of these teachers would be made by the Defense Department so as to keep their pay scales comparable to those of teachers in the continental United States confronting similar responsibilities.

Unfortunately, since that time nothing has been done to provide this upward adjustment of pay for these overseas teachers, while teachers' pay under civil service has moved steadily upward Last year the Defense Department finally did provide an across-the-board increase of $100 per year for these teachers, and the Defense budget for this fiscal year includes a proposal for another $300 increase, also across-the-board.

This boost too, although more generous, would not really begin to meet the comparability status which the teachers were assured in 1959 would be the basic objective of the Defense Department in its dealings with them.

Consequently, Mr. Chairman, whatever appropriations may finally be made this year, I believe we should not further delay taking the necessary action to put this informal 1959 commitment into hard legislative language. This is the purpose of the bill before us today, and of my companion measure, H.R. 7921. and I wholeheartedly endorse it.

I had the occasion this past fall to visit a number of our bases overseas and to consult with the dependent schoolteachers themselves at that time on this problem. I am convinced that their case is a sound and a just one. The services have long prided themselves on their ability to provide conditions overseas for families of career personnel adequate enough to persuade these people to make the armed services a permanent career. In this connection, certainly the education of the children of career personnel is an absolutely vital element, just as valuable and perhaps even more so, than commissaries, say, or housing, and so forth.

If the Department of Defense and its individual services are going to provide this kind of education, obviously it must not be provided at cut rates. The responsibilities of teaching the children of service personnel are certainly comparable to the responsibility of teaching children elsewhere. In the long run, if the salaries of teachers in our dependent schools overseas are neglected and kept below those paid to teachers in comparable positions elsewhere, the education of our service dependents will inevitably suffer, and thus our ability to attract and keep qualified individuals in the career service will also suffer. It is as simple as that.

Mr. Chairman, perhaps the most impressive argument of all, however, is the fact that while every other employee in Government has received some kind of a pay increase since 1959, even Members of Congress themselves, the overseas teachers have been forgotten. We can no longer wait, it seems to me, upon the generosity of the Defense Department or of the committees on defense appropriations. The requirement of equity must be incorporated into the law itself.

Therefore, Mr. Chairman, I wholeheartedly support this bill and urge its adoption today.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. UDALL. Yes. I am glad to yield to the gentleman from Texas.

Mr. ROBERTS. Mr. Chairman, I take this time to ask a question in order to get it on the record. I was somewhat surprised this summer when one of these teachers in transit from one area—from the Philippines in this instance—to a European destination came to my office with a Secretary of Defense card showing she was unemployed and therefore entitled to draw unemployment compensation. I was somewhat surprised to find this is the general situation with reference to those teachers. They teach 9 months and draw unemployment compensation for 3 months. I hope that the committee has done something about this, because certainly it is unfair to our American teachers the way we do business.

The CHAIRMAN. The time of the gentleman has expired.

Mr. UDALL. Mr. Chairman, I yield myself 1 additional minute.

Mr. HALEY. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Florida.

Mr. HALEY. The gentleman said a little while ago one of the authors of the bill would not be able to participate. I would like to say for his benefit to the gentleman from Arizona that the gentleman from New York cannot participate because he is presiding over the Committee of the Whole.

Mr. UDALL. I thank the gentleman for that information, of which I was aware. I had intended to revise my remarks to take out what I thought was a humorous reference here.

Mr. MORRISON. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Louisiana.

Mr. MORRISON. Mr. Chairman, I certainly want to commend the gentleman who was the chairman of the subcommittee which handled this bill. I think he did an excellent job along with the other members of the subcommittee. He worked long and hard on this measure. I certainly want to join with him in support of this very important legislation.

Mr. UDALL. Mr. Chairman, I thank the gentleman for his support.

Mr. KREBS. Mr. Chairman, will the gentleman yield?

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

Mr. KREBS. I, too, as a member of the subcommittee, want to commend the gentleman for his hard and diligent work in bringing this bill to the floor today, and I want to say further that I am happy to associate myself with all of the purposes of this bill.

Mr. UDALL. Mr. Chairman, I thank the gentleman and thank him for the

contribution that he made to this legislation as a member of the committee.

Mr. CORBETT. Mr. Chairman, I would like to yield 5 minutes now to the ranking minority member of the subcommittee, the gentleman from North Carolina [Mr. BROYHILL].

Mr. BROYHILL of North Carolina. Mr. Chairman, I strongly feel that there are serious inequities in the compensation of our teachers in the overseas teaching establishment. I certainly feel that this legislation is a sincere attempt to correct these inequities. I believe that we should provide a basic formula under which these teachers are paid and on which the compensation is based.

The chairman of the committee, the gentleman from Arizona [Mr. UDALL] has explained this legislation to you. Certainly he has given you an adequate picture of what we are trying to do in this particular bill. I do not want to take a lot of time. He has mentioned the fact that there will be amendments offered. I do intend to offer, when we are under the 5-minute rule, two amendments which I feel are very important. One of them relates to the salary formula itself. Under the bill the teachers' salaries are fixed at those levels or averages for teachers in cities of 100,000 population or more.

One amendment that I shall offer is to the effect that these teachers' salaries will be fixed to school systems with a student population of 12,000 or more rather than a total population of 100,000 in the city, but not necessarily students.

The other amendment will be an amendment limiting to 5 consecutive years the appointments of these teachers to the overseas school system. The teachers then would return to this country for 1 year and then would be eligible for another 5-year appointment.

Mr. Chairman, in just a very few moments, that is my explanation. I shall explain in greater detail these amendments when we come under the 5-minute rule.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of North Carolina. I am delighted to yield to the gentleman.

Mr. MICHEL. Can the gentleman tell us how much of a backlog we have in applications of teachers for overseas appointments? Is that information available at all?

Mr. BROYHILL of North Carolina. I do not have that information available to me on the spot. I understand there are a number of people who are applying for these positions. They do have a considerable turnover in these teaching positions and continually they have to go out and get new people to fill the vacancies that do exist every year.

Mr. MICHEL. I gather the justification then would be more on the strength of the turnover rather than a lack of applicants because, as I am informed—and as a matter of fact, we have in our own office a number of requests by teachers in this country who want to go overseas to teach; which raises the question, if these jobs are so attractive why do we have to raise the salary, if there are sufficient teachers who are applying?

Mr. BROYHILL of North Carolina. Mr. Chairman, I should like to yield to the gentleman from Arizona to answer that question specifically. Before I do, however, I should like to say that one of the problems is that so many of these people who are applying for these overseas teachers positions I feel are not really sincere in their expression of wanting to go over to teach. They rather want to go over there as tourists, run around the country, for the fun of it. I think one of the things we need to do, and one of the things we are trying to do in this legislation, is to raise the professional status of these overseas teachers.

There is one other thing I might add in response to the gentleman from Illinois and that is that our committee has specifically stated that we are going to look into this whole question in considerable detail in the future. I think you will find such an intent in the committee report.

Now I yield to the gentleman from Arizona [Mr. UDALL].

Mr. UDALL. Mr. Chairman, there are two answers to the gentleman's question. One of them the gentleman from North Carolina has just made better than I could make it. That is the quality problem. The second is that it does not help us at all to have a backlog of 1,000 physical education instructors, if we do not have enough good chemistry teachers, science teachers, history teachers, et cetera. The fact that we do have a backlog—and I concede we have—does not mean that we have a backlog of the quality and the specific kinds of instructors that we need.

Mr. MICHEL. Mr. Chairman, I thank the gentleman.

Mr. UDALL. Mr. Chairman, I yield 5 minutes to the gentleman from Hawaii [Mr. MATSUNAGA].

Mr. MATSUNAGA. Mr. Chairman, as a new member of the Post Office and Civil Service Committee this year I was greatly disturbed by two matters disclosed during our public hearings on H.R. 6845.

The first is the glaring failure to carry out the clear policy laid down by the Congress when Public Law 86–91 was placed on the statute books. The second is the seemingly total disregard of the Government's high moral obligation to provide, for the children of our military and civilian personnel assigned to overseas posts, educational opportunities substantially equal to those afforded children in the United States.

As the distinguished chairman of our Subcommittee on Compensation, the gentleman from Arizona [Mr. UDALL], has so ably stated, our chief concern is with the impact of an inferior school program on 160,000 dependent students, who are in overseas areas through no fault of their own. Already we find difficulty in accreditation of some of the overseas schools and the placement of students when they return to their homeland. There is no question but that inattention to overseas school facilities, and particularly to the need for high-caliber teachers, has taken its toll and threatens irreparable future harm if we do not approve the corrective measures provided for by H.R. 6845.

With respect to salaries, the record shows that one of the key objectives of Public Law 86–91 was removal of our overseas teachers from the Classification Act of 1949 because its salary provisions were completely inappropriate for teaching positions. Our committee, which developed Public Law 86–91, was informed at that time that overseas teachers would be placed in the proposed new salary system on the basis of a conversion formula of 87½ percent of Classification Act salaries. Under 1959 salary rates this was agreed to provide a range of from $5,294 to $6,869 for teachers who had been classified at grade GS–7. For those who had been classified at grade GS–9, the salary range was to have been from $6,318 to $8,247. I repeat, these were 1959 salary rates.

Since Public Law 86–91 was passed, the entrance or base rate for grade GS–7 has been raised nearly $1,100, while the base rate for overseas teachers has been increased by only $185. The disparity is even greater at the maximum rates.

For certain Government-operated schools in the United States, such as schools run by the Bureau of Indian Affairs on Indian reservations, grade GS–7 salaries are paid for what is considered to be the "journeyman" teacher's rate. Presently, the entrance rate is $6,050, the top rate is $7,850, and the fourth step, which tends to be the average rate, is $6,650.

The average overseas teacher's salary in the fiscal year 1965, according to testimony by the Chairman of the Civil Service Commission, is only $5,030, or $1,620 a year less than the average paid a teacher on an Indian reservation. If we were to apply the 87½-percent conversion formula of Public Law 86–91, the average should be 87.5 percent of $6,650, or $5,819. Based on official Civil Service Commission testimony, then, the overseas teachers on an average have been shortchanged by approximately $789 a year. Under the circumstances, how can we blame the teachers for feeling there has been a breach of trust?

It should be noted, too, that this $789 salary shortage is calculated on figures before enactment of the liberal new salary increases now awaiting approval for the Classification Act and other statutory salary systems enjoyed by 1.8 million other Federal employees.

But this overly frugal treatment of overseas teachers' salaries is only the outward evidence of the far more dangerous internal condition. Plainly, the intent of the Congress in enacting Public Law 86–91 has not been carried out—a circumstance warranting very thoughtful examination in and of itself. The overruling question of the moment, however, is simply this: What is the ultimate result—the real injury—of this serious act of omission?

Without in any way minimizing the failure of responsible officials to implement fully Public Law 86–91, or the harsh inequity visited upon the teachers, I concur heartily in our subcommittee chairman's view that the greatest

mischief is being imposed on the innocent students.

Our Federal Government has been penny wise and pound foolish in forcing cutrate salaries on these teachers. The meat-ax approach which has kept the teachers' pay so far in arrears has done nothing but weaken and cheapen educational opportunities for the children of our military and civilian personnel assigned to carry out our critical overseas commitments.

Enactment of our committee bill, H.R. 6845, is essential to carry out—finally—the congressional policy intended in Public Law 86–91. The bill provides a mandate for this purpose—an obvious need to replace the authorization in present law which has not been implemented.

Mr. Chairman, I strongly urge my colleagues to give this worthy measure overwhelming support.

Mr. CORBETT. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. PELLY], the author of a similar bill.

Mr. PELLY. Mr. Chairman, I introduced an identical bill to H.R. 6845. This legislation is badly needed to correct inequities in the basic compensation of our overseas teachers.

Mr. Chairman, there is a very serious situation affecting approximately 160,000 children attending overseas schools of our military abroad. At this time there are employed about 7,000 overseas teachers who are grossly underpaid. Needless to say, if we wish to give these children the type of education that they deserve, then we must be willing to pay the price, and the most important thing in a classroom, outside of the child, is the caliber of the teacher. Constant low pay breeds constant low-caliber teachers.

Favorable action today on this legislation will go a long way in upgrading our overseas schools to the position that they so rightly belong. Therefore, I urge my colleagues to support H.R. 6845.

Mr. CORBETT. Mr. Chairman, I yield 5 minutes to our distinguished minority leader, the gentleman from Michigan [Mr. GERALD R. FORD].

Mr. GERALD R. FORD. Mr. Chairman, let me say at the outset, I speak as a former member of the Committee on Appropriations that for the last few years has had the responsibility of funding the overseas dependents school system. For 12 years I served on a subcommittee under the chairmanship of the gentleman from Texas [Mr. MAHON]. This subcommittee has the responsibility of looking into the overseas dependents school system, of approving or modifying the recommendations of the executive branch of the government for this school system.

In the course of a number of trips overseas during the 12 years I served on the committee, I did visit and examine the school systems in a number of areas that the Department of Defense has operated.

I have a somewhat different view, perhaps, than those expressed here a few minutes ago. I believe we have a good dependents school system. I think the quality of the teachers in that school system is very good with few exceptions. On the other hand, I have some reservations about a very small minority in the teaching group in the dependents school system. Unfortunately, whenever the pay demands that this limited group had asked for were not granted by the Secretary of Defense or the subcommittee, or the Congress, it brought a few vitriolic, bitter letters to Members of the House, and I assume Members of the Senate, condemning the attitude of the executive branch of the Government and of the Congress.

I would not put in the RECORD of the House of Representatives some of the letters that were received by me and others which letters were from a very limited number of those teaching in the overseas dependent school system. These letters I might say were a disgrace. The public would be shocked by intemperate letters written and sent by these few teachers in the overseas dependent school system.

I concede that the group in this school system do need a pay increase. But the poorest way to get it was by the kind of letters that were sent to the Members of Congress from this limited percentage of the teaching staff in the overseas dependent school system.

I said earlier that the teachers in the overseas school system were a good group. I believe the teachers who come from my district who teach in the system for 2 years are in the top layer of the teachers in my particular congressional district. We have more applicants for the program among the best teachers than they can accept.

I would like to add this: These teachers who go overseas help to improve that system. I think they infuse new experience, new ideas, and new energy in the system and in addition when these teachers from my part of Michigan come back home to teach again in their local school system, they are better teachers.

I happen to feel very strongly that the amendments to be offered by the gentleman from North Carolina are necessary. Particularly is it necessary to have the amendment on mandatory rotation. There are teachers in this system, some of them in administrative capacities, who have been overseas far too long. They ought to come back home and live in America again. They would be better teachers. So this amendment to be offered by the gentleman from North Caroline is sound and desirable. I understand that the gentleman from Arizona is willing to accept it and I compliment him for his fine and responsible attitude.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. UDALL. I do intend to urge the adoption of the amendment. I think it is is a constructive suggestion. I want to say, if the gentleman will yield further, the gentleman from Michigan has an intense interest in the schools and I know he believes in good schools. I regret the controversy that has developed between him and some misinformed people in this school system and some of the intemperate things that they have said about him.

I want to say here and now, I appreciate his constructive attitude toward this legislation. I hope we can put this smoldering controversy to bed once and for all by the passage of this bill. It will lay out a statutory salary and we will know what it is and the gentleman from Michigan wil not have to be troubled by the criticism that he has had.

Mr. GERALD R. FORD. I deeply appreciate the comments of the gentleman from Arizona. I do intend to support the legislation, but I do think these two amendments are desirable. I am very happy that the gentleman from Arizona is accepting the amendment on mandatory rotation. I will support the bill whether the other amendment is accepted or not by the Committee of the Whole. I think it is good that these salary scales are being set in the manner in which this legislation proposes rather than to leave it up to the executive branch of the Government to establish it according to the method that has been used in the past, with the subsequent approval or disapproval of the Congress.

Mr. UDALL. I thank the gentleman for that statement. I think this is a very happy day for me and I think for the overseas teachers because we will spell this out in a fashion that reasserts the authority of the Congress and we will be fixing the salaries and it will no longer be done by the Department of Defense. I commend the gentleman for his constructive and statesmanlike attitude with reference to this problem.

Mr. GERALD R. FORD. Mr. Chairman, I do want to say in conclusion, this is good legislation. It can be improved in two instances. I am delighted that the gentleman from Arizona has agreed to accept the one amendment. The other amendment I believe is desirable and I hope it will be approved, but if it is not, I will support the bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. UDALL. Mr. Chairman, I yield such time as she may consume to the distinguished gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK. Mr. Chairman, I should like to take this opportunity to commend the chairman, the distinguished gentleman from Arizona, for the wonderful work he has done and the leadership he has provided on this measure. I wish to associate myself with the remarks he has entered in support of this bill. I also wish to join my own colleague from the State of Hawaii in his great efforts to see that our teachers overseas receive recognition in the pay bill we are now considering.

Mr. Chairman, as a cosponsor of a similar measure I rise in support of H.R. 6845. This bill is designed to correct—at least in part—a gross inequity that has developed in the methods of paying teachers in schools at Defense Department overseas installations.

In brief, the bill will require that these teachers be paid on a level equal to the average of the range of rates paid teachers having comparable positions in urban

school districts with populations of 100,000 or more within the United States.

Mr. Chairman, this bill will put into effect a pay policy that the Congress had thought was established by passage of Public Law 86–91. Unfortunately, the intent of Congress at that time never was translated into practice.

As a result, the pay of teachers in the overseas school has lagged badly, resulting in a gross injustice to those teachers who entered the overseas teaching system expecting compensation equal to their peers in the United States.

This injustice is graphically illustrated by a comparison of pay rates now scheduled by the Department of Defense and those in urban school districts of 100,000 or more population.

The DOD schedule for beginning teachers with a bachelor's degree remained at $4,065 from 1960–61 to last year, and now stands at $4,165. In the U.S. districts of 100,000 or more comparable salaries have risen from $4,294 to $4,850. The DOD gave the same magnificent $100 a year raise to beginning teachers with a master's degree in 1962–63, raising their salary to $4,365. Meanwhile, the comparable figure in the United States has reached $5,225. For those with 6 years of college training, the starting salary since 1962–63 has been $4,465, compared to the comparable figure of $5,822.

The same discriminatory story can be told of annual increments awarded these teachers and of the maximum salaries they can attain in the overseas system.

And this is so even though there are many who maintain, with some justice, that even these large U.S. school districts do not pay enough for good teachers.

The obvious failure of the administrators of this program to follow the intent of Congress cries for correction, and this bill would provide it—at least to the extent of putting our overseas teachers on the salary basis that Congress had intended in the first place. It would provide these teachers with average increases of $785 a year, or $485 more than requested by the Department of Defense.

Mr. Chairman, this bill is a positive step in the direction of providing the children of our military personnel and others serving their country overseas with the same high-quality education that we endeavor to provide for citizens within our borders. It is a step toward equality in pay for those teachers who leave their homeland to serve their country.

I strongly support the passage of H.R. 6845 and urge my colleagues to do so also.

Mr. COHELAN. Mr. Chairman, I want to commend the distinguished gentleman from Arizona [Mr. UDALL] for his efforts in bringing this bill before the House today.

The simple fact of the matter is that a rank injustice exists today. The present law has not accomplished one of its principal objectives and that is to provide reasonable and adequate salaries to many of the teachers serving in the overseas dependents schools of the Department of Defense.

As the committee's report makes very clear, the median range of annual salaries for overseas teachers is presently several hundred dollars per year below the median range authorized by the existing regulations.

Certainly American children who must attend school outside of the United States because of their father's military assignment should not be short-changed in their educational pursuits by a lack of well-qualified teachers, which only adequate pay can guarantee.

Certainly American teachers serving overseas should not be subjected to standards of pay that are grossly inferior to what they would receive at home.

Unfortunately, I have received a number of letters which indicate that both of these circumstances do in fact exist.

This bill, by calling for a formula which is variable although positive, because precise dollar amounts are readily ascertainable, is both an important and a long overdue step in the right direction.

I intend to vote for it as a matter of equity and good educational insurance and I call on my colleagues to do likewise.

Mr. SCHISLER. Mr. Chairman, I support the passage of H.R. 6845, a bill which will correct the inequities in the basic compensation for our overseas teachers.

I recall President Johnson's words on May 28, 1964, at a rally in Madison Square Garden when he said:

> I ask you to march with me along the road to the future—where no youngster will go unschooled, where every child has a good teacher and every teacher has good pay, and both have good classrooms.

The President was including American teachers who are teaching overseas in his Great Society. But until the passage of this bill some 6,000 American citizens who are teaching in schools overseas—professional people with B.A. and M.A. degrees—were being paid an average of $750 a year less than comparable teachers in this country.

As I have said before, I believe the quality of education is dependent upon the quality of instruction offered by our teachers. There are 150,000 American children who go to school in American schools overseas. These are dependents and children of military people stationed in Germany, in Japan, and some 28 other countries. They are located in some 200 different locations.

While educational standards and teachers' salaries have shown some improvement in schools in the United States, this unfortunately has not been true of our overseas Defense Department schools. In order to remain open, the overseas schools have found it necessary to cut corners, to economize, and to find other means to finance an inadequate program.

I will vote for H.R. 6845 because this legislation will help restore to children of our overseas military and civilian personnel access to the kind of American education which is their right. Every other employee in Government has received some kind of pay increase since 1959. It is my belief that these additional funds will halt the gradual decline of teachers' morales and thus strengthen their capacity to teach our American youth.

This legislation will, I believe, go a long way in upgrading our overseas schools to the position where they rightly belong.

Mr. UDALL. Mr. Chairman, we seem to be fresh out of speakers on this side.

Mr. CORBETT. Mr. Chairman, we yield back the remainder of our time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

H.R. 6845

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) section 4(a)(2) of the Defense Department Overseas Teachers Pay and Personnel Practices Act (73 Stat. 214; Public Law 86–91; 5 U.S.C. 2352(a)(2)) is amended to read as follows:

"(2) the fixing of the rates of basic compensation for teaching positions at the rates of basic compensation for similar positions of a comparable level of duties and responsibilities under the municipal government of the District of Columbia;".

(b) Section 5(c) of such Act (73 Stat. 214; Public Law 86–91; 5 U.S.C. 2353(c)) is amended to read as follows:

"(c) The Secretary of each military department shall fix the rates of basic compensation of teachers and teaching positions in his military department at the rates of basic compensation for similar positions of a comparable level of duties and responsibilities under the municipal government of the District of Columbia.".

SEC. 2. The amendments made by this Act shall become effective at the beginning of the first school year which begins after the date of enactment of this Act.

Mr. UDALL (interrupting the reading). Mr. Chairman, I ask unanimous consent that further reading of the bill be dispensed with, that it be printed in the RECORD and be considered as open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment:

On the first page strike out line 7 and all that follows down to and including line 2 on page 2, and insert in lieu thereof the following:

"(2) the fixing of basic compensation for teachers and teaching positions at rates equal to the average of the range of rates of basic compensation for similar positions of a comparable level of duties and responsibilities in urban school jurisdictions in the United States of 100,000 or more population;"

AMENDMENT OFFERED BY MR. BROYHILL OF NORTH CAROLINA

Mr. BROYHILL of North Carolina. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. BROYHILL of North Carolina to the committee amendment:

In that part of the committee amendment in lines 3 to 8, inclusive, on page 2, strike out "urban school jurisdictions in the United States of 100,000 or more population" and insert in lieu thereof "public school systems in the United States with enrollments of 12,000 or more students".

Mr. BROYHILL of North Carolina. Mr. Chairman, all of us on the Compen-

sation Subcommittee and, I know, all Members of Congress are very much interested in assuring that the teachers in our dependents schools overseas are properly and fairly compensated and I believe this bill will do much to alleviate the confusion and dissatisfaction that has arisen over this question. Certainly, I know that is the purpose that has guided the House Post Office and Civil Service Committee in its recommendation of legislation. That is the purpose of my friend, the gentleman from Arizona [Mr. UDALL], whose interest, understanding, and sincere effort has been so largely responsible for bringing this bill to the floor.

While I am in full accord with the principles of the bill, I offer the amendment today to perfect it. The amendment is offered in the same spirit of fairness that has gone into the writing of the bill.

As things stand, the present bill calls for the fixing of basic compensation for teachers in our schools overseas at rates equal to those being paid in school jurisdictions in the United States of 100,000 or more population. My amendment would substitute for the last phrase the words "public school systems in the United States with enrollments of 12,000 or more students."

Mr. Chairman, the 1962 Federal Salary Reform Act adopted the principle of comparability in establishing rates of pay for Federal employees. This is a sound and just principle which protects the interests of the Government, the taxpayer and the Federal employee, as well. In a sense, we have sought to reach some formula for comparability in this bill and I believe that is entirely proper.

As the bill was first discussed, the overseas teachers pay would have been computed at the same rates as those paid in the District of Columbia. The committee recognized, however, that although the District is a Federal jurisdiction, it is, after all, only one jurisdiction with its own special problems and does not reflect any cross-section of American school systems. For that reason the bill was amended to base salary rates on those paid in urban school jurisdictions of cities of 100,000 or more.

I believe that if we wish to apply the principles of comparability more fairly for overseas teachers, we need to use a somewhat broader base.

Most American students are in school districts where there are fewer than 25,000 students. Nevertheless, using the 12,500 base would come closer to a national average for pay rates than the terms of the present bill.

I would point out, Mr. Chairman, that I have discussed this amendment with the chairman of the Civil Service Commission, Mr. John W. Macy. Mr. Macy concurs with its purposes and finds the purposes of this amendment preferable to the provisions of the legislation as proposed in this bill.

In testimony to our committee, the Honorable Norman S. Paul, Assistant Secretary of Defense for Manpower, said:

> The some 6,000 teachers in the dependents schools are recruited throughout the United States from all geographical areas and from low, medium, and high pay areas. Accordingly, the salary formula should be essentially a national average.

Mr. Chairman, this is precisely what my amendment is intended to accomplish.

A school district of 12,000 student enrollment is, according to the figures compiled by the National Education Association, roughly comparable to a census population of 50,000 or more. According to the same source, the difference between average salaries of teachers in school districts with enrollment of 12,000 or more and average salaries of teachers in school jurisdictions of over 100,000 population is slight.

However, there is a distinct advantage in using the formula I am proposing as a basis of comparison. There are an estimated 441 districts with enrollments of 12,000 or more. All information needed for the purposes of this amendment is available for 407 of them. Therefore, we can effectively utilize this information to provide the broader base we are seeking.

The use of school districts of 12,000 students or more obviously offers a better cross section of teachers' salaries and levels of responsibility, and so would be a more accurate reflection of school systems in the United States.

In addition to this, by designating school districts with a specific enrollment as a comparison base, we eliminate distortion that would enter into the generalized selection of population areas. By this I mean that a school district of 12,000 students or more is exactly what it says and we can pinpoint duties and levels of responsibility. On the other hand, a population area of a certain size may not necessarily represent a specific school system. We now have many retirement communities where urban population statistics do not reflect proportional school enrollment figures at all.

Enrollment figures of school districts are readily available so as to present no problem in defining them as a point of reference in salary comparability studies.

I suggest, Mr. Chairman, that my amendment more accurately establishes a basis for comparison and at the same time, the broadest reasonable base of school systems throughout the country upon which to compute these salaries.

Mr. UDALL. Mr. Chairman, I rise in opposition to the amendment to the amendment.

Mr. Chairman, as far as I know, this is the only amendment about which there is any controversy, and as soon as we have settled this I think we can complete the business of the day.

I think the gentleman's amendment ought to be defeated, and let me tell you briefly why.

I have come to a great respect and affection for the gentleman from North Carolina. He is a very able member of our committee.

The overseas teachers are now $1,000 behind per year in pay compared to teachers in the big cities such as the District of Columbia, Cleveland, and St. Louis. If you take the middle-size cities, they are $785 a year behind. They have been behind for 6 years. They have had two $100 pay raises in 6 years. If we adopt this amendment, you cut it back $150 more. When they have been behind this long and when we are picking the middle level—not the lowest level or the highest level but the middle level—I think we have achieved a balance that should be supported by the committee. This level of 100,000 was adopted in the committee on the motion of the gentleman from North Carolina. The original bill had the District of Columbia salary, and they said that is too much. We agreed with them and said that we will cut it down to cities over 100,000 to get a better cross section. Now they want us to back off to an even smaller level. I think we have a moderate middle ground compromise position under the committee amendment which we can stick with. You know, the hard fact of the matter is that the overseas schoolteachers between 1959 and 1965 have had pay raises amounting to 4 percent. That is all. Teachers in this country have averaged 18 percent. Other Federal employees have averaged 21 percent.

Now, as I say, it is a friendly disagreement on this amendment. You can vote with the gentleman from North Carolina or you can vote with the majority members of the committee. I was pleased that the gentleman from Michigan [Mr. FORD] says he will support the bill whichever way it goes, but I hope you will vote down the amendment to the committee amendment and will support the committee amendment.

Mr. GROSS. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I take this time to ask the gentleman from Arizona about the fringe benefits accruing to these overseas teachers. Do they not in some places get cost-of-living allowances that are rather substantial?

Mr. UDALL. Yes, they get them whenever the other Federal employees get them, such as the military; when the technicians and people in the Classified Service get them, they get them, too.

Mr. GROSS. But they do get cost-of-living allowances?

Mr. UDALL. Oh, yes.

Mr. GROSS. And they also have the privileges of the PX; is that not true?

Mr. UDALL. In the same way that the military and every Federal civil employee gets the use of the PX, they have the privileges of the PX.

Mr. GROSS. So that when Congress makes their pay comparable to the highest levels of teacher pay in this country they are getting what amounts to additional compensation, are they not?

Mr. UDALL. In one sense they are, yes. But if you accept the gentleman's argument you have to say, if you are going to throw these people out of the PX or cut their pay down——

Mr. GROSS. I am not advocating that.

Mr. UDALL. You would also, in consistency, have to cut down the GS–4's and the GS–5's, and cut their pay overseas, or refuse them the privileges of the PX.

Mr. GROSS. I am not advocating that. I am simply trying to point out

that there would be, I assume, some saving as between the formula which is presently in the bill and that under the amendment offered by the gentleman from North Carolina. I assume there would be some saving to the taxpayers of this country. I am trying to point out that using the 12,000 formula instead of the 100,000 formula, plus the fringe benefits, overseas teachers would still be well compensated.

I would like to say something else to the gentleman and Members of the House. The only way we are really going to be able to cut down bills of expense such as these is to see to it that those so-called friends of ours in Europe and elsewhere start providing troops to take care of the policing and defense of their own countries, and withdraw American troops. They are not putting their troops into Vietnam or anywhere else where we are having difficulty.

It is long past the time when they should take over the defense of their own countries and relieve American taxpayers of some of the bills of expense of this nature. Let the foreign governments take over and let us bring our troops and teachers back home. This is what we ought to do more of instead of continuing to supply troops and police forces for countries that are well able to take care of themselves.

Mr. UDALL. I would observe that there is much in what the gentleman has said. I hope we can bring our troops home. But our committee has not yet been given jurisdiction over that subject.

Mr. GROSS. I understand that. But I say that we are continuing to pour out money for this purpose and many other purposes that we ought to be saving our own taxpayers.

Mr. UDALL. I should hope that we could. The gentleman has a point.

Mr. BROYHILL of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. BROYHILL of North Carolina. Mr. Chairman, the gentleman has asked whether or not there would be a saving under the amendment I have offered. I would say that certainly there would be an average, I have been informed by my staff—an average saving to the taxpayers of over $800,000. I would add very quickly, for the benefit of the Members that with my amendment, under the maximum the teachers in the Overseas School System are going to receive a $1,200 increase above what they are presently receiving. Under the maximum the teachers with a bachelor's degree receive at present $6,015, and under my amendment they would receive under the maximum $7,200.

Mr. ROOSEVELT. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I hope the Committee realizes that the standards of competence of these teachers overseas are set by the Department of Defense and are in no way set by any standards normally set by anyone having anything to do with an educational agency. I hope very much that the Committee on Education and Labor will undertake very shortly to see that, as we are now going to raise the remuneration of these teachers, proper educational competence be established not by the Department of Defense but by the proper educational agency.

The CHAIRMAN. The question is on the amendment to the committee amendment offered by the gentleman from North Carolina.

The amendment to the committee amendment was rejected.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

On page 2, strike out lines 6 to 11, inclusive, and insert in lieu thereof the following:

(c) The Secretary of each military department shall fix the basic compensation for teachers and teaching positions in his military department at rates equal to the average of the range of rates of basic compensation for similar positions of a comparable level of duties and responsibilities in urban school jurisdictions in the United States of one hundred thousand or more population.

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. BROYHILL OF NORTH CAROLINA

Mr. BROYHILL of North Carolina. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROYHILL of North Carolina: Page 3, strike out lines 1 to 3, inclusive, and insert in lieu thereof the following:

(c)(1) Section 5 of such Act (73 Stat. 214; Public Law 86–91; 5 U.S.C. 2353) is amended by adding at the end thereof the following new subsection:

"(e) A teacher shall not be eligible to hold any teaching position or positions for a period in excess of five consecutive years, except that—

"(1) a teacher who has performed service in any teaching position or positions and has returned to the United States for a period of not less than one year shall be eligible to hold a teaching position or positions for an additional period of not to exceed five consecutive years, and

"(2) The Secretary of each military department is authorized, when he deems it necessary in the public interest in individual cases, to provide, in accordance with regulations which shall be prescribed and issued by the Secretary of Defense, for the extension of any such period of five consecutive years to not more than eight consecutive years."

(2) The amendment made by paragraph (1) of this subsection shall apply only to teachers appointed after the date of enactment of this subsection to teaching positions for any school year but shall not apply to teachers holding a teaching position on the date of enactment of this subsection who are transferred without a break in service after such date.

SEC. 2. The amendments made by subsections (a) and (b) of the first section of this Act shall become effective as of the beginning of the first school year which begins after the date of enactment of this Act or which is in progress on the date of enactment of this Act, whichever first occurs.

Mr. UDALL (interrupting reading of amendment). Mr. Chairman, I ask unanimous consent that the further reading of the gentleman's amendment be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. BROYHILL of North Carolina. Mr. Chairman, the purpose of my amendment is to fix a limit on the tour of overseas employment of those teachers who come into this program in the future.

The amendment would limit to 5 consecutive years, appointments made to overseas dependents school positions, with the exception that in certain cases necessary in the public interest, an appointment may be extended no more than an additional 3 years. A teacher who returns to the United States for at least 1 year would then become eligible for another 5-year appointment overseas.

Testimony from Department of Defense and Civil Service Commission witnesses fully supports this proposal and they have strongly recommended that it be made a part of this bill. Also many of my colleagues have expressed interest in fixing such a time limitation on these overseas teaching appointments. I believe such a system of rotation would help improve the quality of these schools and would keep both teachers and students in closer touch with current events in the United States.

Despite the fact that the Department of Defense does not have a career program for dependent school teachers, there are some who make a career of it. Some 777, or about 13 percent, of the 5,850 teachers in the program have held overseas appointments for more than 5 years. There are a few who have held these positions for 15, 16, 17, and more years.

I feel that such extended service overseas puts these teachers out of touch with the realities of day-to-day happenings in the United States. I suggest that a system whereby they return to the United States would be in order so that they will be able to keep abreast with trends in American life as well as new trends in teaching methods and procedures.

Chairman Macy of the Civil Service Commission supports this idea. He told our Subcommittee on Compensation:

I would like to suggest that Congress, either in legislation or in legislative history, go on record as supporting the rotation of overseas teachers at least every five years. This is particularly desirable to keep these teaching staffs from becoming "provincial" or too far removed from American customs, beliefs, and way of life.

The Honorable Norman S. Paul, Assistant Secretary of Defense for Manpower expressed a similar opinion. Said Mr. Paul:

"We are concerned that this continued and indefinite overseas employment is not generally in the best interest of the Government for essentially the same reasons that the Foreign Service finds it desirable to provide periodic rotation to the United States for its personnel.

Mr. Chairman, I am informed that this amendment would not present any administrative problem and that, in fact, the Department of Defense would welcome such instruction from Congress.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of North Carolina. I would be delighted to yield to the gentleman from Arizona.

Mr. UDALL. Mr. Chairman, I wanted to simply repeat what I said earlier, that I believe this is an amendment which I can accept and support. I congratulate both the gentleman from North Carolina and the distinguished minority member, the gentleman from Michigan [Mr. GERALD R. FORD], for making this suggestion that we proceed in this fashion. There is a good argument for rotating the teachers and getting them home, bringing them back to this country. Yet the amendment places a 5-year limit, with some flexibility so that if in the national interest for the really outstanding teacher or a situation where teachers are not readily available in an isolated area, an island or a Far Eastern place, they could make exceptions.

Mr. Chairman, I believe this strengthens the situation and I am happy to accept the amendment.

Mrs. MINK. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of North Carolina. I am delighted to yield to the gentlewoman from Hawaii.

Mrs. MINK. I would like to ask the gentleman this question. Under the gentleman's amendment what provision would be made for the jobseeker, for these teachers who must come back every 5 years? Where would they find a job which they could enter after having been away overseas for a period of 5 years? I would assume that they would have lost their tenure in the system out of which they came.

Mr. BROYHILL of North Carolina. I would like to say that there are school systems in the United States operated by the Department of Defense. They could be transferred to those systems. I further understand that there are school systems operated under the Department of the Interior and operated by other agencies of the U.S. Government other than the Department of Defense.

Of course, I feel very strongly that these overseas teachers would be very welcome and would be in demand for public school systems all over the country, because they would have the experience of travel overseas, of contact with our friends in foreign countries, and would have had this experience of the foreign scene and thus would be valuable assets to public school systems over the United States.

Mr. KREBS. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of North Carolina. I yield to the gentleman from New Jersey.

Mr. KREBS. I wonder if the gentleman would be prepared to write into law a guaranty whether or not there are jobs for them we would be responsible for paying their salaries?

Mr. BROYHILL of North Carolina. May I say that I think that suggestion is a little premature. We have stated very explicitly not only in the committee report but the chairman has stated, and certainly other Members have stated that the committee strongly intends to hold further hearings on this subject. We intend to look into it, and continue to have our eyes on this whole program. We are not only interested in it now, but we intend to follow it up.

Mr. KREBS. But the fact remains these people come back with no assurance there will be work available for them. I think it is incumbent upon us if we are insisting that they return to the United States periodically we should assume the responsibility of providing for them.

Mr. BROYHILL of North Carolina. I may say to the gentleman that I respect his opinion, and I thank him for the statement he has made. If these teachers are valuable to the oversea department in the 5, 6, 7, or 8 years they have been associated with the oversea school system, if they have been capable of holding down that job, certainly their qualifications would be acceptable in any public school system in the United States.

Mr. GUBSER. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of North Carolina. I yield to the gentleman from California.

Mr. GUBSER. It is an established fact that the State of New York and the State of California pay the highest teachers' salaries in the United States, yet we are not able to get enough qualified teachers. I think it is safe to assume any qualified teacher in the overseas system can readily find employment here in the States.

Mr. BROYHILL of North Carolina. I thank the gentleman.

Mr. MATSUNAGA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the pending amendment for this simple reason, and I will put it in the form of a question:

Where will the overseas teachers rotate to? I would like to quote from a statement by Dr. Lynn M. Bartlett, Deputy Assistant Secretary of Defense—Education—in testifying before the Committee on the Post Office and Civil Service of the Senate, and this was his testimony on a similar bill, now before the Senate, S. 2228:

> All dependent schools are in foreign countries and we do not have comparable positions in the United States to which we could rotate teachers after they have served several years overseas as we do with other employees.

For this reason, if for no other, the amendment should be defeated.

Mr. ROOSEVELT. Mr. Chairman, will the gentleman yield?

Mr. MATSUNAGA. I yield to the gentleman from California.

Mr. ROOSEVELT. Let me point out also they cannot go into the public school systems, or many of them cannot, because they have been in their present jobs without qualifications which would guarantee them a job in the public school systems of the United States. If they get a job they would have to start at the bottom, therefore they would be starting all over again. I really do not think this is a sound amendment.

Mr. MATSUNAGA. I agree with the gentleman from California. Let us defeat this unsound amendment.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, if the assumption is correct that these teachers in this program are of a superior quality and have had a unique experience, certainly they will be in demand in any school system. So there will not be any problem about them getting a job in any good school system in the United States.

From the point of view of the overseas dependent school system, I think it is very important that these teachers come back home occasionally and teach in an American school system in the United States. I think they could contribute to the local school systems in the United States, and I think it would be wholesome for them to get reacquainted with the United States after a 5-year period.

The distinguished gentleman from Pennsylvania [Mr. FLOOD] and the distinguished gentleman from Alabama [Mr. ANDREWS] and perhaps others who have been on the Subcommittee on Appropriations for a long, long time know that the school system that we have is a good one and that the teachers with few exceptions are above average, and that when they come back home they will have no trouble getting a job. In fact, they will probably be placed in jobs better than the ones they have had overseas.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. HOWARD. Is it not true however that several States have State laws concerning certification of teachers and that teachers may be hired for overseas by the Department of Defense who may not have the educational courses required by the various States back home. Therefore, no matter how qualified they might be, and I agree that as to teachers teaching overseas it would be very desirable to have them in any school system in the United States, a local board of education no matter how much they might want to hire this particular teacher may not do so by law because the teacher may not at the time he or she comes back from overseas be eligible for a teaching certificate in an individual State and this would put them at a disadvantage.

Mr. GERALD R. FORD. It is my recollection that most, if not all States, make exceptions. They give temporary permits for teachers who come under these unusual circumstances. In addition, let me say this. If a teacher has been overseas for 5 years and has not earned the necessary qualifications to qualify him or her to teach in a good school system, then that person I think is lacking in the necessary initiative to qualify to teach overseas.

Mr. HOWARD. Mr. Chairman, will the gentleman yield further?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. HOWARD. In the State of Pennsylvania for example, one must have taken a course entitled "The History of Pennsylvania." Such a course might not be available to the teacher who may be trying to improve his or her professional standing overseas and, therefore, that

teacher might not meet the standards of a particular State.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. UDALL. I want to say, I do not very often find myself supporting the gentleman from Michigan against my good friend, the gentleman from Hawaii and the gentleman from California. But the Chairman of the Civil Service Commission testified that he was in favor of some kind of rotation plan such as this plan and the Defense Department said that they were trying to work out some kind of plan with a 5-year limit. I thought that information might be of some help to our colleagues.

Mr. GERALD R. FORD. Is it not also true there is a provision that gives some flexibility in cases of unusual circumstances where a person is needed for an additional year or two?

Mr. UDALL. Oh, yes, the amendment gives flexibility up to 8 years in particular cases where the Department of Defense thinks that retaining any particular person for longer than 5 years would be helpful.

Mr. CORBETT. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. CORBETT. I just wanted to point out that right now with the shortage of teachers, it is mighty easy to get a temporary permit to teach. It is probably true in every State and we have situations here in the District of Columbia right now where I understand teachers have been operating on a temporary permit for over 20 years.

Mr. UDALL. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment, and all amendments thereto, and that all debate on the bill cease in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

Mr. PUCINSKI. Mr. Chairman, reserving the right to object, I have been on my feet and intended to obtain time to address the Committee.

Mr. UDALL. I do not see anyone else seeking time so I suspect that the gentleman will get the entire 5 minutes.

Mr. PUCINSKI. Mr. Chairman, I withdraw my reservation of objection.

Mr. MATSUNAGA. Mr. Chairman, reserving the right to object, if I may put a question to the gentleman from Arizona. Does his request pertain to all other amendments to the bill as well?

Mr. UDALL. That is correct.

Mr. MATSUNAGA. I have an amendment that I intend to offer.

Mr. UDALL. I did not understand the gentleman had an amendment.

Mr. Chairman, I would change my request and ask unanimous consent that all debate on the pending amendment, and all amendments thereto, and that all debate on the bill and all amendments thereto, cease at 6 o'clock and 25 minutes p.m.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. PUCINSKI].

Mr. PUCINSKI. Mr. Chairman, I believe the colloquy on this amendment has clearly demonstrated the lack of wisdom of adopting it at this time.

The gentleman from Hawaii read excerpts from the testimony indicating the difficulty these teachers would have in gaining employment in the States, because they were hired by the Defense Department in the first instance without the certificates which are normally required of teachers in the States.

The gentleman from New Mexico pointed out that the Secretary has indicated they are working on some form of voluntary rotation plan to get these teachers back to the States for refresher courses for some time.

To add to all this, I should like to advise the House that the very distinguished chairman of the Select Committee on Education, the gentleman from Pennsylvania [Mr. DENT] who is a ranking member on the House Committee on Education and Labor, has already announced previously that his committee is undertaking a full study of this whole program of American schools at overseas military installations.

It would appear to me, in light of all these activities, that no purpose would be served by accepting this amendment today, to force the rotation of these teachers, when I feel reasonably confident within a very short time we are going to have a proposal made to Congress to deal with this subject from the House Committee on Education and Labor.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Illinois.

Mr. COLLIER. So that the other Members may understand this particular issue and get it in perspective, can anyone on the committee tell us the number of overseas teachers teaching at military installations, and the percentage who have certificates which would qualify them to teach in the school systems here and the percentage who do not? What percentages are we talking about in respect to this problem?

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Arizona.

Mr. UDALL. The staff advises me this was not covered. The rotation business came up after the bill was reported. I had negotiations with the people on the other side of the aisle about the particular problem. We had no occasion to take testimony on this particular question.

Mr. PUCINSKI. I should like to call the attention of my colleagues to the testimony read by the gentleman from Hawaii [Mr. MATSUNAGA] in which he clearly quoted the professional opinion expressed by those learned on this subject with regard to bringing these teachers back, in many instances.

This does not mean we are condoning inferior education at overseas bases. I heard someone say that if they cannot get jobs in this country they do not belong there. That is not the case. These teachers have been certificated by the Defense Department and they meet the qualifications and standards applied, but unfortunately do not meet the standards established by various States.

Mr. COLLIER. I understand that thoroughly. I go back to my original question. I am trying to determine, when we speak of "these teachers," what percentage we are talking about.

Mr. PUCINSKI. I cannot help the gentleman. Perhaps the committee can.

Mr. COLLIER. How can we vote intelligently on this unless we know what we are talking about? What is involved?

Mr. UDALL. Let me put this in focus. I hope we can vote on the amendment one way or the other.

The cold plain fact is that in the testimony before the committee it was indicated that 98 percent of the teachers come back before 5 years, anyway. As to the other 2 percent, the amendment which is before us would give the Defense Department discretion to extend that up to 8 years. This does not really deal with the vitals of overseas education.

Mr. COLLIER. 98 percent come back, and 2 percent do not?

Mr. UDALL. That is correct.

Mr. COLLIER. That is not exactly an answer to the question I asked. What percentage are qualified to teach in the school systems here, and what percentage are not?

Mr. ROOSEVELT. Mr. Chairman, if the gentleman will yield, the gentleman does not have the answer.

Mr. COLLIER. I am happy to have the answer that there is no answer.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

The question is on the amendment offered by the gentleman from North Carolina [Mr. BROYHILL].

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 74, noes 38.

So the amendment was agreed to.

The CHAIRMAN. If there are no further amendments, under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. STRATTON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 6845) to correct inequities with respect to the basic compensation of teachers and teaching positions under the Defense Department Overseas Teachers Pay and Personnel Practices Act, pursuant to House Resolution 483, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time and was read the third time and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the bill just passed.

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

There was no objection.

COMMITTEE ON HOUSE ADMINISTRATION

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

Mr. ALBERT. Mr. Speaker, I take this time to advise the House that the gentleman from Maryland [Mr. FRIEDEL], has said that he may call up certain privileged resolutions from the Committee on House Administration tomorrow.

SECTION 14(b) OF the TAFT-HARTLEY ACT

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

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

There was no objection.

Mr. GRIDER. Mr. Speaker, on Wednesday, July 28, I offered an amendment to H.R. 77. It was ruled out of order as not germane. I have no quarrel with the ruling, nor with H.R. 77 which I supported. I think repeal of section 14(b) of the Taft-Hartley Act is a step forward. At the same time, I do not think that any worker should be required to support a union unless that union won recognition as the result of a free, secret election. Such was the purpose of my amendment. Today I am introducing a bill that would have the same effect. I urge its prompt consideration.

USDA—CONSUMER FRIEND FOOD INSPECTION PROTECTS CONSUMERS

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

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

There was no objection.

Mr. ADAMS. Mr. Speaker, no program of government touches more people every day than the U.S. Department of Agriculture's meat and poultry inspection service.

When we buy a hot dog at the ball park we eat it without a second thought. But do we realize that there are few other countries in the world where it would be safe to do that?

The Meat and Poultry Inspection Acts passed by Congress require that every meat animal and every bird slaughtered in plants which sell across State lines must pass the rigid examination of USDA inspectors. This is why we can buy meat and poultry almost anywhere in this country with perfect assurance that it is clean, safe, and wholesome.

But the USDA inspection service does more than examine the poultry and the meat. It supervises the whole slaughtering and processing operation to make sure that strict sanitary controls are exercised. Everything that touches the meat or poultry—every ingredient that goes into preparing a product—even in labeling—must be approved by the inspection service to make sure that the consumer is protected from anything that might in any way be unsafe.

Because this is a growing country, and our increasing population is also increasing its purchases of meat and poultry, the inspection service must grow to keep pace with the job. It now takes some 5,700 inspectors to safeguard our national supply of meat and poultry.

The USDA also conducts voluntary inspection programs—for which a fee is charged the user. These programs, which provide sanitary controls and make sure that only wholesome products are used, are available for fruit and vegetable products, dairy products, and egg products. They are widely used by the food industry—another reason that our consumers are among the best protected in the world.

I submit that these and other consumer protection services of the U.S. Department of Agriculture make an immense contribution to the well-being of every person in this country. They are important to farmers and the food trade, as well as consumers, because only with services like these could the kind of modern food industry we now have be operated—and this is a $70 billion-a-year business.

NEGROES URGED TO AVOID DRAFT, REFUSE TO FIGHT

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

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

There was no objection.

Mr. ABERNETHY. Mr. Speaker, I could hardly believe my eyes on reading in the press a few days ago of a command to young Negroes in my State to avoid the draft and refuse to fight in Vietnam if called upon to do so by the President of the United States. This command has come from a group who have banded together in what they call the Freedom Democrat Party. This organization is made up almost entirely of Negroes but the greater part of their leadership comes from without the State and particularly from the northeastern section of the United States. Actually, very few of the Negro people of my State are affiliated with the movement. The responsible leadership among Mississippi Negroes refuse to have anything to do with the so-called party or its leaders.

Suggesting to the young colored people of my State, as well as other Southern States, that they decline to honor their draft calls, that they go on a hunger strike and tear up their draft cards has a very familiar ring. Similar conduct was reported from another section of the country a few days ago by an irresponsible group who admit their disloyalty to our country at a time when our sons are dying in Vietnam for the preservation of our way of life and to prevent the spread of communism. I regret that anyone in my State, even those associated with the so-called Freedom Democrat Party movement, have affiliated themselves with the enemies of this Nation. But, Mr. Speaker, as for the leaders of the so-called Freedom Democrat Party, I am not at all surprised.

We have known all along that this movement has had the backing and support of the Communist Party of America. Surely no one doubts it now.

Mr. Speaker, I am today communicating the disloyal act of these people to the President of the United States and also to Gen. Lewis B. Hershey, head of our selective service. I sincerely hope the disloyal acts of those who espouse such irresponsible conduct on the part of our draftees will have the appropriate attention of our President, the head of Selective Service and the U.S. Department of Justice.

In connection with these remarks I include in the RECORD copies of press reports on the matter, an editorial from the Vicksburg Sunday Post, Vicksburg, Miss., and also copies of my telegrams to the President and General Hershey, as follows:

FREEDOM DEMOCRATIC PARTY URGES STATE'S NEGROES TO IGNORE THEIR UNCLE SAM—REFUSE VIETNAM DRAFT

(By James E. Bonney)

The Mississippi Freedom Democratic Party circulated an appeal Friday urging Negro mothers to keep their sons from honoring the draft and for Negroes in the armed services to stage hunger strikes.

The Freedom Democratic Party, a civil rights group that led recent racial demonstrations in this capital city, printed the plea in a leaflet distributed in Negro communities throughout the State.

The appeal also appeared in a monthly newsletter of the party and copies were placed on a bulletin board in the headquarters building in Jackson.

Charles Horwitz, a spokesman for the Freedom Democrats, said "the McComb Freedom Democratic Party initially published the letter and although the executive committee of the Freedom Democratic Party hadn't taken any action in it, we decided to reprint it in the official newsletter for distribution across the State."

CHALLENGING

The Freedom Democrats are challenging the seating of Mississippi's five Congressmen on grounds Negroes were not allowed to vote in the elections.

An editor's note in the newsletter said the appeal was authorized by Joe Martin of McComb, and Clint Hopson, a law student from New Jersey.

"No Mississippi Negroes should be fighting in Vietnam until all the Negro people are free in Mississippi," the newsletter said.

"Negro boys should not honor the draft here in Mississippi. Mothers should encourage their sons not to go.

RESPECT

"We will gain respect and dignity as a race only by forcing the U.S. Government and the Mississippi government to come with guns,

dogs, and trucks to take our sons away to fight and be killed protecting Mississippi, Alabama, Georgia, and Louisiana.

"No one has a right to ask us to risk our lives and kill other colored people in Santo Domingo and Vietnam, so that the white American can get richer. We will be looked upon as traitors by all the colored people of the world if the Negro people continue to fight and die without a cause.

"Last week a white soldier from New Jersey was discharged from the Army because he refused to fight in Vietnam; he went on a hunger strike. Negro boys can do the same thing. We can write and ask our sons if they know what they are fighting for. If he answers freedom, tell him that's what we are fighting for here in Mississippi.

"And if he says democracy, tell him the truth—we don't know anything about communism, socialism, and all that, but we do know that Negroes have caught hell right here under the American democracy."

But a Congressman who has supported the Freedom Democrats labeled the latest appeal as "ridiculous and completely irresponsible."

Representative CHARLES DIGGS, Democrat, of Michigan, told a newsman, "I think that our domestic problem is separate from any conflict that this country has with any other country. There has never in the history of the American Negro been any such lack of patriotism. Negroes have always been proud to have fought and died despite imperfections of this country."

DIGGS is a Negro who, as a member of the credentials committee of the last Democratic National Convention, supported seating of Mississippi Freedom Democratic Party delegates at the convention.

"In event of any confrontation or conflict with outside groups," he said, referring to the urgings for a Negro draft protest, "any bombs sent over here will not be labeled for any particular segment of society: They will be labeled for all of us."

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NEGROES URGED TO AVOID DRAFT, REFUSE TO FIGHT—FREEDOM DEMOCRATS ASK MOTHERS TO ENCOURAGE SONS TO BALK

JACKSON, MISS., July 30.—Negro mothers are being urged by a largely Negro political organization to keep their sons from honoring the draft and Negroes in the armed services were asked to stage hunger strikes.

The Freedom Democratic Party, composed of some civil rights groups, made the plea in a leaflet distributed in Negro communities throughout the State.

Asked about the appeal, Charles Horwitz, a spokesman for the Freedom Democrats, said, "The McComb Freedom Democratic Party initially published the letter and although the executive committee of the FDP hadn't taken any action on it, we decided to reprint it in the official newsletter for distribution across the State."

An editor's note in the newsletter said the appeal was authored by Joe Martin of McComb and Clint Hopson, a law student from New Jersey.

