bargaining agent, he loses his retirement benefits from his former position and has to start all over again. But, all of these advantages on the Government side must be balanced against the fact that private employers bear the full cost of retirement.

Sick leave is another area where the Government is more generous, particularly with respect to long-service personnel. Government personnel earn 13 days of sick leave per year at full pay. Unused leave can be accumulated without limit. In industry there is no sick leave as such. Maintenance allowances are provided for varying periods, but they are nowhere near the equivalent of full pay.

Perhaps the principal offsetting factor, at least in the past, has been the greater continuity of Federal employment. In industry, ship personnel sign off articles at the end of each voyage and go off the rolls. In Government, ship personnel are employed on a continuing basis. It is of course true that under present conditions there is more than enough work in industry for most occupational groups. But this has not been the case in normal times. According to the National Academy of Sciences study, for the period April 1, 1962, to March 31, 1963, the average number of days worked for MSTS officers was 21 to 59 days higher than the corresponding averages for officers aboard commercial vessels. The average number of days worked for MSTS unlicensed categories exceeded that of their industry counterparts by 18 to 52 days.

CONCLUSION

It is clear that the Government is faced with a serious recruitment situation. It is experiencing difficulties in retaining present personnel, and in anticipation of an increasing workload, will even have to try to increase its staff above present levels. Unless the Government can be reasonably competitive with industry in what it has to offer, it will not be able to attract sufficient personnel.

This does not mean that the Government should have to match industry practices dollar for dollar and benefit for benefit. Employment practices in Government have to be consonant with the needs of the Government. The industry benefit system, with its numerous variations based on position and location, is simply not adaptable to Federal employment. It would be inequitable, costly, and administratively unfeasible.

The various sources contacted during the study pinpointed the disparity in leave benefits as the principal problem area in recruitment. An appropriate solution, therefore, would be to grant additional leave which would reasonably meet the needs of vessel crewmen and at the same time would be in keeping with the overall fringe benefit system in the Government. This could be accomplished by amending the Annual and Sick Leave Act to provide additional leave similar to the home leave accorded personnel who serve overseas.

Mr. YARBOROUGH. This legislation will affect about 10,000 Federal employees and will cost about $4.3 million a year.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 18217) was ordered to a third reading, was read the third time, and passed.

## AUTHORITY TO RECEIVE MESSAGES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that during the adjournment of the Senate following the close of business today until 11 o'clock a.m. tomorrow, the Secretary of the Senate be authorized to receive messages from the House of Representatives.

The PRESIDING OFFICER (Mr. YARBOROUGH in the chair). Without objection, it is so ordered.

## ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the previous order, that the Senate adjourn until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 3 o'clock and 46 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, October 19, 1966, at 11 o'clock a.m.

## CONFIRMATIONS

Executive nominations confirmed by the Senate October 18, 1966:

DISTRICT OF COLUMBIA COURT OF GENERAL SESSIONS

Harold H. Greene, of Maryland, to be chief judge for the District of Columbia court of general sessions for the term of 10 years.

Richard R. Atkinson, of the District of Columbia, to be an associate judge of the District of Columbia court of general sessions, domestic relations branch, for the term of 10 years.

Harry T. Alexander, of the District of Columbia, to be an associate judge of the District of Columbia court of general sessions for the term of 10 years.

Justin L. Edgerton, of Maryland, to be an associate judge of the District of Columbia court of general sessions for the term of 10 years.

Timothy C. Murphy, of the District of Columbia, to be an associate judge of the District of Columbia court of general sessions for the term of 10 years.

DISTRICT OF COLUMBIA PUBLIC SERVICE COMMISSION

William L. Porter, of the District of Columbia, to be a member of the Public Service Commission of the District of Columbia for the remainder of the term expiring June 30, 1967.

# HOUSE OF REPRESENTATIVES

TUESDAY, OCTOBER 18, 1966

The House met at 11 o'clock a.m.

Rev. Francis B. O'Donnell, Resurrection Church, Brooklyn, N.Y., national chaplain, Catholic War Veterans, United States of America, offered the following prayer:

O incomprehensible Creator, true fountain of light, and only authority of all knowledge, vouchsafe we beseech Thee, to enlighten our understanding, and to remove from us all darkness of sin and ignorance. To You who make eloquent the tongues of those who want utterance, direct our tongues, and pour out upon our lips the grace of Thy blessing.

Give to the leaders of our Nation a diligent and obedient spirit, quickness of apprehension, the capacity of retaining, and the powerful assistance of Thy holy grace. Endow our Representatives with the spirit of truth and understanding. Fill their manly hearts with the principles of freedom and true peace. Guide their deliberations with wisdom and charity, so that what they hear, they may apply to Thy honor, to the eternal salvation of their souls and to the peace and welfare of all nations, through Christ our Lord. 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 joint resolutions of the House of the following titles:

On September 20, 1966:

H.R. 10823. An act relating to credit life insurance and credit health and accident insurance with respect to student loans;

H.R. 11251. An act for the relief of Hubert J. Kupper;

H.R. 14379. An act for the relief of John R. McKinney; and

H.R. 14904. An act to revise postal rates on certain fourth-class mail, and for other purposes.

On September 21, 1966:

H.R. 14026. An act to provide for the more flexible regulation of maximum rates of interest or dividends payable by banks and certain other financial institutions on deposits or share accounts, to authorize higher reserve requirements on time deposits at member banks, to authorize open market operations in agency issues by the Federal Reserve banks, and for other purposes; and

H.R. 14205. An act to declare the Old Georgetown Market a historic landmark and to require its preservation and continued use as a public market, and for other purposes.

On September 23, 1966:

H.R. 13712. An act to amend the Fair Labor Standards Act of 1938 to extend its protection to additional employees, to raise the minimum wage, and for other purposes.

On September 24, 1966:

H.R. 11488. An act to authorize the grade of brigadier general in the Medical Service Corps of the Regular Army, and for other purposes.

On September 26, 1966:

H.R. 6686. An act to amend the Civil Service Retirement Act in order to correct an inequity in the application of such act with respect to the United States Botanic Garden, and for other purposes;

H.R. 13508. An act to direct the Secretary of Interior to cooperate with the States of New York and New Jersey on a program to develop, preserve, and restore the resources of the Hudson River and its shores and to authorize certain necessary steps to be taken to protect those resources from adverse Federal actions until the States and Congress shall have had an opportunity to act on that program; and

H.R. 15005. An act to amend title 10, United States Code, to increase the authorized numbers for the grade of major, lieutenant colonel, and colonel in the Air Force in order to provide active duty promotion opportunities for certain officers, and for other purposes.

On September 27, 1966:

H.R. 3041. An act to amend title 10, United States Code, to exempt certain contracts with foreign contractors from the requirement for an examination-of-records clause.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

On September 30, 1966:

H.R. 420. An act to amend title 10, United States Code, to authorize the commissioning of male persons in the Regular Army in the Army Nurse Corps, the Army Medical Specialist Corps, the Regular Navy in the Nurse Corps and the Regular Air Force with a view to designation as Air Force nurses and medical specialists, and for other purposes;

H.R. 11487. An act to provide revenue for the District of Columbia, and for other purposes;

H.R. 11979. An act to extend the authority for the payment of special allowances to evacuated dependents of members of the uniformed services, and for other purposes;

H.R. 14088. An act to amend chapter 55 of title 10, United States Code, to authorize an improved health benefits program for retired members of the uniformed services and their dependents, and the dependents of active duty members of the uniformed services, and for other purposes;

H.R. 16330. An act to provide for extension and expansion of the program of grants-in-aid to the Republic of the Philippines for the hospitalization of certain veterans, and for other purposes;

H.R. 16367. An act to extend the benefits of the War Orphans' Educational Assistance program to the children of those veterans of the Philippine Commonwealth Army who died or have become permanently and totally disabled by reasons of their service during World War II, and for other purposes; and

H.J. Res. 1303. Joint resolution making continuing appropriations for the fiscal year 1967, and for other purposes.