The Freedom Democrats are challenging the seating of Mississippi's five Representatives on grounds they were illegally elected because Negroes aren't registered in sufficient numbers in Mississippi.

The newsletter said:

"No Mississippi Negroes should be fighting in Vietnam for the white man's freedom until all the Negro people are free in Mississippi.

"Negro boys should not honor the draft here in Mississippi. Mothers should encourage their sons not to go.

"We will gain respect and dignity as a race only by forcing the U.S. Government and the Mississippi government to come with guns, dogs and trucks to take our sons away to fight and be killed protecting the whites in Mississippi and Alabama.

"No one has a right to ask us to risk our lives and kill other colored people in Santo Domingo and Vietnam, so that the white American can get richer. We will be looked upon as traitors by all the colored people of the world if the Negro people continue to fight and die without a cause.

"Last week a white soldier from New Jersey was discharged from the Army because he refused to fight in Vietnam; he went on a hunger strike. Negro boys can do the same thing. We can write and ask our sons if they know what they are fighting for. If he answers freedom, tell him that's what we are fighting for here in Mississippi.

"And if he says democracy, tell him the truth—we don't know anything about communism, socialism, and all that, but we do know that Negroes have caught hell right here under this American democracy."

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[From the Vicksburg (Miss.) Sunday Post, Aug. 1, 1965]

A DEFIANT ATTITUDE

Seldom have we seen a published plea for defiance as that which came from the Freedom Democratic Party. This was an outright attack upon the laws of the United States even though it rather crudely endeavored to shift the blame for the action to Mississippi, Alabama, Louisiana, and Georgia.

Calling upon Negroes not to honor the draft, and suggesting to mothers of sons in the Armed Forces that they urge their sons to go on hunger strikes, certainly does not come under the category of responsible citizenship.

There is something familiar about this. There have been instances of young men tearing up their draft cards, supposedly in protest against the Government's action in Vietnam, and the hunger strike has already shown up as a means of protesting also. This is no new idea of the Freedom Democratic Party, and the question rather quickly arises, where, indeed, did it originate?

The Freedom Democratic Party, which thus published open defiance of our Government, is attempting to unseat the Mississippi delegation in Congress. The same Freedom Democratic Party was successful, to a degree, in gaining some recognition at the Democratic Convention in Atlantic City last year, and now has visions of being the arm of the National Party in Mississippi.

Let every official of the national Democratic Party, including President Johnson, take cognizance of this act of defiance. Let the Congress of the United States recognize this act as coming from a leadership and a membership, so devoid of responsibility, its protest against the State's delegation should immediately be thrown out. Let every American who has been brainwashed into believing this type of leadership should prevail, be numbed by the audacity of those who will go to any end to further their cause, even to acts of disloyalty toward the Nation which has leaned over so much to meet its increasing demands.

The audacity, the impudence, and the downright published disloyalty to the United States, as evidenced by the Mississippi Freedom Democratic Party, should receive the widest publicity possible, so that the people of this Nation will realize the type of thinking that prevails in the organization which seeks to oust people who were duly elected and who have served both our State and our Nation well. Our own JOHN BELL WILLIAMS lost an arm in the service of his country, and he is proud of his sacrifice, which, joined with others, guaranteed freedom for all of our people. He did not fail to honor his draft call—in fact he volunteered. He would have shuddered at the very thought of going on a hunger strike in protest against our Government. Yet he is one of the five Mississippi Congressmen this irresponsible group would unseat in the Congress of the United States.

Even under the present situation of emotion and passion, there must be enough commonsense in the Nation and in the Congress to evaluate the Mississippi Freedom Democratic Party as inimical to the very best interests of the Nation and of Mississippi.

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AUGUST 3, 1965.

The PRESIDENT,
*The White House:*

Associated Press stories from Jackson, Miss., report that so-called Freedom Democrat Party in Mississippi is urging Negro draftees not to honor their draft calls, to go on a hunger strike, and to force the Government to come with guns, dogs, and trucks to take them to their draft stations. Such conduct is not only treasonable but is nothing short of an insult to the President, the Commander in Chief of our Armed Forces, and to the people of the United States. Am sure such conduct was cheered in Moscow, Peiping, and Hanoi. Sincerely hope the responsible parties will have appropriate attention of your good offices and the U.S. Department of Justice.

THOS. G. ABERNETHY,
*Member of Congress.*

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AUGUST 3, 1965.

Lt. Gen. LEWIS B. HERSHEY,
*Director, Selective Service System:*

Associated Press stories from Jackson, Miss., report that so-called Freedom Democrat Party in Mississippi is urging Negro draftees not to honor their draft calls, to go on a hunger strike, and to force the Government to come with guns, dogs, and trucks to take them to their draft stations. Such conduct is not only treasonable but is nothing short of an insult to the President, the Commander in Chief of our Armed Forces, and to the people of the United States. Am sure such conduct was cheered in Moscow, Peiping, and Hanoi. Sincerely hope the irresponsible parties will have appropriate attention of your good offices and the U.S. Department of Justice.

THOS. G. ABERNETHY,
*Member of Congress.*

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## LEGISLATIVE REAPPORTIONMENT

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

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

There was no objection.

Mr. McCULLOCH. Mr. Speaker, Subcommittee No. 5 of the House Committee on the Judiciary resumes hearings tomorrow on the most important issue to be considered by the Congress during this session. As a matter of fact, in its implications for our Federal system of government—as we have known it up until June 15, 1964—the most important issue to come before the Congress in a number of sessions is this issue of legislative reapportionment.

June 15, 1964 will go down in history as the day the people of the United States arrived at a crossroad in the progress of their Nation as a representative republic. In *Reynolds* v. *Sims*, 377 U.S. 533, as every Member of this body knows, the Supreme Court announced that from thenceforth, both houses of State legislatures would be required to be apportioned on a strict population basis to conform with the equal protection clause of the 14th amendment of the U.S. Constitution.

In the last session of the Congress and again in this session, many Members of

this body, including the Representative of the Fourth District of Ohio, introduced proposals for constitutional amendments designed to adjust what they felt was an overreaching decision of the Supreme Court. Many of those proposals—some 106 in number—are presently the subject of hearings in Subcommittee No. 5. Three days of hearings were conducted from June 23 to June 25. During this same period, hearings have been conducted in the other body. And, of course, the CONGRESSIONAL RECORD of this session almost daily includes excerpts from the continuing debate in the press on this most important subject.

Mr. Speaker, I am introducing today House Joint Resolution 600 which represents a refinement of House Joint Resolution 69, the resolution I introduced at the start of this session. I believe it more accurately reflects and technically defines the proper and desirable flexibility the several States must be allowed in selecting—as article IV, section 4 of the Constitution allows—a republican form of Government suited to their several needs and their widely differing requirements. I claim no pride of authorship—the language of this resolution comports with the language introduced by the junior Senator from Illinois [Mr. DIRKSEN] in the other body. I will claim confidence in its sponsorship, however, and I am anxious to submit it for the scrutiny of the very able and distinguished members of the subcommittee, and for analysis by the many witnesses who have accepted invitations to present their views.

Mr. Speaker, it is not premature to read into the RECORD the thoughtful words of the distinguished Chairman of the Judiciary Committee as he opened the subcommittee hearings on the proposed constitutional amendments:

It * * * is my purpose now, not only to hear the sponsors of this legislation, but also all interested parties, so that this committee and the Congress may have a clear, objective understanding of the problem, of its ramifications and the responsibility of all concerned in order to bring about the best solution to a very difficult problem.

It is my sincere hope that the Congress will study to achieve a clear objective understanding of this problem. To that end, I ask unanimous consent to place in the RECORD a selected series of articles, editorials and statements, selected to outline the scope of the problem, to suggest some of its serious ramifications, and to present some of the considerations which are essential to the most practical solution consistent with the needs of our people, our Federal system and our Constitution. As a preface, I submit a summary compiled by the American Law Division of the Library of Congress which describes the sweeping impact of the first reapportionment case of Baker against Carr. This summary is dated July 17, 1965.

LEGISLATIVE REAPPORTIONMENT SINCE REYNOLDS AGAINST SIMS

THE PRESENT STATUS OF APPORTIONMENT

Since the decision in *Baker* v. *Carr*, on March 26, 1962, court cases have been filed in 44 States, seeking declarations of invalidity of the apportionment of one or both houses of those State legislatures. The States were Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

In its June 15, 1964, decisions,[1] the United States Supreme Court invalidated apportionments in six States—Alabama, Colorado, Delaware, Maryland, New York, and Virginia. On June 22, 1964, in a series of per curiam decisions, it invalidated the apportionment of eight additional States—Ilinois (the senate), Washington, Florida, Idaho, Connecticut, Michigan, Oklahoma, and Ohio (the house).

Twenty-four States began in 1965 under court orders to reapportion. They were Alabama, Arizona, California, Connecticut, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Maryland, Minnesota, Nebraska, Nevada, New Jersey, North Dakota, Pennsylvania, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming. Arkansas, Kansas, Missouri, and New Mexico have since joined the list.

Suits are presently pending involving various aspects of apportionments in Arizona, Delaware, Idaho, Indiana, Louisiana, Michigan, Nevada, and Ohio.

A number of States have reapportioned in 1965 to date. Those presently known to us are Colorado, Connecticut, Florida, Georgia (house), Hawaii, Idaho, Indiana, Missouri (house), Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Dakota, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, and Washington. The action in Georgia, Hawaii, and Nebraska has been found wanting by Federal courts, while the action in Connecticut, New Jersey, New York, Vermont, Virginia, and Washington has been upheld.

The following article presents a clear, layman's analysis suggesting some of the philosophical and historical drawbacks to the principle of one-man, one-vote enunciated by the Supreme Court in Reynolds against Sims:

[From Fortune magazine, August 1964]

THE SUPREME COURT AND THE REPUBLIC

(By Felix Morley)

(This is a layman's, not a lawyer's, dissent from the recent Supreme Court decisions on reapportionment. Mr. Morley is a journalist and educator, onetime editor of the Washington Post, and subsequently president of Haverford College. He is also an authority on constitutional history and the author of The Power in the People and Freedom and Federalism. His views, considered alongside the Court's, point up the profound difficulties of maintaining our system of republican government.)

In his final opinion as a Supreme Court Justice, delivered from that bench on March 26, 1962, Felix Frankfurter quietly observed that: "What is actually asked of the Court in this case is to choose * * * among competing theories of political philosophy."

The case was *Baker* v. *Carr*, establishing jurisdiction for Federal courts over the system of representation in the General Assembly of Tennessee, and, in effect, ordering that representation in the lower house be made proportionate to the geographic spread of population. Justice Frankfurter, in his monumental dissent, pointed out that arithmetical equality in voting "was not the system chosen by the Constitution" and "is not predominantly practiced by the States today." The case, he concluded, "is of that class of political controversy which, by the nature of its subject, is unfit for Federal judicial action."

That, however, was not the majority opinion. And the theory of judicial control over legislative composition has now been carried much further by the Supreme Court's judgment of June 15, on six similar cases appealed from Alabama, Colorado, Delaware, Maryland, New York, and Virginia. In all of these Justice Harlan, associated with Frankfurter in the Tennessee dissent, again denies validity to the argument that the legislatures of these States "are apportioned in ways that violate the Federal Constitution."

The progression to the current cases from that of 1962 is noteworthy. In the Tennessee ruling the Court established its right to intervene, justifying this by the "invidious discrimination" among electoral districts of the lower house with very unequal population. In the current cases the right of intervention is assumed. Local efforts to rectify imbalance without profound disturbance of traditional patterns are found inadequate. And not just one but both houses of the affected State legislatures are told that they must reapportion on the principle of one-person, one-vote.

With this decision, which demands reorganization of legislative arrangements in almost every State, the import of Justice Frankfurter's prescient observation becomes more clear. What the Court is doing is to impose on the States a new conception of representative government, far more egalitarian than that established by the founding fathers. The effect is no less revolutionary because ordained by an agency—the Federal judiciary—not customarily associated with profound political upheavals.

Nor is it to be expected that the resultant tremors will be confined to State capitols and local political organization. In *Wesberry* v. *Sanders* the Supreme Court decided, some months ago, that "our Constitution's plain objective" is to provide "equal representation for equal numbers of people." This goes for the Federal House of Representatives as clearly as for the State legislatures. And if the U.S. Senate is safeguarded by very specific constitutional guarantees the current decisions nonetheless imply that its system of representation—two Senators alike from sparsely and heavily populated States—is somehow un-American and undesirable.

THE CHOICE

The "competing theories of political philosophy" to which Justice Frankfurter referred are that of a federal republic, on the one hand, and that of a unitary democracy on the other. "Totalitarian" would be a more descriptive adjective than unitary, except that it has acquired a strongly derogatory flavor. The point is that the opposite to the division of governmental power essential for a federal republic is the concentration of governmental power necessary to make a democracy operative.

Democracy, in its political sense of unqualified majority rule, upholds the principle of "winner takes all." Carried to a logical conclusion it means that minorities have no rights which "the will of the people" may not override. Vox populi, vox dei, as the old Romans said. The trouble there was that ambitious generals soon saw themselves as spokesmen of all the people and therefore as godlike rulers. Thus representative government, lacking careful institutional restraint, soon ceased to be democratic even as it claimed that objective. We see the same phenomenon operating in Communist countries today, called "democratic people's

[1] *Reynolds* v. *Sims*, 377 U.S. 533 (and companion cases).

republics" by their dictators on the assumption that they are the only legitimate interpreters of the popular will.

The Greeks, for a brief but glorious period, were able to avoid this political degeneration, simply by stressing the excellence for which they were taught to strive in every aspect of life. Government should be representative, serving the interests of all, impartially. But those who conduct it should be, in every sense, an "elect" group, chosen by a very limited suffrage.

The authors of the Constitution, for the most part good classical scholars, paid close attention to the Greek and Roman precedents. While firm believers in representative government, they found democracy, in its political as contrasted with its social sense, abhorrent. The word is not mentioned in the Constitution and became especially mistrusted when the doctrine of absolute equality led to the Reign of Terror in France. This prompted the famous aphorism of John Adams, our second President: "There never was a democracy that did not commit suicide."

THE MEANING OF FEDERALISM

In fact, it was impossible for the Government of the United States, in origin, to be really democratic. It had to take Federal form to achieve the union of the thirteen originally independent States. The essence of federalism is the reservation to its component parts of certain defined powers, which of itself involves a limitation of the powers of the general government. No matter what their collective desires, the people of a federation are not entitled to decide matters reserved to the authority of the constituent States. In a federation, majority opinion is therefore sometimes ineffective, unless it coincides with the public opinion of autonomous localities.

That much is true of any federation, but in our own the curbing of democracy was originally carried further. Some of these curbs on popular control have been removed, but others of great significance remain. Congress, for instance, "shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." Here is a clear contraction of democracy but not of representative government, which serves to protect those very minorities that democracy is disposed to crush. Under our system an opinionated religious sect, like the Amish, is safeguarded not by sending representatives to Congress but simply because the conventional majority there is denied the democratic power to suppress.

While deeply interested in political personalities and detail, most contemporary Americans are far more ignorant of political theory than were their forefathers. This presumably explains why the present Supreme Court can effectively suggest that representative government is necessarily democratic, and that democracy is necessary representative. Yet illustrations of the important difference between the two are all around us. As the electoral system has developed it will be the rule, not the exception, in November for a simple majority, or even a plurality, of the voters in each State to decide the entire electoral vote of that State. This accords with the democratic principle of "winner takes all." But it is difficult to find anything representative in the procedure.

There are many indications that the objective of some Americans today is to substitute pure democracy for our traditional system of representative government. One way to accomplish this is to take all intelligent content out of the technical political term "democracy," and to make it a "good" word surrounded with a mystique calculated to make people react with spontaneous favor to its utterance. Over the years this has been done. Today it is almost embarrassing to recall that James Madison considered political democracy "incompatible with personal security or the rights of property."

The second way to weaken representative government is to erode the Federal structure by a continuous and progressive centralization of governmental functions. This process, too, was under way long before the day of F.D.R., who probably deserves less credit, or discredit, than he generally receives for the concentration of power in Washington.

But the movement to eliminate the States as sovereign entities is greatly impeded by the fact that local self-government, though often inefficient and not infrenquently corrupt, is still generally regarded as preferable to dictation by distant bureaucrats. At many points along the road to socialism the Congress has dug in its heels, showing strong skepticism toward the provision of "bread and circuses," as the old Romans characterized the various new and fair deals by which the unconquerable empire was undermined from within.

A DANGEROUS PRECEDENT

There is, however, an infrequently used device by which the executive may overcome the obstruction of a recalcitrant legislature. It can summon the third arm of Government, which is the judiciary, to its aid, and if the judges are compliant, giving fluid interpretation to the laws, representative government may in effect be frustrated. Such a policy is dangerous and a great deal depends on the manner in which it is undertaken. King Charles I of England called on the judiciary to support the divine right of Kings, as did Louis XVI a century and a half later in France. In both cases the monarchs were decapitated for their pains.

It is a more subtle and promising tactic to have the judges find legislative obstruction "undemocratic" since the charisma of democracy protects the executive against any charge of arrogance, seems favorable to everybody, and accords with the general sense of justice, in which the judicial profession is assumed to be expert. And though the Supreme Court is, ironically, the most undemocratic of our institutions, it is working assiduously in favor of more democratic representation.

"The right to vote freely for the candidate of one's choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government." So says Chief Justice Warren in his controlling opinion on the latest reapportionment cases. But the right to vote freely is not at issue in any of these cases. The issue is merely whether there is improper discrimination when all votes are not equally weighted on a nose count basis. And that question does not affect "the heart" of representative government. Its major concern is quality of representation while that of democratic government is quantity in election. New York was not underrepresented at the Philadelphia Convention of 1787 because it had only one delegate—Alexander Hamilton—to sign the Constitution, whereas Delaware had five, whose names would today be recognized by very few.

NOT TREES OR ACRES

Confusion of qualitative and quantitative values, in Chief Justice Warren's opinion of June 15, leads to a tortured reasoning not likely to become more impressive as it is subjected to the test of time. The opinion relies, in large part, on that clause of the 14th amendment which says that no State shall "deny to any person within its jurisdiction the equal protection of the laws."

Taking this clause out of context it is laboriously argued that equal protection is denied unless representatives speak for an arithmetically equal number of people. "Legislators," says the current judgment, "represent people, not trees or acres." That is the theory of pure democracy, which reduces individuals to so many faceless integers, to be electronically numbered and herded about like sheep. The theory of representative government is that those who make the laws should consider their constituents not merely in quantity but also in quality. Their interests, too, merit consideration and these include trees, acres, and countless other properties, tangible and intangible. To ignore these manifold interests is to debase human nature.

That is what happens when representative government concentrates wholly on democratic principles. But if it ignores these principles entirely it also ceases to be representative. By the latter mistake the States collectively have invited the further blow to their sovereignty that the Court has now delivered. In many of the local legislatures there has been no redistricting for decades, so that rural areas continue to dominate the State capitols in a manner palpably unfair to the swollen metropolitan ganglia. Chief Justice Warren points out that "the last apportionment of the Alabama Legislature was based on the 1900 Federal census, despite the requirement of the State constitution that the legislature be reapportioned decennially." Few would deny that the Supreme Court has both the authority and the duty to request a State to observe its own constitutional provisions.

Unfortunately, the decision in regard to Alabama and the five others goes far beyond any such timely admonition. It rules that both houses must be apportioned strictly on the basis of population, asserting that "the fundamental principle of representative government in this country is one of equal representation for equal numbers of people." If the U.S. Senate seems to refute this dictum it is because that body is a case apart, constituted not on the basis of logic but of compromise at the Constitutional Convention of 1787.

MORE THAN A CONVENIENCE

Compromise between the large and small States certainly played a part in the decision to make representation in the Senate equal for all, while adjusting it to a population ratio in the lower House. But the suggestion that this arrangement was merely a matter of convenience is not sustainable. When the Constitution was drafted many of the State legislatures already had senates formed on a geographical basis, regardless of population. And it was this arrangement that made the eventual equivalence of two Senators from each State in the Union not merely plausible but also logical. As Madison wrote, in No. 62 of the Federalist, "in a compound republic, partaking both of the National and Federal character, the Government ought to be founded on a mixture of the principles of proportional and equal representation."

Nor is it convincing for the Court to say that there is no analogy between the Federal and State Governments, and therefore a State senate based on geographic considerations "is impermissible." The Constitution does not concern itself with the organization of State government, except to guarantee that in each case the form shall be "republican." But the record shows that the counties were generally regarded as having the same relation to the States as these would have to the general government, with senates in both sovereignties serving as "an anchor against popular fluctuations." This is particularly emphasized in No. 63 of the Federalist, where Madison closes six arguments for a distinctive second chamber by saying: "It adds no small weight to all these considerations to recollect that history informs us of no long-lived republic which had not a Senate."

UNHEEDED ADVICE

Madison is discussing all legislative bodies, not just the U.S. Congress, when he argues

for an upper house "distinct" and "dissimilar in genius" from the more numerically representative legislative chamber. Then comes a passage that is poignant reading in connection with the Supreme Court's decision of June 15. "This (distinctive senate) is a precaution founded on such clear principles, and now so well understood in the United States, that it would be more than superfluous to enlarge on it."

Since the Founding Fathers are practically ignored, it is scarcely surprising that the Warren opinion pays no attention to the arguments of John Stuart Mill, in his classic essay on "Representative Government." In this, first published in 1861, the reasons for bicameral legislatures based on differing principles are set forth in universal terms. In a passage that might have been written for the Warren court, Mills says: "It is important that no set of persons should, in great affairs, be able even temporarily to make their sic volo [thus I wish] prevail without asking anyone else for his consent." He then argues that the most effective check on legislative blundering is provided when the second chamber is organized on a wholly different principle from that of its opposite number. "One being supposed democratic, the other will naturally be constituted with a view to its being some restraint upon the democracy."

That, of course, is the principle of check and balance underlying bicameralism in the State legislatures as well as in Congress. To strike at that principle in the case of the States is to injure it for the Nation as a whole. With tiresome statistical detail Chief Justice Warren emphasizes that in the Alabama State Senate "members representing 25.1 percent of the people of Alabama" can theoretically control that body. This the Court calls "invidious discrimination." But it is also true that Senators representing only 16.4 percent of the people of the United States form a majority of that body. What is invidious for 50 Capitoline gees can scarcely be admirable for the more august gander who cackles across the park from the Supreme Court's majestic home.

A final flaw in the reapportionment policy that has been ordered is that it can never be accurate. In its 1964 opinion the Court takes statistics from the 1960 census to show disparities. But population changes daily. The most meticulous reapportionment during the next few months would be outdated when made, and continuously more so until replaced after the 1970 census.

So the assumption that "dilution" of a vote is unconstitutional leads on to the unanswerable question: How much dilution? As populaton mounts it would appear that the condition of the country steadily deteriorates. In the First Congress no Member of the House represented more than 30,000 people. Currently, with many more Representatives, the average is 1 for approximately 425,000. The only way to stop this progressive "debasement" would be to cut off all immigration and then exactly equalize the numbers of births and deaths.

NOT A RIGHT BUT A PRIVILEGE

Reluctantly the Court concedes that "it may not be possible to draw congressional districts with mathematical precision." And this is fortunate, since if it were possible the most dangerous flaw in the argument might be concealed by feasibility. Representative government, as Mill so cogently argued a century ago, is not a right but a privilege, successful only when voters are "willing and able to fulfill the duties and discharge the functions which it imposes upon them." To emphasize his point Mill was intentionally provocative. He would exclude from the franchise not only the illiterate and incompetent, but also all who receive any form of relief from public funds. He also advocated multiple voting by university graduates, on the dubious assumption that higher education would have improved their minds. "It is not useful, but hurtful, that the Constitution of the country should declare ignorance to be entitled to as much political power as knowledge."

A SUPERFLUOUS COURT?

Yet this, swinging to the opposite extreme, is precisely what the Supreme Court declares in its strongly egalitarian ruling. Equality means, literally, deficient in quality and to eliminate quality has never been a dominant American objective, in the choosing of legislative bodies or in any other function. Though "all men are created equal," in the sense of being entitled to equal social consideration and legal protection, they do not remain equal in their abilities and accomplishment. Equal opportunity has never implied that competition is undesirable. The customs and laws of the country have always encouraged individuals to "get ahead"—which means to become unequal.

Justice Harlan has the importance of excellence in mind when he warns that the reapportionment edicts have "portents for our society and the Court itself which should be recognized." We shall have a very different society if a dead level of mediocrity is successfully established as the national image. If the Federal structure is destroyed to gain this objective, there will no longer be any function for the Supreme Court. Its only constitutional purpose is to maintain the delicate balance between the National and State Governments. If the latter lose their autonomy the Court becomes superfluous.

There is no similar organ in the Soviet Union, where totalitarian democracy is triumphant, at the cost of representative government.

Implementing the one-man, one-vote thesis of the Supreme Court into workable plans of reapportionment has proved more than simply complex, as the following editorials indicate.

[From the New York Times, June 3, 1965]

IN THE NATION: THE GROWING REAPPORTIONMENT "THICKET"

(By Arthur Krock)

WASHINGTON, June 2.—The prophecy of the late Justice Frankfurter that the Supreme Court would find itself deeply entangled in a "political thicket" when it asserted jurisdiction over apportionment of State voting districts was emphatically verified in this week's related decisions. Expressing a variety of attitudes toward the confusion the Court itself has created among the lower judiciary and State legislatures, it—

Reproved one Federal tribunal and peremptorily sustained another.

VARIED ATTITUDES

Reversed the highest court of one State and admonished a Federal judge for supervening another.

Complained of the widespread resort to the Supreme Court, which its own preemption had made inevitable, of litigants in reapportionment disputes.

Denied an allocation of seats in the California State Senate that had been approved four times by a majority of the voters of that State.

The Supreme Court's reproof was addressed to a Federal district judge in Illinois who refused to stay his reapportionment order until due process had been completed in "appropriate agencies of the State," including its highest tribunal. The Court's sweeping endorsement was conferred on the California Federal judge who held that, despite the repeated popular endorsement of the reapportionment of the State senate, the plan was "invalid" under the key Supreme Court ruling. The highest State tribunal whose decision was reversed was the New York Court of Appeals, which ruled that the legislative reapportionment (plan A) enacted at the special session of the New York Legislature violated the State constitution. The Supreme Court's complaint against being showered with requests to take jurisdiction in disputes for which it said there is ample intrastate authority was stated in the Illinois ruling as follows:

The power of the judiciary of a State to require valid reapportionment, or to formulate a valid redistricting plan, has not only been recognized by this Court, but appropriate actions by the States in such cases has been specifically encouraged.

EXEMPLARY ANOMALY

There can be few better examples of an anomaly where the source of confusion admonishes its victims. But until or unless Congress submits—and three-fourths of the States approve—a constitutional amendment curbing the powers over reapportionment which the Supreme Court has asserted, there is nothing the innocent victims can do about it. Yet such an amendment, now being pressed in Congress by Senate Majority Leader DIRKSEN, is being hotly opposed by the bipartisan liberal groups in the House and the Senate, and the biggest surprise of this political year would be even indirect endorsement of the proposal by President Johnson.

Some of the liberal opposition is based on the conviction that the Supreme Court's assumption of jurisdiction over State reapportionment established a basic principle of the American democratic system, however much it may lack the authority of the Constitution. Others are prepared for a last-ditch fight against the Dirksen proposal because they believe that the Supreme Court's action enhances their personal political prospects.

As for the Supreme Court's latest contributions to the confusion and inconsistency over reapportionment it has initiated, Justice Harlan stood alone in noting these growths in the political thicket which he and Justice Frankfurter prophesied with remarkable clairvoyance at its original seeding by the ruling of March 26, 1962, in *Baker* v. *Carr*. In dissenting, Justice Frankfurter wrote: "Disregard of inherent limits in the effective exercise of the Court's 'judicial power' * * * presages the futility of judicial intervention in the essentially political conflict of forces by which the relation between population and representation has time out of mind been determined (as recently as 5 years previous)."

HARLAN'S DISSENT

In commenting on yesterday's ruling concerning New York State reapportionment, Justice Harlan wrote: "I am wholly at a loss to understand the Court's casual way of disposing * * * of matter [which] bristle with difficult and important questions that touch the nerve centers of the sound operation of our Federal and State judicial and political systems * * * [and] surely * * * are deserving of plenary consideration and reasoned explication."

To "casual" he might truthfully have added "contradictory and confusing"; and also noted the curious blindness of the Court to its sole accountability for the whole mess.

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[From the New York Times, July 11, 1965]

LAW: CONFUSION OVER DISTRICTING

John P. Lomenzo has a problem. He is the Secretary of State of New York and he is under a Federal court order to prepare a special legislative election for November 2. Ordinarily this would be an easy thing to arrange, an administrative matter that Mr. Lomenzo's staff could handle in due course.

But on Friday the Court of Appeals, New York's highest State court, told Mr. Lomenzo to disregard that Federal court order because there would be no election this fall.

And then yesterday a Federal judge signed an order requiring those who oppose the election to explain in Federal court on Tuesday why they should not be stopped from impeding a fall election.

If you were Mr. Lomenzo would you be confused? For that matter aren't you confused anyway?

The fact is that all New Yorkers are today caught in a Federal-State judicial crossfire over reapportionment that could turn out to be as serious as it is now muddled.

Ever since the U.S. Supreme Court arranged for the political restructuring of the Nation by its "one-man, one-vote" ruling of June 1964, legislatures and courts over the country have been grappling with its implication.

But as in all other things, New York's troubles come in spades. After Barry Goldwater's overwhelming defeat in the State last fall, which wiped out Republican majorities in both houses of the legislature, the GOP proceeded in "lameduck" session to pass a series of alternative reapportionment plans.

The Democrats cried foul and promised to come up with a plan of their own as soon as they took office. In the meantime Federal and State courts were taking up the Republican plans. After a series of decisions, what finally evolved was that the Federal court gave its less-than-happy blessing to a formula called plan A, doing so only when the Democrats failed to come up with an alternative.

Under plan A a substantial part of the voting power now concentrated in upstate rural areas would be shifted to more populous cities and suburbs. It was designed to help the Republicans recapture the legislature.

The legal trouble with plan A, as both Federal and State courts agree, is that it violates the New York constitution, mainly by increasing the membership of the assembly from 150 to 165. On the other hand, the trouble with the legislature as it is presently constituted, is that it violates the U.S. Constitution's "one-man, one-vote" requirement.

The difference between the State and Federal courts' approach to the problem is that the Federal courts are unwilling to permit the present legislature to sit for another year in violation of the U.S. Constitution, while the State courts are unwilling to order an election that would violate State constitutional standards.

But on this point most lawyers agree that the supremacy clause of the Federal Constitution requires the conflict to be resolved in favor of the Federal Government. Indeed, the majority opinion in the court of appeals recognized this.

Then what is the problem? What went on in Albany on Friday?

In his 4–3 majority decision, Chief Judge Charles S. Desmond seemed to say that his court would order a fall election if there were "final and binding" Federal court orders requiring it.

But if this were all there was to it the issue could be settled by a new order, a relatively simple matter. Moreover, the attorney general's office insists that there was a "final and binding" Federal order.

There were indications that Judge Desmond meant more than this, however. For one thing, the three dissenters, led by Judge Stanley J. Fuld, cleary considered the decision a "direct conflict" with Federal authority. For another, there were passages in the majority opinion which could be read to mean that Judge Desmond would accept only a U.S. Supreme Court ruling as binding.

If that is the case, the matter could be settled by Justice John M. Harlan at his summer home in Connecticut. He could sign an order staying the effects of Friday's ruling until the Supreme Court can take up the matter in the fall, which would be too late to affect the election.

But if Justice Harlan refuses to stay the court of appeals ruling, then things could get rough. For example, if next week the Federal District Court reaffirms its order for an election, and the court of appeals does not then reverse its decision, what nobody wanted will have happened: a head-on collision between Federal and State courts.

If the New York situation on our eastern coast produced a knot of gordian description, a situation on our opposite coast brought similar upheaval. Despite the fact that the people of the State had long since agreed what form of legislature was best for them and their State, the High Court decisions denied their right to choose, and produced legislative chaos.

[From the New York Times, Oct. 9, 1964]

IN THE NATION—EFFECTS IN CALIFORNIA OF ONE PERSON, ONE VOTE

(By Arthur Krock)

WASHINGTON, October 8.—Congress adjourned without taking any legislative notice at all of the Supreme Court's requirement that henceforth the populations of the districts which elect members of each branch of State legislatures must be as "nearly equal as practicable." After many weeks of debate as to whether Congress should address the Court on the new apportionment rule of one person, one vote, and, if so, what the representation should be, the issue died in a Senate-House conference.

But it died because the House, which had legislated intrastate reapportionment out of the Supreme Court's jurisdiction, rejected a Senate resolution in which acceptance of the Court's assertion of this jurisdiction was implicit. And it seems certain that a strong effort will be made in the next Congress to submit the issue to the States in the form of a constitutional amendment embodying the principle of the House bill.

In promoting this effort a current study of the effects the execution of the Supreme Court's decree would have in California undoubtedly will be prominently cited. The study, endorsed by Chairman Edwin J. Regan and other members of the judiciary committee of the California State Senate, arrived in Washington too late for consideration before Congress adjourned. But meanwhile it will be widely circulated among those elected to Congress on November 3.

The limitations of this space prescribe the brevity of the following summary of the highlights of the document:

1. Beginning in 1926, the voters of California have three times approved the "Federal plan" (by which Members of Congress are chosen) in apportioning the districts which elect members of the State legislature: Those for the house based on population; for the senate, on geographic and county lines. The result has been that "a majority of the senate, no matter from which counties or districts, represents a major part of the State's area and, accordingly, a major part of its resources and interests. No legislative measure, unduly favoring a small part of the State or a few limited interests, and conversely no measure affecting the larger part, is likely to win a majority vote in the senate."

2. Problems of "serious magnitude" that could arise if equal population is the base of apportionment of the State senate seats include water development, taxation and education—"in all of which California long has been recognized as a national leader."

THREATS TO EQUITABLE GOVERNMENT

3. (Water). "A metropolitan population controlling all government power * * * and driven to desperate or short-sighted measures by pressing immediate needs," could grab all or most of the immediate water supply that originates in the northern counties. This is potential in the facts that the 4 southern counties which are the largest water-users, and cover only 2½ percent of the State's land area, contain 52 percent of the State population of 18 million.

4. (Education). Through action of State legislatures elected under the "Federal plan," the University of California has created "an educational system of balanced financial support and distinctive achievement in all parts of the State, not only at the university, but also at the State and junior college levels." Abolishment of the Federal plan could, as has happened in other States, destroy "those institutions situated outside the areas of concentrated population, or reduce them to mediocrity." And without the Federal plan "perhaps they would never even have been established."

5. (Taxation). Basing State senate election districts on population could make law of the theory, "often voiced" in the concentrated population centers, "that tax expenditures in a given area should equal the tax revenues from it." This would end the present legislative policy of collecting tax revenues on a uniform statewide basis and using them "in the interests of the State as a whole." This policy has made possible "the extensive * * * freeway systems in Los Angeles and San Francisco to ease their traffic problems—while at the same time avoiding neglect of rural needs."

The study is sure to appeal to Members of Congress from States of like diversity, especially since it approves whatever Federal action is required to compel decennial legislative reapportionment in States which have failed to do that.

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[From the Washington (D.C.) Post, Jan. 21, 1965]

SPLIT CALIFORNIA?

California is the only State in the Union which appears to have given any serious thought to bifurcation as a means of meeting its reapportionment dilemma. The State has a precarious balance of power between its southern and northern portions for many years. Because of its dense population, Los Angeles County dominates the assembly. The senate has served as a check on the assembly because none of the 58 counties has more than one senator. This arrangement has led to fantastic inequalities of representation in the senate, but to eliminate the geographical basis for representation entirely, as the Supreme Court's decisions seem to require, would bring the State under the general domination of Los Angeles.

To many people in northern California this seems to be intolerable. If reapportionment of the seats in the senate is to wipe out the bargaining power they have in State affairs, they would rather see the State split in two. A substantial majority in the present senate has lined up behind measures to bring this about.

It seems highly improbable that the assembly will consent to this proposed political surgery. Even if it should do so, Congress would probably reject such a solution, and no State can be carved out of the territory of another State without the consent of Congress as well as the State legislature. Only one State—Virginia—has been thus divided, and that was under the pressures of the Civil War. Texas in coming into the Union reserved to itself the right of dividing into five States, but under the Constitution the consent of Congress would doubtless be essential to make it effective.

California is undoubtedly big enough for two States. In area it is more than three times the size of New York, the second most populous State. The proposed State of southern California would have more than 10 million inhabitants in seven counties; the northern State nearly 8 million in 51 counties. Each of the proposed States would

have more population than North and South Carolina combined and several times the population of North and South Dakota combined.

Nevertheless, the splitting of a State because of antagonism and conflicting interests between its different segments would be a most unfortunate precedent. Despite the steam that has been built up behind the idea in the San Francisco-Sacramento areas, it does not afford a practical solution. But the predicament of California may serve to dramatize the case in Congress for some degree of flexibility in the distribution of seats in senates that serve large States of many diverse interests.

The requirements of fair representation of a large State containing areas of divergent and conflicting interests was well summed up by Colorado Governor John A. Love, in his statement before the Subcommittee on Constitutional Amendments of the Senate Judiciary Committee:

STATEMENT OF HON. JOHN A. LOVE, GOVERNOR OF THE STATE OF COLORADO

Governor LOVE. Thank you, Mr. Chairman, members of the subcommittee. I appreciate this opportunity to appear before the subcommittee and bring you some of my thoughts, but also, I think, perhaps more important, to talk to you a little bit about Colorado's reapportionment history, which I think points up the problem more clearly than perhaps any other State. I also think it is true that many of the things that prior witnesses have been talking about are demonstrated very clearly in the population distribution and in the geography of the State of Colorado.

First as to the reapportionment history, on June 15 of last year, in a companion case to *Baker* v. *Carr*, the Supreme Court decided the case of *Lucas* v. *Forty-Fourth General Assembly, et al.*, a case in which, as Governor of the State of Colorado, I was a party defendant. As you know, that case held unconstitutional and void a plan of legislative apportionment adopted by an overwhelming majority of the Colorado electorate less than 2 years earlier, and embodied in our State constitution. The voters of Colorado, in adopting the constitutional amendment which was overturned by the Supreme Court evinced, in my opinion, an appreciation of the diversity of our State and of the necessity of fair representation of the rural minority in our legislature. Our voters had a clear choice between a plan which apportioned seats for both houses of the legislature on a population basis only, and a plan which so apportioned the lower house, but took other factors into consideration in the upper house, the so-called Federal plan. In the election which was held in 1962, the voters in every county without exception, and by about a 2-to-1 majority on the statewide basis, adopted the second plan, the Federal plan.

Nevertheless, this plan was, as I said, declared to be violative of the Federal Constitution by the Supreme Court and we lost no time in complying with the Court's opinion. Pursuant to my call, on July 1, the forty-fourth general assembly of Colorado convened in its second extraordinary session of 1964. The first extraordinary session, held in April of last year, had seen the general assembly redistrict Colorado's congressional districts in obedience to the Supreme Court's mandate in *Wesberry* v. *Sanders*, 376 U.S. 1. The legislature thereby reluctantly destroyed the homogeneity of Colorado's unique western slope as a congressional district, represented by Congressman ASPINALL. The second session passed a plan of reapportionment for the State legislature which was approved by the three-judge U.S. district court panel for the district of Colorado, and which I signed into law on July 8, 1964. We subsequently held an election in accordance with this plan. I think Colorado was the first State to comply with the Supreme Court's mandate.

Nevertheless, I appear here today to lend my support to the efforts of this committee to consider a means of allowing States to apportion at least one house of their legislatures by taking into account factors other than population alone. In this respect, I disagree with the philosophy of equal protection expressed by the majority of the Supreme Court, as well as with its reading of the legislative history of the 14th amendment.

I must disagree with this philosophy because it caused the majority of the Court to disregard the will of the Colorado electorate, which approved the plan of apportionment by a majority in every county of the State, in an election where all votes were given the equal weight now required by the Court's opinion. In effect, this opinion held that the majority of the voters in the urban areas discriminated against themselves in adopting this plan rather than one which apportioned both houses on a strictly per capita basis. In the words of Circuit Judge Breitenstein, writing for the majority of the court below in the Lucas case:

"The contention that the voters have discriminated against themselves appalls rather than convinces."

It is my firm belief that the Colorado electorate knew exactly what it was doing when it went to the polls in 1962, and I firmly believe that its decision thus to amend the constitution of the Sovereign State of Colorado should have stood unaltered, except by another vote of the people.

Gentlemen, I am a firm believer in the protection given to the citizens of the several States by the 14th amendment to the Constitution, and I would not favor any attempt to shrink its protection in any of the important areas of human liberty. But I do not believe that the framers of that amendment ever dreamed that it might be used to accomplish the results which the Supreme Court has reached in the past term. Mr. Justice Harlan's dissent traces the legislative history of the 14th amendment quite carefully, and proves beyond a doubt that it was not intended to deny to the States control over the franchise. Indeed, Mr. Justice Harlan's opinion quotes from speeches which state that while the speakers might personally prefer that the amendment give more protection to the franchise, that it would be impossible to obtain ratification by the required number of States of such an interference with their sovereignty.

But a majority of the Supreme Court having taken an opposite view, I am not here today to engage in a legal debate over issues which are now decided. Rather, it is my purpose to urge upon you the adoption of some form of relief which will return this Nation to the state of law which it thought existed for over 90 years, until this past June 15. As Mr. Justice Stewart stated in his dissent, over four-fifths of the States give effect to nonpopulation factors in apportioning seats in at least one house of their legislatures, indicating that there must be some very compelling and convincing reasons for a departure from the rule now declared by the Court. While I cannot claim to be an expert political scientist, or to be able to give you all the reasons for such a departure, I can, based on our own experience in Colorado, give you some of the reasons which a majority of the voters in every county in my State found decisive in 1962.

Mr. Justice Stewart's dissent gives an excellent one-paragraph description of the diverse nature of the State of Colorado, which I quote:

"The State of Colorado is not an economically or geographically homogeneous unit. The Continental Divide crosses the State in a meandering line from north to south, and Colorado's 104,247 square miles of area are almost equally divided between high plains in the east and rugged mountains in the west. The State's population is highly concentrated in the urbanized eastern edge of the foothills, while farther to the east lies that agricultural area of Colorado which is a part of the Great Plains. The area lying to the west of the Continental Divide is largely mountainous, with two-thirds of the population living in communities of less than 2,500 inhabitants or on farms. Livestock raising, mining, and tourism are the dominant occupations. This area is further subdivided by a series of mountain ranges containing some of the highest peaks in the United States, isolating communities and making transportation from point to point difficult, and in some places during the winter months almost impossible. The fourth distinct region of the State is the south-central region, in which is located the most economically depressed area in the State. A scarcity of water makes a statewide water policy a necessity, with each region affected differently by the problem."

Add to this diversity the fact, according to the 1960 census, the Denver metropolitan area contained more than one-half of the State's population and in listening to Governor Sawyer and considering other States, this is not too unusual across the United States, now—in addition to this, the three major metropolitan areas of Denver, Colorado Springs, and Pueblo contained two-thirds of the State's total, and you realize that if both houses of the Colorado General Assembly were apportioned solely on a population basis, that urban domination of the legislature can be so strong that the remainder of the legislators, representing one-third of the State's population, would barely be heard. Thus, serious problems confronting citizens in rural areas would, in all probability, not be given the time, study, and deliberation given to problems of more immediate interest to urban legislators and their constituents. In this respect, Colorado's problems are not unlike those of New York or Illinois, or even Arizona, where it is probable that one metropolitan area will now dominate both houses of the State legislature.

It is my feeling that the Legislature of the State of Colorado can best represent its citizens as a whole if the legislators individually represent homogeneous, identifiable groups of voters. This was also the conclusion of the majority of the Colorado electorate in 1962, including a majority in the so-called underrepresented Denver metropolitan area, which voted to give somewhat greater representation to many areas of the State than mere numbers would require. They did not intend to have legislators represent trees or acres, but people with distinct problems, backgrounds, and aspirations. These voters recognized that Colorado is made of many groups of citizens with diverse and often conflicting interests, and that these interests sometimes would be without any voice in our legislative councils if measured on a purely numerical basis.

Another reason which justifies departures from strict per capita representation in both houses is recognition of the fact that there may be times of stress and crisis when public feeling runs against a minority, when that minority needs the protection of the legislature. That protection is much more likely to be forthcoming when at least one member of the legislature has a significant number of such a minority among his constituents, than when the minority constitutes only a small fraction of a large, heterogeneous district.

I think it is true that in our history of government in this Nation, we have always expressed a concern that we be protected from what has been called at times the tyranny of the majority.

In Colorado, at least, there is always a possibility that in some areas of legislation the majority of the population may treat the minority unfairly. This can be illustrated in the crucial area of transmountain diversion of our most vital natural resource, water. If the populous portion of the State east of the Continental Divide were to use its heavy representation solely in its own interest, it might divert so much water from the less heavily populated western slope of the mountains that this area's full economic growth and the development of its vast natural resources might be frustrated, thus preventing it from making its full contribution to the growth and welfare of the entire State of Colorado. Such a result can best be avoided by effective representation of western slope water interests. This calls for a departure from pure per capita representation.

The western slope, as I say, representing approximately half of the area of Colorado, contains only about 10 percent of its population. It contains most of the water. It contains great stores of natural resources, including oil shale. It has a great future which could be frustrated, theoretically and perhaps practically, under the apportionment plan which we have been forced to follow.

While each area of the State tends to have its own problems, the welfare and prosperity of each section affects the welfare and prosperity of the State as a whole. It is therefore, in the long-term interest of Denver's voters to have a strong and vigorous rural delegation in the Colorado Senate, despite possible temporary conflicts over water or other problems. Denver's voters recognized that fact when they went to the polls in 1962 to reject a plan which was based solely on population (and approved one taking other factors into consideration in apportioning the Colorado Senate).

As I stated earlier, Colorado has, since June 15, enacted into law a plan of apportionment complying with the Supreme Court's ruling in the Lucas case. The contrast between the senate, as apportioned under the new bill, and as apportioned under the plan adopted by the people in 1962, dramatizes the disadvantages of the rigid, nearly mathematical approach now required. An example of the problems created is in new senate district 35, covering the northwest part of the State. The district measures approximately 175 miles from east to west, and 140 miles from north to south, over rugged mountainous terrain. It contains 10 counties covering 20,514 square miles, an area larger than that of nine of our States. For example, this district is 10 times the size of Delaware, 4 times the size of Connecticut, and over twice as large as Massachusetts, Hawaii, New Hampshire, New Jersey, or Vermont. The district includes three major river basins, one to the east of the Continental Divide and two to the west. And yet, States smaller in area each have two Senators in the U.S. Senate, while the district in question has only one senator in the Colorado Senate.

Another example of the problems created by this new plan of apportionment is the treatment now accorded the San Luis Valley, in the south-central region of Colorado. The six counties in this valley are in the Rio Grande Basin, and are vitally concerned with water rights on the Rio Grande, and with Colorado's relationship with New Mexico, Texas, and Mexico, with respect to the Rio Grande. The rest of Colorado has no direct interest in this great river, whose waters are the economic foundation of the San Luis Valley. This area is also one of the most economically depressed of the State, and contains a high percentage of residents of Spanish-American heritage, with a relatively low educational level, and a relatively high State welfare load. This area, containing 38,000 persons according to the 1960 census, was formerly able to elect a senator to bring to the attention of the legislature its unique problems. But under the new per capita based apportionment, the legislature was forced to place the counties of the San Luis Valley in three separate senatorial districts, and the residents of this valley are in the minority in each district. This is a clear case of denying a minority any representation at all in one branch of the legislature; it hardly fits our traditional concept of representative government.

One of the districts into which part of the San Luis Valley, Saguache County, had to be placed, illustrates problems of another kind caused by per capita apportionment. District 30 consists of 9 counties, and extends over 150 miles from north to south, from Gilpin and Clear Creek Counties, former gold and silver mining areas now rapidly becoming part of suburban Denver, to Saguache County in the San Luis Valley, which is primarily dependent on agriculture. This district straddles the Continental Divide, and it contains approximately 33 peaks over 14,000 feet in height. It is drained by four river basins, the South Platte, the Arkansas, the Rio Grande, and the Gunnison. These areas have sharply conflicting interests, and no one senator can adequately represent all of them.

I hope that these examples of the problems we now face in Colorado make clear what the Colorado electorate recognized in 1962, and what most of our States have believed; that effective representation of the diverse interests of the people of the States, and of the States as a whole, is best achieved by representation of these separate interests, and not by overwhelming them in legislatures where their voice is so small as to go unheeded.

It has long been part of the American tradition to allow the several States to engage in experiments within the framework of our Constitution, such as Nebraska's adoption of a unicameral legislature. It is my belief that the framers of the 14th amendment, and certainly the States which ratified it, had no intention to disturb this freedom. Over the years, the systems of apportionment have varied from State to State in accordance with the particular needs and development of the various States. I believe it would be appropriate to restore that freedom of State action now.

There are a number of possible means of achieving this goal. I personally believe that at least one house of a bicameral legislature should be apportioned purely on a population basis, so that growing ubran areas will always be assured of sufficient representation to protect their own interests. This, coupled with the growing ability of urban areas to control the election of Governors in many States should provide ample protection against "minority rule."

My own preference for a remedy is a substantive amendment to the Constitution which would allow the States having bicameral legislatures, by this, I do not mean to limit it to that Senator HRUSKA—to give reasonable consideration to factors other than population in apportioning seats for one house. I would emphasize that I prefer the phrase "reasonable consideration" because I believe that such language would do no more than restore to the Constitution what most people thought to be its meaning ever since the adoption of the 14th amendment. "Reasonable consideration" would, as I understand it, allow the States to give reasonable weight to factors such as history, geography, economic interests, and effective representation of minority groups, without permitting arbitrary or "crazy quilt" apportionment. Such a standard would strike down any invidious discrimination against the majority, while accepting more variation from per capita representation than the Supreme Court would now allow.

The reason why I advocate such a modest amendment is that it would, I hope, allow the courts to protect the citizens of the States from any gross malapportionment of one house, of their legislatures, while still allowing the States maximum freedom to engage in the development of a variety of governmental machinery within the framework of representative government. Such an amendment would, I hope, incorporate the well-established standards which most of us thought governed "equal protection"; namely, that any deviation from absolute equality should have a rational basis in permissible objectives and not be simply arbitrary, or related to an invidious discrimination against any group.

It is not only the interests of individual voters who are affected by the new constitutional doctrine. The following article from Nation's Business presents a balanced analysis of some of the probable and demonstrated effects of the decision, in urging that final decision on their form of government be returned to the people of the several States.

[From the Nation's Business, December 1964]

HOW REAPPORTIONMENT THREATENS BUSINESS

"We're scared stiff of the damn thing and make no bones about it."

That's a blunt description of the reapportionment issue by Gwyn Thomas, Government affairs director for Associated Industries of New York, Inc. It reflects the concern of business across the country over the political revolution caused by the Supreme Court's mandate that State legislatures must be set up on a one-man, one-vote basis.

"No manager in New York State could plan with any reasonable certainty for future cost and future business expectations," the industry group's board of directors declared. "Such expectations would be subject to the political expediency of the metropolitan New York area and entrenched political majorities in all bigger cities."

Many businessmen elsewhere agree that court-ordered representation based purely on population threatens to wipe out traditional checks and balances which protect minority interests—business included.

Thus many businessmen are expected to support Senator EVERETT M. DIRKSEN'S campaign next year to present the apportionment issue to the voters through a constitutional amendment.

If Congress passes legislation providing for such an amendment, the people can decide whether State governments can be apportioned as are the House and Senate in Congress.

Passage of the amendment would allow State voters to choose periodically whether to apportion one house on the basis of population and the other on additional factors such geography, economic interest, and tradition.

The issue is not minority versus majority rule, but effective representation of minority interests versus "winner-take-all" domination by highly concentrated urban voting majorities.

Reapportionment expert William J. D. Boyd, a senior associate with the National Municipal League, foresees a political battle involving more money than you've seen in a long time." Business and unions, especially in New York and Illinois are likely to line up on opposite sides.

A CASE OF POLITICS

Reapportionment, though decided in the courts, is pure politics. Robert G. Dixon, Jr., professor of constitutional law at George Washington University, remarks that "The political thicket has become no less political because the courts have entered * * * and in politics no one is neutral."

A Supreme Court ruling in 1962, widely interpreted as requiring one house of each legislature to be based on one man, one vote, raised little uproar. Many concede the ruling corrected glaring inequities of years' standing.

Sharper criticism, however, followed a ruling last summer that the voters of Colorado were flat wrong when they chose, in a referendum conducted on a one-man, one-vote basis, to apportion one house on population while giving weight to additional factors in the other.

Said Senator JACOB JAVITS of New York: "Many citizens find it difficult to understand why the U.S. Senate can be organized on a basis not of population and the other House on the basis of population, but the individual States, even if their people so elect—which I emphasize—cannot have the same privilege."

Many businessmen have been living with reapportionment campaigns long enough to assess the implications realistically in concrete business terms.

Observers have found, however, that many with a stake in the issue are unaware of it or regard the Supreme Court's ruling as beyond challenge. One political expert, who has discussed it privately with some business groups, shocks them with warnings of what could happen to leaders of legislative committees: "Some of these boys you've been giving boxes of cigars to for years are going to disappear."

The goals of organized labor pushing for reapportionment in industrial States give some indication of what's at stake.

This is clearly the case in Michigan, where the one-man, one-vote battle is familiarly known as the Gus Scholle suit, after August Scholle, head of the State AFL–CIO. Business expects an apportionment plan ordered into effect by the union-backed Michigan supreme court to give impetus to:

More legislation increasing control over business—regulatory activity giving a State agency, possibly an expanded department of labor, a fishing license to cast about in corporate files.

The unions' long-time goal of a corporate income tax and an individual income tax with high exemptions—in the $6,000 range—having the effect of a progressive State tax.

Expansion of unemployment and workmen's compensation, with increased coverage, higher benefits and lower eligibility standards.

Business in other States could feel the effects of another union drive—toward establishment of State-operated workmen's compensation funds.

The United Auto Workers, for example, have urged "establishment of an exclusive State fund in each State and elimination of private insurance companies in this field to stop their profiteering and the negative effects they exert on legislation."

Both of Michigan's Senators, PHILIP A. HART, who was up for reelection, and PATRICK V. MCNAMARA, who was not, led the successful filibuster against efforts in the last Congress to give States a breathing period to adjust to the reapportionment rulings or press for a constitutional amendment.

In New York State, issues likely to be affected by reapportionment include unemployment and workmen's compensation, education, utility rates, regulation of utilities, banks and insurance companies, minimum wage and taxes, plus a long string of social and economic measures focused on urban problems.

New York City, for example, has been considering adoption of a payroll tax, which could not be imposed without State action. Some observers expect that greater urban strength in Albany would lead to income tax increases in the higher brackets.

Manufacturers fear that the same forces that twice won increases in the New York City minimum wage above the statewide level—both actions were ruled unconstitutional—would raise the State minimum if in control in Albany.

This would hurt, for example, the upstate textile manufacturer who has large numbers of apprentices and is already hard up to meet competition from imports.