On October 4, 1966:

H.R. 483. An act to amend section 2056 of the Internal Revenue Code of 1954 relating to the effect of disclaimers on the allowance of the marital deduction for estate tax purposes, and for other purposes;

H.R. 5852. An act to amend title 38 of the United States Code with respect to the basis on which certain dependency and indemnity compensation will be computed;

H.R. 7850. An act to amend section 1822 (a) of title 38, United States Code, to extend the provisions for treble-damage actions to direct loan and insured loan cases;

H.R. 8699. An act for the relief of Mule Creek Oil Co., Inc., a Delaware corporation;

H.R. 9976. An act to amend the act of September 2, 1964;

H.R. 11253. An act to provide for the conveyance of certain real property of the United States situated in the State of Pennsylvania;

H.R. 11927. An act to authorize the Administrator of Veterans' Affairs to permit deduction by brokers of certain costs and expenses from rental collections on properties acquired under the veterans' loan programs;

H.R. 12119. An act to authorize the Commissioners of the District of Columbia to replace the existing 14th Street Bridge, also known as the Highway Bridge, across the Potomac River, and for other purposes;

H.R. 12352. An act authorizing the conveyance of certain property to Pinellas County, Fla.;

H.R. 12664. An act to retrocede to the State of Colorado exclusive jurisdiction held by the United States over the real property comprising the Fort Lyon Veterans Hospital reservation;

H.R. 13012. An act to provide for the conveyance of certain real property to the city of Biloxi, Miss.;

H.R. 16863. An act to amend the act of June 10, 1844, in order to clarify the corporate name of Georgetown University, and for other purposes; and

H.R. 16940. An act to amend the provisions of the act of April 8, 1935, relating to the board of trustees of Trinity College of Washington, D.C.

On October 8, 1966:

H.R. 15510. An act to amend the Consolidated Farmers Home Administration Act of 1961 to authorize the Secretary of Agriculture to hold prepayments made to the Secretary by insured loan borrowers and transmit them to the holder of the note in installments as they become due; and

H.J. Res. 688. Joint resolution to give effect to the Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific, and Cultural Character, approved at Beirut in 1948.

On October 10, 1966:

H.R. 14019. An act to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations, and for other purposes; and

H.R. 16608. An act to amend the charter of Southeastern University of the District of Columbia.

On October 11, 1966:

H.R. 16557. An act to provide for the refund of certain amounts erroneously deducted for national service life insurance premiums from the pay of former members of the organized military forces of the Government of the Commonwealth of the Philippines, and to amend title 38 of the United States Code to provide that certain payments under that title shall be made at a rate in Philippine pesos as is equivalent to $0.50 for each dollar authorized.

On October 13, 1966:

H.R. 9916. An act to amend title 10, United States Code, with respect to the nomination and selection of candidates for appointment to the Military, Naval, and Air Force Academies, and for other purposes; and

H.R. 10860. An act to amend the Connally Hot Oil Act by exempting States from certain provisions thereof.

On October 14, 1966:

H.R. 722. An act to amend certain provisions of existing law concerning the relationship of the Environmental Science Services Administration to the Army and Navy so they will apply with similar effect to the Air Force;

H.R. 3596. An act to provide for the disposition of judgment funds on deposit to the credit of the Skokomish Tribe of Indians;

H.R. 5297. An act to amend title 10, United States Code, to limit the revocation of retired pay of members of the Armed Forces, and for other purposes;

H.R. 7466. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Miami Indians of Indiana and Oklahoma, and for other purposes;

H.R. 8034. An act authorizing the Secretary of Health, Education, and Welfare to make certain grants to the Menominee Indian people of Menominee County, Wis., and for other purposes;

H.R. 8664. An act to implement the Agreement on the Importation of Educational, Scientific, and Cultural Materials, opened for signature at Lake Success on November 22, 1950, and for other purposes;

H.R. 10633. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Quileute Tribe of Indians, including the Hoh Tribe, and for other purposes;

H.R. 10674. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Otoe and Missouria Tribe of Indians, and for other purposes;

H.R. 10747. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Duwamish Tribe of Indians in Indian Claims Commission docket numbered 109, and for other purposes; and

H.R. 12437. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Nooksack Tribe of Indians, and for other purposes.

On October 15, 1966:

H.R. 266. An act to amend sections 404 and 406 of title 37, United States Code, relating to travel and transportation allowances of certain members of the uniformed services who are retired, discharged, or released from active duty;

H.R. 698. An act to provide for the establishment of the Guadalupe Mountains National Park in the State of Texas, and for other purposes;

H.R. 1665. An act to amend title 28, entitled "Judiciary and Judicial Procedure," of the United States Code to provide for the reporting of congressional reference cases by commissioners of the U.S. Court of Claims;

H.R. 3104. An act to authorize the Secretary of the Interior to convey certain lands in Plumas County, Calif., to C. A. Lundy, and for other purposes;

H.R. 3314. An act to require premarital examinations in the District of Columbia, and for other purposes;

H.R. 5213. An act for the relief of Winston Lloyd McKay;

H.R. 5912. An act for the relief of the estates of certain former members of the U.S. Navy Band;

H.R. 8126. An act to amend the District of Columbia minimum wage law to provide broader coverage, improved standards of minimum wage and overtime compensation protection, and improved means of enforcement;

H.R. 8678. An act to establish in the State of Michigan the Pictured Rocks National Lakeshore, and for other purposes;

H.R. 9424. An act to provide for the conservation, protection, and propagation of native species of fish and wildlife, including migratory birds, that are threatened with extinction; to consolidate the authorities relating to the administration by the Secretary of the Interior of the National Wildlife Refuge System; and for other purposes;

H.R. 9520. An act to authorize the Secretary of the Interior to convey certain lands in Inyo County, Calif., to the personal representative of the estate of Gwilym L. Morris, Dolores G. Morris, George D. Ishmael, and Verna H. Ishmael;

H.R. 14754. An act to authorize the Secretary of the Interior to reinstate a certain oil and gas lease;

H.R. 15098. An act to amend Public Law 89-284 relating to participation of the United States in the HemisFair 1968 Exposition to be held in San Antonio, Tex., in 1968, and for other purposes;

H.R. 15662. An act to amend the Federal Seed Act (53 Stat. 1275), as amended;

H.R. 15941. An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1967, and for other purposes;

H.R. 15963. An act to establish a Department of Transportation, and for other purposes;

H.R. 16559. An act to amend the Marine Resources and Engineering Development Act of 1966 to authorize the establishment and operation of sea grant colleges and programs by initiating and supporting programs of education and research in the various fields relating to the development of marine resources, and for other purposes;

H.R. 16646. An act to amend title 10, United States Code, to authorize the award of Exemplary Rehabilitation Certificates to certain individuals after considering their character and conduct in civilian life after discharge or dismissal from the Armed Forces, and for other purposes;

H.R. 16774. An act to continue for a temporary period certain existing rules relating to the deductibility of accrued vacation pay;

H.R. 16813. An act to transfer to the Atomic Energy Commission complete administrative control of approximately seventy-eight acres of public domain land located in the Otowi section near Los Alamos County;

H.R. 17119. An act to amend title 10, United States Code, to permit members of the Armed Forces to be assigned or detailed to the Environmental Science Services Administration, Department of Commerce;

H.R. 17190. An act to authorize the establishment and operation by Gallaudet College of a model secondary school for the deaf to serve the National Capital region;

H.R. 17787. An act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Atlantic-Pacific Interoceanic Canal Study Commission, the Delaware River Basin Commission, the St. Lawrence Seaway Development Corporation, the Tennessee Valley Authority, and the Water Resources Council, for the fiscal year ending June 30, 1967, and for other purposes; and

H.R. 17788. An act making appropriations for foreign assistance and related agencies for the fiscal year ending June 30, 1967, and for other purposes.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill and concurrent resolutions of the House of the following titles:

H.R. 14517. An act to amend Private Law 86–203 to permit the use of the vessel *John F. Drews* in the coastwise trade while it is owned by a citizen of the United States;

H. Con. Res. 1007. Concurrent resolution authorizing the printing of a report on international education by the House Education and Labor Committee;

H. Con. Res. 1017. Concurrent resolution to authorize the printing of additional hearings and other materials by the Committee on Agriculture; and

H. Con. Res. 1022. Concurrent resolution to authorize the printing as a House document the pamphlet entitled "Our American Government. What Is It? How Does It Function?"

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2600. An act to provide for the acquisition and preservation of the real property known as the Ansley Wilcox House in Buffalo, N.Y., as a national historic site;

H.R. 15727. An act to establish rates of compensation for certain positions within the Smithsonian Institution; and

H.R. 16114. An act to correct inequities with respect to the determination of basic compensation of employees of the Federal Government for purposes of certain employment benefits, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 769. An act for the relief of Dr. Marshall Ku;

S. 1137. An act for the relief of Dr. Rafael Pedro Martinez Torres; and

S. 2801. An act for the relief of Helena Gilbert Maddagiri and Heather Gilbert Maddagiri.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2102) entitled "An act to protect and conserve the North Pacific fur seals, to provide for the administration of the Pribilof Islands, to conserve the fur seals and other wildlife on the Pribilof Islands, and to protect sea otters on the high seas."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5688) entitled "An act relating to crime and criminal procedure in the District of Columbia."

The message also announced that the Senate had passed bills and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 2205. An act for the relief of the widow of Albert M. Pepoon;

S. 2980. An act to increase the amount of benefits payable to widows of certain former employees of the Lighthouse Service, and thereafter to provide for cost-of-living increases in benefits payable to such widows and to such former employees;

S. 3101. An act to establish a U.S. Committee on Human Rights to prepare for participation by the United States in the observance of the year 1968 as International Human Rights Year, and for other purposes;

S. Con. Res. 109. Concurrent resolution authorizing the printing of certain hearings of the Antitrust and Monopoly Subcommittee of the Committee on the Judiciary; and

S. Con. Res. 110. Concurrent resolution authorizing the printing of additional copies of hearings by the Special Committee on Aging on "Detection and Prevention of Chronic Disease Utilizing Multiphasic Health Screening Techniques."

## FOOTBALL RIDER

Mr. HANNA. 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 California?

There was no objection.

Mr. HANNA. Mr. Speaker, if the reports that are coming from the public media are correct, it would appear we are going to have as a rider on a very important tax incentive bill what I consider to be a purely private bill. I was not at all pleased to learn that the conferees have adopted an amendment to the President's fiscal bill to take care of the merger situation between the two football leagues. I do not know what the merits of that matter are nor do I purport to be an expert on the situation, but it does appear to me to be passing strange that we should take care of a situation such as that in the manner in which it appears to be taken care of here.

Now, Mr. Speaker, there is a great deal of the business of the people to which we have not been able to direct our attention, and there are plenty of instances where groups that have no such pressure points to bring to bear upon the Congress, have matters that have to await the deliberations of this great body.

It is also of some small interest to note that high schools and colleges are protesting that this hasty and unjustified action will jeopardize their game schedules and TV plans.

Mr. Speaker, I simply cannot believe that it is in the best interest of the image of this great Congress that we should be found dealing with a private matter in such a way.

Mr. Speaker, I, for one, want to get my protest in the RECORD, and strongly.

## THE POST OFFICE DEPARTMENT HAS ARBITRARILY BANNED DOOR-TO-DOOR CITY MAIL DELIVERY SERVICE FOR NEW RESIDENTIAL AREAS

Mr. DAVIS of Wisconsin. 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 Wisconsin?

There was no objection.

Mr. DAVIS of Wisconsin. Mr. Speaker, for more than 3 years, the Post Office Department has arbitrarily banned door-to-door city mail delivery service for new residential areas. That ban has now been lifted. As the Postmaster General conceded in a letter dated yesterday, this order has been inequitable and has been a contributing factor to mail service problems.

Especially has this order discriminated against residents of newly populated suburban areas, with which the Ninth District of Wisconsin abounds.

During the past 2 years, I have made numerous attempts to aid Ninth District postmasters to provide more adequate mail service, but have nearly always run into a stone wall because of the Postal Department's unyielding adherence to this arbitrary directive banning door-to-door service in new areas.

I hope that patrons of Ninth District post offices, who have been denied door-to-door mail service, will now confer with their friends and neighbors who are their local postmasters or postal station managers relating to this improved service. These local representatives of the postal service will then forward plans and recommendations for door-to-door delivery to the regional office of the Post Office Department at Minneapolis.

This new and realistic policy, too long delayed, should go a long way in easing complaints from residents of new suburban developments which should normally have been receiving door-to-door delivery under traditional standards.

I sincerely hope this action by the Postmaster General is not just another preelection promise and that strong implementation of the new restorative order will be effected.

## THE EYES AND THE HOPES OF THE FREE WORLD ARE FASTENED UPON THE PRESIDENT OF THE UNITED STATES DURING HIS TRIP TO THE FAR EAST

Mr. MINSHALL. 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 Ohio?

There was no objection.

Mr. MINSHALL. Mr. Speaker, the eyes and the hopes of the free world are fastened on the President of the United States during his trip to the Far East. We wish him success in his search to find solutions for the great problems which exist in that part of the world.

I would sound a word of caution, however. The solution does not lie in foreign aid dollar diplomacy. With Americans hard pressed to meet their tax obligations and to buy meat and potatoes, this is no time to give away money we do not have to people who are getting along without it.

While credit is so tight at home there is no excuse to loosen it up abroad.

Vice President HUMPHREY went to India early this year and announced, without congressional authority, that that nation was to receive a $100 million U.S. loan. Only a few days later, India refused the Vice President's plea for Indian support of U.S. policy in Vietnam.

Let us end the war in Vietnam and get out of there on an honorable basis as quickly as possible. Let us concentrate on getting our boys out of Vietnam—not on getting deeper in debt.

The United States is the most vilified nation on the face of the globe today because it has pursued the misguided policy of trying to buy friends. Americans have had enough of this slot machine diplomacy.

## ACQUISITION AND PRESERVATION OF THE REAL PROPERTY KNOWN AS THE ANSLEY WILCOX HOUSE IN BUFFALO, N.Y., AS A NATIONAL HISTORIC SITE

Mr. O'BRIEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 2600) to provide for the acquisition and preservation of the real property known as the Ansley Wilcox House in Buffalo, N.Y., as a national historic site, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 4, strike out "shall" and insert "shall, subject to the provisions of section 2 of this Act,".

Page 1, line 5, strike out "2" and insert "3".

Page 2, line 1, strike out "maintain and preserve" and insert "provide, in accordance with section 2 of this Act, for the operation and maintenance, at no expense to the United States of".

Page 2, after line 3, insert:

"SEC. 2. (a) The Secretary shall not obligate or expend any moneys herein authorized to be appropriated for acquisition and restoration of the real property described in section 3, nor shall he establish such property as a national historic site in Federal ownership, unless and until commitments are obtained for donations of funds or services in an amount which in the judgment of the Secretary is sufficient to complete restoration of the property and to operate and maintain it for public benefit.

"(b) The Secretary shall determine at the beginning of each fiscal year, beginning the first full fiscal year following the date of enactment of this Act, whether and to what extent donations of funds or services will be forthcoming for the purposes of subsection (a) of this section. If at any time following the acquisition of the property referred to in the first section of this Act the Secretary finds that during the next full fiscal year donated funds or services will not be forthcoming in amounts sufficient to satisfactorily carry on or complete restoration or to continue the operation and maintenance of the property as a national historic site in Federal ownership he shall, in accordance with such regulations as he may prescribe, dispose of such property at not less than its fair market value, as determined by him. The proceeds received from such disposal shall be credited to the Land and Water Conservation Fund in the Treasury of the United States."

Page 2, line 4, strike out "2." and insert "3.".

Page 3, line 17, strike out "3." and insert "4.".

Page 3, line 18, after "acquisition" insert "and not more than $50,000 for the restoration".

Page 3, line 19, strike out "2" and insert "3".