HUGE URBAN ADVANTAGE

Thomas F. Moore, Jr., counsel to the New York Power Authority, has made estimates indicating that reapportionment on a strict population basis would give the city and suburban area of 2,100 square miles 95 assemblymen and 31 senators, compared with 55 assemblymen and 19 senators for the remaining 47,000 square miles in the State.

A major force in the New York reapportionment fight has been the International Ladies Garment Workers Union. David I. Wells, assistant director of its political department, estimates he has spent half his time and efforts on this issue for the past 3 years.

The union's interest is clear. For example, ILGWU Vice President Gus Tyler contends that the unemployment insurance tax, based on a firm's experience with layoffs, is a burden on small, unstable, seasonally fluctuating companies in the garment industry. They are hit with the highest taxes which they are least able to pay, he argues, in contrast to banks, utilities and insurance companies. Spokesmen for more stable industries counter that they already are subsidizing benefits for employees of high layoff operations.

Mr. Wells, who has written and lectured widely on reapportionment, notes that an unemployment insurance bill opposed by organized labor once passed the New York State Assembly by a vote of 81, representing 6.6 million citizens, to 64, representing more than 7 million.

"This means that the assemblymen who opposed the bill were actually speaking for almost a half million more people than the assemblymen who voted for it," Mr. Wells charges. "Yet the bill passed by 17 votes."

Much legislation never gets out of the labor committee in the Connecticut Assembly, according to Joseph M. Rourke, deputy director of the AFL–CIO's committee on political education and a member of the Connecticut Legislature. He speculates that a reapportioned legislature would pass the labor planks in the State Democratic platform.

Opposition to the latest batch of Supreme Court reapportionment rulings is not limited to advocates of the status quo or do-nothing State government.

One vigorous opponent is Robert Moses, head of the New York World's Fair, who has been associated with many major public resource development projects in his State for decades.

A key factor involves the characteristics of State legislators. Mr. Boyd observes that city types often have been mere political hacks, that urban seats in a legislature have been regarded not as steppingstones to political advancement but dead ends—a payoff for old Joe. But he contends that the corrupt city machines have been cleaned up since World War II and that the caliber of urban legislators is improving.

Senator FRANK LAUSCHE, of Ohio, puts it more bluntly: "I was mayor of Cleveland. If the city bosses were to get control of the legislature, I would fear it greatly."

Voters have rejected all-out one man, one vote in repeated referendums, observes Prof. Karl A. Lamb of the University of Michigan's political science department and a coauthor of "Apportionment and Representative Institutions: The Michigan Experience."

Professor Lamb tells Nation's Business that urban voters who oppose greater representation for their own areas seem dissatisfied with what they already have and don't want a whole lot more of the same.

Professor Dixon, who has a foundation grant to study reapportionment, offers another reason. A party with, say, 40 percent of the vote in a given district may become a "perpetually submerged minority" as the majority party with 60 percent of the vote repeatedly sweeps the field.

Such a minority might well wish to maintain reduced representation for its own district if its interests are better protected by members of the same party elsewhere in the State. These considerations were ignored by the Supreme Court in what Professor Lamb calls "a shocking assertion of judicial competence in redesigning democratic representational institutions."

Another view of the urban legislator is offered by John A. Skipton, public affairs manager for the Marathon Oil Co., Findlay, Ohio. He formerly served as State finance director and as director of the Ohio Legislative Service Commission, the research arm of the Ohio General Assembly.

Mr. Skipton says of one-man, one-vote reapportionment: "It changes the locale of power and how you acquire it.

"The man who has to appeal to an unrecognizable mass of voters will usually use the quick solution, the dramatic approach, the pass-a-law approach. From the legislative point of view, these people will be using legislation or government regulation as solutions to problems because this is a result they can ascribe to themselves rather than seeking solutions to problems outside the legislative area."

Government spending, mammoth public works, corporate income versus sales taxes—these are devices legislators use to keep in the public eye in urban areas were nobody knows anyone else, Mr. Skipton adds.

"This is not philosophical; this is the nuts and bolts of how a man gets elected in a metropolitan area."

These factors serve to strengthen the hand of the metropolitan news media, he adds, and that of organized pressure groups with pocketbook interests in specific legislative measures—groups needed to turn out the money and manpower to get a man elected in a city constituency.

Others argue that the statehouse attracts a higher caliber of legislator from the rural area, where a man gains more prestige from sitting in the legislature. A great fund of know-how among many long-term rural legislators would go down the drain if they were redistricted out of office.

Rural legislators are closer to their constituents, Mr. Boyd notes. "This is something that's going to pass and this is lamentable," he says.

Mr. Skipton says, however, that many members of the so-called cornstalk brigade in highly urbanized Ohio actually come from metropolitan areas.

Studies show that in Illinois and Missouri the failure of urban delegations to agree among themselves, rather than rural obstructionism, has blocked urban programs. This has led the rural forces to throw up their hands and say: If you boys ever figure out what you want we'll vote for it.

Unions argue that too many rural representatives are not farmers but smalltown lawyers on retainers from major industries in the States. In the same vein, Mr. Boyd observes that some United Auto Workers shop stewards sit in the Michigan legislature.

Some conservatives look to reapportionment as the route to revitalized State government, reversing or at least retarding the trend toward dependence on the Federal Government.

"Anyone who thinks this is going to stop the trend to Washington is out of his mind," Mr. Boyd declares. But he feels that more active State legislatures could slow the process and, by the example of successful State programs, influence the output of Congress. Other authorities add that many

urban liberals would prefer to see things done in Washington on a philosophical rather than pragmatic basis.

Mr. Boyd says that reapportioned legislatures will not be hostile to business—with the possible exception of Michigan—and will be more sympathetic to business problems than is Congress.

In the South, generally speaking, pronational and governmental-activist factions will probably gain strength in both parties, according to Prof. Alfred de Grazia, of New York University. If this happened, it could lessen the region's attractiveness to business.

Professor Dixon warns that anyone with a stake in the issue should analyze census tracts and voting patterns to determine how any reapportionment scheme based strictly on population would affect the political balance of power in his locality.

He says gerrymandering is already in evidence, whereby areas heavily representing one party have been arranged to dilute minority strength.

For all these reasons many businessmen are supporting a constitutional amendment designed to supplant a Supreme Court ruling which Justice Stewart described as being without regard and without respect for the many individualized and differentiated characteristics of each State, characteristics stemming from each State's distinct history, distinct geography, distinct distribution of population, and distinct political heritage.

Adds a businessman from a major California firm: The voter has rights to be represented not only as a voter but as a member of three groups—stockholders, employees, and customers. Any curves tossed at business hurt all three.

Finally, Mr. Speaker, I will place in the RECORD one of the most objective and thoughtful statements I have seen. It was prepared for presentation to the subcommittee by Prof. Karl A. Lamb of the University of California. I am looking forward to hearing his testimony in subcommittee, but I feel every Member of this body will want to read and digest his views on this important subject.

I am an assistant professor of Government in Cowell College at the Santa Cruz campus of the University of California.

I speak as an individual citizen of California. However, State legislative apportionment has been my main research interest since 1960, when I was on the faculty of the University of Michigan, and I claim familiarity with the recent work on political scientists in this field. I contributed the chapter on Michigan to the book edited by Prof. Malcolm Jewell, whose testimony you heard previously.[1] I coauthored a book on legislative apportionment in Michigan.[2]

I will argue that those opposing and those favoring the Dirksen amendment are appealing to two of the main symbols which support the legitimacy of American government. Those symbols are, on one hand, the sanctity of the Constitution and the Supreme Court as guarantors of individual liberties; on the other, popular sovereignty within the various States. When applied to this issue, those symbols are in direct conflict. Until the basic nature of this conflict is recognized, the issue cannot be resolved on its merits. And the continued evocation of these powerful symbols may lead to at least a minor crisis in the legitimacy of American government.

I am convinced that those on both sides of the issue would agree on a single goal: to make representation within our State legislatures effective and responsive to the needs of a changing America.

They would further agree that the most pressing change is the rapid urbanization of the American population. State legislatures must win the consent of the people to difficult decisions with aims as diverse as the control of urban blight and the preservation of vanishing natural areas.

How can that consent be won? What constitutes fair representation in the mind of the individual citizen? The citizen, above all, wants to feel that his own voice can be heard. If he has some question to ask, some request to make, he wants a representative who must at least listen, or see that his letter gets answered. Beyond this, he may expect that his representative give due consideration to the claims of various organized groups to which, in our pluralist society, he gives his own allegiance. He may expect that his representative indicate familiarity with the problems of the district and community in which he resides. He may wish to "own" his own man, feeling that his own voice—or that of his race or his political party—is swallowed up in a large, heterogeneous district represented by several legislators.[3]

All of these attitudes are but aspects of the broader question of legitimacy. This concept is at least a thousand years old. One of its expressions was a slogan of the American Revolution, "taxation without representation is tyranny." A citizen owes his allegiance to a legitimate government. That government is legitimate when he is assured that its nature and procedures are determined by a higher law.

What are the sources of the legitimacy of American Government? Legitimacy is at heart a psychological assurance. A primary source of this assurance is the U.S. Constitution, a symbol of enduring majesty, interpreted by the Supreme Court, so that the rights of the individual may never be contravened by his Government.

State constitutions do not share in this mystique. They tend to be long, complicated, and burdened with statutory material. Most of them, however, were adopted by direct popular vote, and all but 14 of them can be changed by direct popular vote, through the initiative, the referendum, or both. Their constitutions are treated as quite malleable instruments by the people of the States. That of California has been amended 350 times since 1879. New Yorkers have changed their fundamental law on 133 occasions since 1894; Ohio, 88 times since 1851; and Colorado, 64 times since 1876.[4] The people of 19 States are granted direct influence upon the apportionment of State legislatures by their State constitutions.[5]

These 19 States provide specific applications of a more general symbol buttressing the legitimacy of American government. As citizens, we give allegiance to both Federal and State Governments because of our feeling that there are certain matters reserved to the States or the people in which the National Government, or any of its three branches, will not intervene. We know that the symbol of "States rights" is often invoked for unwholesome purposes by scoundrels. We know that many of the conditions which compelled the formation of a Federal Union are no longer operative. We also know that federalism is interlaced with American history and that its principles are taught in every classroom.

In this review of the symbols of legitimacy, we have yet to mention the notion that fair representation depends upon population equality in each legislative district. Yet this concept is now the law of the land. By considering the intellectual history of the concept, we may discover the unplanned manner in which these powerful principles of legitimacy came into conflict.

As America's people moved to the cities in the first half of this century, and then into the suburbs, the apportionment of legislatures was not adjusted to reflect the new distribution of population. The constitutions of most States stipulated that at least one house of the legislature should reapportion itself; in Tennessee, this stipulation was ignored for over 50 years.

Political scientists, journalists, and urban based interest groups such as the National Municipal League, discussed "rural domination" of our State legislatures. This motion became a prime tenet of the conventional wisdom concerning State government. It was based on fact, since many legislatures had failed to reapportion. But the conventional wisdom made the further assumption that this failure to reapportion was a principal cause of the multiplying problems and frustrations of our major cities. The most recent work of political science in this field indicates that this assumption of a casual relationship had little foundation in fact.[6]

The decision in *Baker* v. *Carr*[7] proved to be among the seminal of the decade. In terms of judicial business generated, its impact was astonishing. Baker was handed down on March 26, 1962; by October of that year, 70 cases were underway in 33 States; 39 in State courts and 31 in Federal courts.[8]

The Court was confronted with a dilemma. Baker had made apportionment a justiciable matter; it had not established standards by which lower courts could judge existing apportionments. The Court could offer some vague rule, such as a "rational pattern" or "without invidious discrimination." But this could lead only to the spinning of judicial wheels: the promise of relief implied in Baker would be withheld. A more certain standard was required.

The judges were being asked to value total systems of apportionment. Typically, plaintiffs filed complaints "in their own behalf and on behalf of all similarly situ-

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[1] "The Politics of Reapportionment" (New York, 1961).

[2] Karl A. Lamb, William J. Pierce and John P. White, "Apportionment and Representative Institutions: The Michigan Experience" (Washington, 1963).

[3] Malcolm Jewell finds that, when southern legislators are chosen in large, plural-member districts, Negroes and Republicans are swamped despite their substantial numbers. See "State Legislatures in Southern Politics," 26 Journal of Politics 177 (1964).

[4] Council on State Governments, "The Book of the States, 1964–1965," p. 12.

[5] Library of Congress, Legislative Reference Service, "State Constitutional and Statutory Provisions for Popular Initiative and Referendum With Particular Reference to Legislative Apportionment" (1964) p. 2.

[6] David A. Derge, "Metropolitan and Outstate Alignments in Illinois and Missouri Legislative Delegations," 52 "American Political Science Review," 1051 (1958); John C. Wahlke, Heinz Eulau, William Buchanan and Leroy C. Ferguson, "The Legislative System" (New York, 1962); John C. Wahlke and Heinz Eulau (ed.), "Legislative Behavior" (New York, 1959); Gilbert Steiner and Samuel Gove, "Legislative Politics in Illinois" (Urbana, 1960); Murray C. Havens, "City vs. Farm" (University, Alabama, 1957); Thomas A. Flinn, "The Outline of Ohio Politics," 13 "Western Political Quarterly," 702 (1960); Robert S. Friedman, "Reapportionment Myth," National Civic Review, April 1960; and "The Urban-Rural Conflict Revisited," 14 Western Political Quarterly, 481 (1961); Robert H. Salisbury, "Missouri Politics and State Political Systems," in Missouri Political Science Associations Research Papers 1958 (Columbia, 1959); Alfred de Grazia, "Essay on Apportionment and Representative Government" (Washington, 1963), 96–128.

[7] 369 U.S. 186 (1962).

[8] New York Times, Oct. 21, 1962. Cited in Lamb, Pierce, and White, op. cit. p. 88.

ated * * * voters."[9] In effect, the Court was being asked to find that the residents of cities, as a group, are being denied constitutional rights. In his Baker dissent, Justice Frankfurter held that this claim could only come under the purview of that clause guaranteeing to each State a "Republican Form of Government."[10]

Without presuming to read the minds of the Court majority, we must assume that they found the guarantee clause inadequate to this task. It has had little judicial exercise; the Court declined to define a "Republican Form of Government" in 1849,[11] and it has not taken on that task in the 116 years following. Such a determination would have brought the symbol of judicial review into direct conflict with the symbol of popular State sovereignty.

But another device was at hand. In a progression of cases, the Court had expanded the meaning and application of the 14th amendment, which provides that no State may "deny to any person within its jurisdiction the equal protection of the laws." This amendment clearly protects the rights of individual citizens vis-a-vis the power of their State governments. Application of the 14th amendment to the question of legislative apportionment required the statement of the eventual rule as a personal civil right. Although the Court cautiously decides no more than it has to, the logic of the course begun in Baker brought the Court to the declaration in Reynolds that "petitioners right to vote has been invidiously 'debased' or 'diluted' by systems of apportionment which entitle them to vote for fewer legislators than other voters."[12]

In order to predict the results of implementing this decision, political scientists must ask two questions:

1. What evidence supports the contention that districts of unequal population cause unfair and unjust representation—particularly an unfair representation of urban-based interests; and

2. What evidence supports the expectation that adjusting district boundaries to contain equal populations will ensure fair and effective representation?

Here we must confess to a major failing of political science. As recently as 10 years ago, writers in this field accepted at face value the conventional wisdom regarding the "rural domination" of State legislatures and selected glaring—but often atypical—examples to illustrate it.[13]

The result was that political scientists had simply not applied their growing methodological sophistication to the complex problems of legislative representation. This error is being corrected in response to the Baker decision, but the time-lag between the appearance of social science data and its acceptance by the legal fraternity is often very lengthy.

The Courts have widely accepted two particular measuring devices as evidence supporting the claims of plaintiffs for relief from unjust apportionments. These are (1) the range in population size between the smallest and the largest districts and (2) the "majority to elect" or Dauer-Kelsay scale.[14]

The first of these devices is hopelessly inadequate as an indicator of the effectiveness of an entire system of representation. Comparing the most populous district with the least populous district tells us nothing at all about the districts in between. In the language of the statistician, this is a misuse of the range to measure dispersion.[15] A study produced by the Legislative Reference Service of the Library of Congress warns that "[this] measurement is quite descriptive of extreme cases, [but] it indicates nothing about the other constituencies between the extremes."[16]

We can only be grateful that the U.S. Supreme Court has so far refused to state a standard of fair apportionment based on this measure.[17]

The majority-to-elect, or Dauer-Kelsey scale, is figured by adding the populations of all the smallest districts until a majority of the legislature is reached, to determine the smallest population that could, in theory, control the legislative business of a State. The words in theory are very important, for the Dauer-Kelsey measurement tells us something about the fairness of an entire system of representation only if the legislators from small districts habitually conspire to thwart the desires of the overpopulated districts. Professors Schubert and Press state that this assumption "is contradicted by all of the recent empirical research in legislative voting behavior with which we are familiar."[18]

The U.S. Supreme Court has not specified a mathematical standard defining fair apportionment. Yet the plaintiffs in nearly every case have relied upon these two highly questionable measuring devices. If some rule of thumb has guided the Court, its dimensions are as yet unrevealed.[19]

Realizing the inadequacy of all previous devices for establishing a standard which would facilitate the comparison of the legislature of one State with that of another, Professors Schubert and Press have devised a highly sophisticated measurement—so sophisticated that its application requires a year of work and three minutes of computer time. Their measurement takes into account such variables as the usually greater influence of the upper house in legislative business; the number of districts that contain very nearly their fair share of people as well as the range between largest and smallest; whether single- or multi-member districts are utilized; and the pattern of distribution of population centers. After correcting a coding error in the computation, Professors Schubert and Press were able to aunounce that, as of March 26, 1962, the State of Ohio enjoyed the services of the best-apportioned legislature in the United States, when judged by the "one man-one vote" standard applied to the 1960 distribution of population.[20]

This result was not necessarily intended by the Ohio constitution then in force, which guaranteed representation to each county. But it is interesting to note that this result was obtained in spite of the 15-to-1 range between the least and most populous districts. This can only be bitter news to Ohioans, whose legislature was upheld by Federal district court on the basis of the "Federal analogy." The Supreme Court found that analogy irrelevant.[21] The voters of Ohio have since rejected a new apportionment which meets more closely the standard of the Court. Opponents of this apportionment claimed that it was drawn in a manner favorable to candidates of the Republican Party.

This controversy would indicate that Ohio voters are aware that population equality among districts provides no guarantee whatever of fair representation of groups within the population—whether they be political parties, economic interest groups, or racial minorities. Schubert and Press concur.[22]

In order to consider the effects of "one-man one-vote" apportionment upon the perceived legitimacy of legislative representation, let us consider the example of Colorado. Although statehood did not come until 1876, the boundaries of Colorado were determined by exigencies of national politics as the U.S. Congress strove to prevent civil conflict by balancing a new slave Territory or State against a free area. Colorado's boundaries are completely artificial. No rivers or mountain ranges define the geographical integrity that is often considered necessary to the formation of a successful political system. On the contrary, the State is split down the middle by the massive peaks of the Continental Divide. Formerly impassable in wintertime, and difficult of passage in any season, this great mountain range divided Colorado into two halves. Commerce and communication of the eastern slope centered on Denver. The attention of the western slope turned elsewhere, often to Salt Lake City. Created for its own purposes by the National Government, Colorado was left alone to evolve its own political institutions. Popular participation has been lively; as noted above, Coloradans have amended their constitution 74 times since 1879.

Most recently, the people of Colorado—including a majority in every county—adopted the so-called Federal plan of legislative apportionment. The Supreme Court of the United States ruled that the people of Denver are constitutionally prohibited from voting against their own fair representation.[23]

This was a direct confrontation of the two symbols: the Federal Supreme Court versus the popular will of the State. Anger and frustration are the inevitable result of such a conflict. Gov. John A. Love, a Republican, and former Governor and U.S. Senator Edwin C. Johnson, a Democrat, both offered anguished testimony to the Senate Subcommittee on Constitutional Amendments. But Colorado lost no time in choosing the higher value: the legislature complied with the Court's order; it then memorialized Congress for the adoption of a constitutional amendment.

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[9] *Reynolds* v. *Sims*, 377 U.S. 533, 537 (1964).

[10] U.S. Constitution, art. IV, sec. 4. Frankfurter's statement is at 369 U.S. 297.

[11] *Luther* v. *Borden*, 48 U.S. 1.

[12] As described in the dissenting opinion of Justice Harlan, *Reynolds* v. *Sims*, 377 U.S. 533, 590 (1964).

[13] See Gordon E. Baker, *"Rural Versus Urban Political Power"* (Garden City, New York, 1955).

[14] Manning J. Dauer and Robert G. Kelsey, "Unrepresentative States," National Municipal Review (December 1955) pp. 571–575, 587, as corrected in National Municipal Review (April 1956), p. 198. This work also belongs to the period before political scientists realized that the factual basis of the myth of rural domination required further examination.

[15] The wide use of this measurement by the courts, and its inadequacy for their purposes, is discussed in John P. White and Norman C. Thomas, "Urban and Rural Representation and State Legislative Apportionment," 17 Western Political Quarterly 724 n. 3. (1964).

[16] Library of Congress. Legislative Reference Service, "Methods for the Measurement of Legislative Apportionment Systems," Mar. 3, 1965, p. 4.

[17] In *Roman* v. *Sincock*, 377 U.S. 695, 710 (1964) the Court disapproved the suggestion of the lower Federal court that the most populous district should contain no more than one and one-half times the population of the least populous district.

[18] Glendon Schubert and Charles Press, "Measuring Malapportionment," 58 American Political Science Review 302, 305. The authors cite at this point the first six sources cited in note 6, supra.

[19] In *Lucas* v. *Forty-fourth General Assembly of Colorado*, 377 U.S. 713, 730 (1964) the Court noted that the Colorado House "is at least arguably apportioned substantially on a population basis" (with a population range of 1.7:1) but, at 734, declined to rule on the question. See also action in *Roman* v. *Sincock*, note 17 supra.

[20] Schubert and Press, corrected figures, 58 American Political Science Review 966 (1964).

[21] *Nelson* v. *Rhodes*, 378 U.S. 556 (1964), found the Ohio Legislature unconstitutional.

[22] Op. cit., p. 303.

[23] *Lucas* v. *Forty-fourth General Assembly of Colorado.*

Governor Love has described some of the results of that compliance: Senate district 35, in the northwest Colorado mountains, is a single district containing 10 times the area of the State of Delaware, twice as large as Massachusetts or New Jersey. Or consider the San Luis Valley, economically depressed, containing many Spanish-American citizens, and bearing a high State welfare load. The 38,000 citizens of this geographically and economically homogeneous area formerly elected a single Senator. Now they are divided between three separate senatorial districts and are a minority in each.

This, I submit, is not the best way to maintain the symbol of the popular will as a pillar of the legitimacy of government.

The Supreme Court has decreed that those 38,000 persons in the San Luis Valley ought not to enjoy an advantage over the million-plus residents of Denver. This fact confronts us with a mystery: how can the voters of Denver County, or those of Los Angeles County, vote—as they have done—against increasing their own influence in their respective legislatures?

A solution to this puzzle is suggested in the work of Professors John White and Norman C. Thomas. They begin by pointing out that "popular analysis [of the *Reynolds* decision] stressed a major political victory of urban majorities over entrenched rural minorities." [24] Reminding us that the two devices used by the Court do not measure the representation of rural or urban populations as such, nor can they "help us to evaluate the decision of the Court in terms of the 'gravity of the evil' of rural overrepresentation," [25] the authors analyze every county in the United States and develop a device for measuring the extent to which counties classified by the Census Bureau as "rural" and "urban" are represented in the legislatures of their States. They discover that the effect of rural overrepresentation is greatest in those States which have very few urban counties. In 11 States, the apportionment in existence before 1962 strengthened the legislative power of an extant rural majority; in 13 States, an urban majority was transmuted into an artificial rural majority in both houses of the legislature; and an artificial rural majority was created in one house in six States. Since many of these States in which a good case can be made for "rural domination" are found in the South, a consideration of their nature is relevant to the claim advanced before this committee that ending "rural domination" through the application of the Court's equal populations standard may significantly increase the political influence of the Negro.[26]

Of more relevance to the rhetoric of urban-rural conflict, however, is the fact that in the remaining 20 States, an urban population majority yielded an urban legislative majority.

All of the larger States are in this last category. These States are "more able to absorb rural over-representation without disastrous dilution of the urban majority. California is the best example. In the California Senate, the rural population enjoys the greatest overrepresentation in the United States * * * yet because California is less than 14 percent rural," only 39 percent of the California Senators may be said to represent rural interests. Similarly, in Colorado, a 26-percent rural minority won but 39 percent representation in the Senate. In Ohio, a 27-percent rural minority was accorded a 38-percent representation in the upper house. The comparable figures for New York are 15 and 22 percent.[27]

We now have a plausible explanation for the actions of the voters in Denver and Los Angeles. It seems reasonable to assume that they voted against increasing their own representation because they did not perceive themselves as being disadvantaged by the existing arrangements.[28] And they were probably correct. But residents of the areas outside the principal urban area—as in northern California or western Colorado—are likely to resent bitterly the granting to the urban residents of their constitutional entitlement of representation.

Gentlemen, the best evidence that contemporary political science can offer supports the following contentions:

1. Apportionment in districts of equal population does not by itself guarantee fair representation.

2. The conventional wisdom regarding rural domination of State legislatures rests on shaky foundations.

The rhetoric of urban-rural conflict may be loudest in the most populous States, such as Michigan, California, New York, and Ohio. But these States will see the least shift in real political influence as a result of equal population apportionment.

Those who oppose the Dirksen amendment appeal to the symbol of the Constitution and the Supreme Court as the guarantors of personal liberties. Those who support the Dirksen amendment appeal to the sovereignty of State populations within the Federal system. The application of those two great symbols to this issue results in a direct conflict. That conflict creates a potential crisis in the legitimacy of American government.

The Constitution is what the Court says it is. When the judgment of the Court does not result in wise public policy, the Constitution may be amended, provided there is an overwhelming consensus in Congress and among the States that it be so amended.

I urge this subcommittee to report out a resolution, so that, in the vast arena of public discussion, such a consensus may be formed. But the responsibility of Congress extends much further. I suggest that any proposed constitutional amendment must itself serve to resolve the conflict between these two great symbols of legitimacy. Such an amendment should make clear that one house of a State legislature may be apportioned on the basis of factors in addition to population, if approved by vote of the people. But the question should be resubmitted to the voters at regular intervals so that no system of representation becomes frozen and unable to reflect population movements. Furthermore, the effects of all systems of apportionment should be specified as subject to judicial review, thus insuring the applicability in matters of representation of the 14th, 15th, 19th, or any subsequent amendment to the Constitution of the United States.

Thank you for permitting me to submit these views.

APPENDIX

On June 25, 1965, Mr. James Farmer, national director of the Congress on Racial Equality, testified before this subcommittee. He stated categorically that "the denial of equal representation to urban dwellers is most directly a denial of full citizenship to the Negro." [29] Mr. Farmer stated that this principle applies directly to the American South; and he cites percentage increases in the nonwhite urban population of five States: Alabama, Florida, Louisiana, Mississippi, and North Carolina.

It is instructive to compare the 1950 and 1960 percentages of nonwhite rural population in those five States with the results obtained by Professors White and Thomas: [30]

*The representation of rural nonwhite populations in 5 southern legislatures*

| | Rural percentage of total population | Rural percentage of legislative representation— | | Nonwhite percentage of rural population— | |
|---|---|---|---|---|---|
| | | In lower chamber | In upper chamber | In 1950 | In 1960 |
| | (I) | (II) | (III) | (IV) | (V) |
| Alabama | [1] 45.15 | [1] 60.41 | [1] 60.09 | 30.68 | 28.96 |
| Florida | [1] 26.05 | [1] 51.94 | [1] 50.54 | 21.78 | 16.31 |
| Louisiana | [2] 36.73 | [2] 44.77 | [2] 43.67 | 36.15 | 33.46 |
| Mississippi | [2] 62.31 | [2] 68.04 | [2] 75.89 | 48.19 | 46.09 |
| North Carolina | [2] 60.55 | [2] 70.30 | [2] 66.25 | 26.60 | 25.40 |

[1] Artificial rural majorities in both houses.
[2] Rural majority is strengthened in both houses.

Several facts emerge. First, rural interests did hold a commanding position in the legislatures of those five States in 1962. Second, the non-white portion of the rural population is substantial in those five States and is not declining very rapidly. Third, rural Negroes could in theory have dominated the upper chamber of the Mississippi Legislature—with no help from city Negroes—under the apportionment in force before the Baker decision.

These figures suggest that, if the 1965 Civil Rights Act should magically destroy all barriers to Negro political participation, and if Negroes participated at the same level as whites, and were as effective in the country as in the cities, then the immediate political influence of Negroes would be greater under the apportionments preceding the Baker decision than under "one man, one vote." This would be true only if district boundaries were not recast to divide groups of newly participating Negroes between several districts.

Apportionment with districts of equal population does not by itself guarantee fair representation to any group or its individual members.

## VOTING RECORD ON MAJOR LEGISLATION

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

[24] John P. White and Norman C. Thomas, "Urban and Rural Representation and State Legislative Apportionment," 17 Western Political Quarterly 724 (1964).
[25] Id., 725.
[26] See attached Appendix.
[27] White and Thomas, op. cit., p. 729.
[28] Technically, California voters retained the system initiated in 1926, while Coloradans chose between two new apportionments: A Federal plan and a straight-population plan. A further element of complexity was the use of multimember districts in the population-only scheme.
[29] James Farmer, "Testimony on Reapportionment Before the House Judiciary Committee," p. 3.
[30] Columns I, II, and III from White and Thomas, op. cit., table III, p. 729. Columns IV and V calculated from U.S. Bureau of the Census, Census of Populations, for 1950 and 1960.

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

There was no objection.

Mr. McVICKER. Mr. Speaker, unfortunately, because of serious illness in my family I could not be here last week.

I wish to place in the RECORD my position on the votes that were taken on major legislation.

Had I been here I would have voted as follows:

The conference report on H.R. 6675, medicare and other social security amendments, was agreed to in the House July 27. Had I been here I would have voted "aye."

The conference report on H.R. 7984, Housing and Urban Development Act of 1965, was agreed to in the House on July 27. Had I been here I would have voted "aye."

H.R. 77, repealing the right-to-work provisions of the Taft-Hartley Act, passed the House July 28. Had I been here July 26, I would have voted "aye" on the rule. On July 28 I would have voted "nay" on recommital, and on final passage I would have voted "aye."

The conference reports on three health bills, S. 510—health program extensions; H.R. 2984—health research facilities; and H.R. 2095—mental health staffing, were agreed to in the House July 27. All actions were by voice vote except H.R. 2985—mental health staffing. Had I been here I would have voted "aye" in support of all three measures.

H.R. 8283, the Economic Opportunity Amendments Act of 1965, expanding the poverty program, passed the House July 22. Had I been here I would have voted "aye" on final passage.

H.R. 8856, amending section 271 of the Atomic Energy Act of 1954, passed the House July 29, 1965. Had I been here I would have voted "aye."

H.R. 9026, amending the Peace Corps Act, passed the House by a voice vote July 29. Had I been here I would have voted in support of its passage.

H.R. 8310, amending the Vocational Rehabilitation Act, passed the House July 29 by a voice vote. Had I been here I would have voted in support of its passage.

## HONORABLE JOSEPH CAMPBELL

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

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

There was no objection.

Mr. PATMAN. Mr. Speaker, the Honorable Joseph Campbell, Comptroller General of the United States since December 14, 1954, tendered his resignation to the President of the United States on June 30, 1965, to be effective July 31, 1965. His health has been poor for several months and the advice of physicians prompted his decision. With his resignation the American people have lost a loyal and most capable servant, a servant who worked unceasingly to bring to our attention those activities in the Government which indicated a need for congressional review, correction, or change.

He has truly given substance to the needs of the Congress as contemplated in the Budget and Accounting Act of 1921. This act called for:

> The creation of an independent auditing department will produce a wonderful change. The officers and employees of this department will at all times be going into the separate departments in the examinations of their accounts. They will discover the very facts that Congress ought to be in possession of and can fearlessly and without fear of removal present these facts to Congress and its committees. The independent audit will, therefore, * * * serve to inform Congress at all times as to the actual conditions surrounding the expenditure of public funds in every department of the Government.

It has been well established that Congress intended that the Comptroller General should be a constructive critic, in his area of responsibility and something more than a bookkeeper or accountant. No matter which political party controls the Congress or the Executive, it is his responsibility to point to inefficiency so that it may be corrected.

The intent of Congress did not become a part of the law until 1945 when the Comptroller General and the General Accounting Office were declared to be part of the legislative branch of the Government. Later the Accounting and Auditing Act of 1950 (31 U.S.C. 65) specifically designated the Comptroller General an agent of Congress. Prior to 1946, the audit concept was relatively simple as compared with the current activities of the General Accounting Office. During fiscal year 1946, 43,672,262 vouchers were examined; and at June 30, 1946, 14,219 employees were on the payroll. This compares with a payroll of 4,350 on June 30, 1964.

The changed concept of how the Comptroller General and the General Accounting Office would best serve Congress was started under Lindsay C. Warren, Comptroller General of the United States from November 1, 1940, through April 30, 1954. He initiated a new approach and methods with emphasis on furnishing information and assistance to Congress.

Comptroller General Campbell brought to his position a wealth of experience. From 1924 to 1941 he held various responsible financial positions in private businesses and the public accounting profession. He became associated with Columbia University in New York City in 1941 in an administrative capacity. He resigned as vice president and treasurer of Columbia University when he responded to President Eisenhower's appointment to the Atomic Energy Commission in July 1953. Then following his loyal and commendable service, he was called upon again and became Comptroller General of the United States on December 14, 1954.

During his period in office, the General Accounting Office has changed, with emphasis on serving Congress promptly and efficiently with the use of professional personnel. The following comparisons will show the change in qualifications of persons employed as of June 30, 1956, and June 30, 1964: Certified public accountants increased from 288 to 393; other professional accountants from 1,019 to 1,701. During the same period, fiscal auditors, transportation auditors, and investigators were reduced from a total of 1,513 to 800 and the legal staff from 596 to 294. Other employees, mostly in supporting and clerical positions, were reduced in number from 2,136 to 1,162. In total, there were 5,552 employees on the payroll in 1956 and 4,350 in 1964.

The scope of the work performed by the General Accounting Office under the direction of Comptroller General Campbell during fiscal year 1964 is described in the introduction to his annual report for that year. His staff reviewed U.S. Government disbursements at 340 locations in 41 foreign countries and about 2,400 locations in the United States. Estimated financial benefits to the taxpayers amounted to more than $300 million.

The Transportation Division audited almost 5 million bills of lading and issued claims against the carriers for overcharges of more than $11 million.

The General Counsel's office handled 5,330 decisions and related matters. Among these were 788 legislative or legal reports to committees or Members of Congress.

The Auditing Division issued more than 1,000 audit reports to Congress. Roughly, half of these reports were in response to requests by congressional committees, officers of Congress, or individual Members of Congress. In addition, over 9,000 man-days of technical assistance were provided to congressional committees.

A few months ago a leading newspaper columnist noted that Comptroller General Campbell has done a fearless job regardless of whether his reports criticize Democrats or Republicans. His leadership has been extremely demanding for him, his integrity and courage have been an example to all. We all salute him on his retirement and hope for his prompt recovery. We hope further that his health will permit us to call upon his experience and wisdom for advice in the future.

## VOTING RIGHTS

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

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

There was no objection.

Mr. CRAMER. Mr. Speaker, pursuant to my discussion on the floor of the House of a letter which was before the conferees, I sent the following wire to the Honorable Nicholas deB. Katzenbach, Attorney General of the United States:

AUGUST 3, 1965.

HON. NICHOLAS DEB. KATZENBACH,
*Attorney General of the United States, Department of Justice, Washington, D.C.:*

As I stated on the floor of the House, and I understand you were present in the gallery, I was going to demand of the writer of the letter which I referred to, dated July 29, 1965, and which was quoted in the conference on

the voting rights bill in toto last Thursday relating to a major matter before the conference and quoting one of the civil rights leaders, be made public. Since that time, the press has acquired some information concerning the letter, including who the writer was; namely, yourself, and I am, therefore, addressing this telegram to you asking that the entire letter be made public immediately.

I consider this matter within the public domain, but in keeping with your request in the letter that it not be made public, I am willing to give you a reasonable opportunity to do so yourself. If this is not done, then, of course, I will feel free to make the letter public myself in that I believe it to be in the public domain and a matter concerning which the House should be fully advised. The press apparently has acquired from other sources certain selected quotes from the letter and I think it is imperative that the entire letter be made public.

WILLIAM C. CRAMER,
*Member of Congress, Florida.*

## MINIMUM WAGE BILL

Mr. ROOSEVELT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

Mr. ROOSEVELT. Mr. Speaker, the House General Labor Subcommittee will report tomorrow morning a minimum wage bill which I feel will probably affect nearly every Member in one way or another. I would, therefore, like to make the suggestion that if you have any questions from constitutents or questions of your own, if you wish to get our explanation of the bill, we will be happy to give you such explanation directly and if enough of you wish to do so following consideration of the bill by the full committee, I would be delighted to obtain a special order for the purpose of answering as many questions as possible at that time if you would be good enough to let me know.

## A BILL FOR THE RELIEF OF MR. JUAN A. DEL REAL

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. CURTIS. Mr. Speaker, I am today introducing a bill in behalf of Mr. Juan A. del Real, a Cuban refugee who is graduating from St. Louis University Law School in February of 1966. Because of the dilemma of the requirements for admission to the Missouri Bar Association and their interrelationship with the naturalization laws, Mr. del Real finds that he could not practice law for a period of approximately 8 to 9 months.

Mr. del Real's case is one that has its counterpart in most of the States of our country. The bar associations of States like Missouri require that a person must be a citizen of the United States before he is admitted for membership.

After leaving Cuba in November of 1960 because of the existing political situation there, Mr. del Real declared himself a political refugee. He married an American girl and lived in St. Louis until November of 1963. When he made inquiries about becoming an American citizen, he was told that the time he had spent in this country as a refugee would not count toward the 3-year period of time necessary for the spouse of an American citizen to become naturalized. Due to this fact, he left the United States and went to the Dominican Republic where he applied for and was granted a residence visa. He reentered the United States on November 7, 1963, as a permanent resident.

Although Mr. del Real has already spent over 3 years in the United States, most of the time did not count toward citizenship since he was a refugee; and he will not be entitled to U.S. citizenship and membership in the Missouri Bar Association until November 7, 1966, about 9 months after his graduation from St. Louis University Law School. It is for this reason I am introducing a bill which would have the effect of holding that the time he spent in this country as a refugee will be considered in compliance with section 316 of the Immigration and Nationality Act as it relates to residence and physical presence. Of course, the bill would have to be approved before or soon after February of 1966 in order to prove beneficial. If it were not approved, Mr. del Real could not practice law for about 9 months between the time he graduates in February of 1966 and the time he would normally become a citizen of the United States in November of 1966.

## THE 175TH ANNIVERSARY OF THE U.S. COAST GUARD

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. BATES] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. BATES. Mr. Speaker, tomorrow, August 4, 1965, will be the 175th anniversary of the founding of the U.S. Coast Guard at Newburyport, Mass., in my congressional district. I intend to participate in the ceremonies there, which will be highlighted by the Post Office Department's first day of issuance of a 4-cent commemorative postal card honoring this milestone in the annals of our great principal agency for maritime safety and marine law enforcement.

Last week, the Congress enacted a joint resolution (S.J. Res. 83) which it was my privilege to cosponsor, authorizing the President to issue a proclamation calling for nationwide recognition of the first century and three-quarters of the Coast Guard's dedication to humanity through the saving of life and property at sea. In Massachusetts, by proclamation of Governor John A. Volpe, tomorrow is being observed as U.S. Coast Guard Day.

Inasmuch as circumstances prevented President Johnson from issuing his proclamation until today, I not only plan to quote it at Newburyport tomorrow, but I believe that inclusion of its text in the RECORD will help to emphasize the importance of its message on the eve of the occasion we are celebrating. Therefore, I am at this point inserting the President's proclamation, together with the Massachusetts Governor's proclamation, as follows:

PROCLAMATION COMMEMORATING THE FOUNDING OF THE COAST GUARD BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

Whereas each year, the lives and property of thousands of people are protected or saved by the vigilance and alertness of the Coast Guard; and

Whereas the enforcement of U.S. law afloat and the protection of the integrity of U.S. shores are key responsibilities of the Coast Guard; and

Whereas the safety of the U.S. merchant marine and numerous pleasure craft operating in our waters and on the high seas is of primary concern to the Coast Guard through the establishment and maintenance of requirements for seaworthiness, proper equipment, qualified personnel, and the system of aids to navigation; and

Whereas the Coast Guard maintains a state of readiness as a branch of the Armed Forces; and

Whereas August 4, 1965, marks the 175th anniversary of the founding of the Coast Guard, the Nation's oldest, continuous, seagoing service; and

Whereas it is fitting that the Coast Guard receive the recognition and support of all citizens in the accomplishment of its many tasks;

Whereas the men of the Coast Guard who are called upon to act in situations of stress and danger draw a great part of their strength and courage from this recognition and support; and

Whereas the Congress, by a joint resolution approved August 3, 1965, has requested the President to issue a proclamation commemorating the 175th anniversary, on August 4, 1965, of the founding of the U.S. Coast Guard at Newburyport, Mass: Now, therefore,

I, Lyndon B. Johnson, President of the United States of America, do hereby call upon the people of the United Stats to observe the 175th anniversary of the Coast Guard on August 4, 1965, with appropriate ceremonies and activities.

I also urge appropriate State and local officials, as well as public and private organizations, to join the observance of this milestone in the history of the Coast Guard.

In witness whereof, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

LYNDON B. JOHNSON.

THE WHITE HOUSE.

A PROCLAMATION BY HIS EXCELLENCY, JOHN A. VOLPE, GOVERNOR, 1965

Whereas the U.S. Coast Guard, our oldest continuous seagoing armed service, by its vigilance and alertness each year saves hundreds of lives and millions of dollars in property; and

Whereas the Coast Guard is our principal agency for promoting marine safety and law enforcement in all its phases, including the merchant marine as well as the hundreds of thousands of recreational boatmen who annually throng our waterways; and

Whereas the Coast Guard, as a member of the U.S. Armed Forces, maintains itself in a state of constant military readiness to assist in the defense of our country; and

Whereas August 4, 1965 marks the 175th anniversary of the founding of the Coast Guard at Newburyport, Mass.; and

Whereas the U.S. Coast Guard depends upon the wholehearted support of all our people for the successful discharge of its many duties: Now, therefore,

I, JOHN A. VOLPE, Governor of the Commonwealth of Massachusetts, do hereby proclaim the day of August 4, 1965, as U.S. Coast Guard Day and urge all citizens of the Commonwealth to take cognizance of this event, in commemoration of the 175th anniversary of the U.S. Coast Guard, and to appropriately participate in its observance.

By His Excellency the Governor,

JOHN A. VOLPE.

KEVIN H. WHITE,
*Secretary of the Commonwealth.*

## PERSONAL ANNOUNCEMENT

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from Idaho [Mr. HANSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. HANSEN of Idaho. Mr. Speaker, yesterday during the consideration of Senate Joint Resolution 81 to increase the amount authorized for the Interstate Highway System for fiscal year 1967, I was called off the floor by a constituent and missed the rollcall vote. Had I been present I would have voted against the resolution. I favor the additional funds to continue the program and I favor safety on the highways. However, I object to that section which gives the Secretary of Commerce final authority in this matter.

## A SPECIAL BIRTHDAY

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. CONTE] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. CONTE. Mr. Speaker, it is a great pleasure for me to inform my colleagues of a very special birthday celebration this weekend. It will take place in a picturesque community in the northwest corner of Franklin County, Mass. It will be large—everyone in the town has been invited. It will be long—it begins on Friday and does not end until Sunday night. And, it will be significant—it marks the 200th anniversary of the incorporation of Charlemont, Mass.

I had hoped, Mr. Speaker, to share this historic occasion with my neighbors in Charlemont. However, legislative duties will take me elsewhere, and so I want to spend a few minutes today taking note of some of the outstanding events in Charlemont's early history.

The story begins on June 27, 1735, when the House of Representatives of the Massachusetts Colony granted to the town of Boston three tracts of land in western Massachusetts, one of which, Boston Township No. 1, later became Checkley's Town and finally Charlemont. The grant stipulated that within 5 years the city of Boston should settle at least 60 families in the township, build a meeting house and a school, and secure a minister to preach the Gospel. The land was surveyed in 1736, but no attempts at settlement were made. Instead, the selectmen sold the town the following year to John Read, Esq., for £1,020.

Read sold it to John Checkley and Gersholm Keyes, who in turn divided it up and sold parcels of it to others, and so the story went. The purchasers were interested in speculation rather than in settlement, and so the greenhills of Charlemont remained untouched for 8 years after the township was established.

A "Historical Discourse" delivered by Joseph White of Charlemont in 1858, now in the Library of Congress, describes well the first settlement of Charlemont. White says:

> This quiet valley, now so beautiful with its garniture of green, and these guardian hills, still bore up the ancient forest. But the time appointed for a wonderful change was at hand. The ax was now to be laid at the root of the giant trees; the blue smoke was now to curl from the low cabin of the pioneer; and the voice of industry, and the notes of prayer and praise, were now to arise; and the long, dark reign of wild beast, and wilder man, not without a bitter struggle, was soon to cease forever. The first settler—the patriarch of the valley—was on his way. In the spring of 1743, if not, indeed, in the previous autumn, Moses Rice, of Rutland, in the County of Worcester, removed with his family to the town and settled upon the tract which he had previously purchased.
>
> It is quite probable that Captain Rice and his sons had visited the place during the previous summer, and begun the work of preparation; had cleared portions of the meadow and prepared them for cultivation; had hewn the timber, and, perhaps, erected the house which was to be his future home. This supposition receives some support from the statement of his son, Sylvanus Rice, handed down to us by his daughter, the late Mrs. Fuller, that "he had slept under the buttonwood tree," still standing by the roadside, near the dwelling of Mr. William Patch, "when there was no other white person in town."
>
> Feebly, indeed, can we of the present generation conceive of, and, much less, adequately appreciate the difficult and exhausting labors, the privations and hardships experienced by the little band of hardy adventurers who leveled the primeval forests and turned the first furrow in these peaceful fields, which now smile, in quiet beauty, beneath our eyes. Yet, with strong hands and resolute hearts, the father and his youthful sons went to their work. The forests retreated before them; the harvest was gathered; comforts were multiplied; the signs of plenty increased; and a prosperous and smiling future seemed before them.

But in 1744 hostilities broke out between Great Britain and France, and savage Indians were incited by the French against the English colonists. They came down Lake Champlain to Crown Point, followed Otter Creek to the highlands of Vermont, whence they split up into small parties and proceeded along the Hoosic, Deerfield, and Connecticut River valleys until they reached the infant English settlements. The English defense consisted of a chain of forts along the northern border of Massachusetts, garrisoned by small parties of soldiers from the colony. The most important post, Fort Massachusetts, located at the northern base of Saddle Mountain in the Hoosic Valley, was under the command of Col. Ephraim Williams, benefactor of the college in Williamstown which bears his name.

Despite the threat of danger from the north, Rice continued to cultivate his fields. Since his home was on the route from Deerfield to Fort Massachusetts, it was a frequent stopping place for colonial soldiers, and a welcome refuge for small parties of scouts engaged in their dangerous marches.

Fort Massachusetts fell on August 20, 1746. The small garrison of 22 men fought bravely for 28 hours, after which they were forced to surrender from lack of ammunition. During the same week, Moses Rice moved his family to Deerfield. This prudent retreat saved their lives, for when Rice returned a few days later, he found his home burned to the ground. His provisions were gone, his cattle slaughtered, his hay, grain, and farming tools destroyed. With a broken heart he took his wife and children home to Rutland, where they remained for the duration of the war.

But such was the courage and resolve of that sturdy pioneer that he eventually returned to his desolate homestead. A new house erected on the site of the old one, and a separate dwelling was built nearby for his son Samuel, who by now had three sons—Moses, Asa, and Martin. This time two other families joined the Rices. Othniel Taylor and his brother Jonathan arrived about 1749; Gershom, Joshua, and Seth Hawks, probably with their father Eleazer, came in 1750.

In the summer of 1752, the three families sent Captain Rice to Boston to petition the general court for relief. Rice's petition stated in part:

> He and several others, knowing the conditions of the grant, and expecting it would be complied with, purchased a part of said township and became obliged to settle the same agreeable to the conditions of the grant, and have made considerable improvements; but, by reason of the negligence of the other proprietors, are brought under great and insupportable difficulties and hardships, not being able to support the ministry, build mills, or even mend the roads and make suitable bridges (the nearest mill being 20 miles distant). Your petitioner, therefore, in behalf of the inhabitants of said township, humbly pray that your honor and honors would take their case into your wise and compassionate consideration, and grant a tax on the lands of the nonresident proprietors, in order to carry on the settlement; or relieve the said inhabitants in such way as your honor and honors shall think reasonable. And as in duty bound will ever pray.

The general court hastened to assist the settlers. A tax of 1 penny per acre was levied, the proceeds of which would build a meeting house, support preaching, and encourage the construction of roads and mills. Moses Rice was designated to call a town meeting, at which a clerk, treasurer, assessors, and other necessary officers would be chosen. Rice was also granted 100 acres of land at

the south end of the township "in consideration of his services for the Government, and the losses he sustained."

Rice's new land was surveyed by Mr. Joseph Wilder, who had recently purchased all of the unsold land in the township. He moved to Charlemont from Lancaster, and settled in the northern section of the town. Around him grew up a group of men mostly from Lancaster and Leominister, and Mr. White's narrative reports that "in the proprietary and town meetings of subsequent years—they—were designated by the river men as the Lancaster party."

Mr. White goes on to tell of the early town meetings, at which Captain Rice presided as moderator. Committees were formed to collect taxes, lay out roads, and secure a preacher. At one meeting it was voted to pay "Mr. Aaron Rice, who hath built a corn mill in said town, which is allowed by the proprietors to be of public use for the town, £170 old tenor, in part satisfaction for building said mill provided the said Aaron Rice will give a sufficient obligation to the propriety to keep said mill in repair, and grind at all convenient times for the proprietors, taking one-sixteenth part for toll, and no more; and to keep said mill in repair for the space of 10 years from this day."

Thus the little settlement, so long in getting its start, began to prosper under its organization as a propriety or plantation. But it was destined to receive one more serious blow before its success could be firmly established. In 1754, the smoldering conflict between the French and English burst into flames again. It was the final struggle for possession of a rich new land, made more intense by the conflict between Catholic and Protestant religious backgrounds and opposing nationalities. The French cemented their relations with the Indians of the Northeast in preparation for a massive and deadily assault, while the English settlers repaired their old defenses and stood ready for war.

Charlemont took measures to protect herself. Captain Rice and his sons fortified their homes, and other residents moved their dwellings together and enclosed them with pickets. The defenses were made at the settlers' own cost, and no soldiers were furnished to provide additional protection. The settlers kept a constant vigil, and worked with muskets in hand, while women and children never left their homes unguarded. One day, tragedy struck. Mr. White's narrative provides a vivid description:

On Wednesday morning the 11th day of June 1755, Captain Rice, his son Artemas Rice, his grandson Asa Rice—a boy 9 years of age—Titus King Phineas Arms, and others, went into the meadow which lies south of the present village road, having Millbrook on the east and Rice's brook on the west, for the purpose of hoeing corn. Captain Rice was plowing and the boy riding the horse; the others were engaged in hoeing, except one who acted as sentinel—passing through the field, from brook to brook, with musket in hand, while the firearms of the others were placed against a pile of logs near the western brook. This, instead of flowing in a direct line to the river, as at present, entered the field at some distance below where the road now runs, and passed in a southeasterly direction nearly to the mouth of Millbrook. Meanwhile a party of six Indians, as tradition informs us, having carefully observed their victims from the neighboring hill, stole cautiously down the western brook; and, concealed by the thick brushwood upon its banks, watched till the working party were near to Millbrook and farthest from their firearms, when they suddenly fired and rushed upon the defenseless party.

Arms fell dead in the cornfield; Captain Rice received a severe wound in the thigh and was taken prisoner, together with the lad Asa upon the horse, and Titus King, a young man, and a relation of Captain Rice. Artemas Rice escaped after a hot pursuit, and reached Taylor's Fort at noon. The inmates of the house in the adjoining field, hearing the firing, fled to the fort.

The Indians, however, made no further attack, but withdrew with their three captives to the high plain in the rear of the present public house. Here the aged and wounded man was left alone with a single savage, to meet his fate. After a fearful struggle, he fell beneath the tomahawk, and was left, scalped and bleeding, to die. Late in the day he was found yet alive, and brought to his son's house, where he expired in the evening.

The other prisoners were led to Crown Point, and thence to Canada. The lad was ransomed after a captivity of 6 years.

King was carried to France, thence to England, whence he, at length, returned to Northampton his native place.

On receiving the alarm, Mr. Taylor hastened to Deerfield for succor, and returned the same night with 25 men. They proceeded up the river in the morning to Rice's fort, but only to witness the desolations of the preceding day, and to render their kind offices to the stricken family in the burial of the dead. Sad, indeed, was this the first burial day in Charlemont; sad, when sons and daughters, and their little ones, looked for the last time into the mangled face of the aged sire, and buried him in silence and gloom beneath his own soil. His grave was made upon the slope of the hill near his dwelling; and here also, by his side, they buried the young man, Phineas Arms, who had fallen with him in the field.

Fortunately, this was the last time that Charlemont was exposed to the horrors of Indian depredation. The tide was turning and the French and Indians were forced to hasten back to defend their own territories on Lake Champlain and in Canada. In September 1759, Quebec was taken, foreshadowing the ultimate defeat of the French. In 1763, by the Treaty of Paris, France lost forever her foothold on American soil.

For the next 3 years Charlemont grew and began to prosper. There were new town meetings, and the projects begun before the war were resumed and completed. On June 21, 1765, in response to the petitions of the settlers, Charlemont was incorporated as an independent township.

So, Mr. Speaker, that is the story behind the birthday celebration this weekend. It is a fine story, and I think you will agree that there is much to celebrate. I hope that my colleagues in Congress will join with me in sending our warmest best wishes to Charlemont on this, her proud and historic 200th birthday.

## EMPLOYEE PENSION AND WELFARE FUNDS

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. REID] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. REID of New York. Mr. Speaker, today I am introducing a bill along with the distinguished gentleman from New York [Mr. HALPERN] to provide for more effective regulation of employee pension and welfare funds. A similar bill has been introduced in the other body by Senator JACOB K. JAVITS.

This bill will not affect those unions and/or companies which are administering welfare and pension funds in accordance with customary fiduciary standards—it is aimed solely at those unscrupulous persons who would deprive employees and union members of the benefits earned by long years of service.

The bill would amend the Taft-Hartley Act to:

First. Prohibit any officer of a firm or a union from receiving, directly or indirectly, any money other than normal pension benefits from an employee benefit fund.

Second. Insure that all fund assets will ultimately be distributed to the beneficiaries of the fund and not diverted for any other purpose, or to the personal use of those in control of the fund and prohibit the transfer of fund assets outside the United States.

Third. Extend existing Federal law and regulations so that they cover all employee benefit funds, whether or not they are established jointly by labor and management.