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

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

## CONVEYING CERTAIN MINERAL INTERESTS TO ALLEN E. DOMINICK

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1101) to provide for the conveyance of certain mineral interests of the United States in $79\frac{184}{1000}$ acres located near Orangeburg, S.C., to Allen E. Dominick, the owner of such property.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

S. 1101

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior shall convey to Allen E. Dominick, of Orangeburg, South Carolina, all right, title, and interest reserved to the United States in and to seventy-nine and one-hundred-and-eighty-four one-thousandths acres located near Orangeburg, South Carolina, and more particularly described in a deed, dated January 30, 1964, and recorded in the office of the clerk of the court of common pleas and general sessions of Orangeburg County, South Carolina, in deed book 260, page 500, upon payment to the United States by or on behalf of the said Allen E. Dominick of the fair market value thereof, if any, as determined by the Secretary, as of the time the conveyance is made and the administrative costs of making the conveyance. No conveyance shall be made unless such payment is made within one year after the Secretary notifies him of the total amount to be paid.

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.

## PRIVATE CALENDAR

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

## DEMETRIOS KONSTANTINOS GEORGARAS (ALSO KNOWN AS JAMES K. GEORGARAS)

The Clerk called the bill (H.R. 2146) for the relief of Demetrios Konstantinos Georgaras (also known as James K. Georgaras).

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

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.

## MRS. MELBA B. PERKINS

The Clerk called the bill (H.R. 3275) to confer jurisdiction on the United States Court of Claims to hear, determine, and render judgment on the claim of Mrs. Melba B. Perkins against the United States.

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.

## IOANNIS A. VASILOPOULOS

The Clerk called the bill (S. 2621) for the relief of Ioannis A. Vasilopoulos.

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

S. 2621

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, for the purposes of sections 203(a)(1) and 204 of the Immigration and Nationality Act, Act, Ioannis A. Vasilopoulos shall be held and considered to be the natural-born alien son of Mr. and Mrs. Paul Vasselus, citizens of the United States: *Provided,* That no natural parent of the beneficiary, by virtue of such parentage, shall be accorded any right, privilege, or status under the Immigration and Nationality Act.

With the following committee amendments:

On page 1, line 7, after "United States", change the colon to a period, strike out the remainder of the bill, and add the following new sections 2 and 3 to read as follows:

"SEC. 2. In the administration of the Immigration and Nationality Act, Chester (Abramczyk) Hill may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Mr. and Mrs. Gilbert L. Hill, citizens of the United States, pursuant to section 204 of the Act.

"SEC. 3. The natural parents or brothers or sisters of the beneficiaries of this Act shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendments were agreed to.

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

The title was amended so as to read: "An Act for the relief of Ioannis A. Vasilopoulos and Chester (Abramczyk) Hill."

A motion to reconsider was laid on the table.

## MISS SYLVIA KRONFELD

The Clerk called the bill (H.R. 7885) for the relief of Miss Sylvia Kronfeld.

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

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.

## ARTHUR ANDERSON

The Clerk called the bill (H.R. 11946) for the relief of Arthur Anderson.

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.

## DINO J. CATERINI

The Clerk called the bill (H.R. 17259) for the relief of Dino J. Caterini.

Mr. McEWEN. 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 New York?

There was no objection.

## JAN DROBOT

The Clerk called the bill (H.R. 15197) for the relief of Jan Drobot.

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

H.R. 15197

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That John Drobot lawfully admitted for permanent residence in the United States on August 9, 1962, shall be held to be included in the class of applicants for naturalization exempted from the provisions of section 313(a) of the Immigration and Nationality Act as such class is specified in section 313(c) of the said Act.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That, Jan Drobot, who was lawfully admitted to the United States for permanent residence on June 27, 1960, shall be held and considered not to be within the classes of persons whose naturalization is prohibited by the provisions of section 313 of the Immigration and Nationality Act."

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.

## JAMES W. ADAMS AND OTHERS

The Clerk called the bill (S. 231) for the relief of James W. Adams and others.

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.

## NORMAN J. PITMAN

The Clerk called the bill (S. 690) for the relief of Norman J. Pitman.

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

S. 690

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That Norman J. Pitman of Forsyth, Georgia, is hereby relieved of all liability for repayment to the United States of the sum of $427.91, representing overpayments of salary which he received as an employee of the Department of the Air Force at Warner Robins Air Force Base, Georgia, for the period from June 17, 1962, through June 30, 1963, such overpayments having been made as a result of administrative error when he was erroneously given a step increase, effective June 17, 1962. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Norman J. Pitman, the sum of any amounts received or withheld from him on account of the overpayments referred to in the first section of this Act.

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.

## PUGET SOUND PLYWOOD, INC., OF TACOMA, WASH.

The Clerk called the bill (S. 1347) for the relief of Puget Sound Plywood, Inc., of Tacoma, Wash.

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.

## MERRITT A. SEEFELDT AND AUGUST C. SEEFELDT

The Clerk called the bill (S. 1572) for the relief of Merritt A. Seefeldt and August C. Seefeldt.

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

S. 1572

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That Merritt A. Seefeldt and August C. Seefeldt of Clark, South Dakota, are hereby relieved of all liability to pay to the United States the sum of $539.73, representing the amount assessed against them for alleged quality deficiencies in wheat which was delivered by the said Merritt A. and August C. Seefeldt in settlement of the price support loan (number 47-013-173A) made to them by the Commodity Credit Corporation in carrying out the 1962 price support program for wheat.

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.

## JAMES A. TODD, JR.

The Clerk called the bill (S. 2500) for the relief of James A. Todd, Jr.

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

S. 2500

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That James A. Todd, Junior, of Byron, Georgia, is hereby relieved of all liability for repayment to the United States of the sum of $812.80, representing overpayments of salary which he received as an employee of the Department of the Air Force at Warner Robins Air Force Base, Georgia, for the period from February 9, 1958, through February 3, 1963, such overpayments having been made as a result of administrative error in determining the rate of basic compensation to which the said James A. Todd, Junior, was entitled when he was promoted from grade GS-10 to grade GS-11, effective February 9, 1958. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to the said James A. Todd, Junior, the sum of any amounts received or withheld from him on account of the overpayments referred to in the first section of this Act. 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 read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## MRS. WILLIFRED S. SHIRLEY

The Clerk called the bill (H.R. 1333) for the relief of Mrs. Willifred S. Shirley.

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.

## DR. GEORGE H. EDLER

The Clerk called the bill (H.R. 1404) for the relief of Dr. George H. Edler.

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.

## ROSE MINUTILLO

The Clerk called the bill (H.R. 1944) for the relief of Rose Minutillo.

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.

## MRS. ROSE THOMAS

The Clerk called the bill (H.R. 5349) for the relief of Mrs. Rose Thomas.

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

H.R. 5349

*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, the sum of $7,921.20 to Mrs. Rose Thomas of Los Angeles, California, in full settlement of her claims against the United States for the losses and damages suffered by her late husband, David Thomas, as the result of an inequitable court-martial on November 11, 1901, while a member of the Twenty-third Company, Coast Artillery, Santa Clara Battery, United States Army, which resulted in an unjustified dishonorable discharge which was corrected on January 29, 1954, by an honorable discharge stating that the said David Thomas was honorably discharged from the Army of the United States on December 26, 1901. 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, lines 5 and 6, strike out "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.

## JESSE W. STUTTS, JR.

The Clerk called the bill (H.R. 10090) for the relief of Jesse W. Stutts, Jr.

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

H.R. 10090

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That Jesse W. Stutts, Junior, is relieved of liability to pay to the United States the sum of $1,294.40 representing the aggregate amount of overpayment of compensation received by him during the period beginning April 8, 1963, and ending May 29, 1965, both dates inclusive, as an employee of the Department of the Army at Redstone Arsenal, Alabama, due to an administrative error which occurred without fault on his part. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for the amount for which liability is relieved by this section.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Jesse W. Stutts, Junior, the sum certified to the Secretary of the Treasury by the Secretary of the Army as the aggregate of amounts paid to the United States by Jesse W. Stutts, Junior (including amounts withheld by the United States from amounts otherwise due him), on account of the liability for which relief is granted by the first section of this Act. No part of the amount appropriated in this section 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 section 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 12, 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.

## ROBERT A. OWEN

The Clerk called the bill (H.R. 10481) for the relief of Robert A. Owen.

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

H.R. 10481

*Be is enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That Mr. Robert A. Owen of Springfield, Virginia, is relieved of liability to the United States in the amount of $4,056.06, representing the total amount of overpayments of compensation paid to him by the United States Navy as the result of an administrative error in determining the amount of service that should be credited to him for pay purposes. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

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

## CONVEY LAND TO SKYLINE CHURCHES CEMETERY

The Clerk called the bill (H.R. 10876), to authorize and direct the Administrator of the Farmers Home Administration to quitclaim certain property in Jackson County, Ala., to Skyline Churches Cemetery, a corporation.

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

H.R. 10876

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, upon the written consent of the Alabama Rural Rehabilitation Corporation, the Administrator of the Farmers Home Administration of the United States Department of Agriculture, is authorized and directed to convey by quitclaim deed to the Skyline Churches Cemetery, a nonprofit membership corporation organized and existing under and pursuant to title 10, section 150, Code of Alabama 1940, and unto its successors and assigns, all of the right, title, and interest held by the United States of America in and to the following described property:

A tract of land in section 5, township 3 south, range 5 east, Jackson County, Alabama, in Skyline Farms project of Farm Security Administration, United States Department of Agriculture, described as follows:

Beginning at the southeast corner of section 5, township 3 south, range 5 east, said corner being in the centerline of spur numbered 1 off Winchester Road; thence running south 86 degrees 20 minutes west, 20.00 feet to west right-of-way line of said road; thence with the west right-of-way of said road, north 01 degree 17 minutes east, 95.70 feet, north 02 degrees 12 minutes east, 269.70 feet; north 02 degrees 20 minutes east, 297.60 feet, north 09 degrees 26 minutes west 60.74 feet, north 00 degrees 28 minutes east, 1,640.20 feet to the southeast corner of the tract and beginning point of the survey; thence continuing with the west right-of-way of said road north 00 degrees 28 minutes east, 217.50 feet; thence leaving the road north 61 degrees 52 minutes west, 452.45 feet, north 61 degrees 49 minutes west, 941.45 feet; north 89 degrees 21 minutes 30 seconds west, 385.68 feet, south 05 degrees 08 minutes west, 260.23 feet, south 84 degrees 56 minutes east, 526.69 feet, south 62 degrees 40 minutes east, 1,250.45 feet to the point of beginning and containing 9.06 acres, more or less, and being in the south half of the northeast quarter and the northeast quarter of the southeast quarter of section 5, township 3 south, range 5 east, and being shown on a plat of said Skyline Farms in plat book A, at page 207, in the probate office for Jackson County, at Scottsboro, Alabama.

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.

The SPEAKER. That concludes the call of the bills on the Private Calendar.

## CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. McCLORY. 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. 371]

| | | |
|---|---|---|
| Abernethy | Gallagher | Olson, Minn. |
| Adair | Giaimo | Ottinger |
| Adams | Gilligan | Pirnie |
| Albert | Goodell | Pool |
| Anderson, Ill. | Grabowski | Pucinski |
| Anderson, Tenn. | Greigg | Purcell |
| | Grider | Randall |
| Andrews, Glenn | Gross | Reinecke |
| | Gurney | Resnick |
| Arends | Hagan, Ga. | Rivers, Alaska |
| Ashbrook | Hansen, Idaho | Roberts |
| Aspinall | Hansen, Iowa | Robison |
| Ayres | Harvey, Ind. | Rogers, Tex. |
| Baring | Harvey, Mich. | Roncalio |
| Belcher | Hébert | Rooney, Pa. |
| Berry | Helstoski | Roudebush |
| Betts | Hicks | Roush |
| Bolling | Howard | St Germain |
| Brock | Hungate | St. Onge |
| Broomfield | Huot | Schisler |
| Brown, Calif. | Jacobs | Schmidhauser |
| Brown, Clarence J., Jr. | Jennings | Senner |
| | Jones, N.C. | Shipley |
| Callaway | Kastenmeier | Sisk |
| Carter | King, Utah | Skubitz |
| Celler | Kornegay | Smith, N.Y. |
| Clawson, Del. | Laird | Stafford |
| Clevenger | Long, La. | Stanton |
| Colmer | Love | Steed |
| Conyers | McCarthy | Stephens |
| Cooley | McDowell | Stratton |
| Corman | McMillan | Sullivan |
| Craley | McVicker | Sweeney |
| Daddario | MacGregor | Taylor |
| Davis, Ga. | Mackay | Thomas |
| Dent | Mackie | Thompson, N.J. |
| Denton | Martin, Ala. | Thompson, Tex. |
| Derwinski | Martin, Mass. | Thomson, Wis. |
| Devine | Martin, Nebr. | Todd |
| Dickinson | Matsunaga | Toll |
| Diggs | May | Trimble |
| Dorn | Meeds | Tunney |
| Duncan, Oreg. | Michel | Udall |
| Dyal | Miller | Ullman |
| Edwards, Ala. | Mize | Vigorito |
| Evans, Colo. | Moeller | Walker, Miss. |
| Evins, Tenn. | Morrison | Watkins |
| Farnum | Moss | Weltner |
| Fino | Murray | White, Idaho |
| Fisher | Nelsen | Widnall |
| Flynt | Nix | Wolff |
| Foley | O'Konski | Young |
| Fuqua | Olsen, Mont. | |

The SPEAKER. On this rollcall, 277 Members have answered to their names, a quorum.

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

## INCREASED ATTACKS ON ISRAEL

Mr. REID of New York. 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 New York?

There was no objection.

Mr. REID of New York. Mr. Speaker, there has been a fresh incident this morning near Tel Dan at the northern tip of Galilee. This is within the territory of Israel, outside the demilitarized zone, and in an area reportedly patrolled 1 week ago. A buried mine exploded under a command car at 0850 Israeli time this morning, and one soldier was wounded.

This, Mr. Speaker, is part of a pattern of Fedayin actions carried out by the El-Assefa—El-Fatah—forces based in Syria. During the night of October 7-8 demolition charges under two apartment buildings in the Romema quarter of the city of Jerusalem exploded and four civilian occupants were injured. The next night border police in a jeep went to investigate suspicious explosions and fires in a field belonging to the farm village of Shaar ha-Golan located in the Jordan Valley south of the Sea of Galilee. En route, the jeep was blown up by a landmine—four of the police were killed and the other two wounded.

I would point out that Radio Damascus is currently broadcasting war communiques. Communique No. 53 broadcast over the official government radio at 7:30 a.m. on October 9 described four recent terrorist actions and claimed:

> A force from group 105, on October 8, crossed into 'conquered Jerusalem' and mined its target. Two of the charges exploded at 23.45 hours. Two other charges exploded at 2400 hours.

Mr. Speaker, I think it is essential that the United States make clear, as Ambassador Goldberg did yesterday in the United Nations, that we support "the independence and integrity of all states in the area, Israel, Syria, and all other Arabic countries."

More important, there is a clear obligation for the United Nations Security Council to act. The United Nations has a chance to defuse a critical situation which could escalate.

Specifically, it is my hope that the United States will contribute to the drafting and support of a substantive resolution containing an expression of disapproval—based on the facts—of these Fedayin attacks as contrary to article 3 of the Israel-Syrian armistice agreements. Further, I would urge that this resolution call on the parties to the armistice agreements to reaffirm their commitment to the agreements, and to the U.N. Charter—notably article 2, paragraphs 3 and 4.

It is my conviction that prompt Security Council action is of the essence. Hopefully, the U.S.S.R. will consider the merits of not exercising a veto, a majority of the Security Council members will support such a substantive resolution, and the sense of the Security Council action will not be lost on Damascus.

## PERSONAL ANNOUNCEMENT

Mr. EDMONDSON. Mr. Speaker, I was not present on Friday, October 14 when rollcall No. 365 and rollcall No. 366 were taken on the demonstration cities bill.