Fourth. Authorize the Secretary of Labor to sue in Federal court to regain illegally diverted assets for the fund, to restrain such diversions or to compel payment of benefits, and to put the fund into receivership if necessary.

Fifth. Allow individual beneficiaries to sue in Federal court to recover benefits or to protect or recover the fund's assets.

It is shocking that there are loopholes in existing law which would allow the misappropriations of employee benefit fund assets. Yet, such appears to be the case. During hearings recently held by the Senate Permanent Investigations Subcommittee on the administration of welfare and pension funds, it was revealed that a "union officer transferred several million dollars in trust fund assets arising out of a union welfare fund to a dummy corporation organized in Liberia and completely controlled by union officers who have the power to dissolve that corporation at any time and to distribute the assets to themselves." According to the Department of Justice and the Labor Department, this is probably within the law. It should be corrected.

The bill, I propose, would close these loopholes and in addition would provide a battery of procedural avenues of enforcement.

First, an individual beneficiary could sue in Federal district court to recover any benefit denied him in violation of the statute.

Second. Any beneficiary could sue on behalf of the fund to compel any person

to return to the fund or on behalf of a beneficiary to recover benefits, compel return of misappropriated funds, or restrain violations of the statute. And if the Secretary requests it and the court finds it appropriate, the district court could appoint a receiver to take possession of the assets and conserve and administer the fund until the violations of the statute have been remedied.

## THE HONORABLE JAMES D. WEAVER OF PENNSYLVANIA

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. GERALD R. FORD] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, it is fitting that from time to time we take note of the efforts of those who by their service in past Congresses have made a lasting contribution to the welfare of our country and its people. In this regard, I would like at this time to give recognition to the work of our former colleague, the Honorable James D. Weaver, of Pennsylvania, during his tenure in the House of Representatives.

During the past 88th Congress, Jim Weaver, who in private life had been a physician in Erie, Pa., until 1948, served as a member of the House Committee on Science and Astronautics, which considers the budget for the National Aeronautics and Space Administration. He was active in the work of the Subcommittees on Research and Development and Space Sciences and Applications. In this capacity, Congressman Weaver was a zealous guardian of the interest of the American taxpayer. At the same time he recognized the paramount importance of maintaining U.S. superiority in the vital area of science and technology. Along with other House Members, he strongly urged formation of a special congressional group to help shift emphasis of the U.S. space program toward meeting the Soviet thrust for military domination of inner space.

Along with his concern for our country's defensive posture in space, Congressman Weaver was a strong advocate of a firm U.S. foreign policy in dealing with the Communist threat in Latin America and other areas of the world. Under his guidance a bipartisan group of Congressmen was formed to explore and consider the complex problems involved. He was among the foremost in understanding the continuing need for policies and programs to protect the free world's vital interests against the aggressive designs of international communism.

Jim Weaver served the 24th Congressional District of Pennsylvania faithfully and well. During his term of office the three counties which comprise the northwestern corner of the Keystone State reaped the benefits of his efforts. As an example, the employment picture improved to the extent that the label of "distressed area" has finally been removed and unemployment has fallen below the national average. Through Congressman Weaver's efforts, progress was made in securing funds for both continuing useful projects and initiating new projects of importance to his district. Moreover, he was always attentive to the needs of his constituents and conscientious in his efforts to secure prompt action.

During the second session of the 88th Congress, Jim Weaver was appointed to the important and powerful House Committee on Appropriations, a signal honor for a freshman Member of Congress. As a member of this important committee for 14 years I was pleased to have a person of Jim's outstanding ability and dedication assigned to this group that has the responsibility to critically scrutinize the Federal budget.

Jim Weaver's concern for his district includes his longstanding opposition to the proposed Lake Erie-Ohio River Canal. As a member of the House Appropriations Committee, he would have been in a strong position to exert his influence against the appropriations of funds for this billion-dollar boondoggle.

I am proud to have served with a man of Jim Weaver's stature and high sense of duty to country. His record as a Member of the 88th Congress stands as a tribute to his dedication and diligent efforts on behalf of those principles which make America a great republic.

## UNIFORM DAYLIGHT SAVING TIME

The SPEAKER. Under previous order of the House, the gentleman from Minnesota [Mr. FRASER], is recognized for 60 minutes.

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

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

There was no objection.

Mr. FRASER. Mr. Speaker, I ask unanimous consent that all Members have permission to extend their remarks on the subject on which I am to speak following my own today; and further that all Members have 5 legislative days in which to extend their remarks in the RECORD on this subject.

The SPEAKER pro tempore (Mr. PEPPER). Without objection, it is so ordered.

There was no objection.

Mr. FRASER. Mr. Speaker, I have been concerned with the problem of time uniformity for several years. Time problems plagued our State during the years I was a member of our Minnesota Senate, but these problems were not settled then and I continue to be concerned about them as a Member of Congress.

I believe we need Federal legislation to resolve the confusion arising from the use of daylight saving time, and for that reason I have introduced bills in the 88th and 89th Congress to provide a uniform period for the use of daylight saving time.

Mr. Speaker, I fully realize the complexities of the time issue. Although the bill which I have introduced, H.R. 6134, is a short, straightforward measure, it does not belie the fact that time problems are knotty.

Before 1883 we had no regular time zones, and it was in that year that the railroad industry created four time zones. This eliminated much of the confusion that had arisen, and this system was in effect until the Standard Time Act of 1918 was adopted by the Congress.

This bit of history shatters the myth of "God's time" of which we hear so much from opponents of daylight saving time. The plain truth is that standard time is really railroad time and not God's time. The standard time law which went into effect in 1918 has not been changed since its original enactment. During World War I and World War II Congress adopted nationwide daylight saving time. Except for the war years, the question of the use of daylight saving time has been left to local authorities causing what the New York Times describes as "time schizophrenia."

The latest information available to me indicates that 36 States observe daylight saving time. Eighteen of these States have daylight saving time on a statewide basis and 18 States allow their local communities to decide the issue. I will insert at the conclusion of my remarks a list of those States observing daylight saving time. The combined population of these 32 States is almost 110 million or over half of all Americans.

One of the most perplexing causes of time confusion is the widespread variation in the dates on which daylight saving time begins and ends.

The variation in dates on which daylight saving time begins has been reduced but there still are important exceptions to the general starting date of the last Sunday in April. Ten States begin daylight saving time on dates other than the last Sunday in April. Of these, two States begin on Memorial Day, one State on the Monday after Memorial Day, one State on May 5, and several States have varying dates because they leave it up to local officials.

My own State of Minnesota begins daylight saving time on the fourth Sunday in May.

Of the 18 States having statewide daylight saving time, all but 3 will return to standard time on the last Sunday in October. The communities of one of these States switch instead on the last Sundays of September and October. One State returns to standard time on Labor Day but has unofficial "summer hours" continuing in some areas as long as the fourth Sunday in October. The other State will return to standard time on the last Sunday in October, except for two counties which remain on daylight saving time year around.

Of the 18 States having nonstatewide daylight saving time only 1 will end daylight saving time on the last Sunday in October.

To complicate matters even more, some communities in two States have daylight saving time on a year-round basis. Some other States, I understand, are now considering the use of daylight saving time in excess of the usual 6-month period.

Mr. Speaker, I now turn to the situation in my own State of Minnesota. The situation there, which has been called "confusion compounded with chaos," typifies in many ways the problem we are trying to correct.

Minnesota observes daylight saving time on a nonstatewide basis from the fourth Sunday in May to Labor Day.

This year several cities in the eastern part of the State jumped the gun and began daylight saving time on the same date that Wisconsin, our eastern neighbor, started daylight saving time. This prompted one Minnesota paper to write:

Convicts do time. Soldiers do double time. Minnesotans do triple time.

For a while we had central standard time, daylight saving time, and extended daylight saving time.

Some examples of this situation show the humor and the confusion:

Students at the University of Minnesota-Duluth went to class on standard time but ate and slept at home on daylight saving time.

A person could lose an entire hour by walking the 120 feet from the Duluth City Hall to the St. Louis County Courthouse but get it back by walking another 100 feet to the Federal building.

On April 30, the town council of Hibbing, Minn., voted to go on daylight saving time on May 2. On May 1, they voted to stay on central standard time, and later on the same day voted to begin daylight saving time on May 10.

I now would like to recall for my colleagues our worst experience with time confusion—a real "tale of two cities" to quote Charles Dickens. On May 9 of this year our capital city of St. Paul decided to go on daylight saving time 2 weeks ahead of the statewide changeover date. The confusion that resulted is almost indescribable.

All the State offices located in St. Paul remained on central standard time.

The St. Paul police were writing out parking tickets on standard time while the firemen were fighting fires on daylight saving time.

The city council which had voted daylight saving time convened for its regular meeting under a clock that was on standard time because all the courthouse clocks remained on central standard time.

This confusion was compounded by the fact that the Twin City of Minneapolis which I represent remained on standard time. For a while you could lose an hour just going across the bridge. Or if you were not careful, you could get caught in two 5 o'clock rush hour traffic jams instead of the usual one.

All this was made worse by the fact that some of the suburbs went on daylight saving time with St. Paul while some remained on standard time.

Mr. Speaker, under unanimous consent I insert several articles reporting this confusion at this point in the RECORD:

[From the Minneapolis (Minn.) Star, May 10, 1965]

CONFUSION REIGNS AS ST. PAUL GOES ON DAYLIGHT SAVING TIME

St. Paul was on "wrist watch time" today.

That was really the only way you could be sure of the time in this city, which went on daylight saving time (d.s.t.) Sunday morning, 2 weeks ahead of Minneapolis and much of the rest of Minnesota.

Most business places moved their clocks ahead 1 hour, but some remained on standard time and moved the starting times of their employees ahead 1 hour.

All State and Federal offices, however, were on standard time. The Ramsey County board opened its regular weekly meeting at 10 a.m. standard time.

The telephone company was still giving out standard time in its recorded time-of-day message.

Sewage rolled into the Minneapolis-St. Paul Sanitary District plant from St. Paul on daylight time, but left on standard time.

If you called a cop, he arrived to take care of your problem on standard time. But if you needed a fireman, he showed up on daylight time.

Two St. Paul policemen arrived for work wearing a wrist watch on each arm, one for standard time and one for daylight time.

Mail arrived an hour earlier at St. Paul homes because the post office is on standard time.

STAGGERED SHIFTS

All city and county offices in which records with deadline times are filed, staggered the shifts of some employees to remain open from 7:20 a.m. standard time to 4:30 p.m. daylight time.

Most St. Paul business firms reported little confusion with employees arriving late—or early—for work.

Two clocks were set up at the Northwest Orient Airlines registration desk to aid employees in informing passengers about flight times. Warren Phillips of the United Airlines desk said "We just ask people what time it shows on their watch and give them directions according to that."

Al Olson, St. Paul City Council recorder, probably had the best solution. "I don't have any watch," he said. "I'm going to lunch when I'm hungry."

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[From the St. Paul, Minn. Pioneer Press, May 10, 1965]

TIME TROUBLES: CLOCK CONFUSION CONFOUNDS CITIES

Mother had time on her hands—or at least on her mind—Sunday as the Twin Cities area's fast and slow clock situation became more and more confusing.

St. Paulites had been instructed to set their clocks ahead one hour at 2 a.m. Sunday. But some forgot.

Many families arrived for church services just as the rest of the congregation was leaving. Here and there Sunday school pupils were minus a teacher who still was operating on central standard time.

Of calls received in the St. Paul Pioneer Press newsroom, some were irate. All were confused.

One man complained that he had missed his favorite television program. It seems he tuned in an hour too early and then forgot to tune back an hour later. Confusing?

Just to keep the record straight, all Twin Cities television stations are on central standard time. To create as little additional confusion as possible, this newspaper's television and radio logs will be listed in standard time as will television highlights. If you live in a daylight saving time community, just remember 7 p.m. shows will be on at 8 p.m. on your radio or television.

The clock-switching also has caused some headaches for local on-sale and off-sale liquor establishments. It seems off-sale liquor store owners will have to decide for themselves whether or not they will operate according to daylight time.

St. Paul on-sale bars will operate on daylight saving time starting today.

"We have moved our clocks ahead to comply with the decision of our city council, the local governing body," said Frank J. Einck, executive secretary of the St. Paul On-Sale Liquor Dealers Association. "Daylight saving time hours will be from 9 a.m. until 2 a.m., effective until May 23."

All of Minnesota goes on daylight saving time May 23.

For those still confused about what time it is in various suburbs, here's a list of communities on daylight saving time: Bayport, Birchwood, East Oakdale township, Gem Lake, Lake Elmo, Lakeland Shores, Landfall, Lauderdale, Lincoln township, Mahtomedi, Newport (unofficially), Roseville, St. Croix Beach, Shoreview, Stillwater, Sunrise Lake, Vadnais Heights, West St. Paul and White Bear township.

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[From the Minneapolis (Minn.) Star, May 6, 1965]

BIGGEST PROBLEM: STATE 3 WEEKS BEHIND OTHERS IN DAYLIGHT SAVING TIME START

(By Dick Caldwell)

In the uproar over an hour's time differential that is to come to the Twin Cities Sunday, the problems of business and industry apparently will be merely nuisances.

The really big problem is Minnesota's 3-week lag behind the Nation's major metropolitan centers in starting daylight saving time (d.s.t.).

An hour's time difference between St. Paul and Minneapolis will affect most businesses only to the extent it will affect their employees and the man in the street.

Northwestern Bell Telephone Co., for instance, will keep Minneapolis time in its Minneapolis business office and change the clock to daylight saving time in the St. Paul business office.

Honeywell, Inc., will keep its Roseville plant on standard time, even though Roseville is following the lead of St. Paul by going to daylight saving time Sunday.

Northern States Power Co. will operate its St. Paul and Minneapolis divisions according to the prevailing time in each city.

Most of the juggling will be done by transportation companies, especially Twin City Lines.

John L. Dahill, assistant to the executive vice president of that firm, said bus schedules will be set ahead 1 hour in St. Paul and suburbs.

BIG CITY TIME

"This will mean that people in areas adjacent to St. Paul who use our service must reckon with St. Paul time," said Dahill.

"In Minneapolis and the communities adjacent thereto, there will be no change in the schedules. On trips between St. Paul and Minneapolis at the peak hours of travel, adjustment in the service will be made at the city limits to provide the least inconvenience to the traveling public."

Greyhound Bus Lines still operates on standard time throughout Minnesota, even though Duluth and some other communities already are on daylight saving time.

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[From the Minneapolis (Minn.) Tribune, May 9, 1965]

NOW IS THE HOUR—PICK ONE

St. Paul residents lost 1 hour's sleep Saturday night and may lose a few more in the confusion of the next few days, thanks to daylight saving time (d.s.t.).

D.s.t. (wherein you set your clock ahead 1 hour) began in St. Paul and several suburbs at 2 a.m. today—that is, it began in most of St. Paul.

The municipal court has announced that it will remain on central standard time (c.s.t.) until May 23, and since the courts are on c.s.t., the St. Paul police have decided to stay on slow time, too.

Then there are the Minnesota legislature and State office buildings. Naturally, they'll abide by State law that provides for Minnesota to go on d.s.t. officially at 2 a.m. May 23.

A spokesman for Gov. Karl Rolvaag said the legislature has "torn up its work schedule and will be working around the clock anyway."

Minneapolis and most of its suburbs also will wait 2 weeks before starting d.s.t. as will both campuses of the University of Minnesota.

Attempts by Minneapolis Mayor Arthur Naftalin and others to effect a change in State law have been futile, at least so far in the Minnesota legislative session.

Meanwhile, those who divide their time between the Twin Cities are in something of a bind. To accommodate 50 to 75 part-time school bus drivers who live or work in d.s.t. areas, the Mounds View Independent School District 621 (primarily non-d.s.t.) will start all activities 1 hour early Monday.

Parents who are still on CST will have to get their youngsters going on d.s.t. School board member George Hanzalik admitted that this might be a hardship, but he said the decision was a "compelling one."

The St. Paul area communities now on fast time include Roseville, Lauderdale, Shoreview, Vadnais Heights, Birchwood, Mahtomedi, Sunfish Lake, Lake Elmo, Bayport, West St. Paul, East Oakdale Township, Stillwater, and Newport. In the later's case the move is unofficial, through communitywide agreement.

Hibbing and Rochester also began d.s.t. today. Many other communities, most of them near the Wisconsin border, went on d.s.t. a week ago.

North St. Paul will try to stand divided. The village council voted to remain on c.s.t. until next Sunday, but the North St. Paul Businessmen's Association decided to start d.s.t. Monday.

District courts in St. Paul will stick to c.s.t., but will start 1 hour earlier, as will most offices in the St. Paul City Hall-Courthouse.

Twin City Lines buses will operate in St. Paul on daylight time and all bus patrons in areas adjacent to St. Paul will be on conforming schedules.

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[From the St. Paul (Minn.) Dispatch, May 11, 1965]

TWO TIMES CUT CITY MEET TO 6 MINUTES

St. Paul's private daylight saving program ran along smoothly in the city hall today, with the council session lasting only 6 minutes—if you look at it that way.

The council had a good measure of work and some public hearings, but it wound up and adjourned at 10:06. However, that was central standard time and since it had started at 10 a.m. St. Paul daylight time, which was 9 a.m. central standard time, the session lasted an hour and 6 minutes under one calculation and 6 minutes under another.

There was not the slightest move to rescind the daylight rule.

Nor was there much comment about the situation, although a television team from Chicago, working on the NBC circuit for the Huntley-Brinkley television show, attended the council session with cameras and lights, hoping to get some usable data on the situation.

Four members of the crew, directed by Neil Boggs, Midwest correspondent for the show, came in with equipment and took a few shots of the council in action, but there was little said about daylight saving.

Afterward, they interviewed Mayor George Vavoulis on tape, and were scheduled to hurry back to Chicago by plane so the tape could be used tonight.

The council received an official notice from the Shoreview village council confirming its changeover to daylight saving time, and a couple of communications from citizens, one a Minneapolis housewife protesting.

Daniel A. Mitchell, 139 Amherst Street, wrote that he works at Wold-Chamberlain Airport, on standard time; his wife attends University of Minnesota evening classes, standard time, and their five children attend St. Paul schools, daylight time, and that creates problems.

Such communications were all placed in the city clerk's files.

Most persons who discussed the situation today and found fault with it consoled themselves with the fact that it will last for only 2 weeks because the entire State will then go on daylight saving time.

Now, Mr. Speaker, there has been great concern in my State that this same time smorgasbord might take place all over again this fall when we return to standard time ahead of our neighbor, Wisconsin. This would have produced an even worse situation because that would have meant that St. Paul would have been on daylight saving time almost 2 months longer than the rest of the State.

However, recent events have indicated that we will be spared this confusion. The mayors of St. Paul and Minneapolis each appointed a committee to meet jointly to see if the daylight saving time problems could be resolved. After several meetings the committee agreed that daylight saving time in the metropolitan area "could not be voluntarily achieved." As a result of this finding, the mayor of St. Paul has announced that his city will not remain on daylight saving time after the date specified by State law.

Mr. Speaker, through this entire episode our State legislature was unable to approve a bill which would have resolved these problems. I am told by some of my colleagues that they have had the same experience in their States. It is for this reason that I strongly believe that we need Federal legislation to provide a uniform period for daylight saving time.

H.R. 6134 which I introduced on May 11, 1965 after I saw that our legislature would not act, provides that daylight saving time begin on the last Sunday in April and end on the last Sunday in October. As I pointed out earlier, these are the dates that are in most common use for daylight saving time at the present time.

It is very important to note that my bill would not impose any unwanted change to daylight saving time on those sections of our country which prefer standard time. It would only amend the existing Standard Time Act of 1918 to provide for a uniform period for those areas that use daylight saving time.

Mr. Speaker, I would like to emphasize that my interest is in uniformity. I do not want to force any State to go on daylight saving time if it does not choose to do so at this time. The beginning and ending dates proposed by me reflect the practices of the majority of the States.

I think the proposals that have been made by myself and others are not an undue intrusion on local autonomy. The virtues of local autonomy are many, but to the businessman or the tourist, the varying dates of time changeover must seem to be mere idle caprice. There seems to be no good reason for all this variance. Undoubtedly many States and communities set their dates without any real awareness of the need for uniformity.

In my own State of Minnesota, a statewide poll last year showed that a majority of Minnesotans favor congressional action to decide dates for daylight saving time. Twenty years ago Minnesotans favored the retention of standard time throughout the year. Only 8 years ago, in 1957, did majority support for daylight saving time emerge. The subsequent confusion over the dates for daylight saving time resulted in a special session of the legislature.

To this internal confusion has now been added the inconvenience and unauthorized practices of local communities in choosing their own dates for daylight saving time.

As a result, Minnesota residents are asking the Federal Government to set a uniform time period for daylight saving time. This is true for both those who support and those who oppose daylight saying time in Minnesota.

Mr. Speaker, under unanimous consent I place in the RECORD the results of a poll published in the Minneapolis Tribune on June 14, 1964:

FIFTY-EIGHT PERCENT SAY CONGRESS SHOULD DECIDE DATES FOR DAYLIGHT SAVING

Minnesotans are divided on whether to start daylight saving time (d.s.t.) in late April or in late May, but a majority of State residents think it would be better if Congress set uniform limits for all States who use it.

In a statewide survey by the Minneapolis Tribune's Minnesota Poll, 58 percent of the people interviewed favor having Congress establish uniform dates for daylight time.

The switchover to d.s.t. in Minnesota was complicated this year because some communities like Duluth and Winona started 4 weeks ahead of the official date.

That development led Representative DONALD FRASER, of Minneapolis, to introduce a bill in the U.S. House of Representatives calling for daylight time to begin each year on the last Sunday in April and continue until the last Sunday in October. His bill would apply just to d.s.t. States.

The final question in the series was: "Which do you think is better—that Congress decide when daylight time should start and end for all States that use it, or that each State decide that for itself?"

The responses of different types of State residents:

[In percent]

| | Let Congress decide | Let each State decide | Other and no opinion |
|---|---|---|---|
| All adults | 58 | 35 | 7 |
| Men | 58 | 34 | 8 |
| Women | 59 | 35 | 6 |
| Residents of Twin Cities and Duluth | 61 | 34 | 5 |
| Smaller cities | 61 | 36 | 3 |
| Town | 64 | 25 | 11 |
| Farm | 42 | 47 | 11 |
| People who— | | | |
| Like daylight saving time | 60 | 36 | 4 |
| Dislike daylight saving time | 53 | 35 | 12 |

Mr. Speaker, under unanimous consent I will have printed at the conclusion of my remarks several editorials from Minnesota papers indicating support for a Federal law to establish uniform dates for daylight saving time.

Mr. Speaker, when the committee of the other body concerned with time legislation held hearings on a time bill, Mr.

Lloyd Brandt, manager of the legislative department, Minneapolis Chamber of Commerce, appeared as a witness. Under unanimous consent I insert Mr. Brandt's statement at this point in my remarks:

STATEMENT OF LLOYD BRANDT, MANAGER, LEGISLATIVE DEPARTMENT, MINNEAPOLIS CHAMBER OF COMMERCE, BEFORE HEARING BEFORE THE COMMITTEE ON COMMERCE, U.S. SENATE, ON S. 1404, APRIL 26, 1965

Mr. Chairman, we are happy to have the opportunity to read a short statement from our organization.

The Minneapolis Chamber of Commerce by resolution of its board of directors, supports S. 1404.

After years of experience in our State legislature, it is our conclusion that a national bill is the only way to bring order out of chaos. This bill has definite limitations, but it is a step in the right direction.

This is the situation in Minnesota. The time statute in Minnesota orders daylight saving time from the fourth Sunday in May to Labor Day. However, communities along the Wisconsin border such as Duluth, Winona, and a host of smaller towns move their clocks forward the last Sunday in April to conform to daylight saving time being observed in Wisconsin. On the fourth Sunday in May, the rest of the State will go on fast time except certain communities along the Dakota border. The same procedure will be followed in the fall—some cities remaining on daylight saving time while the State goes back to central standard time.

As a result of this confusion, for 6 months all Minnesota clocks are the same. During the remaining 6 months various combinations of time can be found in the State, depending on what month or day it happens to be.

I don't need to tell you what kind of problems are presented to the transportation companies, radio and television, and others by this confusion. These are isolated industries, however, and if only they were affected, it might be a tolerable situation.

Such is not the case; the efficiency of every major company is affected. We are a grain, finance, and electronics center and for the most part, our community of interest is with the East. The great majority, 80 percent of long-distance telephone calls originated in the Minneapolis area, are with the eastern connections. During the period that we are on central standard time and the East is on daylight saving time, our time for telephone contact with the eastern offices is reduced to less than 2 hours per day.

Gentlemen, we are traditionally a conservative organization. We don't usually look too favorably upon Federal solutions to local problems. In this case, however, we feel justified in requesting your intervention in what has heretofore been a local matter. This does involve commerce across State lines and it is a problem that cannot or will not be satisfactorily resolved by the States.

In 1962 an ad hoc association was formed to support efforts to promote time uniformity. This group, known as the Committee for Time Uniformity, is made up of transportation, communication, finance, travel, farm, labor, and other interests.

Mr. Speaker, I would like to have included in the RECORD the list of the organizations associated with the Committee for Time Uniformity:

LIST OF COMPANIES AND ORGANIZATIONS WHICH HAVE ASSOCIATED WITH COMMITTEE FOR TIME UNIFORMITY IN SUPPORT OF GREATER TIME UNIFORMITY

Aircraft Owners & Pilots Association.
Air Line Pilots Association.
Air Transport Association.
Amalgamated Transit Union.
American Bankers Association.
American Farm Bureau Federation.
American Hotel & Motel Association.
American Mutual Insurance Alliance.
American Short Line Railroad Association.
American Society of Travel Agents.
American Telephone & Telegraph Co.
American Trucking Associations.
American Waterways Operators, Inc.
Association of American Railroads.
Association of Local Transport Airlines.
Association of Oil Pipe Lines.
Association of Stock Exchange Firms.
Council of State Chambers of Commerce.
Freight Forwarders Institute.
Insurance Institute of Highway Safety.
Investment Bankers Association of America.
Manufacturers Hanover Trust Co.
Metropolitan Washington Board of Trade.
National Association of Broadcasters.
National Association of Manufacturers.
National Association of Motor Bus Owners.
National Association of Securities Dealers, Inc.
National Association of Travel Organizations.
National Bus Traffic Association.
National Business Aircraft Association.
National Council of Farm Cooperatives.
National Grange.
National Industrial Recreation Association.
National Industrial Traffic League.
Pacific American Steamship Association.
Pacific Coast Stock Exchange.
REA Express.
Railway Labor Executives Association.
Transportation Association of America.
United States Independent Telephone Association.
Western Union Telegraph Co.

Mr. Speaker, I would like to conclude my remarks today by referring to the results of a Minnesota poll which just arrived in my office today.

That poll conducted by the highly respected Minneapolis Tribune shows that 63 percent of people polled feel strongly about the extension of daylight saving time, 36 percent do not feel strongly and only 1 percent had no opinion.

The poll also showed that 58 percent of the people like daylight saving time while only 35 percent disliked it.

These figures are very significant, I believe, and point out the importance the citizens of Minnesota attach to the daylight saving time issue.

I hope the 89th Congress will be able to resolve this problem by enacting a law to provide uniform dates for daylight saving time.

EXTENT OF OBSERVANCE IN 1965 OF DAYLIGHT SAVING TIME IN THE UNITED STATES

STATES OBSERVING DAYLIGHT SAVING TIME

Statewide: California, Colorado, Connecticut, Delaware, Illinois, Iowa, Maine, Massachusetts, Nevada, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Washington, West Virginia, and Wisconsin.

Not statewide: Alabama, Idaho, Indiana, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, Ohio, Oregon, South Dakota, Tennessee, Utah, and Virginia.

STATES NOT OBSERVING DAYLIGHT SAVING TIME

Alaska, Arizona, Arkansas, Florida, Georgia, Hawaii, Louisiana, Mississippi, North Carolina, North Dakota, Oklahoma, South Carolina, Texas, and Wyoming.

[From the Grand Rapids (Minn), Herald-Review, Apr. 28, 1965]

DAYLIGHT TIME CONFUSION GETS FEDERAL ATTENTION

Daylight saving time started on Sunday in 16 States. Another nine States will make the switch during the next month or so. States in the South and in the Farm Belt will for the most part stick with standard time. The situation is shown in the map below which appeared in the Minneapolis Star (not printed in the RECORD).

But the proposition isn't quite as simple as it looks on the map. A number of Minnesota communities have switched to daylight time in spite of a State law which forbids the change until the whole State makes the change on May 23.

Among the Minnesota maverick cities are Duluth, Two Harbors, Winona and a number of smaller towns. Any law-abiding Minnesotan who keeps his watch set on standard time, must remember that events start and stop an hour earlier these days in Duluth.

Daylight saving time is a popular move throughout most of the Nation. The hour more of daylight after regular working hours is appreciated by most people.

Eventually, however, some means must be found of making the switch uniformly throughout the country. There is no sense in having Wisconsin on one time and Minnesota on another, even for a month or two in spring and fall.

Some people would argue that the Minnesota Legislature should get into the question of daylight time and change our law to conform to that of the Eastern States. But it was exceedingly difficult to obtain agreement even on the present compromise. The legislature could spend days in debating daylight saving and still end up without a satisfactory arrangement. The legislature has much more important business to attend to and it can afford to spend little time on daylight saving.

Congress is finally taking up the question of daylight saving time seriously. It will consider laws to establish daylight time uniformly throughout the Nation. There is a natural reluctance for Congress to move into the field because some States are strongly for it and some are bitterly opposed. But there is no other reasonable answer. The costs, uncertainties and inconvenience produced by lack of uniformity in time should not be allowed to continue longer than necessary.

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[From Rochester (Minn.) Post Bulletin, May 1, 1965]

UNIFORM DAYLIGHT SAVING TIME BILL MERITS SUPPORT

(By Charles Withers)

America's annual "time bomb" has exploded again, spreading prescheduled confusion throughout the land. Something like 100 million citizens advanced their clocks 1 hour last Sunday, leaving 85 million fellow Americans out of step, clockwise.

Only 15 States now schedule daylight saving time simultaneously. In the 16 others that observe this summertime pleasantry, the whole business is mighty confused. In our own Minnesota, for example, there are three sets of d.s.t. periods—one for Wisconsin border communities, one for communities bordering the Dakotas, and one for all the rest of the State. It is just plain silly.

It's just as bad or worse elsewhere. A driver traveling 35 miles from Steubenville, Ohio, to Moundsville, W. Va., now passes through seven time zone switches. Pennsylvania is conducting State business on standard time but resident of more than 600 communities in that State are on daylight time. In neighboring Iowa there are 23 different combinations of dates when communities begin and end d.s.t.

In the 16 States, including Minnesota, that observe some daylight time but not on the April–October regular schedule, there are 11 different starting times and terminal dates. And in States where d.s.t. is permitted on a local-option basis the situation is completely snafu.

FEDERAL, NOT STATE MATTER

Although this newspaper favors extension of daylight saving time in Minnesota from the last Sunday in April to last Sunday in October, as observed in the East and in the more populous States, we have cautioned against a full-scale battle over this controversial proposal in the current session of the Minnesota Legislature. Although it seems to be a dead issue there anyway, we still feel that our legislators have more than enough pressing business to handle, what with reapportionment, big new spending proposals and the necessity to raise millions of new revenue dollars, so that they shouldn't be tied up arguing about daylight time.

We've said before, and repeat, that extension of d.s.t. can wait a year or two, while reapportionment and tax reform can't.

What needs to be done now, in this writer's opinion, is for Minnesotans to urge their Senators and Congressmen to support the bill, now before the Senate Commerce Committee, to create uniform nationwide starting and ending dates for daylight saving time.

This bill would not impose d.s.t. on any State. But it provides that any States, counties or cities that do want to go on daylight time must start on the 4th Sunday of April and end on the 4th Sunday in October.

Surely this proposal to unsnarl the crazy-quilt now in effect makes good sense—not only for every industry and business but for the man in the street also. It is scarcely an invasion of a State's rights or a community's rights, to have it observe a standardized time rule. And, incidentally both the American Farm Bureau Fedaration and the National Grange have gone on record supporting the uniform d.s.t. proposal.

Congress has made several unsuccessful attempts in the past to bring order to this patchwork. Let's inform Congressman AL QUIE and Senators EUGENE MCCARTHY and WALTER MONDALE that this uniform time bill should be approved.

TALK OF "GOD'S TIME" IS NONSENSE

While we're on the subject of daylight saving time, let's explode a myth always used by the opposition. Whenever the d.s.t. controversy comes up the opposing speakers, and letterwriters, invariably say man has no right to tinker with "God's time."

This is the second phoniest use of religion that we can think of. (The first is the dragging of religion into the Sunday-closing debate by businessmen who are motivated 100 percent by economic considerations.)

At any rate it is just plain ridiculous, and in fact an untruth, to refer to standard time as "God's time." The truth is that standard time is railroad time. The four standard time zones in America were created in 1883 to eliminate the mass confusion that existed with each railroad running on its own "standard time." There were more than 100 railroad "standard times" in existence, eight different ones in Pittsburgh alone.

Officially, standard time went into effect in 1918 and the law hasn't been changed since except by State or local option. So, please, let's not have any more of this "God's time" nonsense.

Let's have daylight saving time from the end of April to the end of October, and let's have those dates uniform in every State and locality that wants d.s.t.

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[From the Hopkins (Minn.) Suburban Life, May 9, 1965]

TIMES A DEMOCRATIC ELEMENT

Time is the most democratic element in existence—everyone from the mighty to the humble have 24 hours in a day, no more, no less. It's the division of the hours that's causing all the consternation in our State today.

Contrary to popular belief the Lord did not establish time zones. There's no such thing as "natural times." There are many schools of thought of how time zones were established. The railroads, some assert, established divisions of time in this country to regulate schedules more sensibly.

Credit for the original idea of daylight saving time goes to Benjamin Franklin. Always a careful man with his pennies, Mr. Franklin awoke one morning at 6 a.m. in Paris in 1784 and was amazed to find light streaming into his room while most of the city still slept. Being a logical man he figured Parisians would not have to light their candles so early at night if they started their day an hour earlier to take advantage of early sunrise. Being the son of a candlemaker he figured Parisians could save 96 million livre in candle overhead by just moving their clocks ahead 1 hour.

Minnesota is one of the 31 States observing daylight saving. Of this number 20 move their clocks ahead on May 1, the others, including our State, move ahead later in the month. Dates for turning clocks back are equally as varied—only 15 States do so on the last Sunday in October.

Before Minnesota's present predicament is resolved, it appears that a bill now being considered in Congress will have to be enacted. This legislation carries no hope of getting the entire Nation to use one system or another. It's a compromise, whereby all areas using daylight time will be required to start on the same day in the spring and end it on the same date in the fall. If the legislation is passed it will mark the first time general agreement on the controversial subject other than in wartime. Better write your Congressman and tell him to vote favorably on this proposal.

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[From the Virginia (Minn.) Mesabi News, May 12, 1965]

CONFUSION IN TIME

Monday, we will start saving time, but it appears that we will lose most of it again trying to figure out what time it is.

This confusion has it roots in a lack of patience—of a willingness to sit down and work out differences of interest and opinion. For instance if the communities of Hibbing and Virginia felt that the change to daylight time 2 weeks ahead of the State mandate was necessary, they had a place to work the problem out—the range municipalities and civic association.

Rural area legislators have the law on their side, but they are not without blame as they apparently have vetoed the will of the majority of the people of the State.

This time confusion has proven again that we as a people are not law abiding enough to obey a law without penalties. But those who have voted to ignore the State law on time are not yet in the clear. There is still the possibility of civil actions to recover damages resulting from the change in time.

On a larger scale the time confusion is an illustration of the reason the role of the Federal Government is constantly being expanded. When the States cannot agree, people, perhaps including some States righters, say "Congress ought to pass a law."

Meanwhile, we will have to wait 2 weeks before we can sing, "My time is your time; your time is my time."

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[From the Ortonville (Minn.) Independent, April 8, 1965]

IT'S TIME TO UNSCRAMBLE TIME

The uniform time legislation introduced in both Houses of Congress to end clock confusion is long overdue.

On Sunday, April 25, America will again live on "scrambled time." More than 100 million Americans will advance their clocks to daylight saving time, while 90 million people will not change.

"This annual time scramble complicates the operations and scheduling of the transportation industry. It confounds the television viewer, bewilders the vacationing traveler and aggravates the businessman," Senator NORRIS COTTON, Republican, of New Hampshire, said. "A flood of missed appointments, and late arrivals will plague many Americans," he continued.

Let's see what happens:

Fifteen States start daylight saving time the last Sunday in April and end the last Sunday in October.

Sixteen other States either start or end daylight saving time—or both on different dates.

Of the 31 States, 15 observe it on a statewide basis, while others have local option.

And across the country isolated areas observe "wildcat" d.s.t. without official sanction. Some States do not observe it at all.

This legislation to have time and date uniformity, wherever daylight saving time is adopted should be encouraged.

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[From the Cambridge (Minn.) Star, April 15, 1965]

Any change in Minnesota's daylight saving time schedule seems to be a dead issue insofar as the present legislative session is concerned. However, a resolution has been introduced in both houses of Congress to provide a uniform system throughout the country. Here are some examples of the confusion which exists today: Fifteen States start daylight saving time the last Sunday in April and end the last Sunday in October. Sixteen other States either start or end daylight saving time—or both—on different dates. Of the 31 States, 15 observe it on a statewide basis, while the others provide for local option. Areas in other States observe it without official sanction, and other States do not observe it at all. A uniform system is badly needed.

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[From the Stillwater (Minn.) Gazette, Apr. 29, 1965]

TIMELY CONFUSION

In the wee hours of Monday, the 26th of April, 20 States and a scattering of adjacent communities went on daylight saving time. Later in the day, hearings on proposed legislation to bring some order out of the daylight saving time chaos were started by committees in both Houses of Congress.

The situation Congress proposes to wrestle with will take some rather fancy wrestling. Not all the 20 States that so unanimously changed their clocks on April 26 will revert to ordinary time on the same day; the switch back will be made on various days, ranging from sometime in August to the last Sunday in October. Furthermore, 11 other States will go on and off of daylight time on a variety of dates. Nor is the fast time spread over entire States in all cases; some areas go their own way.

Oh, and one more thing: The other 19 States pay no attention to daylight time. All of which makes life more confusing than usual in summer. So hurry up, Congress, and do something sensible, even if the problem can't be solved all at once.

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[From the Owatonna (Minn.) Photo News, Apr. 29, 1965]

IT'S TIME TO UNSCRAMBLE TIME

As the accompanying editorial cartoon indicates, the Nation is now living on "scrambled time."

More than 100 million Americans will advance their clocks to daylight saving time, Minnesotans still having another month to wait, while 90 million people will not change. Fifteen States start daylight saving time the last Sunday in April and end the last Sunday

in October. Sixteen other States either start or end daylight saving time—or both—on different dates. Of these 31 States, 15 observe it on a statewide basis, while the others have local option. And across the country isolated areas observe "wildcat" daylight saving time without official sanction. Some States do not observe it all.

Uniform time legislation designed to end clock confusion has been introduced in both Houses of Congress, and I'm all for it. How about you?

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

Mr. FRASER. I yield to the gentleman from Minnesota.

Mr. KARTH. Mr. Speaker, I ask unanimous consent to extend my remarks and include extraneous matter.

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

There was no objection.

Mr. KARTH. Mr. Speaker, I join my colleague and good friend, the gentleman from Minnesota [Mr. FRASER], in an effort to better call to the attention of the House the need for early action on any one of a number of daylight saving time bills pending before the Interstate and Foreign Commerce Committee. I have on several occasions talked with the chairman of that committee—the distinguished gentleman from Arkansas [Mr. HARRIS]. I might say I am happy to report that he is most receptive to hearings, and in fact favors action on this subject. The Senate has already acted upon daylight saving time and I am hopeful that adequate time can be found within the House establishment to act likewise.

Let me cite some of the reasons for needed Federal action. I am one of those who always remains hopeful that the several States can resolve their own problems. However, when it is proven beyond any reasonable doubt that some of them cannot, will not, or do not act in needed areas, then we ought to act here in a helpful manner. One of those areas of needed Federal action is that of daylight saving time.

Anyone who has the occasion in this modern day to travel or communicate cross country is ever mindful of the differences in time zones. This, in itself, is a troublesome matter at best, but when it is compounded by the confusing patterns of daylight saving time throughout the United States, the situation becomes sheer chaos.

The metropolitan areas in many sections of our country want a uniform period for daylight saving time to facilitate interstate business and communications.

Many cities are hampered by State laws setting forth daylight saving time periods which are not uniform. It is no answer, in my opinion, to tell the city governments that they should go to the State legislatures for help. The facts of life are that legislative apportionments in many States have shortchanged urban areas of fair representation, so that the needs of the cities, when they conflict with those of rural areas are, more often than not, subordinated to farm interests.

Daylight time, frankly, is a subject which often stirs many rural area legislators to a high pitch of emotion.

The enactment of my bill and/or similar legislation would not disturb the rights of the States to impose or not impose daylight saving time but would only set forth a uniform period when daylight saving time would be in effect; namely, from the last Sunday in April to the last Sunday in October of each year.

I believe that Congress, which has the power to regulate commerce among the several States, has the duty to make better sense between the time zones than currently exists when daylight saving time is imposed for varying periods in the United States.

I am pleased to sponsor legislation of this kind, especially since the City Council of St. Paul, Minn., and a number of business, civic, and labor organizations favor the passage of a uniform daylight saving time law.

[From the Minneapolis Star, July 27, 1965]

ST. PAUL TO CONCUR WITH DAYLIGHT SAVING TIME STATUTE

(By Jim Shoop)

St. Paul Mayor George Vavoulis announced today that St. Paul will not remain on daylight saving time this fall beyond the date specified by State law.

St. Paul was on daylight time for 2 weeks ahead of most of the rest of the State in May and planned to continue this fall until October 31, nearly 2 months after the date specified by State law.

At Vavoulis' urging, the St. Paul City Council passed a resolution May 5 placing the city on daylight time May 9 until the last Sunday in October.

State law limits fast time to the period between the fourth Sunday in May (May 23 this year) to the Tuesday after Labor Day (September 7).

At the time, Vavoulis contended that Minnesota time dates conflicted with those in the East and made it difficult for businessmen to conduct their operations.

ACTING ON ADVICE

A statement issued by the mayor's office today said Vavoulis was acting on the advice of a committee appointed to study whether daylight time could be operated successfully on a metropolitan area basis.

(Vavoulis is attending the National League of Cities convention this week in Detroit, Mich., and could not be reached for comment.)

The committee was composed of Robert O. Eckhardt, chamber of commerce; Priscilla Rugg, St. Paul public schools; Russell Hunsinger, Downtown Retailers; and Richard Radman, Trades and Labor Assembly. They said daylight time in the metropolitan area "cannot be voluntarily achieved."

The committee report said the St. Paul action this spring "has been instrumental in making the Congress of the United States aware" of the necessity of a national daylight saving time law.

The mayor's statement said he is hopeful Congress will pass a bill introduced by representatives Joseph Karth, St. Paul, and Donald Fraser, Minneapolis, both DFL'ers which would create a national daylight time period of 6 months.

Minneapolis Mayor Arthur Naftalin vigorously opposed the St. Paul action this spring, which placed Minneapolis and St. Paul an hour apart for 2 weeks. He appeared before the St. Paul City Council to urge it to drop the idea, and argued publicly with Vavoulis for a week over the wisdom of the move.

Naftalin maintained it was a direct violation of State law and Vavoulis argued it was necessary to dramatize the need for a longer fast-time period and to pressure State legislatures into doing something about it.

The legislature took no action on daylight time.

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[From the St. Paul (Minn.) Dispatch, July 28, 1965]

GVT MISSION ACCOMPLISHED

Mayor George Vavoulis has asked the city council to rescind a resolution that put St. Paul on extended daylight saving time. It is assumed that the council will go along with the mayor, at whose urging the resolution was passed this spring. It put St. Paul on fast time 2 weeks ahead of Minneapolis and it would extend this city's daylight time 8 more weeks this fall.

Vavoulis now feels that the mission has been accomplished. There is no doubt that the action did focus attention on this State's asinine fast time law and those in other States. He is hoping now for passage of legislation introduced again this session by Representative JOSEPH KARTH, of St. Paul, which would require uniformity. The Karth bill doesn't force daylight time on anyone, but it does set forth that States which go on it would have to start and stop together.

We felt the mayor was somewhat impulsive when he put St. Paul on an independent time base. There was confusion and it would have been compounded this fall. But he emerges now a somewhat heroic champion of the city folk over the cow, with all her fussiness at changes in working hours, and her stanch champions in the legislature.

This city's head start on fast time, occasionally referred to as George A. Vavoulis Time, or GAVT, or merely GVT, was good for a few laughs, more than a few headaches (the police, for example, spent a few days on standard time to the regret of motorists parking in timed no-parking zones) and lots of heated debate in regard to lawbreaking by public officials.

There was, however, less confusion than had been predicted and there was the therapeutic benefit of cocking the city's snoot at the chaps on our Capitol Hill.

We can hope the cause has been dramatized enough at this point to help passage of the Karth bill. There has been enough insanity on the issue and apparently the cure is beyond the capabilities of many State legislatures, including our own.

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[From the St. Paul Dispatch, July 27, 1965]

MAYOR ASKS REPEAL OF FAST-TIME DECREE

(By Carl G. Langland)

St. Paul is expected to rejoin the rest of Minnesota on Labor Day in respect to daylight saving and standard time.

Mayor George Vavoulis announced today, through his secretary, Duane Gratz, that he will ask the city council to rescind a resolution, adopted last May 4, at his urging, which put St. Paul on its own independent daylight saving time.

Vavoulis, attending a municipal conference in Detroit, sent word back that he is taking this action in great measure because he hopes the Karth-Fraser bill, now in Congress, will pass. If it does, it will require that any State adopting daylight saving must start and end such time change on specific dates that will encompass a 6-month period.

If the mayor's request for cancellation of the council resolution is adopted—and that is expected—St. Paul will drop daylight saving time at 2 a.m. Tuesday, September 7, the day after Labor Day.

If the council refuses to go along, St. Paul would continue on daylight time until Sunday, October 31, and thus provide nearly 8 more weeks of the double time standard that prevailed here from May 9 to May 23.

The change would put St. Paul in line with the State, which will revert to central standard time the day after Labor Day.

Mayor Vavoulis and Mayor Arthur Naftalin of Minneapolis, who had set up joint

efforts to win a metropolitan time schedule for the Twin Cities, were reportedly submitting a resolution to the National League of Cities, at its Detroit session, urging Congress to adopt the Karth-Fraser bill.

Also helping the mayor make up his mind to drop the original longer daylight time period was a special report given him by a four-citizen committee which made a special study of the situation.

It reported that St. Paul's early start on daylight saving served a good purpose by helping make Congress aware of the necessity for a uniform, nationwide program as to starting and ending times. It also said that establishment of a uniform daylight saving time cannot be voluntarily achieved in the metropolitan area.

Members of the committee were Robert O. Eckhardt of the St. Paul Area Chamber of Commerce; Miss Priscilla Rugg, St. Paul public schools; Russell Hunsinger, downtown retailers, and Richard Radman, Jr., trades and labor assembly.

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RAMSEY COUNTY LEAGUE OF MUNICIPALITIES,
*June 24, 1965.*

Representative JOSEPH E. KARTH,
*House Office Building,*
*Washington, D.C.*

DEAR REPRESENTATIVE KARTH: The problem of setting the beginning and ending dates for daylight saving time has caused a good deal of confusion in Minnesota and in other States. As you know, the situation this spring in Minnesota was especially confused and it promises to be even worse this fall. As an organization of municipal officials, we feel that the only sensible solution to the problem is a nationwide daylight saving time act which would set a uniform beginning and ending date.

The enclosed resolution was adopted by the Ramsey County League of Municipalities as an expression of our desire to see this kind of legislation passed by the Congress. We ask your support for a national daylight saving time act. We realize the problems of securing passage of such a bill in the Congress are as difficult as they are of securing passage of a daylight saving bill in the Minnesota Legislature. Nevertheless, this is a national problem, affecting interstate commerce and we feel a nationwide solution is the only reasonable answer to the problem.

Sincerely yours,

BYRON HOLM, *President.*

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RAMSEY COUNTY LEAGUE OF MUNICIPALITIES
DRAFT OF RESOLUTION ON DAYLIGHT SAVING TIME

Whereas the different beginning and ending dates for daylight saving time in the several States of the United States create confusion among neighboring States and municipalities; and

Whereas the Minnesota Legislature has repeatedly failed to pass legislation which would make the beginning and ending date for daylight saving time in Minnesota conform with that of the majority of other States of the Nation: and

Whereas the problem of uniform time zones is one which the Congress has dealt with on several occasions and is a nationwide problem affecting the commerce among the 50 States; be it therefore

*Resolved,* That the Ramsey County League of Municipalities does hereby go on record in support of Federal Legislation for a uniform daylight saving time act; and be it further

*Resolved,* That the members of the Minnesota congressional delegation be so notified and urged to support such legislation.

BYRON HOLM,
*President.*

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RESOLUTION BY CITY OF ST. PAUL

*Resolved,* That the council of the city of St. Paul hereby commends Congressman JOSEPH E. KARTH on his submission of a bill in the Congress of the United States aimed at standardizing the dates on which States will observe daylight saving time; our support is given wholeheartedly to Congressman KARTH in his efforts, through such proposed legislation, to solve the confusion and problems which arise when States which adopt daylight saving time do not do so uniformly and for the same periods of time; be it

*Further resolved,* That the city clerk be and he is hereby directed to forward to Congressman KARTH a copy of this resolution.

STEPHEN L. MAXWELL,
*Corporation Counsel.*

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VILLAGE OF NEWPORT, MINN.,
*May 19, 1965.*

Hon. JOSEPH KARTH,
*House of Representatives,*
*Washington, D.C.*

DEAR SIR: The village council urges you, as our representative, to enact some nationwide legislation that will put all of the States on daylight saving time at the same time.

We are sure that you appreciate the importance of such a law, as you must certainly be aware of the immeasurable amount of confusion among the citizens of Minnesota as the situation now stands.

Respectfully yours,

BASIL L. LOVELAND,
*Mayor.*

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MINNEAPOLIS, MINN.

Congressman JOSEPH E. KARTH,
*House Office Building,*
*Washington, D.C.:*

Chaotic business conditions are now existing in Minnesota and in its relationships with the rest of the country due to daylight saving time disagreement. State and local offices unable to agree. We feel that only through congressional action will this situation be alleviated. We urge your immediate attention.

General E. W. RAWLINGS,
*President, General Mills, Inc.*

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STRINGER, DONNELLY & SHAROOD,
*Saint Paul, Minn., July 7, 1965.*

Hon. JOSEPH KARTH,
*Representative in Congress,*
*House of Representatives Office Building,*
*Washington, D.C.*

DEAR CONGRESSMAN: A few days ago the St. Paul Charter Commission, of which I am the chairman, met for consideration among other things of a proposal to amend the St. Paul City Charter so as to extend the duration of daylight saving time to conform to the national pattern on that subject. As you may remember, in St. Paul, and in fact throughout Minnesota, daylight saving time by statute extends only from Memorial Day to Labor Day, whereas on the national scale where there is daylight saving it extends from the last Sunday in April to the last Sunday in October. There is pending before the charter commission a proposal to adopt the national pattern by charter amendment. The commission passed a resolution, copy of which you undoubtedly have, endorsing the bill in Congress now to put all of the daylight saving dates on a uniform basis.

The amendment which would put St. Paul on the same basis as the national pattern in this respect was warmly endorsed by a large number of civil leaders and, as I am sure you know, the Dispatch conducted a plebiscite on the subject which endorsed the enlarged daylight saving overwhelmingly and I think there is very little question of the fact that there is overwhelming support in St. Paul for the national pattern to be adopted locally.

The commission is meeting again on July 15 for further study of the subject and I would appreciate it very much if by that time I could have word from you as to what the chances are of the Federal legislation in this field which is now pending, being passed. Obviously, the charter commission would not want to call a special election on the subject if the matter is going to be taken over on the Federal level; but if it looks as though the Federal proposal was not going to go through, then I think the charter commission would want to take the initiative, or at least consider doing so, so as to eliminate the intolerable situation which exists on the confusing dates during the periods when most of the Nation is, but Minnesota is not, on daylight saving time.

I would appreciate word from you that I could pass on to the charter commission at the meeting on July 15 as to the status and probability of enactment of the bill in Congress setting daylight saving dates on a national basis; and if you could give me word on this subject before our meeting of July 15, I would appreciate it very much and I am sure the other members of the charter commission will also.

Cordially yours,

PHILIP STRINGER.

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NORTH CENTRAL COMMERCIAL AGGREGATE AND READY-MIXED CONCRETE PRODUCERS ASSOCIATION,
*St. Paul, Minn., February 20, 1965.*

Hon. JOSEPH E. KARTH,
*Fourth District, Minnesota, Longworth House Office Building, Washington, D.C.*

DEAR CONGRESSMAN KARTH: The executive board of this association would like you to know that we support the bill which you introduced to the Congress regarding legislation on a uniform daylight saving time.

We believe this is an excellent bill, not only for our industry, but for an expanded economy in Minnesota in the areas of industry and recreation.

Yours very truly,

ALFRED C. FULTON,
*President.*

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INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS OF AMERICA,
*Detroit, Mich., March 2, 1965.*

Hon. JOSEPH KARTH,
*U.S. Congressman,*
*House Office Building,*
*Washington, D.C.*

DEAR JOE: I wish to compliment you on your introducing legislation which will standardize daylight saving time nationally.

Our State legislature is again arguing whether or not to add an additional 2 months to our present daylight saving time which would be the same as our neighboring State of Wisconsin. I am advised that the proposed legislation will not pass. As a matter of fact, we will no doubt wind up keeping what we have.

I have read in the paper that Wisconsin has introduced legislation to extend their daylight saving time further, which will throw us 4 months out of balance, if it is passed.

It is my opinion that leaving this problem up to the State is not the answer, as you know the condition of our legislature in Minnesota. Ramsey County has already gone on record to recommend legislation which would standardize us with Wisconsin. Evidently, this will not receive any consideration in the State legislature.

There is but one answer to the problem of daylight saving and that is through Federal legislation.

Very truly yours,

GORDON R. CONKLIN,
*Vice President.*

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BROTHERHOOD OF RAILROAD TRAINMEN,
*St. Paul, Minn., January 30, 1965.*

Hon. JOSEPH KARTH,
*House of Representatives,*
*Washington, D.C.*

DEAR CONGRESSMAN KARTH: The members of the Brotherhood of Railroad Trainmen,

Lodge 804, St. Paul, Minn., have instructed this secretary to write you to have you take steps to put daylight saving time in effect on a national basis, rather than at State option.

The reason for this request is that now, with railroads running through the various States, it is very difficult for railroadmen to negotiate work-hour rulings that would not conflict with other areas. If the Nation was to change time uniformly, as it did during World War II, it would be very easy to adjust standard time to daylight time.

Trusting that this will receive your prompt attention, I remain,

Yours truly,

———, *Secretary Lodge 804.*

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ST. PAUL, MINN.,
*February 5, 1965.*

Hon. JOSEPH E. KARTH,
*Member of Congress,*
*House of Representatives,*
*Washington, D.C.*

DEAR CONGRESSMAN KARTH: I wish to offer some information relative to your bill to standardize daylight saving time. As you recall, I am a postal inspector assigned to the St. Paul division headquarters and have talked to you on a number of occasions in the Twin Cities at various Democratic functions.