Mr. Speaker, had I been present, I would have voted "yea" on rollcall No. 365 on the motion to recommit, and I would have voted "nay" on rollcall No. 366 on final passage of the bill.

## DR. WILL P. PIRKEY TO PRESIDE AS COCHAIRMAN OF NEXT INTER-AMERICAN CONFERENCE OF THE PARTNERS OF THE ALLIANCE

Mr. ROGERS of Colorado. 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 Colorado.?

There was no objection.

Mr. ROGERS of Colorado. Mr. Speaker, the Second Inter-American Conference of the Partners of the Alliance concluded its sessions in Rio de Janeiro, Brazil, last week. On the final day, a new U.S. Cochairman was selected to preside as Cochairman of the next Inter-American Conference and to serve on the Inter-American Coordinating Committee.

I am happy to announce to the House that Dr. Will P. Pirkey, prominent otologist of Denver and Chairman of the Colorado Partners of the Alliance, was elected by the U.S. delegates as the new U.S. Cochairman. He replaces Mr. Edward Marcus, Chairman of the Texas Partners, in this key role. Dr. Pirkey will share the duties of the presiding officer at the next Conference with Dr. Walfrido Prado Guimaraes, Chairman of the Sao Paulo, Brazil, Partners Committee. Under the Partners program, Sao Paulo is the partner of Illinois while Colorado is the partner of the State of Minas Gerais, Brazil. At the Rio de Janeiro meetings just concluded, Dr. Pirkey also served as Cochairman of the Committee on Health and Preventive Medicine, one of five committees that held 4 days of work-sessions during the conference.

In the interim between conferences, Dr. Pirkey and Dr. Guimaraes will preside over the meetings of the Inter-American Coordinating Committee, whose function will be to plan the next Conference. The members of this committee include: Dr. Samuel H. Beer, of Massachusetts; Mr. Hans Gerdts, of Colombia; Dr. Julio Ibarra, of Mexico; Dr. Boyd A. Martin, of Idaho; Mr. Jayme Messeder, of Brazil; Dr. Roberto Rendon, of Guatemala; Dr. Edgar Barbosa Ribas, of Brazil; and Dr. Nelson M. Robinson, of Tennesee.

I know that Dr. Pirkey will bring credit to Colorado and the Partners of the Alliance Program in his duties as the new U.S. Cochairman.

## THE MIDDLE EAST

Mr. MULTER. 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 New York?

There was no objection.

Mr. MULTER. Mr. Speaker, I take this time to commend the gentleman from New York [Mr. REID], for calling the attention of the House to the dire situation existing in the Middle East.

It is unfortunate that at a time when President Johnson is traveling thousands of miles in order to bring to bear all of his energies and all of those of our great country in order to reestablish peace in Vietnam that troublemakers in the Middle East are resorting to nefarious tactics which may easily result in war in that area of the world.

I hope that the United Nations can be more successful in this instance than in

so many others in maintaining peace. The conflict in southeast Asia demonstrates, if nothing else, how difficult it is to bring combatants to the peace table once the fighting starts.

Unlike the situation in Vietnam, all of the countries involved in the Middle East are members of the United Nations.

An all-out effort must be made by the United Nations to bring the Arabs and the Israelis to the peace table before the fighting in earnest again breaks out.

## SENIOR CITIZENS DAY A NATIONAL HOLIDAY

Mr. PATTEN. 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 New Jersey?

There was no objection.

Mr. PATTEN. Mr. Speaker, I want to introduce a bill to make Senior Citizens Day a national holiday. It is time that we begin to show honor and respect for our older folks, and a day to make a little fuss over them would be in order.

All around me I see the older folks living alone because their families have grown up and naturally have formed their own family groups, but nevertheless the parents now often are forgotten in the busy, daily rush of modern living.

In Japan, where such a national holiday is celebrated, Peter Book, our local lawyer and navigator, observed that it provided people with the opportunity to have another look at the problems concerning the aged. I received a letter from Mr. Book from Tokyo which sparked my decision to start the ball rolling for a similar day of recognition here in the United States.

The truth is, there is a serious problem for housing among the older citizens, for financial security, to say nothing of their social contacts, and it is important, I feel, that those who have been squeezed out of the main stream of employment because of the technological advances, be recognized for their contributions—they are the backbone of our churches, the spiritual forces in the family life. We need the enthusiasm of the young but we must not cast aside or just tolerate the experience and wisdom of our older people. After all, age is money in the bank, too.

## SITUATION IN THE MIDDLE EAST

Mr. HORTON. 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 New York?

There was no objection.

Mr. HORTON. Mr. Speaker, I take this time to associate myself with the expressions made here today by the gentleman from New York [Mr. REID].

It was not too long ago, as a matter of fact, it was just last month that I visited and was present at the dedication of the Knesset in Jerusalem, Israel.

Mr. Speaker, I am very much concerned about the situation in the Middle East.

The nations of the world must unite in condemnation of the Syrian aggression. And, that body which laid the 1948 armistice line giving border integrity to the State of Israel now must use United Nations power and persuasion for its protection and preservation.

I ask my colleagues in Congress to join with me and Congressman REID in calling upon our U.S. Mission to the United Nations to take a leadership role in the Security Council in support of Israel at this critical crossroads. The next few hours may well decide the destiny of the Israel democracy for decades.

The world cannot sit idly by while the Middle East again threatens to burst into the flames of war. Yesterday, Israel's President, Levi Eshkol, attempted to end the violence of the past few weeks by offering to sign a nonaggression pact with Syria at once. Two attacks by Syria in Israel territory in the past 10 days have cost Israel lives and many injuries. The fact that the Israel Government has sought a solution to the crisis through peaceful means at a time when many Israel citizens are enraged at these unavenged guerrilla attacks speaks well for the responsibility and restraint of the democratically elected leaders of this young nation.

I was dismayed this morning to learn that Syria has rejected Israel's offer of peace. Instead, Damascus radio broadcast another threat of military action against Israel.

The differences between the two nations cannot be settled by armed might. The world cannot afford another brush-fire war which lures tension and wider hostility. Nations of the world must condemn the aggression of the Syrian attackers in perpetrating what they call a war of liberation against Israel. We have heard cries of liberation elsewhere in the world where military aggression has burst into serious armed conflict. The situation here parallels that which faced South Korea and South Vietnam in the early 1950's. Uncontrolled, this tinderbox cannot help but throw the Middle East once again into chaos.

The flames of war are being fanned with diligence by the Communist nations aiding Syria. Israel has charged that the Soviet Union is supporting hostile Syria "blindly," and declared that "to Russia, our dead are not dead and Syrian threats are not threats." This statement by former Israel Foreign Minister Golda Meir, aptly describes the Communist role in this crisis.

Just this past week I was in touch with Ambassador Goldberg and expressed to him my concern about the situation in the Middle East.

I would like to read to my colleagues the text of my October 11 telegram to Ambassador Goldberg:

Ambassador ARTHUR J. GOLDBERG,
*U.S. Representative to the United Nations, United Nations Plaza, New York, N.Y.:*

Having returned last month from the Israeli-Syrian border near Galilee. I am alarmed at guerrilla attacks of the past few days by Syria which resulted in death or injury for eleven Israeli policemen.

Action is needed now in the Security Council to spare further bloodshed. Please be assured of my support for the position of Israeli Foreign Minister Abba Eban asking a diplomatic offensive against Syria for that nation's guerrilla war on the Galilee border.

I urge you to use the position of your office both with the Security Council and the U.N. truce supervisory organization to make Syria understand that the United States stands with Israel in clear condemnation of these dangerously provocative acts. Having visited this area only last month when I was in Jerusalem for the dedication of the new Knesset building, I am aware of the tension that exists and the necessity to protect the integrity of the border.

Sincerely,

Congressman FRANK HORTON.

The following day, the Ambassador sent me a letter acknowledging my concern for the situation, and assuring me that he will do whatever he can to assure a peaceful outcome of the crisis.

Because the United Nations has a record of some success in cooling crises in this part of the world, it must again take the lead in heading off a major confrontation between Israel and Syria. As Members of the U.S. Congress, we must make clear our support for Israel's efforts to reach a peaceful settlement of this dispute, and our disdain for violent attacks on the territory of any peaceful nation.

I feel that it is important for this House to be familiar with the situation that is occurring in the Middle East and to reaffirm our support for that independent nation—an 18-year-old nation—the bastion of freedom in the Middle East.

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

Mr. HORTON. I yield to the gentleman.

Mr. REID of New York. Mr. Speaker, I would just add one specific recommendation. I think it is essential for the United Nations Security Council to act and to work out a substantive resolution which would make clear the Council's disapproval—based on the facts—of Fedayin attacks and call on the parties to uphold the provisions of the Israel-Syrian armistice agreements and the U.N. Charter.

Mr. HORTON. I thank the gentleman.

## ANTIRIOT BILL

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, I think the Members of the House would be interested in knowing that the Judiciary Committee met this morning—the subcommittee—and I moved to vote out the antiriot bill which I sponsored and which had been introduced by over 90 Members of this House and which passed by 359 to 25 as an amendment to the civil rights bill. That motion did not succeed. So, for all practical purposes, the bill is dead for this session. However, the chairman of the committee, our distinguished colleague from New York [Mr. CELLER], has announced that the first order of busi-

ness next year will be the antiriot legislation and the question of title V legislation.

I also appealed to the Rules Committee to vote out my rule to discharge the Judiciary Committee when it was obvious that committee would not act. This did not succeed.

I was hoping that this nationwide deterrent would be enacted as a deterrent immediately. The people of this Nation, in my opinion, are and have been demanding action by this Congress to help put an end to the rabble rousing and the travel from State to State by professional agitators fomenting riots in this Nation. I am sorry to see this session of Congress adjourn without taking action in this field.

If additional riots, looting, maiming, bombings and violent disturbances continue during the adjournment period, incited by the Carmichaels, the Kisseales and the Rockwells, then the leadership of this House must bear some of the responsibility for not providing this deterrent now. It is a travesty that this bill has been killed for this session.

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## SUPPLEMENTAL APPROPRIATION BILL, 1967

Mr. SMITH of Virginia. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1058 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1058

*Resolved*, That during the consideration of the bill (H.R. 18381) making supplemental appropriations for the fiscal year ending June 30, 1967, and for other purposes, all points of order against said bill are hereby waived.

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

Mr. SMITH of Virginia. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], and I yield myself such time as I may consume.

Mr. Speaker, I shall be very brief in my explanation of the resolution. The resolution waives points of order on the supplemental appropriation bill, which involves many large programs that must necessarily be passed before this Congress can adjourn. Some of us may not like some of the items that are in the bill. Nevertheless, it is one of those necessary and customary things that happen in the last few days of every session of the Congress.

The problem is that numerous authorization bills have passed both Houses. Some have passed the conference stage but have not been finally disposed of by the signature of the President. In those situations we do not have authorization for the appropriation bill, although Congress has expressed its views in recorded votes. There is very little doubt about those bills eventually being signed. Under those circumstances it is necessary to have a rule waiving points of order so that the House can proceed with it. That is the reason for waiving the points of order, and there is no other reason.

Among those bills, for example, is the education authorization bill, the bill for the carrying on of the war on poverty, so to speak.

While some of us do not agree with some of the appropriations, nevertheless, this is one of those things which, in the orderly process of the conduct of legislation, must be done. I trust that there will be no opposition to the rule.

Mr. HALL. Mr. Speaker, will the distinguished gentleman from Virginia yield?

Mr. SMITH of Virginia. I am glad to yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman from Virginia, the distinguished chairman of the Committee on Rules yielding.

As the gentleman well knows, this waiver of points of order has become a penchant of mine because I am thoroughly convinced it precludes the intervening of a point of order which is a right of any individually elected Representative in the House, of the Congress.

I understand the need herefor. I did not know, as the gentleman has so clearly explained, that perhaps affixing the Presidential signature was all that was required in certain instances. But we all know the President is en route to southeast Asia, to visit many countries there, and wish him Godspeed and success in his basic mission, if not in a pan-Pacific political junket at taxpayers' expense.

Nevertheless, it comes at a bad time, when we have to preclude the rights of intervention of a point of order by individuals against programs—good, bad, or indifferent— because it obfuscates the rights of elected Representatives.

I understand, in addition to the chapter represented in the supplemental appropriation bill by the gentleman, on the Economic Opportunity Act or antipoverty bill, whichever one prefers to call it, that also the same pertains to the bill on elementary and secondary education as not having cleared both Houses or had the Presidential signature affixed, enacting it into law.

Would the gentleman advise me, if such points of order were not waived and then subsequently points of order intervened and were sustained, what might be the fate of this supplemental bill or the individual chapters therein?

Mr. SMITH of Virginia. Well, it just would not get through the Congress.

Mr. HALL. Mr. Speaker, does not the distinguished gentleman feel that there would be immediate action in the other body or on the part of the executive branch to make the authorizations into law, even if it necessitated a fast "carrier pigeon" or a jet fired machine back and forth to the Philippines or wherever the President might be located?

Mr. SMITH of Virginia. The gentleman and I both have been here long enough to know that no prediction as to what either body of Congress would do is safe.

Mr. HALL. I certainly would not ask the distinguished gentleman from the Commonwealth of Virginia to predict what either body would do or to predict what the executive branch would do, in view of the action over the past few years, but is it not within the realm of possibility that individual bills could be taken up, the authorizations gained, and the necessary action taken before the end of the week?

Mr. SMITH of Virginia. I would not say that. The President is out of the country, as the gentleman well knows.

Mr. HALL. And this does not come within the prerogatives of the acting President within the continental confines of the United States, in his absence, according to the Constitution; is that correct?

Mr. SMITH of Virginia. No, it does not.

Mr. HALL. I certainly agree with the gentleman, basically.

Could we not continue these programs, however, by a continuing resolution, if worst came to worst? I am not indicating it might happen.

Mr. SMITH of Virginia. We would have to have a rule for that. We have done that already three times this year. Members want to wind this Congress up. It ought to be wound up. It should have been wound up some time ago.

That is neither here nor there.

Mr. HALL. No; we are discussing a principle. I agree with the gentleman that we want to wind it up quickly. I am not a Christmas tree hanger myself.

Mr. Speaker, if the gentleman will yield further, does it surprise the distinguished gentleman, the chairman of the Committee on Rules, that there is little or nothing in here for the Department of Defense insofar as a deficiency bill or supplemental bill is concerned? This is another matter that has concerned me, as I did my homework.

Mr. SMITH of Virginia. I believe that is a very good sign that we are taking care of our present armed conflict in good shape.

Mr. HALL. Mr. Speaker, I make my usual reservation and retain all of the rights of an individual Member against the waiver of points of order in the consideration of these bills.

I thank the gentleman from Virginia for yielding.

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

Mr. Speaker, the gentleman from Virginia [Mr. SMITH], the distinguished chairman of the House Committee on Rules, has amply described House Resolution 1058 making in order the consideration of H.R. 18381, waiving all points of order on the bill. While we might not agree with some of the individual programs, this resolution is necessary.

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

Mr. QUILLEN. I will be happy to yield to the gentleman from Ohio.

Mr. BOW. I appreciate the gentleman yielding, and I should like to say, Mr Speaker, that I opposed this rule before the Rules Committee and I oppose it now. I thought we should not have a rule on this appropriation bill. I think it establishes a bad precedent. I think we could wait until we had the authorization, at least. The major items in this bill are not even through conference. Some of them that are through conference have not been to the White House. As to the President signing the bill and being out of the country, I do not know whether it is correct or not, but I have read in the press today that he is going to sign some

bill in some foreign country today with some ceremony. While he is doing that he could have signed these authorizations when we got them through here. Of course, Mr. Speaker, this comes about because the legislative committees' authorizations have not been reported, so that the Committee on Appropriations could work its will on some of these items.