The present system of administering daylight saving time by the various States and communities is chaotic. It is costing the Post Office Department millions of dollars a year to cover the cost of printing all the air mail changes, railroad changes, star route changes, and other material directly connected with effecting such changes. Every first- and second-class post office must maintain their individual copies of transportation schedules up to date. At the larger post offices, individual distributors are required to maintain their own assigned distribution schedules and schemes.

In addition, just consider the other mediums of transportation such as the airlines, railroads, buslines, and telegraph companies that are required to print new schedules because of the lack of standardization of daylight saving time.

Attached is a news item out of last night's St. Paul Dispatch which presents another picture—the loss to business because of the present confusion.

Besides the Post Office Department, there are a large number of other governmental agencies that are also affected and which costs them a considerable amount of the taxpayers' money and their budget for these obsolete practices.

It was a pleasure to attend the dinner in your honor out at the Venetian Inn last fall. Best wishes for your continued success,

Sincerely yours,

HARRY R. HINTZEN,
*Postal Inspector.*

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THE PILLSBURY CO.,
*Minneapolis, Minn., June 11, 1965.*

Hon. JOSEPH E. KARTH,
*Longworth House Office Building,*
*Washington, D.C.*

DEAR MR. KARTH: As a new resident of the Fourth District, I have received the first of your reports from Washington.

I note with great interest that you have a bill to impose uniform daylight saving time observance. I am strongly in favor of this bill.

The Pillsbury Co. favors this legislation because of the extreme inconvenience occasioned by Minnesota's not having the same beginning and ending dates as most of the major commercial States. We do an enormous amount of business by telephone and other communications devices. The nonuniform status of our daylight time in Minnesota is a major inconvenience to our merchandising and communications operations. As you know, this will be particularly serious for 2 months this fall owing to the action taken by St. Paul and certain other communities and to the failure of the State legislature to act.

We earnestly urge the Interstate and Foreign Commerce Committee to give favorable consideration to your bill.

Very truly yours,

TOM R. MULCAHY.

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

Mr. FRASER. I would be happy to yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Speaker, I wish to commend my colleague, the gentleman from Minnesota [Mr. FRASER], for taking this special order to point out the difficulty which exists in many areas as a result of the differences in the calendar date on which they go on daylight saving time.

Mr. Speaker, we who go home on occasional weekends surely have found this to be the case in Minnesota. In my own congressional district it is next to impossible, with some communities being on daylight saving time and another one not, sometimes within the same county, to get to one area an hour early and to another an hour late. Also, there is no chance of making this up on the road. It has caused a great deal of confusion. There also seems to be a pattern as to time when many areas go on daylight saving time which interferes with the television programs, the world communications and transportation being fitted into this pattern.

Mr. Speaker, in my opinion it would greatly facilitate matters if the Congress would take action and set a date when daylight saving time would go into effect, if communities or States are to have daylight saving time.

Mr. Speaker, I hope the chairman of the Committee on Interstate and Foreign Commerce, the gentleman from Arkansas [Mr. HARRIS], will hold hearings soon at which we can testify to the effect in our own communities as to this pattern of time and the necessity for the Congress to act to set a standard date when daylight saving time will go into effect.

Mr. FULTON of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. FRASER. I would be happy to yield to the gentleman from Tennessee.

Mr. FULTON of Tennessee. Mr. Speaker, I rise to commend the gentleman from Minnesota for his continuing efforts on behalf of establishing a uniform daylight saving time throughout our 50 States.

Mr. Speaker, since January 1963, I have spoken several times from the floor of the House in support of uniform daylight saving time. I have testified before the Interstate Commerce Subcommittee which is chaired by the able Representative, the gentleman from West Virginia, HARLEY O. STAGGERS, and frequently I have discussed the problem of the lack of time uniformity with the chairman of the Interstate and Foreign Commerce Committee, the gentleman from Arkansas, the Honorable OREN HARRIS.

Welcome is this opportunity to again speak for needed meaningful legislation in the regulation of our Nation's timekeeping.

Mr. Speaker, I will not relent in my efforts to bring some synchronization to our keepers of time—the clock and the watch. I remind those opponents of a reasonable solution to our state of time chaos that sundials are virtually extinct.

Let us not work for time but rather let time work for us.

Each spring, some 29 States representing over 100 million Americans from Maine to California advance their clocks by 1 hour. In only 16 of these States, however, is daylight saving time observed statewide, with the other 13 observing it on a local option basis. Twenty-one States do not observe it at all. Among those that do favor fast time during the summer, there is no uniformity as to length or limits of duration.

Now, it would be ideal if there were no necessity for uniformity of time, if one area could observe one time and one other area another time, with no effect on institutions outside its borders. Consider, however, the classic example of the 35-mile stretch from Steubenville, Ohio, to Moundsville, W. Va., where travelers until recently were obliged to change their watches seven times in order to observe various local times. And the situation becomes increasingly detrimental to business, commerce, and communications when, for example, Minneapolis, Milwaukee, and Chicago start and end daylight saving time independently of each other.

The transportation industry is particularly affected by the annual time-change disparities between areas. The motorbus industry estimates that it loses $250,000 a year; the Nation's railroads a million dollars a year just in printing costs necessitated by the annual scramble.

Mr. Speaker, do you realize that Cinderella possibly would have returned home a beautiful princess in the horse-drawn carriage rather than a pumpkin-drawn by mice had she not become confused as to whether her community was observing standard or daylight time.

Or can you imagine this conversation:

Lord Elgin: "Dinner at 8?"

Lady Elgin: "Is that daylight time?"

Lord Elgin: "Oh no, I am on standard time."

Lady Elgin: "Sorry, our movements are not together."

My bill, H.R. 76, is an attempt to effect a solution to this chaotic situation. This bill would vest in the Congress the responsibility for regulation of the Nation's time. Beginning on the last Sunday in April and ending the last Sunday in October, the standard time of each zone would be advanced 1 hour.

This complete uniformity would eliminate situations such as that existing in Pennsylvania. Here, the State law requires that official business be conducted on eastern standard time but more than 600 localities observe daylight savings time. Similar interstate discrepancies, such as those existing between my own State and several others

in the central time belt, would be resolved.

In essence, then, H.R. 76 would end the time confusion in this country by establishing a uniform schedule of savings time to be observed in every locality for 6 months. Control would be vested in the Congress to keep our national activity at its maximum.

This, to my thinking, is the most effective and comprehensive solution to the problem.

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. FRASER. I would be glad to yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. Mr. Speaker, I would like to say at this point that I wholeheartedly support this effort to get uniformity and some sense into this current time situation and in the confusion which exists.

Mr. Speaker, it seems to be essential that Congress step into this picture. This is one area in my opinion where the Congress has a real responsibility in an effort to get rid of the confusion that now exists and plagues our people all over the country.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. FRASER. I would be happy to yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. Mr. Speaker, I would like to join the gentleman in his statements and in his proposal for obtaining uniformity of time nationally.

I am reading into the RECORD the provisions of my bill H.R. 9023, introduced on June 14, 1965, a bill to provide a uniform period for daylight saving time. These are the provisions:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Act entitled "An Act to save daylight and to provide standard time for the United States", approved March 19, 1918, as amended (40 Stat. 450; 15 U.S.C. 261–264), is amended by adding at the end thereof the following new section:

"SEC. 6. Whenever the standard time in any time zone, or any part thereof, is advanced one hour by any State or a political subdivision of any State, such advanced time, generally known as 'daylight saving time', shall commence at 2 o'clock antemeridian on the last Sunday in April of each year and shall end at 2 o'clock antemeridian on the last Sunday in October of each year."

The observance of time is of high national priority. Correct and easily calculated time uniform over broad areas is essential for modern civilization.

The overriding national interest in time in all periods, but especially in times of emergency, is shown clearly by what happened during both World War I and World War II. In both of those conflicts, the U.S. Congress wisely decided that the war effort deserved the highest economic efficiency. It therefore legislated war time, which was in effect national daylight saving time. This not only eliminated time confusions—it helped to conserve fuel and other resources and eased the strain on our power system by shifting the consumer peakload demand into later in the evening.

My proposal and that of other Members does not assert that national daylight time be enacted now, and the pending legislation would not have that effect. Our proposal is for uniformity in time nationally, to avoid confusion. But I believe the time decisions made by Congress during the wars is impressive evidence that time confusion should not be tolerated for reasons high in the national interest. The pending legislation would wipe out the confusion now caused by daylight saving time and would permit us to enjoy that remarkable device without causing ourselves grave problems at the same time.

As a Pennsylvanian, I am proud that the first mention of the unique idea of daylight saving time came—as did so many other progressive ideas—from Benjamin Franklin. While Franklin was our Minister to France, he conceived of the idea of advancing clocks 1 hour in order to make more daylight available. Franklin even calculated how many candles this would save the people of Paris. But the idea did not sell them.

In the United States, an early crusader for daylight saving time is another Pennsylvanian—Robert Garland, longtime Republican councilman of Pittsburgh, whom I admired and respected, and remember well. In one attempt to get daylight saving time, Garland declared that only man, of all living things, "is so stupid as to deprive himself of an extra hour of sun by sticking to a rigid system of time."

Pennsylvania thus has a historic stake in daylight saving time and consequently a great interest to see that daylight saving time is wisely utilized as a benefit—rather than a problem—for our country. The pending legislation would have precisely that effect—it would permit States and localities desiring it to enjoy the advantages of daylight saving time without permitting our present problems of confusion and uncertainty to arise.

I urge the House to act this year to guarantee that 1965 will go down in the history books as the last year of the great U.S. time snarl, and the beginning of a uniform system on a national basis in the institution of daylight saving time. Let us at least start on uniformity where daylight saving time is desired and initiated in the United States.

I call attention to the following good newspaper articles:

[From the Scranton (Pa.) Times, Apr. 21, 1965]

TOWARD SENSIBLE TIME

A U.S. Naval Observatory scientist contemplating the nationwide mishmash of fast time and slow time in the good old summertime, was moved to remark that "the United States is the worst timekeeper in the world." This view is amply documented. When America starts shifting Sunday to so-called daylight saving time—or not shifting, as the case may be—the chaos is enough to drive a punctilious man to drink.

There are examples galore. In Iowa, which has local option on time changes, daylight saving time was in effect during 23 different periods last year. Carriers from Chicago to Milwaukee to Minneapolis-St. Paul and back will encounter five time shifts and schedule changes in 6 months. Before 1963, when West Virginia adopted daylight saving on a statewide basis, those traveling the 35 miles from Steubenville, Ohio, to Moundsville, W. Va., would have had to set their watches every 5 miles to have local time.

It is most encouraging, then, that Congress seems on the verge of taking constructive if limited action to bring order out of chaos. Prosposed legislation would keep clocks in the four major time zones in a constant year-round relationship. No State would be required to have daylight saving time but those that adopted it would observe uniform starting and ending dates. Support of the National Farm Bureau Federation and the Grange undermines traditional rural opposition to daylight saving. This appears to be the year for a start toward a more sensible system.

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[From the Scranton (Pa.) Tribune, Apr. 22, 1965]

DAYLIGHT SAVING TIME

Daylight saving time, which will shortly start, is popular with factory and office workers, golfers and fishermen, city merchants and businessmen. It is suffered by railroad schedulemakers and television programers. It is opposed by outdoor movie operators, bowling alley proprietors, and tavernkeepers. It is anathema to farmers who insist that cows want to be milked on "God's time."

However, with the steady advance of State and Federal legislative reapportionment, the once strident political voice of the farmer slowly diminishes, and an end to the time confusion appears feasible.

As it is, 31 States and the District of Columbia have d.s.t., either statewide or by local option. But only 15 start and stop simultaneously. That means that clocks will be put ahead in only 15 States on the last Sunday—next Sunday—in April. The same States will push the clocks back an hour on the last Sunday in October.

An extremely modest start toward bringing order into chaos has been made in Congress. A Senate committee last year approved a bill to impose uniform time standards on all Federal agencies and on such interstate businesses as airlines, buses, railroads, and communications companies. A House committee last August approved a compromise bill that would set a uniform period for d.s.t. but would allow many exceptions. Neither measure, however, reached the floor. Identical bills have been offered in both Houses this year. And the Senate Commerce Committee will begin discussion of proposed legislation on the subject next Monday.

The cost and work imposed by d.s.t. is not generally realized. Western Union, for example, once estimated that it had to adjust 40,000 clocks in tens of hundreds of cities. Add to this the general inability to agree not only on whether to have it at all but also when to have it, and confusion is compounded.

However, before too long we Americans may at least be able to agree on the time of day.

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[From the Monongahela (Pa.) Republican, Apr. 20, 1965]

ORDER OUT OF CHAOS

Millions of people favor daylight saving time, other millions oppose it. Other millions still probably don't particularly care, one way or another. But all these groups should be able to agree on one point—the coming of d.s.t., under present circumstances, is accompanied by a welter of confusions.

The date is April 25. On that day about 100 million of us will enter this year's d.s.t. period. But about 85 million will stick to standard time, though some of these will

move to d.s.t. at a future date. In any event, the mixups will begin once more. The transportation services—rails, airlines, buses—will figuratively speaking, go slightly crazy. They will be constantly moving from one kind of time to another, to the consternation of travelers who aren't sure which is which. Tourists, driving in and out of d.s.t. and standard time areas will find themselves off schedule, often with expired reservations. And the confusions are not limited to those concerned with mobility. In some States, where local option is the rule, one town may be on d.s.t. and the next one, just a jump away, on standard time.

So it goes in many fields—radio and TV broadcasting, communications, farming, etc. That's why there is increasing interest in the efforts of the committee for time uniformity to do something about it. It has distinguished support from industries, organizations of various kinds, government departments and agencies, and individuals interested in bringing order out of chaos. It wants, as its name implies, to end, through agreements and necessary legislative action, the present "scrambled time" problems. May it succeed.

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[From the Wilkes-Barre (Pa.) Times-Leader News, Apr. 20, 1965]

SWITCH TO DAYLIGHT SAVING BRINGS CONFUSION

NEW YORK, April 20.—The United States is about to enter into an annual period of confusion.

Daylight saving time will soon be here for much of the country.

This yearly clock juggling will affect business, transportation, and ordinary citizens.

Next Sunday 100 million Americans in 20 States will advance clocks 1 hour and thus get out of step with the other 85 million Americans. These other 85 million will either shift to daylight time on different dates or will remain on standard time.

Thus, the country will become a patchwork of time.

Benjamin Franklin is credited, or blamed, for daylight time. It's said that, when Ambassador to France, he awoke one morning and found sunlight streaming through his window while the city slept.

This "wasted" sunlight annoyed the frugal author of Poor Richard's Almanac and he soon evolved a plan to conserve this daylight by advancing the clock 1 hour.

Daylight time achieved its first wide observance in World War I when it was adopted throughout the country to give farmers more time to work in their fields.

Except for during the two World Wars, observance has been optional. As a result, the country is spotted with areas of observance and nonobservance. This is what has created the confusion.

For example, in 1964, 15 States started daylight time the last Sunday in April and ended it the last Sunday in October. Another 16 States either started or ended—or both—on different dates. The remaining States kept standard time.

Here are some of the things that happen:

An airplane takes off in Washington and, according to the clocks, lands at Norfolk 5 minutes before it was airborne.

Pennsylvania tries to run its State business on standard time while residents of more than 600 communities try to remember that their towns are on daylight.

By the law, trains run on standard time and thus are out of step whenever they arrive in a daylight community.

Some west coast businessmen are getting ready to go to lunch when the east coast business day is over.

For years, people have been talking about daylight saving time, like the weather, but doing nothing about it.

Now there's a move on foot to get some uniformity into the picture.

Next Monday Congress is due to begin action on legislation that would eliminate the snarls.

The Senate Commerce Committee will hold a hearing on a bill proposed by the committee on time uniformity, which was formed by the Transportation Association of America.

The bill would fix the last Sunday of April and the last Sunday of October as the mandatory starting and ending dates in States and communities utilizing daylight time. The measure would have nothing to do with whether it was observed in any particular area.

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[From the Phoenixville (Pa.) Republican, Apr. 22, 1965]

SCRAMBLED TIME

At 2 a.m. on April 25, 1965, America will start living again on "scrambled time." Phoenixville's Borough Council adopted daylight time at its meeting this month.

"Scrambled time," the Committee for Time Uniformity points out, is because some 100 million of us will advance our clocks to daylight saving time, while the remaining 85 million will retain standard time all year round or move to d.s.t. on another date.

Time confusion goes to fantastic lengths. An airplane, according to the clocks, may arrive at its destination before it took off from its point of origin. Trains, being held to standard time by law, are out of step whenever they arrive in a d.s.t. community. Some west coast businessmen are just getting ready for lunch when the east coast business day is over. In one of the States, there are 25 different combinations of dates on which community areas move to and from d.s.t. In an Iowa town, the banks open on d.s.t. and close by standard.

An impressive list of companies and organizations—representing transportation, broadcasting, banking, communications, agriculture, and other enterprises have associated themselves with the Committee for Time Uniformity. Numbers of Government departments and organizations including Commerce, Defense, Post Office, General Services, the Weather Bureau, and others are also cooperating. The goal is to coordinate the efforts of all concerned and to bring about that uniformity through agreements and legislative action when and where needed. To risk a pun, it is high time this was done.

Mr. MULTER. Mr. Speaker, the city of New York has been observing daylight saving time continuously for over 35 years, and this observance has been statewide for many years. However, the time situation around the country, and in many States and localities, is not quite so simple. Thirty-one of the fifty States observe some form of daylight-saving time, but only fifteen States have uniform beginning and ending dates; sixteen States have it as a matter of local option, and nineteen States do not observe it at all. Additional confusion results from time variations between different localities and communities within a single State.

This lack of time uniformity is more than an annoyance. It represents a substantial and unnecessary waste in money and resources. The travel and communications industries as well as manufacturers and producers are especially concerned with this problem.

A strong argument can be made for the desirability of a shift to daylight saving time, winter as well as summer. Such a proposal has met with considerable favor in New York and New England. However, it would be unwise to confuse the situation with further proposals while Congress is considering Federal legislation in the same field.

The proposals now before Congress are more simple. These bills would perfect the application of the time zones to Alaska and Hawaii, and would add a single requirement concerning daylight-saving time. They would not forbid it; they would not require it. They would merely provide that wherever daylight-saving time is established it shall be effective for a uniform period from the last Sunday in April to the last Sunday in October.

This is not a complete coverage of the time situation that exists in this country, but it is a good step toward a uniform system of time by eliminating one of the most confusing features, namely the bewildering multiplicity of beginning and ending dates for the daylight-saving period.

I join in urging that such time-uniformity legislation be adopted.

Mr. CORMAN. Mr. Speaker, the entire Nation is looking forward to October 31. On that day, our annual time snarl will come to an end as the last group of States end daylight saving time and revert back to standard time.

Then we will have time uniformity—the first uniformity since the first group of States started daylight saving time last April.

The patchwork manner is which daylight saving time is now observed means that America has uniform time for only 5 months of each year—from October to April. The other 7 months we spend in a State of confusion, as far as time is concerned, because of the many different time laws, standards and practices permitted in the United States.

This self-inflicted burden of confusion is close to a national disgrace.

The Congress now holds the power to correct this situation by passing the pending legislation, which would at least fix the starting and ending dates for daylight saving time by making the last Sundays of April and October the mandatory switchovers.

I support this legislation strongly and hope the House acts on it this year.

One important point should be noted: While fixing the start and end of daylight saving time, the pending legislation does not in any way affect State-level and local-level decisions on whether to utilize daylight saving time at all. The integrity of local and State authority over daylight saving time thus remains unimpaired.

This is not a daylight saving time bill. This is not a Federal grab for more power. This is merely a bill to bring a measure of order out of the chaos created by our nonsensical time practices. This is perhaps the only piece of legislation that directly affects the daily life of every American. I believe that fact should spur the House to enact the legislation.

Mr. HANSEN of Iowa. Mr. Speaker, there is much that can be said, obviously, in favor of both standard time and daylight saving time. It would be an understatement to say that each has come to have its place in the American way of

life. There is a great deal more to be said, however, for the need of putting a prompt end to the extremes of confusion which have resulted and continue to result from the annual juggling of clocks in this Nation.

Year after year, we find ourselves plagued by the innumerable variations in standard and daylight saving times across the country. Differing change-over dates are the main ingredient of this unhealthy muddle, with a wide assortment of local community options and a number of time zone boundary disputes serving to compound the confusion.

It is my conviction, therefore, that if we do nothing else in this regard than set up standards for the starting and closing dates for daylight saving time, standards that will apply throughout the country uniformly, we will have done all Americans a real service.

Certainly this would be helpful to the citizenry of Iowa.

Last year, for example, there were 23 different combinations of dates on which various Iowa communities shifted to and from daylight time. There also were periods when some school districts were observing daylight time while adjacent districts were on standard time.

The confusion reached a peak beginning in late August when many small communities began shifting back to standard time for the opening of the fall school term. With other areas remaining on daylight time until the first or last Sunday of October, it often was difficult to figure with any certainty what the time was in any given city.

There have been some moves this year toward unraveling the time snarl in Iowa, but the situation is still a thoroughly frustrating snafu.

So again I say that there is urgent need for national agreement at least on the starting and closing dates for daylight saving time—these dates to be the last Sunday in April and the last Sunday in October in keeping with what is clearly the majority choice in this regard.

I am including an article from the Shenandoah, Iowa, Sentinel in regard to daylight saving time. The article follows:

[From the Shenandoah (Iowa) Sentinel, Apr. 20, 1965]

CONFUSION OVER D.S.T. OVER NATION

(By Jack Lefler)

NEW YORK.—The United States is about to enter into an anual period of confusion.

Daylight saving time (d.s.t.) will soon be here for much of the country.

This yearly clock juggling will affect business, transportation, and ordinary citizens.

Next Sunday 100 million Americans in 20 States will advance clocks 1 hour and thus get out of step with the other 85 million Americans. These other 85 million will either shift to d.s.t. on different dates or will remain on standard time.

Thus, the country will become a patchwork of time.

Benjamin Franklin is credited, or blamed for d.s.t. It's said that, when Ambassador to France, he awoke one morning and found sunlight streaming through his window while the city slept.

This "wasted" sunlight annoyed the frugal author of Poor Richard's Almanac and he soon evolved a plan to conserve this daylight by advancing the clock 1 hour.

Daylight saving time achieved its first wide observance in World War I when it was adopted throughout the country to give farmers more time to work in their fields.

Except for during the two World Wars, observance of d.s.t. has been optional. As a result, the country is spotted with areas of observance and nonobservance. This is what has created the confusion.

For example, in 1964, 15 States started d.s.t. the last Sunday in April and ended it the last Sunday in October. Another 16 States either started or ended d.s.t.—or both—on different dates. The remaining States didn't observe d.s.t. at all.

Now there's a move on foot to get some uniformity into the picture.

Next Monday Congress is due to begin action on legislation that would eliminate the snarls now involved in observing d.s.t.

The Senate Commerce Committee will hold a hearing on a bill proposed by the Committee on Time Uniformity, which was formed by the Transportation Association of America.

The bill would fix the last Sunday of April and the last Sunday of October as the mandatory starting and ending dates for d.s.t. in States and communities utilizing it. The measure would have nothing to do with whether d.s.t. was observed in any particular area.

Mr. WALKER of New Mexico. Mr. Speaker, I wish to associate myself with remarks of my colleagues who are interested in the question of time uniformity. It is not necessary to recount here the great inconveniences caused by the crazy-quilt pattern of time being observed throughout the United States. I am sure that more than a few Members of this House have arrived an hour early or late for speaking engagements because of the confusion compounded by chaos in time-keeping practices. As one Member of the Senate categorized it, "Americans are plagued with missed appointments and baffled by timetable distortions." The neighboring State of Virginia is an example of the expense involved. In this State bus schedules must be revised four times in 6 months each year.

In the State of New Mexico, with the exception of the city of Los Alamos, standard time is observed throughout the year. The time may come when the citizens in the land of enchantment may wish to observe "fast time" as is done in the majority of our States. Until they do, however, I would hope that no requirement would be imposed upon them to observe daylight saving time.

It is my understanding that the U.S. Senate early in June, passed by voice vote, legislation which would help immeasurably in clearing up the present confusion. This bill would not affect those States which do not observe daylight saving time. Those jurisdictions which do advance their clocks 1 hour would, however, be required to do so on a uniform basis, beginning on the last Sunday in April and ending on the last Sunday in October. In my judgment this is a reasonable and realistic approach to a difficult problem.

Substantially identical bills have been introduced in the House and await consideration by the Committee on Interstate and Foreign Commerce. I realize that this great committee of the House has been burdened with an extremely heavy workload at this session of Congress. However, I hope that before we leave Washington in a few weeks, the committee will find it possible to schedule hearings on these bills. I understand that there is virtually no opposition and the hearings could be completed in the course of one-half day.

In conclusion let me insert for the RECORD an editorial in the Alamagordo, N. Mex., News of May 3, 1965, which sets forth very clearly the problems involved and the hope for at least a partial solution:

TIME MIXUP AGAIN

The popular attitude toward the summertime mishmash that plagues this country resembles that of the man who worried about his leaky roof when it rained but did nothing about it on fine days. Americans fret a good deal when the summertime chaos is upon them and nothing immediately effective can be done about it, but in winter they tend to put off consideration of the matter.

The present state of affairs is a classic illustration of this. There was a big hue and cry last summer about how stupid it was for a modern country not to have a reasonably uniform time setup. There was a lot of public irritation at ridiculous discrepancies in time, not only between States but within States and sometimes from community to community. All this led to demands for congressional action at the earliest opportunity. Congress did nothing. Thus we will have to live through a repetition of last summer's time mixup.

Some idea of just how mixed up the time situation is can be gained by considering a few salient points. Thirty-one States observe daylight saving time; 19 States do not. Twenty of the 31 did all start daylight saving time together, on April 26, but that is the last nod to the ideal uniformity. These States will go off d.s.t. at varying times, some as early as August, others not until October. The other 11 daylight saving States will both start and stop on a variety of dates. As in the past, the motto seems to be: Let the traveler beware.

There is some hope that this will be the last summer of chaos. Committees in both Houses of Congress has turned the spotlight on this matter. Bills are in the legislative hoppers. The proposed uniform time law would not solve the problem, but it would be a start. Congress should not let another summer pass without action.

Mr. DERWINSKI. Mr. Speaker, I am pleased to participate in the debate this afternoon in support of the enactment of legislation to provide a uniform period across the country for daylight saving time.

I have joined my colleague, the gentleman from Minnesota [Mr. FRASER] in introducing a bill for this purpose, H.R. 9152, and am hopeful that the House Interstate and Foreign Commerce Committee, which has jurisdiction over this subject, will soon schedule hearings on it.

This legislation would merely limit daylight saving time for those States and communities who wish to use it to the period commencing on the last Sunday in April and ending on the last Sunday in October of each year.

Many States and communities commence and terminate daylight saving time at different periods, and within normal time zones some States and communities remain at variance with their neighbors throughout the period. Although the legislation we advocate would

leave to each State the choice of adopting daylight saving time or not, it would accomplish the purpose of standardizing the dates on which it would begin and end for all areas choosing to adopt it.

The time confusion which we now face results in enormous expense of changing schedules to our railroads and airlines and causes considerable inconvenience to persons who travel from one area to another during the time when various States and communities are changing to and from daylight saving time.

I hope that Congress will act this session to end this expensive and inconvient system and adopt a standard period for daylight saving time.

Mr. HATHAWAY. Mr. Speaker, although the State of Maine, located in the extreme northeast corner of the country, has always been in the eastern zone, it has a standard of time which is relatively the slowest in the country—that is in relation to local sun time. With daylight saving added, the time in the eastern part of the State is only 28 minutes faster than sun time. Even our rural dwellers—about half the population—have grown accustomed to daylight saving time.

Our situation is complicated in that our eastern and part of our northern boundary is shared by our Canadian neighbors in New Brunswick, who observe Atlantic time, with daylight saving added in the summer months, making their time an hour faster than ours all year round.

Recently, the State legislature tentatively adopted a proposal to establish statewide, year-round daylight saving time. This measure has not become effective, but is awaiting the acceptance of similar proposals in other Eastern States. However, this move reflects a trend which could build up into another rash of time changes in the near future, unless Congress acts promptly to fulfill its duty to fix a uniform system of time standards for the United States.

For years Congress has been urged to preempt the field of time standards, thus preventing the exercise of local option, which has resulted in the present chaotic situation. The conflict between two or more standards of time affecting public affairs and activities in the same community at the same time, or the change from one to the other at the whim of local authorities is against the public interest, and the resulting widespread confusion is becoming intolerable. Sooner or later Congress will have to act.

Maine citizens have not always enjoyed unanimity in their time arrangements; but in the early years of daylight saving time they learned the lesson that uniformity, at least on a regional basis, is vital, if the benefits of daylight saving are to be realized.

The pending bills would require a uniform period during which daylight saving would be allowed. While they would not completely occupy the field, they would bring about a great improvement over the existing lack of consistency, and such legislation has my support.

Mr. BROWN of California. Mr. Speaker, the people of California recommend making our time observance uniform. They have done so themselves with an overwhelming vote at the polls—a vote which gives strong testimony to the fact that people want uniformity and are sick and tired of time confusion.

The question came up directly on the California ballot in November of 1962, at a time when California went off daylight saving time in September of each year—1 hour earlier than the majority of the other daylight saving time States, including the east coast States which observe daylight saving time.

The result of this was that, during that month, there was a 4-hour rather than a 3-hour difference between the coasts. The east coast was shutting down when people were still at lunch in California.

A referendum was ordered held in November of 1962, and the results were overwhelming. By a vote of 2,836,050 to 1,087,408 the people of California ratified their use of daylight saving time and extended it 1 month to conform with the vast majority of the other States. This put California daylight saving time on the April–October switch dates proposed as national standards in the pending bill.

That vote meant that more than 72 percent of the voters approved uniform time.

The trend of such votes in California adds an interesting commentary on a change in public opinion over the past 35 years with regard to daylight saving time itself and, then, uniformity of daylight saving time observance.

The people of California rejected any use of daylight saving time in 1930 and again in 1940. In 1948, however, daylight saving time was approved by a margin of 238,000 votes—the tally was 1,405,257 to 1,167,846.

And then came the 1962 landslide.

California enjoys its uniform daylight saving time. It recommends it highly and I strongly support the pending bill, H.R. 6781. Congress should act this year.

Mr. FRIEDEL. Mr. Speaker, the concept of daylight saving time has been credited to one of the most renowned of all of America's statesmen, Benjamin Franklin, before 1807. As phenomenally prophetic as Ben Franklin was, however, I think it is safe to say that he could never have foreseen the involvements that the current lack of time uniformity in the United States would produce. In many areas of this Nation today the situation in this regard is nothing less that chaotic.

We have towns where banks open on daylight saving time and close on standard time, and where the citizenry goes to bed on standard time and gets up by daylight-standard time variations.

More confusion reigns in families with members who work or go to school in different time zones. And there are the particular problems faced by the broadcasting agencies in trying to maintain some continuity of timing across the country in reaching audiences.

The list of examples of clock juggling and resulting mixups is literally endless—adding up to one of the greatest public inconveniences in America.

Nor is my own State of Maryland separated from the confusion. I can assure you that we have our share of mixups as a result of this annual scrambling of time.

There is much to be said for the principle of daylight saving time. There's much more to be said, however, for establishing and maintaining an orderly system of time changes. In a society as modern and progressive as America's, there is simply no place for the monumental mishmash of time that has been allowed to get so far ahead of us.

As I see it, a reasonable and realistic step in the right direction would be the adoption of standard starting and cutoff dates, on a statewide basis, across the land, for daylight saving time. The dates I have in mind are the last Sunday of April and the last Sunday of October.

Mr. TODD. Mr. Speaker, it is difficult to visualize that the activities of mankind are affected by anything more important than our system of timekeeping. It applies to all of us as public officials, professional persons, businessmen, travelers, and citizens alike. I am sure there is hardly any individual who has not suffered confusion or inconvenience by the differences in time observance. A Wheaton, Minn., resident recently complained that daylight saving time in Minnesota resulted in an "extra hour of sunshine which turned my grass brown." And then there was the elderly lady in New England who felt tired all summer until she got her hour back when standard time resumed in the fall.

Seriously, the practices across the country have during peacetime periods created a crazy-quilt of timekeeping. This has been a real problem for the banking and financial interests in particular. Our stock exchange firms serve 18 million stockholders; a system of rapid and efficient communication is a vitally essential element for conducting a nationwide securities market. This need also applies to all other areas of our fiscal structure. Being a member of the House Banking and Currency Committee I can speak with familiarity about this problem of this important segment of our economy.

I am also convinced that the American people want us in Congress to act. The Nation has been blanketed with extensive news accounts of time schizophrenia which need correction. It would be a constructive step forward to at least get those areas observing daylight saving time to do so for the same period of time each year and Congress should so legislate. The Senate passed a bill to this effect in June and I hope the House will soon follow suit.

Mr. SAYLOR. Mr. Speaker, it is my understanding that Henry Austin Dobson, an English poet and man of letters whose career bridged from mid-18th century through the days when various countries of the world first experimented with daylight savings time, wrote these lines:

Time goes, you say? Ah no.
Alas, Time stays, we go.

If Mr. Dobson were still living, he would certainly want to revise that philosophical expression, for there are times during the summer months when we cannot be certain whether we are coming or going. I believe that H.R. 9066, or the Senate-passed S. 1404 will eliminate some of the confusion that plagues just about everyone when some—not all—clocks are advanced an hour in the spring and again when hands are turned back in the fall.

The idea of saving a working hour each day during the summer months originated as early as 1908 in England, but it was not until World War I was underway that most nations on the Continent as well as Britain put the plan into practice. Less than a year after the United States entered the conflict, we too turned to daylight savings time and have found it generally advantageous in peacetime as well as in wartime.

Some areas still rebel at the thought of this artificial means of lengthening the working day, and I have no quarrel with this attitude. I am convinced, however, that there needs to be a uniform arrangement whereby all States and areas desiring to adopt daylight savings time will do so on a stipulated date. Inasmuch as the Federal Government has for the past 47 years provided by statute the opportunity to use daylight savings time where desired, it would seem only reasonable to specify the respective dates for turning clocks ahead and back. I feel such an arrangement especially important during a period when the world is beset with hostility and America is involved with men and guns. With defense research and production facilities scattered across the land, there is no excuse for making possible any avenue of delay that may be costly to the war effort. Yet, under conditions that allow for flexibility in time changes, a breakdown in communications—short-lived though it might be—could easily develop to the detriment of the military program.

I urge that such legislation be enacted at this session of Congress, Mr. Speaker.

Mr. HORTON. Mr. Speaker, I rise to urge passage of legislation to achieve a greater nationwide time uniformity. Our country, which can boast of many outstanding accomplishments in the scientific field, is long overdue for uniform time legislation. The Interstate Commerce Commission has been aware of this problem for many years, and the moment is now at hand that Congress turn the Commission's recommendations into actuality.

The present lack of enforcement provisions, leaving the determination to each community as to what time it should observe, has resulted in considerable variance in clocking, which complicates the operations and public schedules of the transportation industry, and as many of us here may have experienced, it often bewilders travelers, television viewers and radio listeners. Missed appointments and late arrivals hamper, complicate, and often irritate business and social affairs.

Local option enables the local authorities to determine their own pattern of scheduling. One point will have standard time and the next, daylight saving time. The trains operate on standard time regardless of the local time, while the airlines and buses attempt to reflect the local time in their schedules.

But one of the most confusing elements in the situation is the great difference in the periods during which daylight saving is observed. Although 31 States, and the District of Columbia, have daylight saving time, only 15 start and stop at the same time. In the remaining 16 States, daylight saving time is a decision of local officials. Crossing a single State the traveler may be met with as many as 23 different combinations of dates on which areas or towns go on or off daylight saving time.

It is this difference in periods of observance which is the principal point of attack of the pending bills. Under their terms the State or other governmental subdivisions would be free to decide whether daylight saving would be observed; but, if adopted, the period of observance would have to be from the last Sunday in April to the last Sunday in October. I believe this is a most needed improvement and I urge adoption of legislation making the beginning of progress toward a uniform system of time.

Mr. ROOSEVELT. Mr. Speaker, without exception, all citizens of the United States literally live by the clock, almost automatically, as a matter of habit. From the time a child is taught how to read the face of a clock until he becomes a senior citizen his entire existence is regulated by time. Whether it involves going to a movie, watching a favorite television show, maintaining appointments at the office, or shopping for Christmas presents, we all live by the clock. Books have been written about the technicalities of time observance throughout the world and beyond to the universe. Most of us, however, conduct our day-to-day affairs with family, friends and business associates merely by glances at our timepiece countless times each day.

The history of time observance in this country is a fascinating story. It was the railroad industry which adopted its own system of timekeeping 82 years ago, followed 35 years later by the enactment of the Standard Time Act of 1918, currently administered by the Interstate Commerce Commission. During World War I and World War II, the Congress adopted nationwide daylight saving time to enhance the war efforts. During the intervening peacetime periods, the observance of daylight saving time has been left to the States and local communities, resulting in a veritable patchwork of conflicting and confusing time practices.

Thus, almost half a century has passed since Congress has legislated on basic time obervance prevailing in peacetime periods. The time has come to clear up the time scramble. Congress must act, since leaving the matter to the States has resulted in a situation considerably less than desirable.

The extreme contrasts in time regulation are exasperating, to be sure, and the United States is probably the only country in the world in which you need a highly detailed map as well as a watch in order to be certain of the time.

It is my belief the prevailing conditions warrant congressional attention to the time problems of today, and justify immediate consideration of the legislative proposal of the gentleman from Minnesota [Mr. FRASER].

Mr. DOWNING. Mr. Speaker, time inevitably marches on and once again it is performing its annual giant's stride, leaping over an hour to bring about another period of so-called daylight saving time. The impact of such clock confusion on our American way of life, with half of our citizenry on daylight and the other half on standard time, has been dramatically brought to the attention of the American people. What you may not appreciate is that the State of Virginia has become the symbol of clock juggling which challenges belief, much less a constructive solution.

Let me very simply describe time observances in Virginia. As a result of State legislative action, on the first Saturday in April the same time was observed in the State capital of Richmond, in the metropolitan area comprising Alexandria and the counties of Fairfax and Arlington, and in the eight counties on the Virginia-Tennessee border.

On the last Sunday in April the metropolitan areas adjacent to Washington, D.C., moved their clocks forward 1 hour. Then on the Monday following Memorial Day—June 6—Richmond caught up with Alexandria but was then 1 hour faster than Bristol and the eight counties. In just 3 months, Richmond will rejoin Bristol but will then be 1 hour behind Alexandria. On the last Sunday in October Alexandria will lose an hour and rejoin the rest of the State until the cycle begins all over again next spring.

To further complicate matters this year, Bluefield and Pocahontas, Va., on the West Virginia border ignored State law and went on daylight time the last Sunday of April because of the West Virginia shift at that time.

What to do? Let me add my voice to the growing chorus that it is time to unscramble time—the annual battle of timetables and the time change puzzle must be licked. An overwhelming sentiment nationwide has developed to the effect that Congress must take the lead in establishing peace—time uniformity. My own people in Virginia say "Amen" to this.

The Virginia State Legislature in early 1962 adopted two resolutions. One resolution requested Congress to prescribe what time shall be applicable in the eastern standard time zone of the United States and, if different times are to prevail at different times of the year, then to establish the periods during which such different times shall be observed. The other resolution urged adjoining States to join in requesting Congress to take such action. These resolutions were presented to the U.S. Senate in time hearings during April 1962, by one of the senior members of the Virginia State Legislature, the Honorable Thomas N. Frost.

Mr. Frost also appeared in a similar Senate hearing earlier this year to support uniform time legislation, since adopted by the Senate. He presented a letter from Governor Harrison, dated April 23, 1965, which included the following statement:

Enactment of such legislation, in my judgment, would be in the best interest of the Nation and I trust that the Congress will act favorably during this session. As you know, the Virginia General Assembly has advocated such an approach, and I am confident that the legislation would meet with the approval of the great majority of citizens.

How much more proof of clock chaos is needed?

First. An airplane takes off in Washington and, according to the clocks, lands at Newport News, Va., 5 minutes before it was airborne.

Second. A high foreign dignitary early in 1963 arrived in the United States an hour early near Williamsburg because someone failed to note that this particular area of Virginia had not yet joined the rest of the State in daylight saving time.

Third. In Virginia, bus schedules must be revised and reprinted four times in 6 months each year.

Fourth. Due to the Virginia State law the Official Bus Guide this year, effective May 28, used two different systems of telling time for our citizens, one by Trailways and the other by Greyhound. Think of how this would confuse not only the general public but also the 25,000 travel agents trying to serve the public.

Congress has much to do but it also "has time on its hands." Let us help to straighten out this crazy quilt of time once and for all.

Mr. Speaker, I insert an editorial from the Newport News Daily Press in the RECORD at the conclusion of my remarks. It is persuasive evidence of the need for some corrective action:

SCORECARD-TOTING TIME ARRIVES

Two events of the past few days make it more certain than ever that many Americans will be toting scorecards in their pockets. Baseball season opened and that's one reason. The other is that daylight saving time is starting, and somebody who travels, or calls back and forth needs to know what time it is anywhere else in the Nation. Hence, the scorecard.

One-third of the country goes into daylight time today. Another third will set watches ahead in a few weeks, on or about the first week in June, and the rest of the Nation won't observe daylight time at all.

We have no idea which States will change clocks and when, so we won't be of much help in filling out your d.s.t. scorecards.

Unfortunately, this wouldn't help much even if we could, because in traveling about, you'd have to have a calendar, too, to find out when d.s.t. started.

Solution? There doesn't appear to be one.

We can't possibly expect any national agreement on the matter, because it ranks next in controversial value to dog leashes, insofar as we are able to determine.

A small step toward some degree of uniformity, however, is pending in Congress now. It doesn't say each State should or should not have d.s.t., but it does require standardization of the length of time every State that does go on d.s.t. would make the change. For instance, it would make d.s.t. mandatory from the last Sunday in April to the last Sunday in October in those States which have d.s.t., but would have no effect on those States which do not have the summer fast time.

Virginia, where time is neither fish nor fowl, goes on d.s.t. on the first Monday after Memorial Day holiday, which makes it pretty late this year, and goes off on the midnight before Labor Day.

Uniformity is the overriding need here, for there is a time loss of 25 percent of the working day when cities with d.s.t. try to communicate with cities without fast time. One office opens an hour earlier, the other closes an hour later, and the 2 hours lost are an important part of the 8-hour day.

But uniformity, alas, is not in the offing. And chaos will continue to reign in the summer.

Mr. DENT. Mr. Speaker, we design rockets which take close-up pictures of the Moon and Mars but we still struggle along with antiquated methods of measuring time, something which affects the life of every person every day.

Atomic science now permits 1 second to be divided accurately into 100 billion equal parts. And scientific time measuring devices can be so precisely set that two of them would deviate no more than 1 second in 5,000 years.

Yet the United States remains "the world's worst timekeeper," according to Dr. William Markowitz, leading time scientist at the U.S. Naval Observatory.

The reason for this, of course, is the haphazard way daylight saving time is illogically observed on widely varying dates in different parts of the country.

Pennsylvania has no major problems of uniformity within its borders—daylight saving time starts the last Sunday of April and ends the last Sunday of October, as the pending legislation proposes to make a national requirement.

Pennsylvania, however, does have its own time antique—while towns and other communities observe daylight saving time, State law requires that State business be done on standard time.

The ridiculous result is that all State office clocks remain on standard time while everyone works on daylight saving time hours. This little fiction, I suppose, preserves the sanctity of our laws.

What it really does, however, is expose the horse-and-buggy means by which we observe time.

While Pennsylvania has no uniformity problem itself, the national time confusion does affect our people as they travel or communicate to other parts of the country.

If the pending legislation became law, one could at least be certain as to whether or not daylight saving time was being observed anywhere on a certain date. This would contribute a lot to public convenience and national efficiency.

It is time for a real national overhaul of our time observances and I strongly support the pending legislation as a significant step toward time sanity.

I commend the following news articles to the House for consideration. They well point up the time dilemma we find ourselves in:

[From the Monessen (Pa.) Independent]

TIME MIXUP AGAIN

The popular attitude toward the summer time mishmash that plagues this country resembles that of the man who worried about his leaky roof when it rained but did nothing about it on fine days. Americans fret a good deal when the summer time chaos is upon them and nothing immediately effective can be done about it, but in winter they tend to put off consideration of the matter.

The present state of affairs is a classic illustration of this. There was a big hue and cry last summer about how stupid it was for a modern country not to have a reasonably uniform time setup. There was a lot of public irritation at ridiculous discrepancies in time, not only between States but within States and sometimes from community to community. All this led to demands for congressional action at the earliest opportunity. Congress did nothing. Thus we will have to live through a repetition of last summer's time mixup.

Some idea of just how mixed-up the time situation is can be gained by considering a few salient points. Thirty-one States observe daylight saving time; 19 States do not. Twenty of the 31 did all start daylight saving time together on April 26, but that is the last nod to the ideal of uniformity. These States will go off daylight saving time at varying times, some as early as August, others not until October. The other 11 daylight saving States will both start and stop on a variety of dates. As in the past, the motto seems to be: Let the traveler beware.

There is some hope that this will be the last summer of chaos. Committees in both Houses of Congress have turned the spotlight on this matter. Bills are in the legislative hoppers. The proposed uniform time law would not solve the problem but it would be a start. Congress should not let another summer pass without action.

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[From the Greensburg (Pa.) Tribune Review]

TIME TINKERING

Congress, so it would appear, is moving a step forward to end the perennial confusion of some of the Nation's habit of going on daylight summer time.

Legislation to establish uniform effective dates for the summer time has passed the Senate and now goes to the House, where similar approval is expected.

This legislation would standardize start of daylight time as of 2 a.m., the last Sunday in April, and be removed at the same time the last Sunday in October. As the procedure stands today the start and finish of this time is largely left up to States and individual communities, which has caused considerable confusion in the country.

Over the years there have been many advocates of some sort of standardization in summer recreation hours. As the situation is today the transportation media has rather a difficult time attempting to relate its schedules to the whims of States and municipalities.

It might be wiser, therefore, for Congress to go a step further in its time tinkering and come up with a universal pattern. At least this would end the annual confusion that now prevails.

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[From the New Kensington, Pa., Dispatch]

MANY U.S. AREAS TURN CLOCKS AHEAD

More than half the American people will have to turn their clocks ahead 1 hour Sunday to conform with daylight saving time.

The change goes into effect at 2 a.m. (local time).

In 16 States, the change will be statewide. In others, one or more areas of the State will go on daylight saving time, while other areas stay on standard time.

Some States remaining on standard time next week will shift to daylight saving time later in the spring.

Latest reports indicate a slight gain for the daylight saving time advocates, many of

whom would like to see the whole country on daylight saving time all year as some sections in Indiana are now.

New to the fold is Colorado, which will turn the clocks Sunday for the first time.

Iowa adopted daylight saving time on a statewide basis for the first time this year by legislative action, but will have it only from Memorial Day to Labor Day.

Wisconsin will begin daylight saving time as usual Sunday, but by legislative action will have an extra month of it, going back to standard time at the end of October, rather than as previously, in late September.

Generally statewide daylight saving time is favored by populous States—New England, the Middle Atlantic States, Illinois and California. Others adopting statewide daylight saving time include West Virginia, Nevada and Washington.

But in other States the picture is not so clear. In Ohio, 226 cities and communities in the northeast and eastern parts of the State will go on "fast" time Sunday. But only 21 of Ohio's 88 counties will be affected by daylight saving time and some of those only in part.

Other States which will experience both daylight saving time and standard times within their borders during the summer are Pennsylvania, Maryland, Virginia, Kentucky, Indiana, Michigan, Missouri, Minnesota, South Dakota, New Mexico, Montana, Idaho and Oregon.

Vast areas of the South and Southwest—including Texas—ignore the whole idea.

Daylight saving time ends October 31 in much of the East.

## AMENDING THE TRADE EXPANSION ACT OF 1962

The SPEAKER pro tempore (Mr. PEPPER). Under previous order of the House, the gentleman from Illinois [Mr. COLLIER] is recognized for 30 minutes.

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

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

There was no objection.

Mr. COLLIER. Mr. Speaker, the time for amending the Trade Expansion Act of 1962 is long overdue. Today I wish to join the other Members who also believe that urgent action must be taken. When this act reached the floor directly from the executive branch of Government, it was under a closed rule, which prevented it from being justly amended. The House therefore, had little choice but to adopt this overly liberal and damaging bill. Existing tariff rates were cut by 50 percent with but a few exceptions. Those items with less than 5 percent duty, were placed on the free list, and the more cautious "peril point" provision which had been in force for 10 years was abolished.

In 1955 a 15-percent tariff cut was allowed; 1958 saw a 20-percent reduction, and in 1962, the free-trade enthusiasts made their mark by establishing the 50-percent reduction, or more than the combined two previous reductions in our tariff rates. The 800 witnesses appearing before the committee on the rate reduction, apparently failed to make their point. Hardly an exception was to be found in the across-the-board 50 percent reduction, and the "peril point" protection was lost. The new act provided for adjustment assistance to industries, firms, and labor—and yet, to this date not a single applicant has qualified for such assistance. Seventeen have tried for this assistance, including five labor groups. The Tariff Commission has turned down 16 of the 17, unanimously, because the law does not clearly define the degree of injury which is actionable. This extremely liberal piece of legislation is today implemented by the GATT negotiations which are now moving along at a snail's pace in Geneva. Here the United States continues to commit itself to 50 percent reductions, and possibly greater, with only "a bare minimum of exceptions."

With the flooding of our markets by imports, many industries have and will continue to take defensive measures. In order to compete with low foreign labor costs, and thus low product costs, large amounts of money have been expended to modernize equipment and procedures to bring about economies in production. This action has resulted in decreasing the demand for large labor forces and has a negative effect on employment, as the new workers supplied by the population growth are not absorbed. Another option for our industry was to invest heavily in plants abroad, buy into going concerns, or purchase the foreign company outright. License arrangements, by means of patent royalty agreements, aid in supplementing the domestic company's income, without actually going abroad. We all realize, however, that heavy investment abroad means more American dollars flowing out of our country and a worsening of our balance-of-payments problems, which we are striving so hard to correct through the "see America first" and other programs instituted by this administration.

The electronics industry provides a typical example of the effects which flooding imports have on the domestic employment situation. The United States gained an early lead in this industry and provided a great diversity of electronic products in the industrial, governmental and military, and household or consumer areas. The television, tape recorder, and so forth, sector represents the typical nonessential type of consumer goods field, to which the economy looks for employment.

This branch of the consumer industry depends solely upon public acceptance of the total product package—gadgetry, cost, advertising, and so forth—and the amount of income available for such nonessentials. Although there is no necessity to purchase these types of products, the affluent Americans consider them close to being essential. Automobiles were also considered luxury items and today their production and sales are major factors in our economy. Mass production saw price reduction and new layers of consumer purchasing power resulting in a vast increase in sales. The potential market is then expanded until the lowest levels of income in our economy can afford these nonessentials. Multiple unit consumption follows each level of saturation. With the introduction of low-cost foreign products, our industries scramble for more automation to avoid the spiraling labor costs.

The market for necessities—that is, food, is limited by a standard of national consumption, only to be increased with a growing population. Yet nonessentials are very sensitive to the various cycles and slight indications of our economy. The elastic demand of the electronic industry follows the confidence of the consumer, as his income and spending increases. Military and Government purchase of electronic goods depend on the defense budget and the pace of space exploration. Industrial electronics follows both the general economic picture and the demand for consumer goods.

Imports began to register a serious impact on consumer electronic employment from 1958 forward, as compared with the nonconsumer branches—Government, military, and industrial. Imported consumer electronic goods were only $17.2 million in 1958, increased steadily to $153 million in 1963 and were estimated to exceed the 1963 figure by 15 percent in 1964. Employment in the consumer sector was 101,000 in 1954, fell to 66,500 in 1958, and after the recession rose again to 83,000 in 1962, without ever reaching the 100,000 level again. Employment in the military, governmental, and industrial area grew from 91,500 in 1954 to 282,000 in 1962. Employment increased threefold in the other areas of electronics, while it declined some 17 percent in the consumer electronic field. If employment in the consumer field kept pace with the other areas, it would have reached close to 300,000 in 1962, instead of only 83,000. The nonconsumer segment is five times as large in the domestic sales as in the consumer division, yet the imports are less than a fourth of those in consumer goods. The result has been a heavy contribution to employment by the nonconsumer sector and a contribution to unemployment by the consumer sector. Thus one can see the sensitivity of the consumer sector to imports.

Growing import competition forced our manufacturers to purchase component parts from foreign countries at a small cost, leaving our small parts manufacturers in the cold. These lower levels of domestic income suffered as a consequence and were without employment, along with the small manufacturer, who lost his contracts. Our producers may be able to lower their prices over the longer period of years, as they did with televisions, but foreign competition refuses to wait, for they are ready now with their low cost and high production levels.

Great expansion of investment in the consumer electronic field is dubious under the present national trade policy. Additional investment in automation which would lower the cost per unit, would be advisable if it didn't have such a negative effect on employment. If industry could be assured that further tariff reduction wasn't imminent, industry could move judiciously, yet swiftly toward a realistic program of cost reduction and a solution to the employment problem.

The electronic industry is but one example of the situation faced by many of the consumer industries today. Its features are common enough to be shared by all of those concerned with consumer goods. We should take heed of the grave warning signs it is displaying today and provide corrective measures so that America's industries continue their innovations and provide jobs for our growing labor force. If we do not face up to the problem today, we will find ourselves buried in imports tomorrow. The need will continue to increase for more comprehensive retraining programs, higher antipoverty measures, and larger area redevelopment projects.

With this in mind a bill should be passed that provides that any product whose imports have risen 75 percent since 1958 and now occupies 7½ percent of domestic production, should be taken off the list of products to be considered for further tariff reductions. By holding the particular import to a proportionate share of the expanding market, the existing damage of unlimited imports would not continually be reintroduced. The U.S. trade policies should be subjected to congressional review every year. They should be considered in the light of our yearly expanding economy and our world trade goals. This is not an easy assignment, but must be done to insure a favorable balance for our home industries. The Ways and Means Committee should therefore place this bill high on its list, for immediate consideration.

## THE FEDERAL WATER COMMISSION ACT

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. RYAN] is recognized for 30 minutes.

Mr. RYAN. Mr. Speaker, last week I introduced House Concurrent Resolution 457 expressing the sense of the Congress that the Delaware River Basin Commission should immediately investigate the feasibility of relocating Philadelphia's intake on the Delaware River. The existing intake is vulnerable to saltwater incursion, and to protect it from this threat New York City is presently required by Commission order to forego daily 155 million gallons of drinking water to which it is entitled under a U.S. Supreme Court decree. This water is spilled over into the Delaware from the city's reservoir for the purpose of holding back the salt front at Philadelphia's intake, although very little of it is actually withdrawn for use by that city.

House Concurrent Resolution 457 is designed to spur action by a regional commission on what may well be one of the few remaining approaches which holds any promise of enlarging the usable water supply in the New York-Philadelphia area. Since such an approach is only possible now through a regional, multistate authority such as the Delaware River Basin Commission, I want to acknowledge the importance of the concept and practice of regional water regulation in this present drought crisis.

However, the present philosophy of regional water control is inadequate to the challenge which we face today and will surely face again. Only 3 weeks ago the House and Senate passed the Water Resources Planning Act of 1965. This measure, involving the expenditure of at least $120 million over the next 10 years by river basin commissions, will set the direction of our water resource planning for the coming decade. Yet there is little comfort in this law for most people living in the Maine-Washington-Cincinnati triangle now suffering acute drought conditions. The reason, as I pointed out on July 13 at page 16554 of the RECORD, lies in a provision added to the bill for the first time in conference. The provision, section 3(d) of the act, expressly forbids the Federal Water Resource Council or any river basin commission acting under the law to "study, plan, or recommend" the transfer of waters between areas under the jurisdiction of more than one commission.

This limitation was apparently tailored to the demands of Columbia River Basin residents who feared the act would lead to diversion of Columbia River water to the Southwest. The actual effect of the provision is, however, far broader, and its impact on other areas dramatically illustrates the total inadequacy of basin-by-basin water resource control as the governing premise of our national water policy.

New York City's present plans for coping with its acute water shortage is a clear case in point. New York City has extensive water recovery and storage facilities on the upper Delaware. These have proved insufficient to meet simultaneously the requirements of both New York City and Philadelphia. Consequently, New York City plans to reconstruct a water intake project on the Hudson River which it once started and foolishly abandoned. This intake, unlike Philadelphia's intake on the Delaware, is located near the conduits carrying water from the Delaware reservoirs to New York City. This will permit New York to either use Hudson River waters as an emergency substitute for Delaware withdrawals or mix waters from the two sources for the city's water supply.

Mr. Speaker, the river basin planning concept of the Water Resources Planning Act of 1965 stands foursquare against this proposed project. None of the $15 million in Federal and matching funds which the Delaware River Basin Commission might receive in the next decade could be used to support or perfect it, if a Hudson River Basin Commission comes into being as it surely will, in response to the availability of $15 million under the act.

Instead of addressing itself to the effect of this prohibition on the Northeast, the brief Senate debate on the Water Resource Planning Act conference report centered on a just-released Presidential directive to the Water Resources Council, calling for a report within 7 days on the Northeast water crisis with recommendations for Federal measures to alleviate it.

This report, which was transmitted to the President on July 21, must be a shock as well as a disappointment to many of those in the Northeast. The shock is due to the Council's commendable candor in concluding that the water emergency will become increasingly serious during the next year, possibly resulting in outright disaster conditions in several States. The disappointment stems from the inadequacy of the Council's recommendations for Federal action in view of its own findings. The recommendations are numerous, but mainly focus on technical assistance or credit extension to State and local governments, special relief for the farm economy, and ominous contingency plans for mobilization of civil defense agencies as well as the Office of Emergency Planning.

Nowhere does the Council's report indicate that it considered its mandate in section 102 of the act to "maintain a constant study of the adequacy of administrative and statutory means for the coordination of water and related land resource policies." Instead the Council prefaces its recommendations with the statement, "The paramount responsibility for providing local water supplies traditionally and properly rests with local jurisdictions."

Mr. Speaker, to say the least, it is ironic to assert flatly, in the course of a report foretelling disaster, that the traditional way is the proper one. I would go farther and say that one obvious reason for the present crisis is the very lack of coordination of our basic water policies which the council declined to consider. While we accept national coordination in the development of our electric power system, we still harbor the anachronistic view that our water resource management should reflect virtually every theory of water use control ever conceived by the mind of man. In keeping with this we honor the law of capture or prescription on the one hand, and virtual socialization on the other. There is a special water commission in one State, while in another claimants must press their case in ill-suited and crowded courts. We exalt the geological integrity of the river basin and at the same time construct reservoirs and conduits which establish the preeminence of demographic considerations.

In short, our water economy is not so much mixed as it is scrambled. The absence of nationally applicable standards and the failure to coordinate water pollution control with water use regulations has resulted in chronic misallocation of this vital resource throughout the country. Now the water problem which lies under the surface everywhere is painfully exposed in that area of the country which has been most inclined to take water for granted and least receptive to the changes which must come sooner or later. Within the next year, while the water shortage continues, there is an opportunity to make these changes.

Mr. Speaker, today I have introduced a measure entitled the Federal Water Commission Act, based in large part on the Model Water Use Act adopted in 1958 by the National Conference of Commissioners on Uniform State Laws. The act would cover all water use or water-polluting activity affecting any navigable, interstate, or coastal water in the United States.

Taking or pollution of these waters would be governed by uniform Federal standards aimed at insuring that they are employed only for beneficial uses. A five man Federal Water Commission, modeled after the Federal Power Commission, would administer and enforce the law.

The key provision of the bill authorizes the Commission to require and issue permits for all uses of water resources covered by the bill, including any activity which results in water pollution. The Federal permit procedure specifically protects existing uses so long as they remain beneficial and serve the public interest. Householders taking water directly from wells or streams for normal domestic use are exempted from the permit procedure.

Permits issued by the Commission would continue in effect for a minimum period of 5 years. This provision, although working to the disadvantage of a regional, State, or local government which quickly corrected the shortcomings in its own laws, would remove the market-depressing element of uncertainty which would otherwise affect sales of water-related assets. Further, the bill provides scrupulous procedural safeguards and unqualified right of appeal in connection with a decision to invoke the Federal licensing procedure.

Another major provision of the bill authorizes the Commission to suspend the application of Federal licensing procedures when it finds, after a hearing, that regional, State, or local regulations will adequately effectuate the purposes of the act. This suspension or retrocession of jurisdiction over Federal waters would be subject to routine review after 5 years, and extraordinary reconsideration at an earlier date, if an investigation and hearing reveal that a particular jurisdiction had fallen below Federal standards in its water use policy.

The bill also provides the Commission with the powers to deal with two classes of acute problems: water shortages and water emergencies. Where the Commission finds that a shortage exists or is developing, it may take such steps as requiring water rotation, barring new water uses, and prorating available supplies among existing users. Where these steps are inadequate to protect public health and safety, the Commission may take more urgent measures, such as outright water rationing and emergency appropriation of private water supplies.

Of course, after the Federal Water Commission is in operation, it should develop a long range plan of allocation. If this plan is executed properly, shortages will be anticipated, and we will not live from crisis to crisis.

Finally, the bill makes two changes in the Water Resources Planning Act of 1965. First, it deletes altogether the ban on planning interbasin water transfers. Second, it recasts the Water Resource Council in the role of an advisory committee to the Commission. This conforms the Council's role to the original 1956 proposal of the Presidential Advisory Committee on Water Resource Policy, which envisaged the Council as an advisory committee to a water resource coordinator who would be in turn responsible to the President.

Mr. Speaker, the principal effect of my bill would be to establish a Federal Water Commission as a water policy review board, dealing chiefly with the laws and regulations of other governmental agencies and political subdivisions. As such, it should be acceptable in principle to those who have confidence in the wisdom of their region's allocation of its water resources and wish to retain discretionary control at the regional or local level.

The Federal Government has responded to the critical water shortage in the Northeast with prompt technical assistance to regional, State and local authorities.

However, Federal action thus far has failed to face the hard fact that we must have an integrated national policy of water conservation, water development, and water pollution control. It is inconceivable and, in view of the present crisis, intolerable to reject the principle of Federal coordination for water resources when we now embrace it actively in developing a national electric power grid. Water is quite obviously a scarcer resource and far more vulnerable to the devastating caprices of nature. The Federal Water Commission bill I have introduced today would close this glaring gap in our nation's resource policy in a way consistent with both existing regional differences and the paramount necessity of securing an ample, constant water supply for all citizens of the United States.

## IN ORDER THAT THE UNITED NATIONS MAY BE EFFECTIVE IN VIETNAM, WE MUST REHABILITATE IT

The SPEAKER pro tempore (Mr. PEPPER). Under previous order of the House, the gentleman from Wisconsin [Mr. REUSS] is recognized for 60 minutes.

Mr. REUSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the body of the RECORD in connection with my remarks.

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

There was no objection.

Mr. REUSS. Mr. Speaker, the President deserves high praise for his action last week in invoking the United Nations in the Vietnam situation. By his letter to Secretary General U Thant asking "that all the resources, energy, and immense prestige of the United Nations be employed to find ways to bring peace in Vietnam," and by his instructing Ambassador Arthur Goldberg to communicate the matter to the members of the Security Council, we have shown that we respect the United Nations and intend to use it.

What comes out of the United Nations depends on what its members are willing to put into it. I therefore hope and pray for a United Nations call for a cease-fire, for United Nations-sponsored negotiations between all interested parties, for United Nations supervised elections to enable the people of South Vietnam to decide their own future, and for a United Nations program of economic development for all of southeast Asia.

The case for United Nations responsibility for southeast Asia was well stated 15 years ago by then Secretary of State Dean Acheson in his January 12, 1950, speech to the National Press Club in Washington:

> What is the situation in regard to the military security of the Pacific area, and what is our policy in regard to it?
>
> In the first place, the defeat and the disarmament of Japan has placed upon the United States the necessity of assuming the military defense of Japan so long as that is required, both in the interest of our security and in the interests of the security of the entire Pacific * * *."
>
> This defensive perimeter runs along the Aleutians to Japan and then goes to the Ryukyus. We hold important defense positions in the Ryukyu Islands, and those we will continue to hold * * *.
>
> The defensive perimeter runs from the Ryukyus to the Philippine Islands. Our defensive relations with the Philippines are contained in agreements between us. Those agreements are being loyally carried out and will be loyally carried out.
>
> So far as the military security of other areas in the Pacific is concerned, it must be clear that no person can guarantee these areas against military attack. * * * Should such an attack occur—one hesitates to say where such an armed attack could come from—the initial reliance must be on the people attacked to resist it and then upon the commitments of the entire civilized world under the charter of the United Nations which so far has not proved a weak reed to lean on by any people who are determined to protect their independence against outside aggression.

Those words were valid then, and they are valid now.

The President's action in involving the United Nations is itself the best answer to those in high places who have been raising all manner of objections to involving the United Nations.

It is said that the United Nations cannot play a useful role where the great powers are involved. In fact, the United Nations has more than once intervened effectively in just such a case. In 1950, despite the opposition of the Soviet Union, the defense of South Korea was mounted under the banner of the United Nations. While the Korean United Nations action escaped a Russian veto because Russia had absented herself from the Secuitry Council, the possibility of United Nations action even had there been a Russian veto was assured by the invention of the "uniting for peace" procedure under which the General Assembly can act. In the Middle East conflict of 1956, a United Nations cease-fire was obtained against the force of the United Kingdom and France, which, to their credit, respected the cease-fire. In the Congo and Cyprus, the United Nations played a role where the great powers were indirectly involved. Great powers as well as small are likewise not exempt from the United Nations writ in Vietnam.

It is said that there is no role for the United Nations in Vietnam because North Vietnam and Communist China have rejected and ridiculed a United Nations role. Their objection is as irrelevant as the unheeded objection of North Korea

to United Nations action in 1950. Certainly it was never intended that the aggressor should decide whether he would be subject to United Nations peacekeeping action.

Equally, it is irrelevant that North Vietnam and Communist China are not members of the United Nations. Article II of the U.N. Charter expressly states:

> The organization shall insure that states which are not members act in accordance with United Nations principles.

It is said that our invoking the United Nations will be taken as a sign of weakness by our adversaries, and as a harbinger of American withdrawal. But President Johnson's signals are hardly those of weakness; and the evidence so far certainly points to no misapprehension by North Vietnam and Communist China on this score.

It is said that our invocation of the United Nations would lead to acrimonious debate in the Security Council and the General Assembly on the U.S. position. But such debate, in and out of the United Nations, is sure to occur anyway. It will have infinitely less foundation if we show our respect for article I of the United Nations Charter, which defines its purpose as "to maintain international peace and security, and to that end to take effective collective measures for the prevention and removal of threats to the peace."

It is said that invocation of the United Nations would force the Soviet Union into the arms of Communist China, and heal the breach caused by differing views of violent takeovers by "wars of liberation." The Soviet Union in any event faces the dilemma posed by conflicting desires: On the one hand, to avoid heightened danger of conflict with the United States and, on the other hand, to show itself the champion of world communism.

If the Soviet Union is not going to intervene militarily against us in Vietnam without our going to the United Nations, I cannot see her intervening militarily if we do go to the United Nations with a set of peace aims that are instinct with justice for all the world to see. No one can tell whether the Soviet Union will oppose, or veto, formal United Nations action, if it comes to that. But if there is a Soviet veto, there is then the General Assembly, under the uniting-for-peace procedure.

It is said, finally, that if all other United Nations procedures of mediation, arbitration, and recommendation are exhausted, and the matter then comes before the General Assembly, the General Assembly may decline to take action or vote it down. I do not for a moment concede the point: If we will now move to rehabilitate the United Nations, I am confident that the requisite majority of the General Assembly would take a stand for peace and for the independence of small nations. But even if the United Nations should in the end shirk its responsibility, we shall at least have shown our dedication to the United Nations and our willingness to abide by our commitments under the Charter.

But as a matter of the first urgency, we must overcome the present paralysis in the United Nations caused by the year-old dispute about the financing of prior United Nations peacekeeping operations in the Middle East and in the Congo. The Soviet Union and France are both more than 2 years in arrears in paying their assessments on peacekeeping forces which they opposed. Under the letter of article 19, they are thus subject to the loss of their votes in the General Assembly. Last August the Congress, with administration encouragement, passed a concurrent resolution calling on the permanent U.S. delegate to the United Nations to "make every effort to assure invocation of article 19. The Soviet Union threatened to withdraw if denied its vote, and there was a good chance that France would do likewise. The result was that the last session of the General Assembly ended in paralysis, with no votes allowed to be taken.

The confrontation in the United Nations stemming from our concurrent resolution of last summer, if it is still in effect when the General Assembly convenes next month, will result either in our defeat or in the withdrawal of the Soviet Union and France from the world organization. For that reason, I introduced last April House Concurrent Resolution 386, which will permit our permanent delegate to the United Nations flexibility in handling the article 19 problem, and not compel him to torpedo the United Nations when it meets. For the future, we should support the proposition that General Assembly peacekeeping operations be financed by voluntary contributions. For the past, the United States, while remaining zealous to invoke article 19 against the countries in arrears in their regular United Nations dues, should not press article 19 on the Middle East and Congo special assessments.

Congress has just a few weeks to act before September is upon us. I hope that the State Department will act upon House Concurrent Resolution 386, or some similar resolution, to end the United Nations impasse. When the United Nations is revivified, it will be able to play a meaningful role in bringing peace to Vietnam.

Of one thing I am sure—that the American people wholeheartedly support a United Nations role in Vietnam. In an opinion poll conducted in Milwaukee by the Milwaukee Sentinel, and reported in the Sentinel for August 2, 1965, 70 percent of those asked, "Do you feel it is time for the United Nations to step in to find ways to halt this aggression and bring peace to Vietnam?" answered "Yes;" 7 percent said "No," with 18 percent saying "Don't know," and 5 percent not answering. I include the Milwaukee Sentinel story:

POLL FINDS SUPPORT FOR L.B.J.—U.S. BUILDUP IN VIETNAM BACKED

(By C. Brooks Smeeton)

The majority of Milwaukee area residents support President Johnson's commitment to a stepped up role for the United States in the Vietnam war.

This is despite the fact that almost one-half of those polled feel the President's decision to double the draft call and to increase the U.S. fighting strength is risking a major war with Red China.

More than 6 out of 10 persons agree with President Johnson's order to double the monthly draft calls from 17,000 to 35,000 and to send 50,000 more men to South Vietnam.

This compares with only about 1 in 5 (19 percent) who disagree with the idea, or (18 percent) who don't know.

One hundred persons were interviewed by telephone for the Sentinel by the research department of the Journal Co. Of those who participated in the poll, 59 percent were women and 41 percent were men.

Interviewers asked individuals throughout the metropolitan Milwaukee area for their opinions about the statement last Wednesday on Vietnam by President Johnson.

Almost half—47 percent—said that they read about it in the newspaper while almost one-third—28 percent—listened to or watched the speech on radio or television.

The results revealed that 40 percent agree that this action on the part of the United States will bring peace eventually. Twenty percent were in disagreement; 35 percent replied they didn't know and 5 percent did not answer.

"If we didn't do it now it would lead to total war," said Howard Bruchkauser, 2709 East Whitaker Avenue, St. Francis.

Also in agreement was Thomas K. Anderson, 3455 South 104th Street, Greenfield. He said, "I like the forwardness in the President's stand. It's time we show them that we mean business and we will fight to protect our freedom."

Walter Waech, 4853 North 66th Street, indicated he felt the same way when he replied, "It's the old Teddy Roosevelt theory of 'carry a big stick.' We've been horsing around too long."

SAME AS KOREA

There were some who disagreed. In the opinion of John H. Ebbe, 3234 South 82d Street, "It's the same as Korea—fighting to establish a status quo."

Forty-eight percent of those polled felt the action by the United States is risking a major war with Red China. Twenty-nine percent said they did not think so, while 19 percent said they didn't know.

The women (almost 50 percent) were more apprehensive than the men (46 percent) about the possibility of this country getting into a war with Communist China.

Seven out of ten of the participants in the survey said that it was time for the United Nations to step in to find ways to halt this aggression and bring peace to Vietnam.

Among those who felt this was Eldon Zich, 16032 Riviera Drive, New Berlin, who said, "I've felt that way for a long time. It's the job for the U.N. They should have tried to keep peace."

EASIER THAN FORCE

John Kallas, 2574 South 35th Street, said, "I believe in the U.N. They can settle problems easier than brute force."

Donald Weber, 5856 North 61st Street, said, "It's part of United Nations business to do this. They have made no noticeable effort as yet."

Oscar Murphy, Jr., 2958–A North 12th Street, said, "The United States got themselves into it, so they should get themselves out."

William Anderson, 3702 West Sarnow Street, said, "I am negative on United Nations. They don't have too much to say. They're too far to the left."

Mrs. Ray Wotta, 2545 South 66th Street, said, "The United Nations will never settle anything."

Here are the Sentinel poll questions and the results:

"Did you happen to listen or watch President Johnson's speech Wednesday on Vietnam?"

| | Percent |
|---|---|
| Yes | 28 |
| No | 69 |
| No answer | 3 |

"Did you read in the newspaper about President Johnson's statement on Vietnam?"

| | Percent |
|---|---|
| Yes | 47 |
| No | 50 |
| No answer | 3 |

"Do you agree or disagree with President Johnson's decision to double the monthly draft calls from 17,000 to 35,000 and to send 50,000 more men to South Vietnam?"

| | Percent |
|---|---|
| Agree | 61 |
| Disagree | 19 |
| Do not know | 18 |
| No answer | 2 |

"Do you agree or disagree that this action on the part of the United States will bring peace eventually?"

| | Percent |
|---|---|
| Agree | 40 |
| Disagree | 20 |
| Do not know | 35 |
| No answer | 5 |

"Do you feel it is time for the United Nations to step in to find ways to halt this aggression and bring peace to Vietnam?"

| | Percent |
|---|---|
| Yes | 70 |
| No | 7 |
| Do not know | 18 |
| No answer | 5 |

"Do you feel this action by the United States is risking major war with Red China?"

| | Percent |
|---|---|
| Yes | 48 |
| No | 29 |
| Do not know | 19 |
| No answer | 4 |

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

Mr. REUSS. I will be delighted to yield to the gentleman from California.

Mr. COHELAN. I want to congratulate the gentleman for the very important statement he is making to the House this afternoon. I should like to associate myself with his remarks.

I was personally very pleased that the President in his press conference last Wednesday stated that he had sent Ambassador Goldberg with a special message to Secretary General U Thant urging him to make full use of the resources of the U.N. in bringing the war from the battlefield to the conference table. I have been urging that this be done for some months now. I also have been encouraging every official of our administration with whom I have talked to make every effort to include the United Nations in every step and that it be encouraged to play a larger role in this effort.

However, my question to the gentleman at this point, in light of some of the comments he has made about the prospects of the United Nations perhaps being turned down, is that I notice in the United Press International dispatch this morning that North Vietnam has ruled out any United Nations role in bringing the war to the conference table or for any international settlement. So I ask the gentleman, Do you really think it is possible we can get the other party to the conference table or to the United Nations in light of what they have had to say?

Mr. REUSS. Yes. Hanoi in the past has shown its contempt for the United Nations, and it has done so again in the last 24 hours. However, I remind the gentleman that the United Nations Charter, article 2, expressly states, and I quote:

> The organization shall insure that States which are not members act in accordance with United Nations principles.

So the mere fact that North Vietnam resists United Nations action, and is not a member of the United Nations, is irrelevant.

Equally in 1950, North Korea resisted the U.N. action and was not a member of the U.N. Yet that did not stop the U.N. from assuming what I think history will regard as an important role in damping down that threat to world peace. I do not want to minimize the difficulties of the situation, but I do not think that the intransigence of North Vietnam offers the slightest excuse for the U.N. to shirk its responsibilities.

Mr. COHELAN. If the gentleman will yield further, did I understand him clearly in respect to the parties with whom we should negotiate? Do I understand that the gentleman includes any and all parties that might properly be associated with an honorable settlement? By this I mean the National Liberation Front, the Vietcong, or any other party, that may be present and available to negotiate. Is that not correct?

Mr. REUSS. Yes. I said all parties and I mean all parties, including those who are now most responsible for carrying on the conflict, that is, the Vietcong. President Johnson in his press conference of last week indicated if the North Vietnamese wished to bring along the Vietcong or the National Liberation Front to negotiations, that would be acceptable, and that statement speaks for itself. Speaking for myself, I would think we have to negotiate with whomever our opponents are, and we can leave juridical considerations as to whether a group of people is a government or not to one side. They are the people who are firing at us, and they will have to be dealt with.

Mr. COHELAN. Now, if the gentleman will yield further at this point on just one other matter before he completes his comprehensive statement.

As the gentleman well knows from our own discussions, from discussions with very distinguished colleagues of ours including the gentleman from New York [Mr. BINGHAM] who at one time was a delegate to the United Nations, and with members of the administration, there has been concern expressed about us going to the United Nations at this point and possibly causing some embarrassment, particularly in relation to article 19.

Now I realize the gentleman has commented on article 19, and we have to do something about this. But I wonder if he would concentrate on the question of the reservations that are entertained by some of our colleagues who are equally anxious to bring the United Nations pressure to bear in this terrible situation in southeast Asia.

Mr. REUSS. I thank the gentleman for asking that question. I would say two things in reply to him.

First, as to the tactics and timing of our United Nations invocation, on which we are now happily embarked, I believe that the tactics and timing must very much be left to those who are directly in charge of the day-to-day conduct of our foreign policy. Thus I do not call this afternoon for any particular resolution to be presented before any particular body of the United Nations at any particular time. It may well be that the initial step taken, of having Ambassador Goldberg simply lodge the matter informally before the 11 members of the Security Council, is a good initial proceeding. I well recognize that to take a frozen formal position at the outset might not be the most productive way to proceed. So my first answer to the gentleman's question is that the important thing is that we are now before the United Nations. We are not any longer being disrespectful of it by refusing to come before the United Nations. And this I consider half or two-thirds of the battle.

I would hope that our timing and tactics will prove fruitful in the days and weeks and months to come.

The second point I would make has to do with article 19; and that is that whatever we do with the United Nations is totally dependent upon our putting the United Nations back on its feet again. It is now in a state of paralysis owing to the assessments dispute, and we must move fast to see that some sort of a workable compromise can be arrived at on that, so that the United Nations when it meets in New York next month may be once again a going institution.

I point out to the gentleman that this will require action by the U.S. Congress, because the Congress has presently saddled our permanent representative at the United Nations with a rather inflexible resolution which in effect requires that on opening day of the new General Assembly, he has got to challenge the right of France and of the Soviet Union to vote, and both countries, if that challenge were upheld, would be highly likely to leave the United Nations and thus start the tragic course toward a repetition of the last days of the ill-fated League of Nations.

Therefore, it is in my judgment vital that the State Department and Congress move within the next few weeks, preferably the next few days, to clarify our directive of last summer which was made in good faith—I voted for it, and so, I believe, did the gentleman from California, with all other Members—but, in effect, our confrontation strategy of last year regrettably did not work, and we are now confronted with a larger question of whether we wish the United Nations to continue.

I believe the American people want the United Nations to continue. In a poll conducted in my own community of Milwaukee over the weekend by the Milwaukee Sentinel, 70 percent of the persons queried on whether they wished the

U.N. participation in Vietnam said yes, they did; only 7 percent said no; 18 percent said they did not know, and 5 percent did not answer.

So that I think the American people share the faith of the gentleman from California and myself and so many other Members that the United Nations does have an inspiring role to play in world peace if only we will do our part in putting it on its feet again.

Mr. COHELAN. I thank the gentleman for amplifying this point, and again I want to express my complete agreement with what he has had to say.

I shall have further questions of the gentleman as the gentleman proceeds.

Mr. REUSS. Mr. Speaker, because of the lateness of the hour I am going to exercise my permission to insert materials in the RECORD and conclude my formal remarks by expressing the deep hope that the State Department will shortly act on the question of the U.N. impasse, that it will give a favorable report on the resolution which I introduced last April to give our representative, Ambassador Goldberg, more flexibility on the article 19 question or perhaps come up with some similar resolution, so that the United Nations may be revivified and thus able to play a meaningful role in bringing peace to Vietnam.

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

Mr. REUSS. I yield to my colleague from Minnesota.

Mr. FRASER. Mr. Speaker, I want to commend the gentleman from Wisconsin for his timely discussion of a most urgent question, a question which is of vital concern to the security of our Nation as well as to the future of the world.

Particularly, Mr. Speaker, I feel it is worth noting the point which the gentleman has developed, which is that before we can return to the United Nations for assistance in settling the Vietnam problem, we must first work out the problems that have kept the General Assembly from functioning over the past year. Because most of the small nations do not want to see in the General Assembly a confrontation between the United States, the Soviet Union, and France on the question of paying these assessments for the peacekeeping costs, we are going to have to recognize this as a reality and proceed to find other ways to move ahead so that the General Assembly can continue to act and function in dealing with problems around the world.

I might say, if the gentleman will yield further for a moment, that there is one point that I believe the gentleman touched upon with which I surely concur. That is the argument that by taking the issue of Vietnam to the Security Council, we would force the Soviet Union into a position of representing North Vietnam thereby committing the Soviet Union to a firmer and harder line than that to which it is presently committed.

It seems to me that while this question or consideration once had validity, today we find the Soviet Union furnishing not only economic aid but substantial military assistance, including surface-to-air missiles for North Vietnam, and warning our Government about the grave risks that we face in our course of conduct over there and demanding the withdrawal of American forces from South Vietnam.

It would seem to me that it would be hard to get the Soviet Union more deeply committed to a defensive posture on behalf of North Vietnam than that to which it is already committed as a result of its common interest with North Vietnam as a member of the Communist group of nations.

I do not know if the gentleman from Wisconsin has pursued that point to the degree that we have discussed earlier, but I do believe that this consideration which, as I say, once had validity, no longer does have the validity that it may have had in the earlier months.

Mr. REUSS. I agree with the gentleman from Minnesota that while the question of the involvement of the Soviet Union in the question of a U.N. presence in South Vietnam is a serious one, it deserves a fair discussion.

I believe, on balance, that the case is overwhelmingly in favor of going to the U.N., and letting the chips fall where they may. The Soviet Union has already found it necessary, because of its position in the Communist world, to take very considerable steps to aline itself with North Vietnam.

I do not see how that alinement is going to become any worse by reason or our bringing the matter before the United Nations.

Certainly, if in a given situation the Soviet Union, before we take the matter to the United Nations, is not going to take military step X against us, then equally the Soviet Union is not going to take military step X simply because we went to the United Nations. The United Nations invests us with a much better world standing than we have through ignoring the United Nations. So I think we are better off with respect to the Soviet Union and everybody else through going to the United Nations.

The second point I would like to make is that the worst that the Soviet Union can do to us in the United Nations, if it comes to that—I hope it will not—is to veto such resolutions as have been offered in the Security Council by us, or any other member. There is then available to us the General Assembly, under a procedure invented because of the Soviet Union's veto power. There is that great forum, with its 114 member nations, where I am confident a justly conceived and stated American case can attract the majority of votes.

Mr. FRASER. There is another consideration which might be worth developing. In the earlier years many people had in mind asking the United Nations to declare the actions on the part of North Vietnam to be acts of aggression and calling upon the United Nations for support in meeting that aggression. It is true we could go to the United Nations today and ask the Security Council or the General Assembly to declare that aggression is being waged by North Vietnam and call on them for help. That is one course of action that is open, but it seems to me in light of recent developments and in the changing complexities of the situation we are more likely to urge the United Nations to take a peace-seeking role.

Mr. REUSS. Rather than in a police force role?

Mr. FRASER. Yes. Leaving aside the question of aggression, you could go to the Security Council or to the General Assembly and seek through their offices to find a resolution to this conflict. In such a case the Soviet Union would not find itself pressed to defend North Vietnam and thereby become more deeply committed as some fear. What has been established since the United Nations has been in business is that they will recognize overt aggression and will act to meet such aggression. That was demonstrated in the case of Korea, although it is true Russia was not in the Security Council at that time; nevertheless, the other nations all recognized North Korea was invading South Korea, and they did authorize a United Nations force to take action in support of South Korea.

But here we have a war in which there are arguments about the nature of the war. Some call it a civil war just as we had a civil war between the North and South here in the United States. Others say the moral issues are obscured because the United States did not support the elections provided under the Geneva agreement. There are moral questions raised by those who discuss Vietnam. Where there are some complexities and an argument about whether or not there is truly aggression, we do have one other route to follow, and that is the route of self-determination. There is no dispute about the issue that the people of the area ought to decide by the ballot box rather than by bullets what kind of leadership they want. It is here we could move forward, and the United Nations can play an extremely useful role.

The value of moving in this direction is that if we advocate self-determination and if we say we are prepared to accept a vote by the people of South Vietnam—and I was happy to see that the President took that position the other day in his speech—then it seems to me that puts us clearly on the moral side, on the side of the angels. What ever disputes there are about the origins of this war or the morality of it, if we can go to the United Nations and say we are prepared to ask their good offices and their help in creating machinery to carry out some kind of a political decision process such as the use of the ballot box with a referendum or by an election of some kind, this would be consistent with the highest purposes of the United Nations. It would be consistent with the spirit of the small new nations for which self-determination stands as perhaps the highest political principle of any that are abroad in the world today.

Before I ask the gentleman to comment on this, I might mention a proposal that the President could make. This is only for illustrative purposes. He might say, for example, to the United Nations that we are prepared to support a United Nations sponsored referendum in South Vietnam on the question of the political leadership that the people de-

sire—with the questions to be framed under United Nations jurisdiction.

Further, he could suggest that a cease-fire take place in South Vietnam so that the United Nations representatives would have access to all of South Vietnam in carrying out such an election.

Third, he could say that if these steps are agreed upon, and this would involve, I think, a direct contact by the United Nations with the Vietcong or with the national liberation front, if those steps could be agreed upon, then of course we would suspend bombing in the North and agree to abide by the outcome of the election, as we would expect all other nations to do.

Now I recognize the many problems that exist in this proposal. I recognize that the United Nations really has not done this before. But necessity is the mother of invention and if there should be some willingness to proceed to allow the people of South Vietnam, who are the people whose interests are ultimately at stake, to make a decision by going to the ballot box—if we could move in that direction through the United Nations, it seems to me this would clearly put us square with the world and our own conscience and the highest principles of American democracy.

Mr. REUSS. The gentleman, as he always does, has made good sense. I think his proposal is a sound one.

I would add that it is in no way inconsistent with the observations of President Johnson at his press conference last week. Indeed, it simply carries out and makes a little more definite what was said there by the President.

The gentleman has well said that, while these things have not been done in exactly this way by the United Nations before, the fact is the United Nations Charter, like the great Constitution of this country and like the British Common-Law Constitution, is capable of infinite adjustment, within its four corners, to the turn of events.

Specifically, I think a combination of a United Nations directed cease-fire which of course, would operate on our bombers and would operate on the Vietcong and on North Vietnam and on the Saigon government; the suggestion for United Nations-sponsored negotiations; and the suggestion, which I think is perhaps the most important of all, for United Nations supervised elections in South Vietnam—this is the essence of a proposal which, if made a little more formally by our Government, and I think we are reaching in that direction now, will appeal to the sense of justice of people the world over. After all, that is our only refuge and strength. I think the gentleman has made a real contribution.

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

Mr. REUSS. I yield to the gentleman from California.

Mr. COHELAN. The gentleman has cataloged the points that are important in any kind of United Nations proposal which would lead to free election machinery to determine the future of Vietnam and/or of South Vietnam.

My question at this point relates to the machinery. While it is true that we could organize elections, I think it is pretty clear one of the reasons we failed to sign the Geneva accords in 1954 was because we could not get U.N. guaranteed and supervised elections.

My question to the gentleman is: What do we propose? What can we propose? What techniques and methods will be suggested or can be suggested to arrange for the peacekeeping costs? Obviously, if there is a cease-fire it is highly desirable to have an enforcible cease-fire under U.N. supervision. Given some of the difficulties of which we are all aware, what does the gentleman envision as the means for sorting this one out?

Mr. REUSS. Of course, the costs of a United Nations-supervised election would be negligible and could be borne out of regular United Nations dues, and there would be no problem, because there has been no disposition on the part of members generally to refuse to pay their dues.

If, however, a United Nations peacekeeping presence of some sort may be necessary, a United Nations police force—bear in mind that in my colloquy with the gentleman from Minnesota just a moment ago I agreed that there were other U.N. functions and operations which seemed to be more significant right now—in Vietnam or anywhere else in the world, I should think in the future, to the extent that the General Assembly of the United Nations set up a police force, the financing should be done on a voluntary basis, just as a world organization like the International Development Association, before it makes up a consortium, goes to the various members and says, "How much can we put you down for?" If the member says, "Nothing on this one," the IDA secretary says, "Fine, we will put you down for nothing."

So, with respect to future General Assembly peacekeeping forces, because of their exacerbating nature on some of the members, it would not hurt to make their financing voluntary.

If it be said that then the United States may in a given case bear the lion's share of the burden, I would answer by saying, first, only if the United States agreed, and, second, how much better it would be if we were today bearing the lion's share and more than the lion's share of the burden in South Vietnam under the banner of the United Nations, and with the help of numerous other members of the United Nations. How much ahead, both financially and morally, we would be.

I believe, in answer to the question of the gentleman from California, there are ways of working out even expensive peacekeeping forces without wrenching the United Nations apart.

Mr. COHELAN. I thank the gentleman.

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

Mr. REUSS. I yield to the gentleman from Minnesota.

Mr. FRASER. I was interested in the question of the gentleman from California and the response by the gentleman from Wisconsin.

There is an additional procedure which could be followed by the United Nations which would also, I believe, provide additional flexibility. I refer to creating a peacekeeping fund in advance, in a predetermined amount—it might be $500 million or some other figure—which would have the value of insulating a particular peacekeeping operation from the request for support of that fund. One cannot insulate it entirely, and it may depend on the magnitude of the peacekeeping operation.

I might say that one of the objections raised to the idea of having a peacekeeping fund established in advance is the possibility that the smaller nations, who control the General Assembly, might undertake to go off on their own and initiate some kind of action which we would not feel was in the interest of the United States. I mention this because it is a common objection. On that point, it seems to me we have so many other things to fear which are more real and more immediate that such a remote contingency could not seriously impair our national security. I believe we should look at the possibility of establishing such a fund as one of the possible ways to provide the United Nations with the flexibility which I very strongly feel it needs.

Mr. REUSS. I would certainly agree that this is an idea worth exploring. If it ever could be achieved, it would be a most helpful addition to the United Nations arsenal of peaceful weapons.

I return, however, to my theme, which is that immediately we are confronted with the stubborn fact that the U.N. has fallen apart and that our most immediate urgent task is to move heaven and earth to put it back together again.

There is no reason under the sun why in about 5 weeks from now the United Nations cannot be on its feet, financially sound once again, with hope for the future and, I would think, with the gratitude ringing in our ears of about 80 small nations for the initiative of the United States in trying to put the United Nations back on its feet, if we will but do what has to be done in the Halls of Congress, and in the executive branch in the 3 or 4 vital weeks to come.

Mr. EDWARDS of California. Mr. speaker, I always listen carefully to our distinguished colleague from Wisconsin [Mr. REUSS]. He is truly one of the outstanding scholars in the Congress and a thoughtful and knowledgeable internationalist. I read with appreciation his recent article on the U.N. in Commonweal magazine. I compliment the gentleman from Wisconsin on his continuing efforts in support of the U.N. and thank him for taking this time today to discuss the U.N. and its vital place in this modern world.

Mr. Speaker, I emphatically deny that fate decrees that wars are inevitable. As Schopenhauer said, what people commonly call fate is, as a general rule, nothing but their own stupid and foolish conduct, and if wickedness is atoned for in another world, stupidity gets its reward here.

I am convinced that there is a proper and well defined path we can and must take in our foreign policy. I say that the ground rules are existing and have been

enumerated by wise leaders, living and dead. Sir Isaac Newton said:

If I have seen farther than other men it is because I have stood on the shoulders of giants.

I ask only that we stand open eyed, on the shoulders of our giants.

I suppose that I realized that the day of world wars was over and done with on August 6, 1945, when our aircraft dropped the first atomic bomb and in a few seconds leveled a great city and killed 77,000 people.

You will recall that this was a few months after the Germans had started using the V–2 rocket, which was fired from hidden sites, which flew so fast that the sound of the missile did not catch up until after the explosion.

It seemed apparent on that day that substitutes would have to be found for warfare, that it would not be too many years before any reasonably modern nation could construct both the missiles and the nuclear warheads capable of destroying any other country or combination of countries. Any new Tojo, Hitler, Kaiser, Napoleon, or Genghis Khan now had the means of pulling down the rest of the world, whether in revenge or in a frenzy of paranoia.

Today we have enough atomic bombs to kill every Russian over 1,000 times, and they in turn can do the same to us.

It does not matter who strikes first. The bombs and the means of transmittal are hidden in hardened sites or on submarines which cannot be found, and the nation first attacked will always have sufficient missiles left to destroy the enemy.

For a few short years only ourselves and the Russians were atomic nations. It was our hope that there would be no further proliferation. We resembled the trustees of the church in southern California upon whose property oil was discovered. The next day the trustees announced that no more new members would be accepted.

But today we find 10, perhaps 15, other nations with actual or potential nuclear arsenals. France, whose force de frappe military experts sniffed at not many months ago, has an operational force of 36 Mirage supersonic bombers armed with atomic bombs each with an explosive force of 60 kilotons, or 4 times the Hiroshima bomb. The French force will soon be double this size, and military experts say that more than 50 percent would reach their targets.

China has now exploded two atom bombs. Those who assume that China will have no missile delivery system would do well to remember that the Chinese invented the rocket. The consensus of expert opinion is that industrialized nations such as West Germany and Japan could join the atomic club in 2 years. Other nations that have the industrial and scientific capabilities include Italy, Israel, India, Pakistan, the United Arab Republic, and Indonesia.

We would consider it imbecilic for a city to attempt to exist without government—as an anarchy—without community rules restricting the violent behavior of its citizens. But the nations in the world today have no effective government or rules of law limiting their sovereignty. The sovereign state assumes the right to take any action to serve what it considers its vital interests and to judge the appropriateness of its acts, no matter how serious the consequences to others.

This system never has worked—it cannot work. "There is no greater fiend than anarchy," said Sophocles. "She ruins states, turns houses out of doors." In my lifetime alone, international anarchy has resulted in two world wars, in the violent deaths of a hundred million people, in hunger and poverty for two-thirds of the world's population, and in a breakdown of governments permitting Communist rule over half the world's population.

Even in the brief periods between wars, the preparations for the next conflict so impoverish the world community economically and spiritually, that long-range success in the development of the underdeveloped nations is impossible.

World expenditures for armaments per year total over $120 billions, of which the United States spends 42 percent. In late May it was announced that our Nation has the doubtful honor of being the biggest arms merchant in the world, with sales of $1.5 billion this year and a special arms sales promotion program in Western Europe costing $500,000 a year.

With the nations of the world spending $120 billion per year on arms, it is clear that there is not enough money left over for aid to the underdeveloped countries.

As Grenville Clark and Louis B. Sohn have pointed out, there must be an annual flow of capital from the industrialized nations to the low-income countries of not less than $50 billion per year—or $25 per capita. The current flow of $8.5 billion is only one-sixth of what is required to make any real impression on the problem.

Unless the developed nations allocate this larger sum of capital to the low-income nations, we should not be surprised if they develop monolithic economic and political systems. Communist revolutions are not caused by the Communist doctrine, they are caused by disease and the lack of the decencies of life. These revolutions will continue even if communism evaporates.

It was 2 years and 2 months ago that President Kennedy made his immortal speech on world peace at American University here in Washington. It seemed to me at that time, and I have not since changed my mind, that his words signified a new direction in American foreign policy.

He said that world peace is the most important topic on earth. He said that war is not inevitable—that mankind is not doomed—that we are not gripped by forces we cannot control.

He said:

Our problems are manmade—therefore, they can be solved by man. And man can be as big as he wants.

That:

World peace, like community peace, does not require that each man love his neighbor—it requires only that they live together in mutual tolerance, submitting their disputes to a just and peaceful settlement.

President Kennedy said:

We seek to strengthen the United Nations * * * to develop it into a genuine world security system—a system capable of resolving disputes on the basis of law * * * and of creating conditions under which arms can be finally abolished.

You will recall that within a few short weeks the Soviet Union and our country had signed the test ban treaty, outlawing atmospheric atomic testing. At the time of his death we appeared to be close to an extension of the treaty to include underground explosions. President Kennedy had traveled to England, Ireland, and to Europe. He was looked upon as the leader who might fulfill Tennyson's dream of a time "when all men's good be each man's rule, and universal peace lie like a shaft of light across the land."

It seems to me that our commitment to build world law and order is being weakened by our actions. We appear to be disassociating ourselves from a foreign policy whose matrix is the U.N. and instead giving increasing importance to unilateral power politics.

I say that this course can only lead to disaster—that man's only hope for world peace is through constant honest efforts toward world organization—that we cannot say it won't work until we have tried—and that our attempts to date have been timid and unenthusiastic.

It is my position that support of the U.N. must be the core of our foreign policy. I believe that the United States can lead its sister states on the road to a world community where disputes are settled not by war but by conciliation and arbitration.

Where the United Nations has been allowed by its members to operate, its successes have been solid and satisfying. International cooperation has been the rule in the World Health Organization, UNICEF, UNESCO, the Food and Agricultural Organization, the Monetary Fund, the World Bank, GATT, the expanded program of technical assistance, and many more.

The first and primary purpose, however, of the United Nations is to maintain international peace and security. The charter specifically requires that member States shall use no force except in self-defense—that the use of self-defense must be reported to the Security Council, and that members must settle their disputes peacefully.

The charter contemplates that nations in dispute shall first seek a solution through peaceful means of their own choosing. Then, if a solution is not found, the dispute must be referred to the U.N. before it erupts into war.

In its first few years considerable respect was paid to this commitment. Russia withdrew its troops from Iran and France hers from Syria to avoid charges of charter violation. The U.N. helped restore peace in Greece, Kashmir, and Korea. In Israel peace was maintained when the state was first established and again during the Suez crisis.

But this pattern of generally responsible conduct has degenerated during the past decade into the practice of nations taking the law into their own hands and using force without first submitting the case to the U.N. There was Britain and France in Suez, India in Goa, Russia in Hungary, the United States in Vietnam.

It might possibly be argued that the use of force would be legitimate where a member in good faith first seeks assistance through the U.N. and fails to receive it. There is no excuse for bypassing the U.N.

More and more we have been reversing the proper order of conduct in international affairs. Our charter obligation is to first submit the dispute to the international governmental authority and only thereafter back up its decision with force. There is no authority to move militarily first, seeking conciliation later.

In recent years it is said more and more that the charter does not forbid one nation from helping another quell a rebellion. This is certainly an imaginative but unsupportable conclusion. There is no authority in the charter for one nation to intervene militarily in another country whether there exists a civil war, a war of liberation, or a war in the defense of freedom.

No state has the right to intervene in another state's civil war. If the civil war constitutes a threat to international peace, then the U.N. may intervene to deal with this threat.

There is nothing in the charter to justify the great powers or the small powers rejecting or ignoring conciliation, mediation or the other peacekeeping processes of the U.N. The law of the charter, its very heart, outlaws force as a method for settling disputes.

Nor are military alliances a substitute for the treaty obligations of the U.N. Charter. NATO provides no machinery or means for settling disputes, except the use of force, or the threat of force. We have seen from NATO no arms control proposals. Indeed, NATO historically has looked with a jaundiced eye on any plans for disengagement, disarmament or the establishment of arms-free areas in Europe.

I am not saying that there is a single path to peace and that it consists of a more faithful adhereance to the rules of the charter. There still would remain many intractable problems requiring additional remedies. The U.N. must, of course, be open to every nation including China. There must be giant steps toward disarmament and the formation of an international police force. The World Court's jurisdiction must be enlarged and strengthened. There must be in the General Assembly a more realistic distribution of voting power.

But these are difficult, perhaps impossible achievements in the hostile atmosphere of the cold war. What I suggest is that one step is possible—one is immediately achievable—and that is for the member nations to cease forthwith their neglect of the U.N. and their solemn, written obligations under its charter. Regardless of whether or not there are defects in the charter, it is up to its signatories to make faithful and diligent efforts to comply with its provisions.

A constitution, any set of rules or laws, any charter, is only as effective as the good faith of its members. There are a number of totalitarian nations whose constitutions read much like our own. There is England which has no written constitution, but the long tradition of observance of the law by its citizens creates a law-abiding community.

Where law is treated with contempt by powerful and influential segments of the society, the rule of law itself is endangered.

For the past 100 years in certain areas of our South, white men in the position of leadership have said that continuation of the creed of racism is more important than the law. And to this day it is virtually impossible to enforce ordinary criminal statutes against white men who assault or murder Negroes.

A respectable and powerful political leader such as the senior Senator from Virginia will declare that the preservation of segregated schools is more important than respect for Federal law as enunciated in the 1954 school desegregation decisions.

In the community of nations we see the destruction of the international law of the U.N. Charter by the members who, like white Mississippians viewing race, find that the particular conflicts between nations are more important than the preservation of the international machinery for dealing with the conflict.

Russia declares its interest in Hungary is more important than its contract to submit the dispute to the U.N. The United States finds its stake in Vietnam more important than its treaty obligations under the U.N. Charter.

During the past few months we have witnessed a budding respect for law and order in our South and an increasing compliance with the law. Amongst the causes are the three civil rights bills and the various economic pressures exerted by the Federal Government. But important amongst the causes is the emergence of business and Government leaders who say that the quality of civilization that results from compliance with the law is now more important to them than illegal apartheid.

I would suggest that the United States as the world's most powerful and influential nation declare to the world its resolution to comply hereafter with its written contracts—most importantly its obligations under the Charter of the United Nation.

Paragraphs 3 and 4 of article 2 provide:

All members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.

And further in article 33:

The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

And article 37 continues:

Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

And even then if the Soviet Union should exercise its veto, there is then the General Assembly to which the matter can be presented under the Uniting for Peace Resolution, which provides:

That if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace or act of aggression, the use of armed force when necessary, to maintain or restore international peace and security.

I am not impressed with objections that the Uniting for Peace Resolution has been emasculated by France's and Russia's refusal to pay certain peacekeeping assessments or that action by the Security Council will be frustrated by a Soviet veto. In Selma last winter I talked to Sheriff Jim Clark who wore a big badge on his chest that said "Never", and I think it clear now that the integration referred to on Clark's badge will arrive sooner than he thinks.

To follow this course of compliance with what we have contracted to do by signing the U.N. Charter will not be easy. The right-wing will shout appeasement and treason unless every dispute is decided in our favor. Our elected officials must discover new reservoirs of courage and serenity that will subdue the terrors of the timid. We will have to learn to permit our President to truly negotiate in foreign affairs and not force him to be the victor in every skirmish.

And we citizens must find new character traits of sophistication and confidence in the power of our free society to persuade imitation and respect. We will have to be good natured and understanding in our relations with the nations emerging from Colonialism. Some will be headed by leftists and nonconformers who will look with distrust upon our conservatism. They will not always behave as we might want them to, and we will have to learn tolerance as well as patience.

I am afraid that America will find this path difficult and calling for new reservoirs of maturity because of what Toynbee describes as our medieval religious belief that our adversaries have a superhuman wickedness and potency and that it is the manifest destiny of the United States to unilaterally save the world.

We must be more interested in solving problems than in proving theories. All the great powers must learn that their ideologies are as great a source of danger as they are of strength.

I don't pretend to have proposed today any radical steps that, if implemented, will magically produce a world of independent states with adequate international machinery for the peaceful settling of disputes. I suggest, however, that what I have proposed is a logical first move.

As Benjamin V. Cohen recently pointed out, at least the referral of disputes to the U.N. would cause delay so that time would have a chance to operate. Our generation must be wise enough to find ways of leaving to the solvent of time and the wisdom of succeeding generations problems which we of our generation are unable to solve. Let us not forget that the most agressive ideologies undergo changes over the years. Even the most fanatical faiths balk at self-destruction and mellow with time. As Justice Holmes summed it up, "time has upset many fighting faiths."

A few weeks ago I was in Los Angeles. Automobile after automobile carried bumper stickers. Some read "Impeach Earl Warren." Two read "Register Communists—Not Firearms." Another read "The War on Poverty Means Poverty for All" and still another read "Get the U.S. Out of the U.N." I saw no cars with bumper stickers urging support of the U.N. or of world law. This brought home to me what, I think, Gladstone said, that "Good ends can rarely be attained in politics without passion." In the battle to support and strengthen the United Nations, our opponents seem to have all the passion and it is up to us to counter this with passion of our own.

Mr. Speaker, I was pleased that our President at his news conference last Wednesday reiterated his faith in the peacekeeping machinery of the U.N. I know that our President is devoted to the cause of peace and is seeking with every skill at his command a formula that can result in an honorable peace in Vietnam. I hail the mission he has assigned to Ambassador Goldberg. I have faith that the solution will eventually be found through the U.N.

Mr. ROSENTHAL. Mr. Speaker, for the past several weeks, many of us here in Congress have urged a greater United Nations role in searching for a peaceful solution to the war in Vietnam. We were all, therefore, deeply gratified by President Johnson's remarks last week affirming this country's decision to involve the United Nations in new diplomatic initiatives. Ambassador Goldberg's appointment signaled such a renewed dedication to international peacekeeping. His efforts in communicating with Secretary General U Thant represent new cause for hope.

It seems to me crucial that the United Nations be the auspices under which peace initiatives are to be taken. Initially, U.N.-sponsored gestures have a greater chance of attracting support from the nonalined countries whose good will should be a major goal of his country's foreign policy. And, since any eventual settlement should include a guarantor role for the United Nations, it is important that the organization be involved in the quest for peace as early as possible.

Much of the failure of the Geneva settlement in 1954 can be attributed to the inadequacy of strong institutional support and enforcement. The International Control Commission had neither the resources nor the authority with which to implement the difficult peacekeeping role assigned to it. We might now attempt to strengthen the Commission by establishing a United Nations presence at ICC missions. Renovating the diplomatic machinery of the Commission by giving it the support of the United Nations might prove a useful step toward the establishment of an authority equipped to handle the difficult job of supervising peace in Vietnam. The United Nations might also be the mechanism for a gradual disengagement of American and North Vietnamese forces following a ceasefire. And, eventually, full U.N. sponsorship might be given to a new Geneva Convention, with the participation of all relevant parties, whether or not they are members of the United Nations.

I think we should be equally aware of the importance Vietnam can have on the United Nations. Peacekeeping activities by an international body are now generally looked upon with disfavor and skepticism. There is nothing the United Nations needs more than a success. This country can help bring that about, with subtlety and prudence, by seeking to involve the United Nations in every diplomatic initiative and policy which has any chance of succeeding. There is no reason why we cannot be generous in peace. This, of course, is a matter of some delicacy, which is why we are so fortunate to be represented in the United Nations by Ambassador Goldberg.

Finally, let me take this moment to compliment the gentleman from Wisconsin [Mr. REUSS], for taking this time to deal with the role of the United Nations in Vietnam. He has been an important participant in a debate which for too long has been private and repressed. His thoughtful article in the Commonweal magazine last month has helped many of us develop our own views on the necessity for United Nations activity. We all are grateful for his efforts and diligence.

## NEW YORK CITY IN CRISIS—PART CXLVIII

Mr. REUSS. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. MULTER. Mr. Speaker, the following article deals with efforts to implement the poverty program in New York and is part of the series on New York City in Crisis.

The article appeared in the New York Herald Tribune on June 6, 1965, and follows:

[From the New York Herald Tribune, June 6, 1965]

NEW YORK CITY IN CRISIS—CITY GRANTED $9.1 MILLION ANTIPOVERTY FUNDS

(By Barry Gottehrer and Alfonson Narvaez)

WASHINGTON.—New York City's long-delayed antipoverty program took a large step forward yesterday when the Office of Economic Opportunity approved a $9.1-million request in community action funds.

These funds—part of a package first requested by city officials early in March and delayed by the battle over who was to control the program—is the largest single grant so far in the Federal war on poverty.

These funds, awarded for an 8-month period, were accompanied by Sargent Shriver's approval for the formula the city administration has finally worked out to administer the programs.

Mr. Shriver said he is convinced that the newly designed New York City Council Against Poverty, which would give the poor 32 seats out of 100, does meet the Federal law's call for "maximum feasible representation" of the poor.

"I think the New York program now has a generally satisfactory structure," he said. "There is nothing in the law that says fiscal control has to be surrendered by public officials and turned over to the poor. It's up to each community to work out the best formula."

News of the OEO announcement reached Mayor Wagner at Portland, Maine, where he is spending the weekend.

"As soon as the Governor approves the proposal, we will be able to move ahead with action, rather than words," he said.

"We have had some difficulty in our groundbreaking for this effort. A certain amount of controversy developed which was doubtless a healthy thing."

The grant of $9.1 million in community action funds brings the city's share of Federal antipoverty funds to more than $20 million.

When informed of the OEO announcement, Paul Screvane, head of the city's Economic Opportunity Corp.—the operational arm of the city's antipoverty program—which will receive the funds, said that the city could at last begin to operate its programs.

'The official logjam is over," he said. "Now we will be able shortly to begin to operate our many community action programs. It should be understood that the community action program is not a single monolithic program, but a series of programs, all based on the principle that the local community knows best what it needs, but that a central theme—or umbrella —is necessary to assure all the people in all of the distressed areas that they have equal access to the benefits of the war on poverty, and an equal opportunity to enlist in the war against poverty."

The city's original request for $10.5 million for the community action phase of the war on poverty was sent to the OEO on March 11.

The Federal grant now goes to Governor Rockefeller who has 30 days in which to approve or reject it. If he takes no action at all at the end of 30 days, the grant will be considered approved.

But May 1 passed without the necessary approval and the city was again forced to modify its proposal.

Then, on May 9, Senator JACOB JAVITS released a report by the Senate Labor and Welfare Committee which attacked the city's proposal.

However, Sargent Shriver balked at this proposal and asked for a revision of the plan. He wanted members of community organizations represented on the board.

On April 7, city officials met with the OEO staff and agreed to modify their proposal. They suggested instead an Economic Opportunity Corporation composed of 11 city officials and 4 community representatives. The OEO called this unacceptable.

When the city's proposal went before ADAM CLAYTON POWELL'S House Education and Labor subcommittee on April 15, it called for a corporation composed of 11 city officials and five or six community representatives.

Even then, Representative POWELL challenged the city's position and said that the proposed corporation was "monopolistic" and in violation of the Economic Opportunity Act, which called for "the maximum feasible participation of residents of the areas and members of the groups served."

Congressman POWELL then asked the Comptroller General to cut off funds for the city's poverty programs. Meanwhile pressure from community groups, social welfare agencies and from several Congressmen representing the city, began to mobilize against the proposed corporation.

On May 11, Mayor Wagner released plans for a completely new arrangement for the city's anti-poverty program. He would create two corporations—an Economic Opportunity Corporation and a Council Against Poverty.

The Economic Opportunity Corporation would still consist of the 11 city officials and six representatives of the community, but the new Council Against Poverty would have a 62-man board of directors, composed of 16 city officials, 40 representatives of community groups and agencies, and six members of the poor.

Even while the Mayor was releasing his new proposal, the OEO said that the inclusion of only six members of the indigenous poor—the target population—was insufficient and that approval would not be forthcoming. It called for a new formula which would have greater representation by the poor.

Reaction in the community also spelled doom for the city's plan. Mass meetings were held in which the poor and members of the already existing community action agencies challenged the city's move. They called for a greater voice in the anti-poverty movement.

Finally on May 24 Mayor Wagner issued an executive order which called for the creation of a Council Against Poverty composed of not more than 100 members. The proposal called for inclusion of 32 members of the poor—two from each of the 16 designated pockets of poverty in the city—and 10 members of community action organizations. The city would have only 16 officials on the Council. The rest would come from social welfare agencies and community leaders.

This new formula was acceptable to the OEO only when the Mayor included a promissory letter pledging that the Council would include the 32 representatives of the poor and 10 representatives of community action groups "within a month—surely no longer than 60 days."

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NEW YORK CITY IN CRISIS—SHRIVER POLICY LINKED TO HARYOU-ACT CHARGES

COMMUNITY ACTION GIVES POOR A SAY

(The New York City Council Against Poverty has promised the Office of Economic Opportunity that it will enlarge its body to include 32 representatives of the poor, and 10 persons from community-action groups, to comply with the law that states the poor shall have "maximum feasible participation." The following report deals with the problems facing the city in producing these 32 representatives from the 16 communities designated as target areas in New York's antipoverty campaign.)

(By Marshall Peck)

There were some 200 persons in the auditorium at PS 11 on 21st Street, Thursday night, well-dressed and attentive, men and women, young adults, churchmen, a few nuns in a row, gathered for a community meeting. They were told that this was where a democratic program starts.

"What we are doing tonight is the anti-poverty program itself," said the Reverend John H. Wilson, chairman of the evening. "This meeting makes up and actually constitutes the program. For this program involves getting the people together and hearing their thoughts and suggestions, and planning things out."

As Father Wilson finished, a woman translated his remarks into Spanish.

*Discussion*

Then Father Wilson moved the microphone down to the auditorium floor and opened the discussion on proposals presented in mimeographed leaflets. They were how the directors of the local antipoverty board would be chosen, and what would be its composition.

The meeting started at 8 p.m. What followed in the next 3 hours—calculated debate, heated exchanges, charges of divisive language, pleas for unity action—may well typify the hundreds of meetings that will be held across this city.

For here, in Chelsea, at the grassroots, people—with considered judgment by some, snap viewpoints by others, with poise, bravado, shyness—were articulating the views and demands of the poor.

*Objective*

The objective of the meeting in Public School 11 was the formulation at community level of a structure representative of the poor, which would help coordinate anti-poverty programs, and help select representatives to sit on the City's Council Against Poverty. Dozens of similar groups are gearing up the same way. The Chelsea meeting conveyed some of the impact of the program so far on the people it is intended to serve.

First, despite distribution of 15,000 leaflets (some allegedly delivered the day of the meeting), it was a sparse audience, with particularly little representation from middle or higher income families. Two hundred people were deciding on matters that would have some bearing on 60,000 neighbors. (When this was noted there were cheers, "That's fine, fine.")

Second, it quickly became apparent that the voice of the poor intends to be heard, loudly, in pursuit of just demands as laid down in the Economic Opportunity Act. Longtime Chelsea residents who argued that they were entitled to share direction because they had once felt poverty were waved aside. A few suggestions of moderation, presented by some who had in fact arranged for this public discussion, were quickly talked down.

Third, out of all came the evidence that, with responsible assistance, a community can organize such a meeting, get lower income people to attend, and the poor can, indeed, speak effectively for themselves.

There are still uncertainties about the Chelsea program, but the result of this meeting Thursday night, were decisions to allow the entire community to vote for two slates, one of the poor and the other a general list, and that two-thirds of the 10-man board membership should be "of the poor."

A rough rule of thumb was laid down that the limits for qualifying as poor are $3,000 annual income for a single person, $4,000 for a couple, with $500 for each dependent. A man got up and said that "everyone is poor today," and asked if anyone present considered himself otherwise. One, a lawyer and member of the planning committee, raised his hand:

The Chelsea meeting showed a long road ahead as the city attempts to broaden its base of "representation of the poor" on the New York City Council Against Poverty." For instance, Chelsea is only one of four neighborhoods in the West Side poverty target area (along with Greenwich Village, Clinton, Lincoln Square). But somehow this entire West Side must elect two representatives to the council against poverty.

Throughout the other 15 target areas there are similar problems, and in some cases tougher ones of rivalries between "umbrella" councils and smaller action teams, between older social agencies and upstart activist programs.

There is antagonism by some at the use of Spanish ("You're in America now, speak English," said a woman. "I admire Puerto Ricans who try to speak English. I don't care about your grammar * * *"). And there is uneasiness among Puerto Ricans that, as Miss Antonio Pantoja, executive director of Aspira, said, they "won't even come out second best, because the Puerto Ricans are citywide in scope, with no majority in any one community." She added: "The Negro is always in the majority."

*Centers*

There are factions within factions, and the court had to step in to decide who was the legitimate leadership of QUEST (Queens United Educational and Social Teams, Inc.). There is much uncertainty at the grassroots. Said the Reverend George Hardy, president of SEBU (Southeast Bronx United). "The city doesn't want to tell us how to do it [elect two representatives], and the community doesn't know how to do it. This is a gigantic task. It won't get off the ground by September."

The city has planned to administer to some areas through so-called community progress centers, which are to be set up in the South Bronx, Williamsburg, Brownsville, West Side, East Harlem, and South Jamaica, but these are viewed with disfavor by some. A professional social worker, George Silcott, executive director of Forest Neighborhood House in the Bronx, said: "A CPC will be superimposed on the community, and the community should be doing the job."

The Office of Economic Opportunity has accepted the New York Council's finding application on condition that the council fulfill its pledge to enlarge its body with 32 representatives of the poor and 10 persons from community action programs. That means one each from Southeast Bronx United, Queens Unlimited Educational and Social Teams, Lower West Side Anti-Poverty Board, Bedford Stuyvesant Youth-in-Action, Puerto Rican Forum, Puerto Rican Community Development Project, South Bronx Neighborhood Orientation Project, Massive Economic Neighborhood Development (MEND), Mobilization for Youth, and Harlem Youth Unlimited-Associated Community Teams (Haryou-ACT).

Dr. Arthur C. Logan, chairman of the Council Against Poverty, said that he hoped to have the 10 new members "within a few weeks," and the 32 additional representatives "within a very few months."

The Office of Economic Opportunity pointedly hoped that the council, as the chief structure that will administer New York's antipoverty program, could comply with the law "within a month—surely no longer than 60 days." There have been two recent public rallies by community groups, full of hard talk against city hall's recalcitrance, and an OEO spokesman noted that action was needed to head off possible "long, hot summer" demonstrations.

The city has laid down guidelines for the elections of "representatives of the poor" in

a procedures manual put out by the Anti-Poverty Operations Board. But the city wishes, quite properly, to give full rein to the communities in the final choice of its delegates.

So confusion, lack of information, antagonism, have seriously hamstrung the seating of "the poor" on the council. In effect, the program is going on, and the people who are supposed to be having a say, aren't. They know it, and they're mad.

FULL DISCLOSURE OF BOOKS DEMANDED

(By Barry Gottehrer and Alfonzo Narvaez)

WASHINGTON.—Sargent Shriver, head of the Office of Economic Opportunity, announced yesterday that all agencies, both public and private, receiving Federal antipoverty funds must respond fully to all reasonable requests for information concerning programs and finances.

If these agencies, after being funded by OEO antipoverty grants, it was learned that Mr. Shriver said his office would make this information available under his agency's full-disclosure policy.

Though a spokesman maintained that the full-disclosure clause was standard in all OEO antipoverty grants, it was learned that this statement of policy was attached—along with other special conditions—to New York's $9.1 million grant because of the continuing refusal of Livingston Wingate, executive director of Haryou ACT, the controversial Harlem antipoverty program, to open his books.

During the last 3 months, Mr. Wingate, a former aid to Representative ADAM CLAYTON POWELL, has been under attack both from within and without his organization for his administration of the multimillion-dollar project.

Charges—coming from some staff members and directors, former employees and residents of the troubled area the program has been created to help—have included political control, padded payrolls, slipshod recordkeeping, shortages in inventory, little progress and mismanagement.

Mr. Wingate has denied these charges orally but, despite pressure from both city and Federal officials, has refused to provide financial records sufficient to refute them.

In announcing the grant, OEO officials made it clear yesterday that approval of the request, which included $1.2 million for Haryou-ACT, was not to be taken either as refuting or substantiating these charges.

Mr. Shriver maintained that a series of conditions—established to fit local situations—must be met before Haryou-ACT and any of the other New York projects would receive these funds.

Included in these conditions—which must be met within 60 days—are full reports on personnel and accounting methods and, for the first time, a provision that would bar members of a project's nonsalaried board of directors from receiving consulting fees for services related to the projects' programs.

On May 10, in its first report of trouble at Haryou-ACT, the Herald Tribune's New York City in Crisis series pointed out that several members of the Haryou-ACT board were receiving consulting fees from Haryou-ACT and ACT, its sister project.

OEO, which with two other Federal agencies conducted a survey audit of Haryou-ACT's books last month, said it was waiting for the results of a depth audit of the program by Price Waterhouse, a major accounting firm brought in by the Haryou-ACT board.

The results of this audit are expected by the end of the month at which time OEO will give Haryou-ACT 60 to 90 days to put the firm's recommendations into effect.

"We're pretty hard nosed about this," said William Kelly, OEO's assistant director for management. "If there's something wrong—and it's not taken care of—and I don't care if it's Haryou-ACT or Boeing Aircraft, we'll do something about it."

Many of the charges began in June 1964, when Dr. Kenneth Clark, the "father" of the Harlem antipoverty plan "Youth in the Ghetto," lost his fight with the Powell faction for control of the agency and resigned from his post as chairman.

The charges again cropped up as Livingston Wingate, a former aid to ADAM CLAYTON POWELL and director of Associated Community Teams (ACT), was chosen as executive director of the newly formed Haryou-ACT and as, one by one, the original members of the Haryou administration resigned or were fired from their posts.

Since then, the charges—coming from staff members, directors, and former employees at Haryou-ACT and ACT as well as from residents the program was created to help—have included political control, padded payrolls, slipshod recordkeeping, shortages in inventory, mismanagement, and little progress in dealing with the problems of the area.

*A promise*

On various occasions, Mr. Wingate denies the charge orally to Herald Tribune reporters and promised to produce records to refute the charges. However when Mr. Wingate failed to produce the records by early May, the editor of the Herald Tribune, James Bellows, presented the issue to the Federal agencies funding the project.

Their reply was that the "information concerning the expenditure of public funds is public information and should be available to the greatest extent possible in response to legitimate reasonable requests."

Under prodding from Federal officials, Mr. Wingate agreed to open his records.

However, when the day of reckoning came, Mr. Wingate kept a Herald Tribune reporter bottled up in the comptroller's office at Haryou-ACT for 6 hours and then permitted a 3-hour perusal of the records.

He then announced that the investigation was disrupting the operation of the agency—which has segments of its program strewn throughout Harlem—and said that he would allow the records to be inspected only 4 more hours.

*Reneged*

Appeals were again made to Federal officials, who suggested that photographs be taken of the records. Mr. Wingate refused to allow this, and on a television program last Tuesday reneged on his promise of the 4 more hours and said he would not allow his records to be inspected.

Increasingly over the past few months, any request for information to refute or substantiate charges against the agency have brought cries of "bigot" and "racist" from Mr. Wingate.

"You've got to know where your enemies are," he said recently. "Your enemies are not only in city hall."

He then used as an example this newspaper, which had made "legitimate and reasonable" requests for information from the agency. He said that he would not make his records available for inspection any longer and blamed his lack of progress in implementing certain programs in the Harlem community on "the enemies of the poor who have been hanging on our necks."

However, the funding agencies still insist that the financial records of agencies using public moneys should be available to the public and have suggested putting strong language into the antipoverty bill to insure this.

## NEW YORK CITY IN CRISIS—PART CXLIX

Mr. REUSS. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. MULTER. Mr. Speaker, the following article concerns New York City's schools and is part of the series on "New York City in Crisis."

The article appeared in the New York Herald Tribune of June 15, 1965, and follows:

NEW YORK CITY IN CRISIS: GRAPHIC DISPLAY TO UNDERSCORE SCHOOL PROTEST

(By Sue Reinert)

A group of Washington Heights parents yesterday presented a gift to the board of education—an outhouse to be used, they said, as an "addition to the sanitary facilities of Public School 115, Manhattan."

The parents, who made the presentation to dramatize their claim that toilet facilities at Public School 115 are inadequate, outmoded, and dirty, held a brief unveiling ceremony in front of the school, on 177th Street between St. Nicholas and Audubon Avenues.

Last night they planned to take their wood and paper outhouse to board of education headquarters at 110 Livingston Street, Brooklyn, and lay it on Superintendent Bernard E. Donovan's desk.

The demonstration yesterday was sponsored by the Parents Association of Public Schools 28 and 128, and by the Riverside-Edgecombe Neighborhood Association. By 10:30 a.m. about 25 men and women were in front of the school. Some had baby carriages, and some brought rolls of toilet paper and scrub brushes.

The reason that parents from Public Schools 28 and 128 were among the sponsors was that Public School 115, now a junior high school, is scheduled to become an elementary school this fall. Some children attending Public Schools 28 and 128 will be transferred to Public School 115.

DEMONSTRATORS

Among the demonstrators were representatives from Puerto Rican organizations; a man who said he represented Representative WILLIAM FITTS RYAN, one of the Democratic candidates for mayor; and a minister from the Holy Rood Episcopal Church, 179th Street and Fort Washington Avenue.

The outhouse, about 6 feet high, was built by Irving Sadoff, 40, a salesman, and John Battiato, 33, an attorney. Mrs. Arun Rivingston painted it. It was brought to the demonstration bundled up in brightly printed cloth. After short speeches by the organization representatives, the cloth was lifted off.

The parents claimed that a $650,000 renovation job was to be done on the school before this fall, when the 1,400 children there are to move to new Junior High School No. 143. About 800 elementary school children are to be transferred from overcrowded neighborhood schools to Public School No. 115.

There are only two lavatories in the five-story school which was built in 1912. Both are in the basement.

In the boys' lavatory there are 15 toilets, none with doors. Yesterday there were three rolls of toilet paper in the lavatory. In the girls' lavatory, where there are 22 toilets—also doorless—there were 7 rolls of toilet paper.

The reason for the scarcity of toilet paper rolls was not carelessness on the part of maintenance men, but the fact that there are very few toilet paper holders in the lavatories. In the boys' lavatory, one of the rolls was hung up on a post by a rusty chain.

There seemed to be some confusion about the renovation plans even among board offi-

cials. The man who is to become principal of Public School No. 115 when it becomes an elementary school, Sidney Rosenberg, said he understands that a $75,000 renovation job is to be done on the school. He said some emergency painting will be done this summer but the main work will begin this fall.

HISTORY

However, an official of the board's division of school planning and research said the board had never planned to spend more than $300,000 on the renovation.

This was the history of the renovation plans given by board officials:

Last January, school planning and research learned that Public School No. 115 would be used as an elementary school after new Junior High School No. 143 opened. Plans for renovation were made, including plans to move a unit of the bureau of child guidance from Public School No. 139, Manhattan to Public School No. 115.

In February, school planning and research drew up the requirements for the renovations, and they were sent to the division of maintenance and operation. This division was supposed to survey Public School No. 115 to see how much the job would probably cost.

The survey took 2 months. In May, the office of design, construction, and physical plant hired an engineer to draw up architectural plans for the renovation. The cost estimated was $300,000.

Three weeks later, however, school planning and research ordered the job stopped because plans had been changed. The board was not going to move a unit of the bureau of child guidance into Public School No. 115 after all.

Since then school planning and research has been drawing up new requirements. They were completed yesterday, an official said. Instead of renovating five floors at a cost of $300,000, four floors will be repaired for $270,000.

## NEW YORK CITY IN CRISIS—PART CL

Mr. REUSS. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. MULTER. Mr. Speaker, the following article is the last in the series on "New York City in Crisis."

As any New Yorker will tell you New York is the greatest city in the world and everything is wrong with it. We who love New York want to see its problems solved.

The following article gives a résumé of some of the crises faced by our largest city and appeared in the New York Herald Tribune on June 21, 1965:

[From the New York (N.Y.) Herald Tribune, June 21, 1965]

NEW YORK CITY IN CRISIS: THE GREATEST CITY IN THE WORLD—AND EVERYTHING IS WRONG WITH IT

POVERTY

It is a city in which poverty is everywhere and the gulf between the rich and poor grows greater and more insurmountable every day. To Negroes, Puerto Ricans and aged whites, who know the killing effects ghetto life and isolation have on the mind as well as the body, the much-publicized war against poverty so far is just another political slogan with, according to Negro leader Bayard Rustin, the force of a "cap pistol." Nearly one-fifth of the city's people now live in poverty conditions—families earning less than $3,000 a year and individuals earning less than $2,000 a year—many in cramped, inadequately heated, unsanitary, rat-infested apartments.

The Office of Economic Opportunity finally approved a $9.1 million community-action poverty grant for New York in June. Struggle for control of the program has hamstrung the city's much publicized but thus far woefully unproductive war against poverty since the funds were first requested in March. The Federal law states that a community-action program—in which people of the slums are given money and opportunity to help themselves—must have "maximum feasible participation" of the poor. The city administration has argued that this does not mean that the poor must control the poverty purse strings. Last month, the city administration finally gave in—setting up a Council Against Poverty, with 100 members, including 32 members of the poor and 10 representatives of community-action programs. The battle hasn't ended, however, even though OEO head Sargeant Shriver has approved this formula. Livingston Wingate, executive director of Haryou-ACT, says this formula is still unacceptable and has tried to rally other leaders and self-styled leaders of the poor to support him.

YOUTH

It is a city in which more than 70,000 youths now roam the streets, out of school, out of work, or underemployed, untrained, and uncaring. Because of its limited staff and its inability to keep training personnel, the youth board, set up as the official city agency to deal with youth problems in 1947, has made very little headway despite a $45 million outlay. And Haryou-Act and mobilization for youth, the new groups which offered so much hope for the future, already have become bogged down amid political, ideological, and financial controversy.

In the past 2 weeks city and Federal officials have announced a multimillion-dollar crash program to create more than 20,000 jobs for the troubled youth of the city—who, according to most estimates, still number more than 70,000. Operation Headstart, a $4.6-million program to expose preschool age slum children to basic educational programs, also has received the green light. The big questions now are: Why are these programs starting so late? Can the city administration get them going quick enough to avert another summer of rioting? One Manhattan Democratic Congressman, incensed that the city has lagged so far behind other major cities in processing applicants for Job Corps, has called for the Office of Economic Opportunity to take the processing out of the hands of the city administration. Mobilization for Youth, the poverty program on the Lower East Side, has survived a series of investigations and charges that it is Communist dominated and is making some progress. But Haryou-Act, the massive, multimillion-dollar Harlem project, has become a political football between city hall and Representative ADAM CLAYTON POWELL.

TRAFFIC

It is a city in which the daily traffic jams grow worse and worse and the hope for any improvement grows less and less. To many New Yorkers, particularly those forced to drive the Long Island expressways, the jokes about the massive traffic jams (in one, everybody leaves his car, the city pours cement over the deserted autos, and New York has solved its traffic problem) no longer are amusing. Despite the billions of dollars spent on highway construction, New York's roads and parking facilities are totally inadequate to accommodate the 1.5 million cars registered here and the 600,000 others that enter the midtown area each weekday.

Mayor Wagner finally gave the green light to the Lower Manhattan Expressway, which was first placed on the city map in 1941 and since had become the world's oldest phantom highway. Hopefully, the road, which will run crosstown from the West Side Highway and the Holland Tunnel to the Manhattan and Williamsburg Bridges, will be completed by late 1971 and offer some relief from the massive lower Manhattan traffic jams. Traffic Commissioner Henry J. Barnes has announced new traffic control systems and street routings for the months ahead to cut down on the excessive time it takes to drive crosstown in mid-Manhattan. He has also ordered that both Madison (going north) and Fifth Avenues (going south) become one-way starting next March. Despite this limited progress, New York City continues to lack substantial long-range planning in the transportation and traffic area.

MIDDLE CLASS

It is a city in which 800,000 middle-class whites, traditionally the heart of a metropolis and its economy, have fled to the suburbs since 1950 to be replaced by 800,000 Negroes and Puerto Ricans who, for the most part, are unskilled or semiskilled. And though the Mayor and city officials decry this exodus, they have done little to keep the middle-class whites from leaving. "This is a white man's city," says Miriam Robinson, a Negro nurse. Yet not many white middle-class New Yorkers would agree.

No one can seem to agree on the extent of the flow of middle-class whites and Negroes from New York. One city report says that the drain has stopped and cites figures that show the middle-class has started moving back into the city. Another report shows that more than 1 million middle-class New Yorkers have left the city since 1950 and says that the end to the exodus is nowhere in sight. What everyone does agree on, however, is that, while the city's total population has varied only slightly, the influx of Negroes and Puerto Ricans who for the most part, are unskilled or semiskilled, continues.

HOSPITALS

It is a city in which the hospitals are supposed to be the best in the world, but most patients and many doctors know better. Officials say that there are some 3,000 more beds than are being used daily, but it is not at all unusual for people to be forced to wait hours and even days to get into a city hospital. An 84-year-old woman, rushed by ambulance to a hospital after suffering a stroke recently, had to wait 8 hours and be transferred to three different hospitals before a bed could be found for her. "Maybe there are additional beds in the private rooms and semiprivates, but we need all the ward space we can get," said one of the admitting doctors at Roosevelt Hospital. "There should be an up-to-the-minute listing in each hospital telling exactly where the vacant beds are, but there isn't any." This doctor had to phone seven hospitals before he found a bed for the aged woman at Metropolitan Hospital. While he telephoned, the woman waited alone and unattended in one of the emergency examining rooms. Yet even more critical than the problems of beds and services is the problem of health insurance. Despite a 33-percent increase in rates this summer and a 124-percent boost over the last 5 years. Blue Cross health insurance, the basic financial resource of the city's hospital services, is on the verge of setting its prices beyond the range of the people who need it most.

There is still no up-to-the-minute listing to show which hospitals have beds available, and, though the number of unoccupied beds continues to average approximately 3,000 daily, many people—particularly the impoverished of the city—find it extremely difficult to gain immediate admission—even in some emergency cases. For those who

do get in, according to a recent Teamster Union-financed survey, there is a 50-50 chance that the patient will receive substandard medical care. Dr. Ray E. Trussell, who has brought strong leadership and new respect to his department as head of the city's hospitals, has announced that he will probably leave his job shortly and return to Columbia. According to many people, both within and without the administration, Dr. Trussell's loss would be a severe blow to the city's hospital system. The extent of the overall problem was described by the Governor's Committee on Hospital Costs last April, after a 9-month study. "The need to replace obsolescent hospitals has now reached staggering dimensions," the report read. "Nothing less than a crisis exists in New York City." Meanwhile, the problems of Blue Cross, despite a 124-percent increase in the last 5 years, continue to mount and have brought about a special joint legislative inquiry.

COMMUTERS

It is a city in which the commuter railroads that are needed to bring more than 200,000 people into midtown Manhattan 5 days a week are now closer to financial oblivion than they have ever been before. Commuter fares have skyrocketed on the New Haven, New York Central, and Long Island lines in the past few years, but losses continue. And unless increased Federal aid and control are provided in the immediate future, the railroads may be forced to shut down commuter service completely. For the other New Yorkers, who travel by subway and bus into midtown Manhattan, getting to and from work each day has become a true survival of the fittest.

The problems of the commuter—by rail, by subway, by bus, by taxi, and even by ferry—have continued to increase drastically. Only an emergency injection of Federal and State (from New York and Connecticut) funds have kept the New Haven Railroad's commuter service alive—and even this is only a temporary solution. And the problems of the Long Island Railroad are now so critical that the State apparently will be forced to take it over to save it. Similar problems threaten commuter service on the other railroads in the metropolitan area, Strikes threaten the city's taxicabs and, for a while, seriously curtailed Staten Island ferry service. And, particularly in the rail crisis, the city administration has remained aloof from last-minute efforts of Federal and State officials and a group of New York businessmen who have banded together to work for a permanent solution—probably the creation of a tristate authority.

HOUSING

It is a city in which a public housing program has been set up to cure at least one of the problems of poverty, but, because of limited funds, unlimited red tape, and little direction from the top, it seems to have created almost as many problems as it has solved. There are currently 520,000 people living in public housing, but there are more than 660,000 others now waiting to get in. At the rate that public housing has been constructed over the last 2 years (12,000 units or apartments since 1962), it would take someone more than 10 years to gain admittance to a public housing project if he applied today.

There are still more than 600,000 persons waiting to get into public housing. These people—kept in deteriorating tenements by the scarcity of public housing and the authority's strict eligibility requirements (which keep out most of the people who need rehabilitation the most) have found little relief in the special housing phone set up by the city administration with considerable fanfare last February. The phone was supposed to speed up the process of repairing housing violations. Unfortunately, according to many slum residents who have tried it, it still takes nearly a month to get the city administration to take care of the violations and the phone has merely added another layer of bureaucracy. And, if the housing authority did not have enough trouble, the Manhattan district attorney's office is currently probing a major scandal involving the authority and painting contractors.

URBAN RENEWAL

It is a city in which more than $2.19 billion has been committed to urban renewal projects since 1950 in an attempt to wipe out slums and provide decent low- and middle-income housing, but one in which the slums continue to spread, the ghettos remain, and there is still a critical shortage of low- and middle-income housing. To many New Yorkers, urban renewal has come to mean human removal, the shifting of a minority group from one slum to another.

Progress has been made in some respects—though the administration of the program and the construction of low- and truly middle-income housing lag far behind the needs of the city's citizens. An experiment—largely a Federal project—is being attempted on 114th Street in Harlem, one of the worst streets in the city. The concept there is to rebuild one street at a time completely—creating in effect, a garden of paradise in the middle of hell. Hopefully a new look for the street—where drug addiction, prostitution and other forms of personal and social disorganization flourish—will bring a new look to its people. Downtown, in Cooper Square, residents have finally won out over political pressure and have been promised needed low-income housing. Elsewhere, the city's urban renewal program, under the leadership of Milton Mollen, continues to fall short of city hall promises and press releases. The Seward Park extension project, which was hailed as a new concept by city hall a few months ago, was no different from the new concept for the same project announced by city hall a few years before at a much lower price and junked only because of indecision over the Lower Manhattan Expressway. And, in the West Side urban renewal area, heralded as the first true test of the city administration's human renewal program where poor people would not be bulldozed from one slum to another, residents, backed up by a city-financed study, maintain that city hall has already botched up most of the relocation and human-renewal services.

WELFARE

It is a city in which half a million people, more than the number living in the State of Alaska, Delaware, Nevada, Vermont, or Wyoming, are now receiving welfare with no solution in sight. "There is not a single thing we can do to keep this figure from increasing," says one welfare department worker. "For every case we close, another three or four are added to the rolls."

The welfare rolls continue to climb. There were 498,563 persons receiving public assistance in March (the latest figures available), an increase of 12.56 percent over the year before. These people received a total of $35,440,436, an increase of 15.64 percent from 1964. There continues to be no solution in sight. A strike of 7,000 welfare investigators, which lasted 28 days, pointed up the excessive redtape and bureaucracy that plague this department. A blue-ribbon citizens' committee of businessmen reported to Governor Rockefeller last month that serious consideration should be given to the imposition of a 1-year residency requirement for any one seeking public assistance. Welfare Commissioner James R. Dumpson, however, continues to oppose the requirement, labeling it "impractical, expensive administratively, and contributes nothing."

BUSINESS

It is a city in which the problems of automation and urbanization, which threaten the future of cities all over the world, are multiplied a thousand times. In the past 5 years, hundreds of businesses, both large and small, have deserted the city—and there appears to be no way and little effort on the part of city officials to halt this drain. Despite a temporary commercial building boom brought on by a change in the zoning code and by the World's Fair, construction is now on the decline, with the trade unions currently reporting more than 15-percent unemployment. What makes this problem even more critical is that it is precisely the employers of the unskilled and the semiskilled who are deserting the city in frightening numbers. More than 80,000 manufacturing jobs alone have been lost in the city over the past 5 years. "Taxes, labor costs, insurance, and the city government's attitude have made Manhattan a nightmare for small businessmen," says one disgruntled dress manufacturer. "This is becoming a city with white-collar jobs and blue-collar people."

The flow of desperately needed blue-collar factory jobs out of New York has continued unabated despite undermanned and underfinanced but well publicized attempts by the city's department of commerce and industrial development. Herbert Bienstock, Federal labor statistician in the New York area, has documented the depth of the business crisis: New York's factory job loss has amounted to more than the equivalent of the Brooklyn Navy Yard (some 10,000 jobs due to be lost sometime soon) for each of the last 17 years—12,000 jobs a year, a total of 204,000; Negroes and Puerto Ricans, who are most in need of low-skilled factory jobs, are increasing at so rapid a rate that 63 percent of youths between 15 and 24 years of age in New York City 5 years from now will be Negro or Puerto Rican. A committee of 14, representing the major business and financial interests in the city, has been formed to fight the business crisis but, so far, has received little encouragement from the city administration.

FINANCES

It is a city in which the financial needs grow increasingly critical every day and the sources of possible revenue increasingly difficult to find. The gigantic $3.355 billion expense budget—only the Federal Government's is larger—has more than doubled under Mayor Wagner, creating the latest in a series of worsening financial crises for the city government. It has now reached the point where 14 percent of each year's expense budget—nearly $1.3 million a day—must go to pay debt service, and a $350 million deficit has been predicted for 1966. The worsening problem: Where are the new taxes—the money to bridge the gap between the city's increasing expenses and limited sources of revenue—going to come from? The increased sales tax, boosted from 3 to 4 percent in 1963–64, has been a dismal failure, failing to approach predicted revenues. And the off-track betting proposal, even if it is approved by the Democratic-controlled State legislature this year, cannot be expected to provide substantial—or even adequate—revenue. The mayor's solution (and one he applies to almost every major city problem): allocating $1 million of city money, setting up a special commission to study the problem, and convincing several important bankers and businessmen to lend their names (if not their undivided attention) to it. "It's all a game," says one of the mayor's aids. "We know we have fiscal problems and we know what we have to do—raise existing taxes or put in some new ones. But, most of all, we know that we must get more Federal and State help. But by setting up these commissions, the mayor gets the bankers and business leaders, many of them Republicans, in-

volved. If they should ever come up with something new, then all the better. If they don't—and they rarely do—it's their failure, not the mayor's. And then, who says that he has to do anything with their proposals?"

The mayor finally came up with a solution for his immediate fiscal problems, a solution judged fiscally irresponsible by his own controller, Abraham Beame. What the mayor plans to do to meet his record $3.9 billion red-ink expense budget is to borrow $255 million now and hopefully, if two successive State legislatures and the voters in a statewide referendum give him approval to raise real estate taxes by more than 20 percent, repay later—by January 1, 1967, at the earliest. The temporary commission on city finances has so far produced a preliminary report, which offered little that was new in ways to provide new taxes, but the mayor additionally chose to ignore several recommendations on how to cut back on current expenses.

BUREAUCRACY

It is a city in which a giant bureaucracy flourishes, growing more unmanageable every day. The first charter revision in 26 years was approved in 1961, but the government and the people continue to struggle along seemingly unable to cut through the red-tape, the politics, the duplication of time, money, and departments, the inferior personnel, and the needlessly increasing costs that both separate and strangle them. "The basic problem in New York is that the government long ago ceased to be a government of and for the people it governs," says Jane Jacobs, author of "The Death and Life of Great American Cities" and, labeled by her critics, "the Barbara Frietchie of the Slums." "The people of this city are being utterly disregarded. Our government doesn't listen to the people. It has become too insulated and too smug to care about their problems." One Planning Commission specialist has come up with a novel suggestion that is guaranteed never to see the light of day under the present city administration. "This city needs a lot of things, but I'd like to use an IBM machine to figure out some chain of command for how to go about getting something done in this city," he says. "Then you'd know exactly where the power was and exactly where to go to get something accomplished."

The number of committees continue to increase, with more than 240,000 people now working for the city administration. This is an increase of more than 33 percent in the 12 years of Mayor Wagner, a period when the city's population has dipped slightly. Though a great many people continue to recommend the abolition of the office of Borough President—which was pared largely to a ceremonial plum by the 'Charter' revision—as a means to save money and slash bureaucracy, the Mayor has ignored them.

HARLEM

It is a city in which an already troubled Negro population learned last summer that city hall could be made to listen—if not made to act. As a result of last summer's rioting and the fear that it might have become worse, Harlem now has a negro police captain—and hopes that other concessions (perhaps a civilian police review board) are no longer out of the question. The responsible people of Harlem may have had nothing to do with the rioting, but these people and the civil rights leaders, who found themselves totally unable to control or direct the demonstrations, have not failed to grasp the significance of it. "Time is running out for this city," says CCNY's Prof. Kenneth Clark. "The people of Harlem and Bedford-Stuyvesant are tired of promises and nothing else from city hall."

As summer moves in, tensions once again are approaching fever proportions in Harlem. "Nothing has been done to cool the summer discontent," said Representative ADAM CLAYTON POWELL recently. "I think there is going to be trouble, trouble all over." The reasons for the growing discontent are not difficult to isolate. While Rochester, a city that also experienced racial violence in 1964, has been active in preparing for 1965, New York has for the most part, avoided facing reality. The city's poverty program, despite frantic last-minute efforts, has not yet reached the poor people, and, despite the clamor of civil rights groups and others, the mayor has refused to consider the formation of a civilian police review board. Puerto Rican groups are particularly incensed by the alleged suicides of five Puerto Ricans, all unrelated cases, while under police custody during the past 5 months. And, in the southeast Bronx, three incidents of conflict between police and citizens in the last 2 weeks indicate that the growing discontent may be citywide. Representative POWELL'S close friend and former aid, Livingston Wingate, who runs Haryou-Act, has on his own continued to fan the flames of discontent by labeling his critics and city hall as "enemies of the poor."

SCHOOLS

It is a city in which a gigantic school system is torn by overcrowding and substandard teaching, particularly in slum areas, becoming a political football for the mayor, the board of education, civil rights groups and racists. Though the city has built more schools and classrooms under the present administration than it had in all of the previous administrations, the vocational schools have been allowed to become woefully outdated (more students drop out than graduate) and almost nothing has been done to prepare for an elementary school population in the Bronx and Manhattan that is now more than 65 percent Negro and Puerto Rican. "You don't worry about teaching these kids here," says one long-time Harlem teacher who happens to be white. "You just keep them from killing each other and from killing you." With this attitude, it is not at all surprising that 24 percent of the youths who took the selective service exam, which approximates a 13-year-old equivalency test, in New York last year failed. The argument, favored by city officials, that the school dropout rate was greater 25 years ago than it is today overlooks one basic point. Twenty-five years ago youngsters dropped out of school to go to work to go into the Armed Forces. Today, with the seriously declining number of unskilled and semiskilled jobs, youngsters are dropping out of school not to go to work but to become members of the increasing number of the untrained and the unemployed.

Programs to decentralize the school system (by setting up 30 separate districts throughout the city), to improve education in slum schools (by the involuntary transfer of experienced teachers into these areas) and to modernize the entire system and foster maximum integration (by eliminating the junior high schools) are future hopes for a school system that has just finished perhaps its worst 5 years in its 111-year history. The culmination of a myriad of problems came this year when the issues of integration, growing teacher militancy and a red-tape strangled bureaucracy exploded with the toppling of the superintendent and the president of its board of education. To complicate matters, another teachers' strike looms in September.

POLITICS

It is a city in which the strike of nearly 7,000 welfare department workers and dozens of other city problems grow more critical every day, yet Mayor Wagner seems to spend most of his time wheeling and dealing for political control of a State legislature more than 160 miles away.

Mayor Wagner's decision not to run for reelection has completely scrambled the city's political picture. More than a dozen names are being bandied about by Democrats, with most people now expecting a bitter primary fight. The mayor's withdrawal is also expected to produce an attempted return to power by Tammany and the emergence of a new Democratic leader in the State. The most likely successor: Senator ROBERT KENNEDY, who has given no indication of whom he will support for the mayoralty.

MAYORALTY

It is a city in which the mayor delights in expressing optimism, yet creates pessimism by his unwillingness to act boldly. Today, Robert F. Wagner is unquestionably one of the most popular mayors in the city's history, but, even to his friends, he seems to be a man almost totally incapable or unwilling to make forceful or meaningful decisions. "I like the mayor—everybody likes the mayor," says one prominent New York educator, who voted for Mayor Wagner in each of his three campaigns for the city's top position. "He's always available and he's always pleasant. But when you leave his office or Gracie Mansion, it suddenly dawns on you that he hasn't really said a damn thing. These are extremely troubled times and the problems of this city are not going to solve themselves or disappear. We need a mayor who doesn't care about his image and his political popularity. We need a mayor who cares about the city and has the ability to cope with its problems."

Over the last 6 weeks—either because JOHN LINDSAY had entered the race or because he himself had secretly decided to withdraw—Mayor Wagner suddenly started to act decisively on several major issues he had previously dawdled over. The most noticeable was the Lower Manhattan Expressway, which he had been considering since last December, when he announced that the measure would not be stalled along. LINDSAY entered the race on May 13. Mayor Wagner gave the go-ahead to the expressway 2 weeks later. He also has moved quickly to provide needed police protection on the subways. But the overall direction and organization of the city's future remain without shape or form.

COURTS

It is a city in which the court backlog has become so bad that 18 Brooklyn trial judges currently face 38,000 civil cases, with more than 29,000 listed on jury calendars. The backlog is now so excessive that it takes 4 years to get many cases before a jury. The caliber of the city's judges and the manner in which they are chosen (picked by politicians and elected, frequently in face of opposition by the bar association) have both been severely criticized and reforms have been suggested, but nothing has changed. "There are often rumors, difficult to substantiate, but persistent enough to cause concern, that there is a 'going price' for a judgeship," wrote Herbert Brownell, former U.S. Attorney General and president of the Association of the Bar of the City of New York. "One year's salary is the reported figure in New York City. No honorable lawyer wants a judgeship at a price."

Despite dozens of recommendations to cut court backlog and improve the selection of judges, nothing has been done—except that cases continue to pile up and appointments remain largely political. In Brooklyn, there are now 40,000 cases listed, with 32,000 on the jury calendar and a possible wait of nearly 5 years. In New York County, there are 38,000 cases piled up (28,000 on the jury calendar); in the Bronx, 19,000 (14,000 on the jury calendar); in Queens County, 28,000 (24,500 on the jury calendar); and in Richmond, 570 cases (440 on the jury calendar).

POWER ELITE

It is a city in which big businessmen complain about civic apathy and the way the city is run, but rarely do more than talk and lend their names to civic organizations and city commissions. When they do become actively involved (and this does not include lending their names to one of the mayor's countless commissions), as in the struggle for midtown parking garages, the trade center, and the Wall Street redevelopment, it has generally been an involvement born as much out of self-interest as it has been out of a love for the city. They prefer instead to complain that, even if New York could organize a supercitizens council (as has been done so successfully in San Francisco and Philadelphia), it could accomplish little without the cooperation—if not the leadership—of the man in Gracie Mansion. "There has to be a coordination of civic effort, but there has been none here," says David Yunich, president of Macy's, New York, who favors the creation of a supercitizens council.

In the last 4 months, New York's business and financial leaders have banded together to form two blue-ribbon committees aimed to meet critical issues on their own—without waiting any longer for leadership from city hall. Seventy presidents, vice presidents, and board chairmen of the city's greatest corporations organized the committee of 14 early in March to fight the loss of blue-collar jobs, perhaps through the formation of an industrial development corporation. Initial enthusiasm diminished, however, but when Mayor Wagner announced his massive deficit budget and his plan to boost the real estate tax, the city's business leaders suddenly became deeply concerned once more. Though the committee of 14 is a noticeable step forward for the city's power elite, called by one non-New York redevelopment expert the most self-interested and least civic-minded of any in the world, it still is a million miles behind citizens' groups in San Francisco, Philadelphia, Detroit, and a dozen other U.S. cities.

STUDIES

It is a city in which the foundations, the universities, thousands of civic groups, and the city government itself spend countless millions of dollars each year on studies relating to New York City (not infrequently studying the same thing) and then do little more than file the reports for posterity. It is only rarely that the civic groups get together on a single project—and this seems to be the way the mayor would like to keep it. By keeping the civic and business groups divided, interested for the most part in winning improvements for their own particular project or area, the mayor remains the single unifying force in the city.

Studies of municipal problems, particularly critical ones, continue to serve as a successful device for taking pressure off city hall. And if the results of the study are negative or antiadministration and can't be buried, the mayor can always call for another study—even if the problem already has been studied countless times before. Just how long city hall can take in deferring action on a single problem has been demonstrated by the studies made of the city's waterfront. In 1963, the department of marine and aviation turned in a special report, which was started in 1960, proposing development of the Hudson River waterfront to the "year 2000." This report was turned over to the planning commission by the mayor for further study. The planning commission enlarged upon the original study and passed its own report on to the mayor last fall. The new budget calls for $60,000, probably for planning, on a superliner terminal sought by marine and aviation, but the evolution of this study has caused one city official to remark: "If we get things started in 2000, we'll be doing pretty good."

POLICE

It is a city in which the police force has added more than 7,000 men in the past decade and is called the best and most honest in the world by Mayor Wagner. Yet the narcotics rate in New York has skyrocketed (half of the narcotics addicts in the United States now live in New York) and gambling, the numbers, and prostitution continue to flourish. "One of the big problems with Negro kids is that they just don't have any respect for the law," says one white policeman. This is not difficult to understand. In Harlem and Bedford-Stuyvesant, corruption and the law do not always appear to be in conflict. In one after-hours place in Harlem, reefers are sold and smoked openly. In another, prostitutes, some as young as 13, solicit openly and argue over price at the bar. "We don't worry about being raided," says Jimmy the bartender and bouncer, taking a bet on a number. "Some of our best customers are cops—white cops."

The mayor has acted firmly in the face of the increasing crime rate (ranging from a 13.8-percent increase in major violence to a 52-percent jump in major subway crime) by increasing the police force to 28,000 men and staffing all subway trains with guards during the most critical evening hours. The $2.5 million monthly overtime bill, brought about by the increased patrols and the $1 billion in goods stolen annually by the city's 50,000-plus narcotics addicts and the countless millions stolen by other criminals indicate the high cost of the growing gap between law enforcement and crime. And this does not include the value of time lost and lives lost through the increasing incidence of crime. Police problems are not limited to the criminal element, however. The lines of communication and respect—vital to the policing of this or any city—have broken down, and no one knows what to do about it. Police Commissioner Michael Murphy has resigned—in face of another long hot summer, growing calls for a civilian police review board and charges of discrimination leveled by civil rights groups against the department—and Vincent Broderick, a civilian, has been named to replace him. But the same problems remain.

PRESS

It is a city in which the press alternates between praising and panning the mayor but, with few exceptions, limited by space and finances, offers little sustained, constructive criticism. One exception was a lengthy indictment in the magazine The Nation, which documented a series of major city scandals. The article was thorough and hard hitting and brought about immediate concern and momentary indignation when it appeared in late 1959. But, in the long run, without the support of the city's other papers and magazines, it accomplished little. The same administration sits in city hall, seemingly more secure than ever before, and, if the corruption and scandal are no longer as extensive or as obvious the problems of the city are a great deal worse.

Except in special instances, the press of this city continues to fail to come to grips with the daily problems of the city. Even in the instances of indepth investigative reporting, there has been little followthrough. City hall press releases are printed as gospel, and politicians, both Democratic and Republican, continue to manipulate the city's news media with incredible ease. Exceptions have been WMCA, an independent radio station which, in its recent housing and reapportionment campaigns, added a new dimension to radio reporting in New York; channel 13, a local TV station which, in a single live show on the poverty program, recently demonstrated the excitement and value that city coverage can generate; and the Village Voice, a weekly paper which, in its articles by Mary Perot Nichols on the Lower Manhattan Expressway and the World's Fair, left most of the dailies in its wake.

POLITICIANS

It is a city in which the Republican Party assails the mayor and complains about his "inefficient and corrupt" administration, but, so far, has offered no leader and no program of its own. "OK, so they don't agree with the way I run the city," says the mayor. "But what do they offer in my place? In the years I've been mayor, the Republicans have never even really had a platform. They don' t even come to the budget hearings any more. I wish they did. I'm willing to listen to anybody." Representative JOHN V. LINDSAY, a young Republican mentioned increasingly as a candidate for mayor, does not dispute the mayor's charge. He suggests the creation of a "shadow cabinet," modeled after the British body, made up of experts in the party out of office and serving as a watchdog over the party in power. "I think that under Mayor Wagner New York has lost its willpower, its great energy, and its great leadership," says the Congressman. "You hear a lot of people say that the city is too big to be governed by one man. I don't agree with that at all. It's just a cliché. But to run this city properly and get it going again, the mayor has to be very tough. He's got to ask for the moon and he's got to convince the people to make sacrifices. It will take a man who loves the city and a man who loves its people. If we don't get going again soon, New York will become a second-class city." Barbara Ward, the noted British economist, is even more pessimistic. "If children were run down in the streets, something would be done," she said during a speech last fall. "All over the world things are becoming intolerable, but we are tolerating them. Unless someone comes up with some jolly good solutions, the problems facing cities may become more lethal than the bomb."

"Can you imagine a Republican winning in New York City?" With these words, Mayor Wagner greeted the announcement that Representative JOHN V. LINDSAY had changed his mind and entered the mayorality race. With Democrats outnumbering Republicans by more than 3 to 1 in the city, Representative LINDSAY certainly seemed to have his work cut out for him. Then the mayor unexpectedly withdrew from the race—leaving the Democrats with no heir apparent—and suddenly the underdog had begun to look like a much better bet. One of the biggest things in LINDSAY's favor: the announcement by the Liberal Party that, if the mayor didn't run, Representative LINDSAY might very well get the Liberal endorsement. Certain to complicate the Congressman's campaign, however, is the effect the mayor's withdrawal will have on his attempts to put together an authentic fusion ticket. Regardless of the outcome, the 1965 mayorality race should result in a move toward the return of a two-party system in New York City.

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THE INDICTMENT AND THE AFTERMATH

"New York is the greatest city in the world—and everything is wrong with it." With these words, on January 25, the Herald Tribune launched its daily investigative series "New York City in Crisis." Today, nearly 5 months later, the Tribune is reprinting its original indictment of the failures of a city administration and, with it, a report on the progress—or lack of progress—in each of these areas. These twin indictments—plus a special report written by Barry Gottehrer, who has headed the series—appear on these two pages.

With a summer of campaigning coming up, the Herald Tribune has decided that, finally, these problems that have disturbed the past, cloud the present and threaten the future of the greatest city in the world will

now receive an urgent public airing. For this reason, while the candidates discuss the problems and offer possible solutions, "New York City in Crisis" is being brought to a conclusion. This does not mean, however, that this newspaper will abandon its concern for the city in the months and years ahead but will continue to report on the problems of this giant city in crisis.

The editors of the Herald Tribune would like to thank the thousands of New Yorkers who have responded to "New York City in Crisis" by phone and by mail during the last 5 months. Even though the series is being discontinued during the mayoral campaign, the Herald Tribune will continue to welcome response from—and attempt to assist—people of New York who are trapped by the indifference and the bureaucracy of this greatest city in the world.

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DO NEW YORKERS CARE? FACTS, REACTION, ACTION

(By Barry Gottehrer)

"New York is the greatest city in the world—and everything is wrong with it."

With these words, the Herald Tribune, on January 25, launched its investigative series—"New York City in Crisis."

Over the last 5 months, this daily series has presented a documented and sweeping indictment of a city, the greatest city in the world, in serious trouble.

It has been largely an indictment of a city government which, through inefficiency and indifference, has lost touch with its people.

Yet it has also been an indictment of the city's 8 million people who, through fear, frustration, and bewilderment, have come to accept conditions and services that grow increasingly intolerable every day.

In order to probe beneath the surface of the problems that have clouded the present and threaten the future of this greatest city in the world, a special team of four reporters and writers spent more than 6 months interviewing hundreds of city officials and citizens before the first story appeared.

One of the first persons contacted was a Ford Foundation official who expressed interest in the project but skepticism about its effect.

"Frankly, I wonder if anybody really cares any more," he said. "New Yorkers can still be vigorous, vital, and effective when it is their personal comfort or well-being that is being disturbed. The real question is: How much do New Yorkers really care today about the problems of people on the other side of the city?"

Today, nearly 5 months after the first crisis story appeared, the Herald Tribune can offer a firm answer to that question.

AN ANSWER

From the thousands of phone calls and letters that have poured into—and continue to pour into—the "City in Crisis" office, it is clear that New Yorkers do care deeply—about themselves and their own personal problems, it is true. Yet they also care about New York City itself and the deadening apathy and municipal inefficiency that have permitted these problems to become so vast and so explosive.

"It is not corruption that is killing this city," said Dr. Kenneth Clark, professor of psychology at City College, the day the series started. "New York is dying from creeping dry rot, steadily increasing blight and a total lack of leadership."

Over the last 5 months, the expanded six-man "New York City in Crisis" team, with the assistance of this newspaper's other reporters and specialists, has documented this creeping dry rot, the steadily increasing blight and the lack of leadership—where important problems are turned over to special committees and then forgotten and where a government seems to function by indecision and a policy of not rocking the boat.

In one area after another—from the increasing exodus of the middle class and manufacturing to the rising crime and narcotics rate, from the increasing critical problems of poverty and slum housing to the polluted air, the troubled schools and integration—the city administration's endless reports and press releases and the mayor's optimistic speeches have paled alongside a presentation of the facts.

What has the presentation of these problems—and the city administration's failure to cope with them—accomplished?

The city's leading businessmen banded together to set up two supercitizens councils to cope with the business exodus and the plight of the commuter railroads. The long-awaited awakening of New York's power elite to the problems of the city for the first time should finally place these crises in their true perspective—and perhaps be the start of sweeping municipal reform as it has been in Philadelphia, St. Louis, Detroit, and dozens of other cities.

While city hall has failed to act, the New York County District Attorney's office has pressed investigations of the women's house of detention and the housing authority. And the State investigation commission is determined to get to the root of the city's slum housing problem.

The plight of these slum dwellers has been helped somewhat by the city's setting up a special housing complaint telephone, though many people feel this has merely added another layer of bureaucracy. The consolidation of all housing inspection under one department, the buildings department as called for in the series, figures to help even more.

The people of the city, increasingly frightened by the rapidly soaring crime rate in the streets, in the parks, and in the subways, received hope with the mayor's decision—also called for by the press—to beef up the subway police patrol and add 1,000 more men to the police force.

Work has finally begun on the long-delayed Harlem Hospital and the city administration has been forced into changing the structure of its poverty program—from a city-controlled patronage plum hopefully into a program that will allow the people of the city to decide their own destinies.

And, after years of indecision and several complete reversals in position, Mayor Wagner finally reached a decision on the Lower Manhattan Expressway—the phanton road which has been on the city's highway map since 1941 but has still not been built. Despite increasing civic opposition, the mayor announced publicly that the highway will be built—work to start as soon as possible.

Constructive reaction to the series has come from the Office of Economic Opportunity which, when city officials refused to investigate the growing and unanswered charges against Haryou-ACT, decreed that the troubled program's records were in the public domain.

Senator JACOB JAVITS and Representative OGDEN R. REID plan to seek an amendment to the Economic Opportunity Act which would guarantee free access to the expense of public funds by Haryou-ACT and all nonprofit poverty programs.

Tragically, in many areas the presentation of these problems has accomplished very little.

Despite prodding, the city administration continues to muddle along in many areas.

Among problems City Hall has continued to take no action on: the spreading cancer of narcotics addiction; the continued refusal of the construction and trade unions to integrate; a public housing program that calls for a complete investigation and possible overhaul; an urban renewal program that continues to misfire; serious charges against the administration of Haryou-ACT, the controversial Harlem poverty program which has already received $6.5 million in taxpayers' money.

Also, the sad state of the women's house of detention; growing amount of anti-white feeling in Harlem and Bedford-Stuyvesant, much of it coming from more than 70,000 disgruntled youths who roam the city's streets, school dropouts, out of work or underemployed, increasingly disillusioned by the patronage plums the poverty projects have become; the pattern of fiscal irresponsibility heightened by the mayor's latest $255 million "red ink" budget; an antiquated welfare program which doles out money and little else; and an overcrowded court system which does not offer equal justice for all.

RESPONSE

Reaction to the series has come from all over the world.

In Washington, several Congressmen—both Democrats and Republicans—have entered a dozen of the special reports in the CONGRESSIONAL RECORD.

Stories have been reprinted in papers in places as far away as Bulgaria and Puerto Rico and the editor of an Indian paper requested copies of all the articles for a possible series, "New Delhi in Crisis."

Five local colleges and universities have assigned the series as required reading in government and urban affairs classes and several mayors and many Federal officials have made the articles mandatory reading for top staffers.

Hundreds of leading businessmen, church leaders, and educators have lauded the series publicly. And, in response to the articles, the New York Chamber of Commerce and the Commerce and Industry Association both have called for the formation of a supercitizens council to bring about immediate action and get the greatest city in the world moving again.

Recognition has also come from other newspapers, magazines and civic organizations. The series has won the top publishers awards of the Newspapers Reporters Association and the Deadline Club, the local chapter of the national journalism fraternity Sigma Delta Chi, the only two journalistic awards it has been eligible for thus far. The series has also won the top award of the City Club of New York and the Ralph K. Jonas award of Long Island University—again for public service.

And newspapers (including the New York Post) and magazines (ranging from Editor & Publisher to the Nation) have lauded the series editorially. Time magazine has called it "an incisive daily series on New York's brutal and burgeoning big-city problems" and pointed to it as "the kind of sustained city coverage it (New York) sorely needs."

Now, as the mayoralty campaign shifts into second gear and prospects seem excellent for a thorough public airing of the vast problems that have turned New York into a giant city in crisis, the Herald Tribune, after due deliberations, bring this investigative series to a close. The Herald Tribune now looks to the candidates—both Democrat and Republican alike—to debate these issues and offer practical solutions.

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## DENGLER, LAWYER AND CIVIC LEADER

Mr. REUSS. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. ADDABBO] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. ADDABBO. Mr. Speaker, New York City, New York State, and the

Nation has lost a great citizen, Theobald J. Dengler. It has been my pleasure and privilege to work with Mr. Dengler in connection with the Annual Steuben Day Parade which has become an annual attraction in New York City in September. To work with him and to know him was to like him, respect him, and admire him for his unselfish devotion to many worthy causes.

Under leave to extend my remarks, I include an article which briefly outlines his career which appeared in the New York Herald Tribune:

DENGLER, LAWYER AND CIVIC LEADER

Theobald J. Dengler, 68, a lawyer here since 1922 and for many years a leading figure in German-American civic, philanthropic and patriotic activities in the country, died Saturday night at his summer home in Long Beach, Long Island. He lived at 2809 Morris Avenue, the Bronx.

Mr. Dengler, a native of New York, completed his education at Fordham Law School and began to practice law in 1922 after serving with the U.S. Navy in World War I as an enlisted man. At the time of his death, he was the senior partner in Dengler, Dengler & Dengler, 170 Broadway.

He was active for many years in the Roman Catholic Church, and at the conclusion of World War II, he was designated at the suggestion of Francis Cardinal Spellman as chief of the Catholic section of the Religious Affairs Division of the Military Government in Germany.

Upon his return to the United States, Mr. Dengler delivered lectures in many cities, describing the desperate plight of the people in the defeated nations and enlisting aid. As a result of this work, he received the Officers Cross of the Government of West Germany and similar honors from other nations.

During the war, he headed the national German-language division of the war bond drives and received official recognition for his work.

Mr. Dengler was chairman of the executive committee of the Catholic Kolping Society of America, which operates hostels and similar services, and he also was head of the German-American Committee of Greater New York, sponsors of the annual Steuben Day Parade and many other activities.

For many years, Mr. Dengler was a member of the executive committee and of the board of directors of one of the Nation's oldest welfare institutions, the German Society of the City of New York, which figured in the establishment of the Legal Aid Society, the Travelers Aid Society, and Lenox Hill Hospital since it was established in 1784.

Surviving are his wife, Mrs. Hilda Schweiger Dengler; five sons, Theobald J. Dengler, Jr., the Reverend Ralph Dengler, S.J.; Norbert, Bernard M. and Laurence G. Dengler, and a daughter, Mrs. Hilda S. McGlew.

## THE D.A. IS SUPPOSED TO PROSECUTE, NOT PERSECUTE

Mr. REUSS. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. GONZALEZ] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. GONZALEZ. Mr. Speaker, last week stories appeared in the Washington Post and the Evening Star which created the impression that a colleague had attempted to influence the handling of a local criminal case. These stories quoted the U.S. attorney for the District of Columbia and in bold black headlines implied that a member of this House had done something wrong in writing two letters and making a phone call in behalf of a boy who was accused of a crime.

I deeply resent and protest the implications left by these stories. It appears to me that the office of the U.S. attorney has done our colleague an injustice. The U.S. attorney for the District of Columbia ought to apologize to the gentleman from Texas.

Mr. Speaker, the U.S. Attorney's office is no further removed from the scrutiny of Congress and from the area of its proper jurisdiction than any other Federal office. It is our duty as elected Representatives to the U.S. Congress to help people who have business or problems involving the Federal Government. If a Congressman makes an inquiry to a Federal office in behalf of a constituent or in behalf of any person, he is not acting improperly. He is doing his job. It is just as proper for a Congressman to write or to telephone a U.S. attorney on behalf of a constituent as it is for the Congressman to contact the Veterans' Administration, the Social Security Administration, the Civil Service Commission, the Army, the Navy, or the Air Force.

For a U.S. attorney to complain because a Congressman has contacted him on behalf of a constituent is ridiculous. But for a U.S. attorney to release stories to the news media creating the impression that it is wrong for a Congressman to contact him borders on a violation by the executive branch of the rights and prerogatives of the legislative branch.

If the U.S. attorney's office intentionally "leaked" the stories casting aspersion on a colleague last week for the purpose of intimidating other Members of Congress and causing them to be afraid of making inquiries on behalf of other persons, it is mistaken. Members of Congress will not be so easily intimidated.

As an example of the damage and the distortions that can result from misguided efforts such as those that apparently were made last week by the U.S. attorney's office, under unanimous consent, I insert in the RECORD at the close of my remarks a newspaper story that was carried on one of the wire services and printed in one of my hometown newspapers, the San Antonio Express, July 30, 1965.

The U.S. attorney for the District of Columbia owes the gentleman from Texas a public apology.

The article follows:

REPRESENTATIVE CASEY ACCUSED OF TRY TO INFLUENCE IN THEFT CASE

WASHINGTON.—The U.S. attorney for the District of Columbia says Representative ROBERT R. CASEY, Democrat, of Texas, attempted to influence the handling of a petty larceny case in which a constituent was involved.

David C. Acheson said Wednesday that CASEY wrote two letters, made one visit and at least one telephone call to Acheson or members of his staff in an effort to get favorable consideration in a case involving a young man charged with shoplifting a pair of Bermuda shorts.

CASEY, a former assistant district attorney, acknowledged he had interested himself in the case, but said he was "very careful not to ask anyone to drop the charges." He added: "I haven't done anything to be ashamed of. I've known this boy's folks for 15 years, and it's not just a case of doing something for a constituent. This boy didn't have anybody up here to help him, and I hope that someone would do the same for one of my youngsters if he got in trouble."

The youth, whose parents live in Houston, was acquitted in a trial on Tuesday in the court of general sesisons.

A store detective said the youth took three pairs of shorts into a dressing room, put one pair on, then put his trousers on over them and returned the two other pairs to the display counter.

The youth contended in the trial that it was an unconscious act on his part. He said he had already paid for other items which he had selected in the store.

In acquitting the defendant, Judge Thomas C. Scalley said the prosecution had failed to prove the young man's intent to steal the shorts.

## TWO DOLLARS OUT OF EVERY THREE SPENT BY USDA ARE FOR "CONSUMER PROGRAMS"

Mr. REUSS. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. PURCELL] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. PURCELL. Mr. Speaker, more than $2 out of every $3 expended by the U.S. Department of Agriculture in fiscal 1965 were spent for services of primary benefit to the general public. In terms of man-years of work over 90 percent of USDA activity was devoted to programs that provided far more benefits to the consumer, labor, businessmen and the general public than to farmers.

I cite these facts because they are too little known—because in the public mind the Department of Agriculture exists to serve farmers—or even to subsidize farmers.

Even when it was first established over 100 years ago—in an era when our Nation was predominantly agricultural—the USDA was known as the "people's department."

Today when less than 7 percent of our people live on farms, the USDA provides a bigger and more varied catalog of services to consumers in general than any other agency of Government anywhere in the world.

We have USDA research to thank for the first cheap commercial method of making penicillin—for the development of dextran, a blood plasma extender—for improved paints—for detergents made from animal fats—and for the aerosol spray cans in which we now buy a multitude of products from car wax to whipped cream.

These developments may seem far afield from agriculture but they are very close to the people—and therefore highly appropriate activities for the people's department.

There are other services, perhaps even more spectacular. The USDA has established more than 5,700 radiation monitoring stations throughout the United States, and has trained 18,000 employees to measure radiation levels. Why? Because in case of a nuclear attack upon this country the USDA would have the responsibility for producing, processing, storing, and distributing food through the wholesale level. It must guard against fire damage in country areas. It must determine when it is safe to resume farming operations.

USDA inspectors at ports and borders keep foreign pests, insects, and diseases from entering this country. Sometimes the Nation gets an unexpected dividend. For example, one of the largest shipments of pure heroin ever intercepted in the United States was stopped at the Mexican border in October 1963 by an alert USDA plant quarantine inspector making a routine auto search.

These activities are for the benefit of all of us—194 million Americans—not primarily for the less than 13 million people who now live on U.S. farms. So are the meat and poultry inspection programs, the grading of food and fiber, the protection and improvement of the Nation's resources of soil, water, and timber. Such activities as the school lunch, special milk, food stamp, and direct distribution programs reach far more urban than farm people.

At this time, I can only scratch the surface of the Department's services to the general consuming public. But the list includes how to stretch consumer dollars through information on how to buy, store, and prepare food; how to purchase, clean, and conserve clothing; how to put in and take care of a lawn and shrubbery; how to plant and nurture a garden; how to choose lumber for building an addition to a house and how to protect wood surfaces from decay; how to get rid of termites, ants, and roaches.

USDA architects have drawn a large number of house plans, some for very low-cost houses. They have also developed plans for time- and step-saving kitchens. The U-shaped kitchen that is so popular today is a USDA innovation. So, I am told, are slant-front cabinets and many other modern kitchen features.

Even the less than one dollar in three spent by USDA primarily and directly to serve farmers—such as for price support and the stabilization of farm income—also brings substantial benefits to all U.S. consumers. These programs help keep our food supply secure and our food costs stable. Without them farm income would be cut in half. American agriculture would soon be bankrupt, and the whole economy would suffer.

It has been said that not a minute of the day elapses but that some service which USDA performs helps to make our lives better, fuller, happier. That is a very broad statement, but I believe it is true.

It is this that makes the U.S. Department of Agriculture truly the people's department.

## POTATOES

Mr. REUSS. Mr. Speaker, I ask unanimous consent that the gentleman from Maine [Mr. HATHAWAY] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. HATHAWAY. Mr. Speaker, the gentleman from Connecticut [Mr. MONAGAN] in a recent speech—RECORD, July 27, 1965, page 18467—continued in his series of attacks on the current price of potatoes. His basic argument comes down to this: The Maine farmer should look into the future, see what the weather will be in the coming months, determine the future demand conditions, determine the price that should be charged for potatoes, and finally, if he still has any remaining time, plant his crop accordingly.

It is, of course, impossible for a farmer to do these things. The weather conditions, the growing season, and the amount of demand for his product are indeterminates and can not be forseen by either the farmer or an agency of the Government. In recent years, potato farmers have guessed wrong about how much they should plant. They have planted too much and low prices have been the result.

The gentleman from Connecticut has made the statement that Maine farmers had in some way cut back their planting in 1964 so they would get higher prices this year. The facts are in direct opposition to this statement. In 1963, Maine farmers planted 142,000 acres of potatoes. The resulting prices were far from spectacular. In 1964, Maine farmers planted more, not less, potatoes. Instead of 142,000 acres, they planted 145,000 acres of potatoes. These figures clearly show that Maine farmers did not cut back production, rather they increased it! If it were not for the frost in Idaho, we would have had too many potatoes, but as I said before, no man can look that far into the future and determine what the weather will be.

The facts are simple and easily understood. A short supply coupled with a large demand will cause a higher price. That is the way the law of supply and demand operates. Several years ago a frost in Florida destroyed a part of the citrus crop. Even before the remainder of the crop was harvested, commodity buyers knew there would be higher prices on orange juice the next year. They were correct. The higher price rations the limited supply of a commodity to those that value that commodity enough to spend the extra money to purchase it.

The Maine potato farmer has nothing for which to apologize. His crop is not subsidized—no government guarantees him a market. He plants as much as he thinks can sell to get a reasonable return on his investment. More often than not he has guessed wrong—the lean years have far outnumbered the fat ones.

## OLE KING COAL

Mr. REUSS. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. DENT] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. DENT. Mr. Speaker, it is refreshing to note that "Ole King Coal" is not dead and in spite of atomic powerplants financed in part by the very same persons and organizations participating in the following massive power project, coal is still supreme as a fuel in the generating of electric power.

The following announcement also reaffirms the faith of our people in the future of the Keystone State of the Union, the Commonwealth of Pennsylvania. I am happy to put this important announcement in the official RECORD of the Congress:

NEWS ABOUT PENNSYLVANIA ELECTRIC CO.

Plans for a multimillion-dollar interstate electric power project, including a $140 million, mine-mouth generating station near Homer City between Indiana and Johnstown, were announced today by Pennsylvania Electric Co. and New York State Electric & Gas Corp.

The 1,280,000-kilowatt, mine-mouth powerplant would be jointly owned by the two utilities. It would consume about 3.5 million tons of coal a year, most of which would be mined adjacent to the plant and delivered by conveyor belts—with the balance to be mined within a few miles of the site.

Construction of the plant would commence next March with the first 640,000-kilowatt unit in operation by May 1969 and the second unit of the same size to be completed about 18 months later.

The plantsite is in an area rich in bituminous coal deposits and about 20 miles northwest of Johnstown. It is about 15 miles southeast of the Keystone power project under construction near Shelocta and about 12 miles northwest of the contemplated Conemaugh powerplant near New Florence. The installation of the Penelec-NYSE&G plant would mean, when all three are in operation in the early 1970's, that this 30-mile stretch of central western Pennsylvania could produce over 5 million kilowatts (including Penelec's existing Seward station), one of the greatest concentrations of electric power production capacity in the world.

NYSE&G's share of the output of the station will be delivered by a 345,000-volt transmission line that will run 170 miles from the site to the Elmira-Binghamton, N.Y., area and would be the first extra high voltage (EHV) line to tie western Pennsylvania directly with upstate New York. Penelec's share of the station output will be taken into its transmission network near the site.

Agreement to proceed with the joint construction of the plant was announced today by Penelec President Louis H. Roddis, Jr., and NYSE&G President Joseph M. Bell, Jr. The scope of the project was cited by the utility executives as "illustrating the continuing commitment and ability of investor-owned electric companies to finance and build the efficient large-scale facilities that will assure consumers in the northeast of dependable and low-cost electric service."

The New York utility serves over a half-million customers, principally in the south central portion of that State. Penelec serves 420,000 customers in about a third of the Commonwealth and including virtually the entire northern tier and in the central and southwestern parts of Pennsylvania.

The Johnstown based utility is an operating company of General Public Utilities Corp. and its generating operations are integrated with its sister GPU companies: Metropolitan Edison Co. (Pa.), New Jersey Power & Light Co., and Jersey Central Power & Light Co.

GPU, through the Jersey Central company, is a part owner of the Keystone project and Penelec is constructing and will own portions of the east-west EHV transmission lines emanating from Keystone. The GPU companies' power production operations are further coordinated with other eastern utilities through their participation in the Pennsylvania-New Jersey-Maryland Interconnection (PJM)—the world's oldest and one of the largest power pools.

Mr. Roddis noted that Penelec's forecast of increased demand for electricity by its customers and the planned retirement of old and less efficient generating units would require Penelec to have substantial additional generating capability and that the coordinated installation of a mine-mouth EHV program would meet the requirements of both utilities in 1970.

Although this project would create the first transmission tie of EHV level (over 230,000 volts) between western Pennsylvania and upstate New York, Penelec, and NYSE&G have maintained transmission connections at five points along the States' border for many years. In addition NYSE&G has 11 major transmission ties with 4 other utilities and Penelec is interconnected with 7 other companies at 13 other locations.

Design details for the plant are still to be developed but would be similar in concept to the neighboring mine-mouth stations. Cooling water for the plant will be continuously recycled from huge storage basins outside the plant, sent in to the station's condensers where it will pick up heat, returned outside and into 350-foot tall hyperbolic concrete shell natural draft cooling towers and dropped back down to the storage basins.

Additional supplies of water to make up for the amounts being evaporated in the cooling process will be withdrawn from Two Lick Creek and pumped uphill to the plantsite about a mile away. The creek's flow will be maintained at an adequate rate all year-round for this purpose by construction of a reservoir further upstream with 13,000 acre-feet of water storage impounded by a concrete dam.

The siting of the plant in the central western Pennsylvania soft coal region will allow the companies to take advantage of the substantial economies associated with using readily recoverable, run-of-the-mine coal with an average heat rate of 12,000 British thermal units per pound and requiring minimal preparation and transportation. Studies have shown about 125 million recoverable tons of coal within a few miles of the site. The officials reported that no contracts have as yet been entered upon with coal companies.

Part of the economic impact of the project would lie in the fact that the character of the coal in the area, while suitable for this plant, is less in demand for other uses and much of it might not otherwise ever be mined. It is predicted that operation of the plant at full capacity would mean 500 or more mining jobs and a large number of trucking and other associated jobs. Installation of the plant will also mean a large number of temporary jobs and substantial local purchases of materials, supplies, and services during the construction period—all of which should inject several million dollars a year of additional purchasing power into this region's economy.

Another feature evaluated in the economic analysis of the site is its proximity to Penelec's network of 230,000-volt and 115,000-volt transmission lines leading to major local electric load centers and to existing interconnections.

Mr. Roddis noted that consumers in Pennsylvania have fast been reaping the benefits of the relatively new technology of EHV transmission and the development of large-scale generating units. "This has been so," he said, "both from the standpoint of the economic impact of siting mine-mouth plants in our State and in the action of Penelec and other investor-owned electric companies to pass along the economic advantages to their customers." He noted that while Penelec had reduced rates three times in 1965 alone, and had initiated reductions totaling over $6 million in the past 5 years, it considered the substantial investment represented by today's announcement as: "intended to help us assure our customers that electric service will remain the best bargain in Pennsylvania in the years to come."

Mr. Roddis and Mr. Bell stated also that, "our project illustrates the intention and ability of investor-owned utilities to meet the Nation's growing electric power requirements and to work toward further reduction in power costs—and to achieve these ends without placing a burden on the taxpayer."

## SERVICE CONTRACTS ACT OF 1965

Mr. REUSS. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. O'HARA] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. O'HARA of Michigan. Mr. Speaker, today the gentleman from Washington [Mr. PELLY] and I have introduced identical bills, H.R. 10238 and H.R. 10239. This legislation, which will be known as the Service Contracts Act of 1965, represents an attempt to close a serious gap in our Nation's labor standards laws.

Both the gentleman from Washington [Mr. PELLY] and I have previously sponsored legislation similar to that which we have introduced today. In the 88th Congress, the Special Subcommittee on Labor, on which I serve, held hearings on proposals to provide labor standards on Federal service contracts, and the full Committee on Education and Labor reported a bill, H.R. 11522. This bill, however, was not acted upon by the full House before the adjournment last fall.

H.R. 10238 and H.R. 10239, the bills introduced today by the gentleman from Washington [Mr. PELLY] and myself, would provide much needed labor standards protection for employees of contractors and subcontractors furnishing to or performing maintenance service for Federal agencies. The service contract is now the only remaining category of Federal contracts to which no labor standards protections apply. Construction contracts, including many which are partially financed with Federal funds but to which the Federal Government is not a party, require compliance with minimum labor standards under the Davis-Bacon Act and related statutes. Supply contracts of the Federal Government also provide labor standards protection pursuant to the Walsh-Healey Act.

### NEED FOR THE LEGISLATION

Many of the employees performing work on Federal service contracts are poorly paid. The work is generally manual work and in addition to craft work, may be semiskilled or unskilled. Types of service contracts which the bill covers are varied and include laundry and drycleaning, custodial and janitorial, guard service, packing and crating, food service, and miscellaneous housekeeping services.

Service employees in many instances are not covered by the Fair Labor Standards Act or State minimum wage laws. The counterpart of these employees in Federal service, blue-collar workers, are by a Presidential directive assured of at least the Fair Labor Standards Act minimum. Bureau of Labor Statistics surveys of average earnings in service occupations in selected areas in 1961 and 1962 show, however, that an extremely depressed wage level may prevail in private service employment. In contract cleaning services, for example, in some areas less than $1.05 an hour was paid. Elevator operators earned low rates, varying from 79 cents to $1.17 an hour. Service contract employees are often not members of unions. They are one of the most disadvantaged groups of our workers and little hope exists for an improvement of their position without some positive action to raise their wage levels.

The Federal Government has added responsiblity in this area because of the legal requirement that contracts be awarded to the lowest responsible bidder. Since labor costs are the predominant factor in most service contracts, the odds on making a successful low bid for a contract are heavily stacked in favor of the contractor paying the lowest wage. Contractors who wish to maintain an enlightened wage policy may find it almost impossible to compete for Government service contracts with those who pay wages to their employees at or below the subsistence level. When a Government contract is awarded to a service contractor with low wage standards, the Government is in effect subsidizing subminimum wages.

### PROVISIONS OF BILL

The bill is applicable to advertised or negotiated contracts, in excess of $2,500, the principal purpose of which is for the furnishing of services through the use of service employees, as defined in the bill. Thus, for example, contracts made by the District of Columbia government with local hospitals for the care of indigent patients would not be covered, since "service employees" as defined in the bill would be performing only incidental functions. Similarly, contracts entered into by the Atomic Energy Commission for the management and operation of Government-owned plants would not be service contracts within the meaning of the bill.

Provisions regarding wages and working conditions must be included in these contracts and bid specifications. Service employees must be paid no less than the rate determined by the Secretary of Labor to be prevailing in the locality.

The bill also recognizes the growing importance of fringe benefits as an element of wages in today's society. It therefore requires inclusion in the contract of an agreement to provide service employees benefits determined by the Secretary to be prevailing for such employees in the locality. This obligation may be discharged by furnishing any equivalent combinations of benefits or cash payments in accordance with regulations of the Secretary.

The bill also prohibits the payment on any Government service contract of wages less than the minimum wages required under the Fair Labor Standards Act.

In addition to the wage and fringe benefits requirements of the bill, additional stipulations require that service or maintenance work shall not be performed under unsafe or unsanitary working conditions where those working conditions are under the control of the contractor or subcontractor. Contractors or subcontractors are also required to notify employees of the benefits due them under the act.

In the event of violation, the bill authorizes the withholding from the contractor of accrued payments necessary to pay covered workers the difference between the wages and benefits required by the contract and those actually paid. The Government may also bring court action against the contractor, subcontractor, or surety to recover the remaining amount of the underpayment. The contract may be terminated because of violations and the contractor held liable for any resulting cost to the Government.

The bill also provides a procedure for blacklisting, for a period up to 3 years, those who violate the act, with authority in the Secretary to recommend removal from the blacklist upon assurance of compliance. The Secretary is given the same authority to make rules, regulations, issue orders, hold hearings, and take other appropriate action to enforce the act as under sections 4 and 5 of the Walsh-Healey Act. The Secretary's authority to prescribe regulations includes authority to permit reasonable tolerances, variations, and exemptions from provisions of the act where they are deemed necessary and proper in the public interest or to avoid serious impairment of Government business.

Section 7 provides a number of specific exemptions from coverage under the act, including contracts for public utility services. This exemption would, for example, include contracts between Federal electric power marketing agencies and investor-owned electric utilities, Rural Electrification Administration cooperatives, municipalities, and State agencies engaged in the transmission and sale of electric power and energy.

## THE 26 YEARS IN THE EVOLUTION OF MEDICARE

Mr. REUSS. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. PEPPER] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. PEPPER. Mr. Speaker, the signing by President Johnson of the medicare bill is a positive step in the direction of providing for the health needs and care of the American people. This legislation has a long history with which I have been intimately connected. It has evolved over a period of 26 years:

First. The Social Security Act of 1935 sponsored chiefly by Senator Wagner, of New York, made the first small beginning through Federal grants-in-aid to the States for general public health work and maternal and child health services.

Second. In 1939 President Franklin D. Roosevelt transmitted to Congress the first Presidential message on health security. In the same year Senator Wagner introduced the first comprehensive national health bill upon which a subcommittee of the Senate Committee on Education and Labor chaired by Senator Murray held hearings and issued a favorable interim report upon which no action was taken by the full committee or by the Senate.

Third. In 1940 Senator Wagner and Senator George introduced a hospital construction bill which was favorably reported by the Senate Committee on Education and Labor and passed by the Senate. It died in the House Labor Committee.

Fourth. In 1943 Senator Wagner and Senator Murray introduced in the 78th Congress S. 1161 which died in the Senate Labor Committee. It included provisions for health insurance.

Fifth. In 1943 the Senate authorized under Senate Resolution 74 the establishment of a Subcommittee on Wartime Health and Education of the Senate Committee on Education and Labor to investigate the educational and physical fitness of the civilian population as related to national defense and problems of reconversion to peace after World War II. The resolution authorized, in substance, a study of the health conditions of the people of the United States, particularly before the disclosures with respect to Selective Service that, some 40 percent of the selectees were rejected because of mental and physical disabilities.

The committee consisted of seven Senators appointed by the chairman of the Senate Committee on Education and Labor, the late Hon. James E. Murray, of Montana. I was designated by him as chairman of the subcommittee.

That subcommittee held many hearings. The subcommittee held extensive hearings in July and September 1944, on the general health needs of the American people, at which the leading experts in Government including a certain general of the United States, representatives of the American Medical Association, of other groups of physicians, of the Blue Cross hospitalization plans, of other health organizations, of industry, and of labor testified and presented their views. I pointed out at the hearing that:

> It is obvious that a health program to meet the needs of our people should supply a field for creative energy and work, which will not only provide jobs, but which will also raise the standard of living of our people in the postwar period. We know that one of the best ways to raise the standard of living of our people is to improve their health.
>
> The construction of hospitals, medical centers, and health centers in regions which do not have them now, such as in rural areas, and replacement of obsolete and old-fashioned types of construction in other areas is one of the great opportunities which the reconversion period affords. Planning for such a program, however, must begin during wartime.
>
> Strong evidence was presented on the need for developing an expanded, better integrated, and better coordinated system of medical facilities such as hospitals, medical centers, and health centers. It was pointed out that some communities are too poor to be able to afford such expensive modern medical facilities, and that they will therefore need aid from the State and Federal Governments if they are to develop them.

During its existence the subcommittee published six reports on various aspects of health and education. In particular, the third report, issued in January 1945, dealt with general health conditions throughout the country. In that report, our subcommittee recommended the establishment of a coordinated hospital service plan to provide for the distribution of medical facilities, hospitals, and health centers to meet the health needs of the American people. The report No. 3 made a special study of the problem of payment for adequate medical care and it disclosed that the actual care received varied with the income of families. It pointed out:

> Evidence such as this leads the subcommittee to conclude that the 'pay-as-you-go or fee-for-service' system, which is now the predominant method of payment for medical services, is not well suited to the needs of most people or to the widest possible distribution of high-quality medical care.
>
> The solution of this problem will not be easy. * * * This might be achieved by voluntary or compulsory health insurance, by use of general tax funds, or by a combination of these methods. Insurance methods alone would not be enough, because they are not applicable to the unemployed or to those in the lowest income groups. At this stage of its investigation, the subcommittee is not prepared to pass judgment on these differing opinions. It is in agreement, however, with those who feel that remediable action is overdue and should not be long delayed.

The American Medical Association commented editorially upon this report in the following language:

> The report, in general, would seem to be a more scientific, carefully considered document than has heretofore been available as a result of previous hearings in the field.

Sixth. In May 1945, Senator Wagner and Senator Murray introduced S. 1059 on the same subject. November 1945, President Truman in a special health message to Congress, proposed a broad legislative program for national health insurance. This program was incorporated in S. 1606, the National Health Act of 1945, title II of which provided for a system of personal health services to be developed on a social insurance basis.

Title I provided for the expansion of public health services, maternal and child health services, and medical care for the needy. Extensive hearings were held on S. 1606 in April through June 1946, with a record of over a thousand pages of testimony.

Seventh. The subcommittee, of which I was chairman, then proceeded to make a study of whether or not the private fee for medical service systems prevailing in this country and the voluntary health insurance systems, which had been growing in strength and usefulness throughout the United States, were adequately meeting the challenge of financing the poor health conditions of our people. About the latter part of March 1946, a report on this subject was prepared by the subcommittee staff and made available in July 1946 as Report No. 5 to the full Senate Committee on Education and Labor to the U.S. Senate, and to the public for such value as it might have. The introduction to the report was as follows:

We have the honor to submit herewith the fifth interim report of the Subcommittee on Health and Education.

The subcommittee's third interim report, issued in January 1945, presented a series of facts showing the gravity of the Nation's health problem. Over 40 percent of the Nation's selectees were found unfit for military duty, and at least a sixth of these had defects which were remediable; many more had preventable defects.

In fact, more than 23 million people in the country have some chronic disease or physical impairment. On any one day, at least 7 million people in the United States are incapacitated by sickness or other disability, half of them for 6 months or more. Illness and accidents cause the average industrial worker to lose about 12 days from production a year, a loss of about 600 million man-days annually. Sickness and accidents cost the Nation at least $8 billion a year—half of this amount in wage loss and half in medical costs.

Preventive services are inadequate—40 percent of our counties do not have even a full-time local public health officer. Sanitation needs are great—846,000 rural homes do not have so much as even an outdoor privy. Hospitals are needed—40 percent of our counties, with an aggregate population of 15 million, do not have a single recognized general hospital. Doctor shortages are severe—in 1944, 553 counties had less than one active physician per 3,000 population, the "danger line", and 81 had no active doctor at all. Even in 1940 before many doctors were drawn off to war, 309 counties had less than 1 active physician for every 3,000 people and 37 had no active doctor at all. Maternal and child health services are inadequate—it is estimated that half the maternal and a third of the infant deaths could be prevented if known measures were fully applied. Seventy-five percent of our rural counties have no prenatal or well-baby clinics at all under the supervision of State health departments. State agencies had 15,000 children on their lists awaiting crippled children's care in early 1944. They do not even pretend to care for the half million children with rheumatic fever (the most killing of all diseases for children between ages 5 and 15) or for the tens of thousands of cerebral palsy (spastic paralysis) victims.

To meet such problems, the subcommittee recommended Federal action with regard to certain features of a national health program, including Federal grants for hospital and health center construction, sanitation, public health, medical research, education, and medical care for the needy.

The report also expressed dissatisfaction with the prevailing pay-as-you-go or fee-for-service method of payment for medical services but withheld judgment with regard to the claims that voluntary health insurance plans offer a satisfactory solution to the problem. This report summarizes the results of our further study of this subject and sets forth the conclusion we have reached.

The report continued to point out that the burdens of sickness and medical care fall unevenly on the people:

There is an inverse relationship between the amount of sickness and the amount of medical care received by people in various income groups in our country at the present time. People with low incomes have more sickness and need more medical care, yet they receive less than those in the upper income groups.

The report further pointed out:

In 1945 approximately 75 percent of the population had no medical care insurance whatsoever, while 25 percent had insurance against one or more items of medical care costs. Only about 2.5 percent of the population, however, are known to have had what might be called comprehensive coverage; i.e., at least doctor's care in hospital, home, and office, and hospital service for illnesses other than those usually excluded by insurance policies (such as mental disease and tuberculosis).

Another 10 percent of the population had part of their doctor's fees covered, usually the surgeon's or obstetrician's fees in hospitalized illness only. The other 12.5 percent of insured persons had only their hospital bill covered; i.e., bed, board, nursing, operating room, laboratory fees, etc., while in the hospital. Relatively few people had any coverage of dental, home nursing, or preventive care costs, or regular health examinations. The figures may involve a good deal of overlap.

An analysis of existing prepayment medical plans covering about 5 million members was analyzed by the committee. Our conclusion was:

Our health needs are urgent. Each day we fail to achieve the proper solution exacts its toll. We must resolve that the lessons of the selective service rejection rates will not be lost upon us, that never again will we allow sickness to cripple our people to the extent it now does. As a nation, we cannot afford to gamble with our health.

Some say that we are the healthiest nation in the world, and that therefore nothing need be done. There is little evidence that we are the healthiest country in the world. We do not rank at the head of the list in any of the major health indexes—crude or age-specific death rates, life-expectancy rates, infant and maternal mortality, or even of some of the comparable disease-incidence rates. But even if we were, it would not excuse our health failings.

Even before modern medicine had reached its present peak of complexity and specialization, the fee-for-service, individual practice method of providing medical care did not meet the Nation's health needs. Now it is a complete anachronism. It results in barriers to good health care which keep not only low-income people, but most middle-income families, from the fruits of modern medical science. It inhibits the full use of modern preventive medicine since it forces most people to wait until they are seriously ill before going to a doctor. And it leaves any family the prey of unexpected crippling costs from medical bills and wage loss. On top of the natural tragedy of illness may be heaped economic catastrophe.

The need for health insurance has become clear. The well-tried American way of meeting the hazards of life by spreading risks and by prepaying costs is applicable to health services.

For a century and a half the American people have experimented with various ways of insuring themselves against the costs of medical care. Voluntary group prepayment plans of various sorts have been devised for certain occupational or other selected groups, and for certain types of medical service. In the last 20 years, the growth of these plans has accelerated, but they still provide only 3 or 4 percent of the population with relatively complete medical services. Some say that since the voluntary plans are growing, ultimately they can meet the need. We do not deny that they are growing. Those who think as we do helped build them, against the opposition of the stand-patters who 15 years ago were attempting to block their growth and labeling even such voluntary systems socialized medicine. We also agree that they have certain potentialities for further growth.

However, we are firmly convinced, for reasons we have given in this report, that they can never meet the total need.

In its third interim report this subcommittee stated:

"In order to meet the requirements of the public and of the professional groups concerned, any method (of health insurance) which is evolved should offer complete medical care, should be reasonable but not cut rate in cost, should include substantially all of the people, should afford the highest quality of care, should permit free choice of physician or group of physicians, should allow democratic participation in policymaking by consumers and producers of the service, should be adaptable to local conditions and needs, and should provide for continuous experimentation and improvement."

After careful study of existing voluntary plans, it is evident to us that none of them meets all of these requirements. Neither does it appear probable that any voluntary plan can be devised which will fulfill them.

The voluntary plans have served and are serving a valuable purpose, even though they do not provide any final answer to the problem of prepaid medical care for all the people. They have developed useful data on the prepayment of medical costs, and have educated large sections of the public on the value of medical care insurance. Furthermore, they have trained sizable numbers of medical and administrative personnel in the techniques of prepaid medical care. There is no reason why such plans should not continue to perform useful functions within the framework of a national health insurance system.

However, to cover everyone, the adverse as well as the good risks, the young and the old, the sick and the well, the rural and the city dwellers, the low- and the high-income groups, the poor and the rich areas, all takes a mechanism as representative and all-inclusive as a national health program, built around a system of prepaid medical care. It must be financed by required contributions to the social-security fund and by payments from general tax revenues. Such a program will satisfy all the requirements set forth above, and will make possible the achievement in the foreseeable future of our goal of high quality health care for all.

The cost will not be greater than that of our present efficient and wasteful fee-for-service system. According to leading experts the charge to the average family under a national health insurance program will actually be less than it pays now, partly because the employer and the Government will both contribute to the fund. It is noteworthy that the labor organizations, all of whose members are wage earners, are among the stanchest supporters of national health insurance.

Health insurance is often erroneously called socialized medicine or state medicine. As President Truman pointed out in his health message, such a system is one in which the doctors are employed by the Government. We do not advocate this. National health insurance, which we do advocate, is simply a logical extension of private group health insurance plans to cover all the people. It is a joint national endeavor. It will guarantee free choice of doctor or group of doctors and free choice of hospital by the patient, and free choice of patient by the doctor. Indeed, free choice will be extended, because current financial barriers to the actual exercise of free choice will be broken down.

Some aspects of a national health insurance program are, of course, experimental. No legislative framework or administrative plan can be perfect at first. Shortcomings will undoubtedly be uncovered, but they will be overcome as we learn from experience. None of these shortcomings, however, will be anywhere near as costly as the toll of lives and health now being exacted by our failure to have a national health program providing good medical care for all. The need for it is urgent.

The concern of the Federal Government in this matter is clear. If only the national defense were involved, this would be reason enough for the adoption of a national health program. The costly lessons of the selective service rejections and of the Armed Forces medical discharges have made this apparent.

Today America faces the challenge of world leadership. To a very large extent we bear the principal responsibility for the kind of world we are to live in. America can continue neither prosperous nor secure unless her people are healthy and full of strength. We owe it, therefore, to the Nation, and to every man, woman, and child in it, to open to every citizen the door to the marvels of modern medical care. Only thus unhindered by the heavy drag of sickness and ill health, can we make our full contributions to a free and happy world.

The subcommittee report carried a recommendation for national health insurance as opposed to the pay-as-you-go or voluntary health insurance plans. It studied the voluntary health insurance plans then in existence in the United States and concluded that they served only about 3 percent of the people, that only about 25 percent of the people had any kind of insurance and that we could never provide adequate medical care for the people unless we have a plan supported by taxation levied by the Federal Government and perhaps in addition to that, a Federal appropriation to supplement it. While that report did not specifically recommend the then proposed legislation in President Truman's health message to Congress in 1945 and in the famous Wagner-Murray-Pepper-Dingell bill—S. 1161, 78th Congress; S. 1606, 79th Congress; S. 1320, 80th Congress—of which I was a sponsor, it specifically endorsed the principle of health and hospital insurance.

Eighth. President Truman in his budget message of January 3, 1947, and the accompanying economic report to Congress called attention to the need for health insurance and he submitted a broad public health program including a recommendation for a national system for compulsory health insurance. On May 19, 1947, in a special health message to Congress he again called the attention of the Congress to the health needs of the Nation and recommended the enactment of a broad national health program.

Ninth. As a result Senator Murray and Senator Wagner, Senator PEPPER and Congressman DINGELL introduced S. 1320.

Tenth. When the pressure for national health insurance became very strong in the 1960's, the American Medical Association forced through the Congress as a substitute and palliative for health insurance the Kerr-Mills bill as an amendment to title I of the Social Security Act in 1960. Thereafter, Congress gradually increased the appropriations under the Kerr-Mills act but as the hearings disclosed before the House Ways and Means Committee during the last session of Congress the Kerr-Mills act failed to meet the problem of the health needs of the aged.

The medicare bill which has passed the Congress and which has been signed by the President of the law of the land, therefore, represents the first milestone along the road of its history. It represents the first definite aggressive step taken by Congress for the American people. We must look forward to the days ahead when we may have to expand the act to meet the growing needs of the American people.

## DR. RALPH E. KNUTTI, DIRECTOR OF THE NATIONAL HEART INSTITUTE

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Rhode Island [Mr. FOGARTY] is recognized for 10 minutes.

Mr. FOGARTY. Mr. Speaker, I wish to call to the attention of the House the retirement on July 31 of Dr. Ralph E. Knutti, Director of the National Heart Institute.

For the past 14 years, Dr. Knutti has used his vast knowledge and remarkable skill as a scientist and administrator for the benefit of the Public Health Service. Soon after joining the Service Commissioned Corps in 1951, he came to the National Institutes of Health to help the newly created National Institute of Arthritis and Metabolic Diseases develop its extramural programs. Ten years later, Dr. Knutti took over the directorship of the National Heart Institute, initiating bold new programs and strengthening the liaisons of the Institute with other related public and private agencies.

Dr. Knutti came to the NIH after long experience as a pathologist, medical educator, and medical investigator. As chief of extramural programs and later as Associate Director for extramural programs at the NIAMD, Dr. Knutti abandoned the role of research scientist in order to aid in building the NIAMD research grant program. At that time, comparatively few scientists in this country were interested in studying arthritis and its related disorders. As a direct result of Dr. Knutti's able efforts, the NIAMD now administers one of the largest research grant programs within NIH. The Institute is widely recognized and respected among specialists in the field, due in large part to Dr. Knutti's work and the prestige he lent the Institute in its developing years.

As Director of the National Heart Institute, Dr. Knutti began several new programs—the program projects grants which broadened the concept of the research grant which enables long-term multidisciplinary projects to be organized and executed with maximum flexibility; the collaborative studies program to strengthen research in epidemiology; the diet-heart feasibility study; the coronary drug study; and the artificial heart program. These programs stand as a testimony to Dr. Knutti's administrative talents.

In 1963, as a U.S. delegate to the fourth annual Joint Scientific Conference on Cardiovascular Disease in the U.S.S.R., Dr. Knutti helped this mission to encourage greater scientific cooperation between the two countries. Last year, his testimony before the President's Commission on Heart Disease, Cancer, and Stroke had substantial influence on the conditions drawn by that select committee.

Dr. Knutti's recognition of the need for education in clinical practice as well as in research has been instrumental in strengthening the support of medical training. His conviction that clinical training should be given higher priority in the Heart Institute training programs has led to the instigation of plans to provide specialized clinical training for at least 2,800 physicians during the next 5 years. This program will provide intensive training in the latest techniques of diagnosis, clinical management, and patient care in clinical cardiology, both for new physicians and for those already in private practice.

As chairman of the Appropriation Subcommittee on Health, Education, and Welfare, I have had on several occasions the pleasure of hearing Dr. Knutti testify at our annual budget hearings. He has been a most eloquent and able witness, expertly acquainted with day-to-day developments in the field of cardiovascular diseases.

Those of us who know Dr. Knutti personally or at least by his work, are indeed sorry to learn of his leaving. His career has been a credit to his profession, an inspiration to his associates. I know that we all wish him well in his retirement—a retirement which, incidentally, is only from full-time duty, for Dr. Knutti will retain the many advisory and trustee positions he now holds.

Dr. Knutti's many contributions to NIH programs, through his genius as an innovator and administrator, will never be forgotten. For these works will last as continuing testimony to his dynamic leadership and creative talent.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. TUPPER (at the request of Mr. GERALD R. FORD), for August 4, on account of official business to attend the 175th anniversary of the founding of the U.S. Coast Guard.

## SPECIAL ORDER GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special order heretofore entered, was granted to Mr. FOGARTY (at the request of Mr. REUSS), for 10 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

Mr. FINO.

Mr. SIKES.

Mr. HAGEN of California.

(The following Members (at the request of Mrs. REID of Illinois) and to include extraneous matter:)

Mr. GROVER.

Mr. BROOMFIELD.

Mr. HARSHA.

Mr. GERALD R. FORD.

(The following Members (at the request of Mr. REUSS) and to include extraneous matter:)

Mr. POWELL.

Mr. FISHER.

Mr. MURPHY of New York.

Mr. PEPPER.

## ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and joint resolutions of the House of the following titles, which were thereupon signed by the speaker:

H.R. 7954. An act to amend the Communications Act of 1934 to conform to the convention for the Safety of Life at Sea, London (1960);

H.J. Res. 324. Joint resolution to provide for the reappointment of Robert V. Fleming as Citizen Regent of the Board of Regents of the Smithsonian Institution; and

H.J. Res. 481. Joint resolution to amend the joint resolution of March 25, 1953, to expand the types of equipment furnished Members of the House of Representatives.

## SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled bill and joint resolution of the Senate of the following titles:

S. 579. An act for the relief of the State of New Hampshire; and

S.J. Res. 56. Joint resolution authorizing the President to proclaim the occasion of the bicentennial celebration of the birth of James Smithson.

## ADJOURNMENT

Mr. REUSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 23 minutes p.m.) the House adjourned until tomorrow, Wednesday, August 4, 1965, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1407. A letter from the Secretary of the Army, transmitting a letter from the acting Chief of Engineers, Department of the Army, dated June 30, 1965, submitting a report, together with accompanying papers and illustrations, on a review of the reports on Cape Fear River, N.C., above Wilmington, requested by resolutions of the committees on Public Works, U.S. Senate and House of Representatives, adopted March 29, 1961 and August 15, 1961 (H. Doc. No. 252); to the Committee on Public Works and ordered to be printed with three illustrations.

1408. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting a draft of proposed legislation to amend the Federal Deposit Insurance Act and the Federal Reserve Act with respect to the payment of deposits and interest thereon, to limit the payment of compensation for obtaining deposits, and for other purposes; to the Committee on Banking and Currency.

1409. A letter from the Acting Comptroller General of the United States, transmitting a report of excessive procurement of equipment and supplies for packaged disaster hospitals, Public Health Service, Department of Health, Education, and Welfare; to the Committee on Government Operations.

1410. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a report of orders entered into in certain cases, pursuant to the provisions of section 212(e)(a)(28)(I)(ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

1411. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in certain cases pursuant to the provisions of section 212(d)(6) of the Immigration and Nationality Act; to the Committee on the Judiciary.

1412. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation in certain cases, pursuant to Public Law 87-885, (8 U.S.C. 1254(a)(1)); to the Committee on the Judiciary.

1413. A letter from the Assistant Secretary for Administration, Department of Agriculture, transmitting a report of all claims adjudicated and paid for the period July 1, 1964, to June 30, 1965, pursuant to the provisions of 28 U.S.C. 2671-2680; to the Committee on the Judiciary.

1414. A letter from the Deputy Administrator, National Aeronautics and Space Administration, transmitting a report of positions established as of June 30, 1965, pursuant to 72 Stat. 426, 429 and 75 Stat. 785, 791; to the Committee on Post Office and Civil Service.

1415. A letter from the Deputy Director, Central Intelligence Agency, transmitting a report of no grants made during fiscal year 1965, pursuant to Public Law 85-934; to the Committee on Science and Astronautics.

1416. A letter from the Deputy Secretary of Defense, transmitting the annual report of the American National Red Cross for the year ended June 30, 1964, pursuant to the act of July 17, 1953 (67 Stat. 173); to the Committee on Foreign Affairs.

1417. A letter from the Secretary of Labor, transmitting a draft of proposed legislation to provide labor standards for certain persons employed by Federal contractors to furnish services to Federal agencies, and for other purposes; to the Committee on Education and Labor.

1418. A communication from the President of the United States, transmitting additional recommendations relative to home rule for the District of Columbia (H. Doc. No. 254); to the Committee on the District of Columbia, and ordered to be printed.

## 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. RIVERS of South Carolina: Committee of conference. H.R. 8439. An act to authorize certain construction at military installations, and for other purposes (Rept. No. 713). Ordered to be printed.

Mr. POWELL: Committee on Education and Labor. H.R. 10065. A bill to more effectively prohibit discrimination in employment because of race, color, religion, sex, or national origin, and for other purposes; without amendment (Rept. No. 718). Referred to the Committee of the Whole House on the State of the Union.

Mr. DELANEY: Committee on Rules. House Resolution 498. Resolution for consideration of H.R. 4750, a bill to provide a 2-year extension of the interest equalization tax, and for other purposes; without amendment (Rept. No. 719). Referred to the House Calendar.

Mr. ASPINALL: Committee of conference. S. 24. An act to expand, extend, and accelerate the saline water conversion program conducted by the Secretary of the Interior, and for other purposes (Rept. No. 720). Ordered to be printed.

Mr. ASHMORE: Committee on the Judiciary. H.R. 872. A bill to amend the provisions of title 18 of the United States Code relating to offenses committed in Indian country; with amendment (Rept. No. 721). Referred to the House Calendar.

Mr. DAWSON: Committee on Government Operations. H.R. 6438. A bill to authorize any executive department or independent establishment of the Government, or any bureau or office thereof, to make appropriate reimbursement between the respective appropriations available to such departments and establishments, or any bureau or office thereof; with amendment (Rept. No. 722). Referred to the Committee of the Whole House on the State of the Union.

## REPORTS OF COMMITTEES ON PRIVATE 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. McCLORY: Committee on the Judiciary. S. 69. An act for the relief of Mrs. Genevieve Olsen; with amendment (Rept. No. 712). Referred to the Committee of the Whole House.

Mr. ASHMORE: Committee on the Judiciary. H.R. 8646. A bill for the relief of Rifkin Textiles Corp.; without amendment (Rept. No. 714). Referred to the Committee of the Whole House.

Mr. ASHMORE: Committee on the Judiciary. H.R. 9854. A bill for the relief of A. T. Leary; without amendment (Rept. No. 715). Referred to the Committee on the Whole House

Mr. KING of New York: Committee on the Judiciary. H.R. 9787. A bill for the relief of Lt. Col. Lawrence F. Bachman, U.S. Air Force; without amendment (Rept. No. 716). Referred to the Committee of the Whole House.

Mr. SENNER: Committee on the Judiciary. H.R. 2694. A bill for the relief of John Allen; with amendment (Rept. No. 717). Referred to the Committee of the Whole House.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CORMAN:

H.R. 10224. A bill to establish a U.S. Capitol page system for needy and deserving students of a college, university, or other

institution of higher education; to the Committee on House Administration.

By Mr. FARNSLEY:

H.R. 10225. A bill to provide for the payment of interest on valid claims under the Federal Employees' Compensation Act; to the Committee on Education and Labor.

By Mr. GREEN of Pennsylvania:

H.R. 10226. A bill to provide certain increases in annuities payable from the civil service retirement and disability fund, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GRIDER.

H.R. 10227. A bill to amend the National Labor Relations Act to assure majority representation by secret ballot; to the Committee on Education and Labor.

By Mr. HALPERN:

H.R. 10228. A bill to amend the Labor-Management Relations Act, 1947, as amended, so as to provide for the regulation of certain employees benefit funds; to the Committee on Education and Labor.

By Mr. KREBS:

H.R. 10229. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By. Mr. MICHEL:

H.R. 10230. A bill to amend the River and Harbor Act of 1958 to authorize the appropriation of $8 million for the repair and modification of certain structures along the Illinois and Mississippi Canal in the State of Illinois; to the Committee on Public Works.

By Mr. O'NEILL of Massachusetts:

H.R. 10231. A bill to coordinate and consolidate the major civilian marine and atmospheric functions of the Federal Government through the establishment of a Department of Marine and Atmospheric Affairs, to enunciate national policies pertinent to the marine and atmospheric interests of the United States, to further the expanded exploration of marine environs and the use of marine resources, to encourage research and development in the marine and atmospheric sciences and technologies, and for other purposes; to the Committee on Government Operations.

By Mr. POAGE:

H.R. 10232. A bill to amend the Consolidated Farmers Home Administration Act of 1961 to authorize the Secretary of Agriculture to make or insure loans to public and quasi-public agencies and corporations not operated for profit with respect to water supply, water systems, and waste disposal systems serving rural areas and to make grants to aid in rural community development planning and in connection with the construction of such community facilities, to increase the annual aggregate of insured loans thereunder, and for other purposes; to the Committee on Agriculture.

By Mr. REID of New York:

H.R. 10233. A bill to amend the Labor-Management Relations Act, 1947, as amended, so as to provide for the regulation of certain employees benefit funds; to the Committee on Education and Labor.

By Mr. RIVERS of South Carolina:

H.R. 10234. A bill to amend section 1085 of title 10, United States Code, to eliminate the reimbursement procedure required among the medical facilities of the Armed Forces under the jurisdiction of the military departments; to the Committee on Armed Services.

By Mr. MURPHY of New York:

H.R. 10235. A bill to amend the Clean Air Act to require standards for controlling the emission of pollutants from gasoline-powered or diesel-powered vehicles, to establish a Federal Air Pollution Control Laboratory, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 10236. A bill to amend title I of the Tariff Act of 1930 with respect to the rate of duty on parts of geared temperature and pressure gages; to the Committee on Ways and Means.

By Mrs. REID of Illinois:

H.R. 10237. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. O'HARA of Michigan:

H.R. 10238. A bill to provide labor standards for certain persons employed by the Federal contractors to furnish services to Federal agencies, and for other purposes; to the Committee on Education and Labor.

By Mr. PELLY:

H.R. 10239. A bill to provide labor standards for certain persons employed by Federal contractors to furnish services to Federal agencies, and for other purposes; to the Committee on Education and Labor.

By Mr. FASCELL:

H.R. 10240. A bill to provide for the economic and efficient purchase, lease, maintenance, operation, and utilization of automatic data processing equipment by Federal departments and agencies; to the Committee on Government Operations.

By Mr. HARVEY of Indiana:

H.R. 10241. A bill to amend the Watershed Protection and Flood Prevention Act, as amended; to the Committee on Agriculture.

By Mr. MURPHY of New York:

H.R. 10242. A bill to amend the Public Health Service Act to improve the educational quality of schools of medicine, dentistry, and osteopathy, to authorize grants under that act to such schools for the awarding of scholarships to needy students, and to extend expiring provisions of the act for student loans and for aid in construction of teaching facilities for students in such schools and schools for other health professions, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. O'KONSKI:

H.R. 10243. A bill to require the U.S. military establishments and installations to purchase wines and distilled spirits in compliance with and conformity to systems, procedures and requirements established in the several States, and to limit the quantities of such beverages to be sold, distributed or acquired within Federal enclaves; to the Committee on Ways and Means.

By Mr. RYAN:

H.R. 10244. A bill to establish a Federal Water Commission to provide for the development, utilization, and control of the water resources of the United States for beneficial uses and for their protection in the interest of the public health, safety, and welfare, and for other purposes; to the Committee on Public Works.

By Mr. ROSENTHAL:

H.R. 10245. A bill to establish a Federal Water Commission to provide for the development, utilization, and control of the water resources of the United States for beneficial uses and for their protection in the interest of the public health, safety, and welfare, and for other purposes; to the Committee on Public Works.

By Mr. FISHER:

H.J. Res. 596. 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. DONOHUE:

H.J. Res. 597. Joint resolution providing for the erection of a memorial to the late Dr. Robert H. Goddard, the father of rocketry; to the Committee on Science and Astronautics.

By Mr. MARSH:

H.J. Res. 598. Joint resolution to authorize the President to issue a proclamation commemorating the 200th anniversary of the Stamp Act Congress, held at New York, in the Colony of New York, October 7–25, 1765; to the Committee on the Judiciary.

By Mr. KING of New York:

H.J. Res. 599. Joint resolution to amend the Constitution of the United States to guarantee the right of any State to apportion one house of its legislature on limited factors other than population; to the Committee on the Judiciary.

By Mr. McCULLOCH:

H.J. Res. 600. Joint resolution to amend the Constitution of the United States to guarantee the right of any State to apportion one house of its legislature on limited factors other than population; to the Committee on the Judiciary.

## MEMORIALS

Under clause 4 of rule XXII,

353. The SPEAKER presented a memorial of the Legislature of the Territory of Guam relative to an amendment of Organic Act of Guam to provide for payment of salaries and expenses, which was referred to the Committee on Interior and Insular Affairs.

## PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ADDABBO:

H.R. 10246. A bill for the relief of Gaetana Battaglia; to the Committee on the Judiciary.

H.R. 10247. A bill for the relief of Cleopatra E. Beckett; to the Committee on the Judiciary.

H.R. 10248. A bill for the relief of Sharlotta and Wolf Gniazdo; to the Committee on the Judiciary.

By Mr. CLEVENGER:

H.R. 10249. A bill for the relief of Mrs. Elisabeth Manninen; to the Committee on the Judiciary.

By Mr. CURTIS:

H.R. 10250. A bill for the relief of Juan A. del Real; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 10251. A bill for the relief of Giuseppe Maurello; to the Committee on the Judiciary.

H.R. 10252. A bill for the relief of Rocco Recine and Santa Recine; to the Committee on the Judiciary.

By Mr. GIBBONS:

H.R. 10253. A bill for the relief of Dr. Luis E. Bencomo; to the Committee on the Judiciary.

By Mr. HAGEN of California:

H.R. 10254. A bill for the relief of Maria de Jesus Benitez Casarez Hyett; to the Committee on the Judiciary.

By Mr. HERLONG:

H.R. 10255. A bill for the relief of Jack R. Carpenter; to the Committee on the Judiciary.

By Mr. McCORMACK:

H.R. 10256. A bill for the relief of James D. W. Blyth, his wife Jean Mary Blyth, and their daughter Penelope Jean Blyth; to the Committee on the Judiciary.

By Mr. MICHEL:

H.R. 10257. A bill for the relief of James N. Thomson; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 10258. A bill for the relief of Chang Heung An; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 10259. A bill for the relief of Dr. Allan Baumal; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 10260. A bill for the relief of Qosay S. Emam; to the Committee on the Judiciary.

By Mr. TUCK:

H.R. 10261. A bill for the relief of Dr. Juan F. Chavez; to the Committee on the Judiciary.