I might say that the distinguished chairman of the Committee on Appropriations, the gentleman from Texas, very early in this session of Congress worked out a schedule for appropriation bills. If we had had the authorizations from the legislative committees and if they had sent their bills to us in time, we could have completed all the appropriation bills this year except for the supplemental by the 16th of June. I sincerely hope in future sessions of the Congress that the first item of business will be working on the authorization bills so that they can come to the Committee on Appropriations and we can finish our work and not be held up in this way. I think this is what we are up against today. It is just because other legislation came first and the authorization bills came late in the session. Here we are now coming up to our deadline with everybody wanting to get back to their districts. We are now in a position, as a result, where we will have to take these bills as they come along.

Mr. Speaker, I just want to call this fact to the attention of the House and mention that it is my firm wish and hope in the future that we will have the authorization bills in at a much earlier date so that we can finish our work on the appropriations.

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

Mr. QUILLEN. I will be happy to yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I just want to rise once more very briefly to associate myself with the remarks of the ranking minority member of the Committee on Appropriations [Mr. Bow]. I think the danger of a precedent in waiving points of order pertaining to these bills is just as bad as stripping the individual of his right of intervening with a point of order. Finally, for the RECORD, I would like to get once more the question of wherein did this request for waiver of a point of order arise? Was it in the Committee on Rules or was it on the request of the chairman of the Committee on Appropriations?

Mr. BOW. If the gentleman will yield, I will be delighted to answer that question.

Mr. QUILLEN. I will be happy to yield to the gentleman.

Mr. BOW. Actually, it was the action of the full Committee on Appropriations directing the chairman of the Committee on Appropriations to seek this rule. So it was not the chairman's own action, but it was the action of the full Committee on Appropriations.

Mr. HALL. In other words, it was the action of a majority of the members of the Committee on Appropriations?

Mr. BOW. A majority of the members of the Appropriations Committee. I objected to it there. It was not unanimous. However, it was a direction to the chairman to seek a rule.

Mr. HALL. If the gentleman will yield further, we have concluded, in discussing this principle and device over the past two sessions of this Congress, that there were incidents in which the Committee on Rules themselves originated the waiver of points of order either on the suggestion of the Parliamentarian, the leadership, or someone other than the committee asking for a resolution making the bill in order. And, as I understand it, this bill, then, originated in the Committee on Appropriations and not in the Committee on Rules?

Mr. BOW. The gentleman is correct.

Mr. HALL. I thank the distinguished gentleman from Ohio.

Mr. QUILLEN. Mr. Speaker, the distinguished gentleman from Ohio [Mr. Bow] and the distinguished gentleman from Missouri [Mr. HALL] have made fine contributions to this discussion.

Mr. Speaker, I have no further requests for time.

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

Mr. SMITH of Virginia. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

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## SUPPLEMENTAL APPROPRIATION BILL, 1967

Mr. MAHON. 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. 18381) making supplemental appropriations for the fiscal year ending June 30, 1967, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 2 hours, one-half of the time to be controlled by the gentleman from Ohio [Mr. Bow] and the other half to be controlled by myself.

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

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

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. 18381, with Mr. O'HARA of Michigan 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 unanimous-consent agreement, the gentleman from Texas [Mr. MAHON] will be recognized for 1 hour, and the gentleman from Ohio [Mr. Bow] will be recognized for 1 hour.

The Chair recognizes the gentleman from Texas [Mr. MAHON].

Mr. MAHON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is the final appropriation bill of this congressional session.

Mr. Chairman, when we go back into the House, I shall ask unanimous consent to place in the RECORD certain tables and information otherwise with respect to the main features of the pending bill. Also, I shall ask unanimous consent that all Members be permitted to place in the RECORD in connection with the general debate or amendments which may be discussed, extensions of remarks and to include extraneous material relating to the bill.

Now, Mr. Chairman, this bill recommends appropriations of a little under $5 billion. On page 2 of the committee report, it will be noted that the actual sum is $4,919,076,929.

The report also discloses that the bill, as reported and now pending, is $203,683,700 below the budget requests of the President considered in the bill.

One of the major areas involved deals with funds under the Independent Offices chapter, including funding of the GI bill passed earlier in the session; that is some $327 million. That chapter also includes advance fiscal 1968 funding for urban renewal and mass transportation grants.

The largest chapter, moneywise, and the part of the bill that required the rule adopted earlier today, has to do with the Department of Health, Education, and Welfare, and the Office of Economic Opportunity. The sums included in the bill for these items total $3,733,654,000, a reduction below the budget of $169 million.

Mr. Chairman, under leave to extend, I am including the summary table and explanation of the pending bill from pages 2 and 3 of the committee report:

*Summary analysis of the pending bill*

| Chapter | Department or activity | Budget estimates | Recommended in bill | Bill compared with estimates |
|---|---|---|---|---|
| I | Agriculture | $1,650,000 | | −$1,650,000 |
| II | Foreign operations | (600,128,000) | ($600,128,000) | |
| III | Independent offices | [1] 1,192,330,000 | 1,162,195,000 | −30,135,000 |
| IV | Interior | 10,967,000 | 9,092,000 | −1,875,000 |
| V | Labor and HEW | 3,902,654,000 | 3,733,654,000 | −169,000,000 |
| VI | Legislative | [2] 2,961,700 | 1,938,000 | −1,023,700 |
| VII | Claims and judgments | 12,197,929 | 12,197,929 | |
| | Total | 5,122,760,629 | 4,919,076,929 | −203,683,700 |

[1] Includes $750,000,000 for grants for urban renewal, fiscal year 1968, and $95,000,000 for urban mass transportation grants, fiscal year 1968.

[2] Excludes $18,000 in H. Doc. 505 for "Capitol buildings," not considered.

Of the budget estimates of appropriations of $5,122,760,629 reflected in the table, only a handful of items amounting to a relatively small sum are of the sort generally characterized or thought of as supplementals. Thus measured, it is one of the smallest propositions of supplementals in many years. About 75% of the total of $4,919,076,929 in the bill—$3,733,654,000 represents not supplementals, but the regular annual budgets for anti-poverty, education, and library purposes laid aside from the regular bill last spring for want of the necessary authorization legislation. Time has run out, but most of it is still not finally enacted.

Another 17% of the total—$815,000,000—relates not to fiscal 1967, but rather to fiscal 1968. The full advance allotment for 1968 for urban renewal grants is $750,000,000: $65,000,000 is additional advance funding for 1968 urban mass transit grants that had to be delayed from the regular bill earlier because authorization legislation was not available to support it.

Another $327,000,000—7% of the total—is in a sense a supplement, but it arises solely from enactment earlier this session of the so-called GI Cold War Bill of Rights.

The remainder—found in a number of places—total $43,422,929, or less than 1% of the total. They are identified and explained in this report.

The following summarizes the situation:

*Classification of amounts in this bill*

[Dollar amounts in millions]

| | Budget request | | Bill | |
|---|---|---|---|---|
| | Amount | Percent | Amount | Percent |
| Fiscal 1967 items: | | | | |
| 1. Regular annual budgets delayed because of lack of authorization legislation (ch. V) | $3,903 | 77 | $3,734 | 75 |
| 2. GI Cold War Bill of Rights (benefit payments pursuant to new legislation earlier this session) | 327 | 6 | 327 | 7 |
| 3. Various other items | 48 | 1 | 43 | 1 |
| Total, 1967 items | 4,278 | 84 | 4,104 | 83 |
| Fiscal 1968 items: (Urban renewal and urban mass transit) | 845 | 16 | 815 | 17 |
| Total | 5,123 | 100 | 4,919 | 100 |

APPROPRIATION TOTALS OF THE SESSION

Since this is the last scheduled appropriation bill of the session I think it would be well to call your attention to page 4 of the committee report.

Including the pending bill as reported, the House, in this session, will have approved appropriations of $130.5 billion. This is a net reduction below the budget requests for appropriations of $260 million.

I am speaking only of House action.

I am speaking of the whole session, not just the fiscal year.

I am speaking of the 15 appropriation bills of the session.

And I am also using figures resting on the traditional and generally well-understood method of counting.

For the Congress itself, as of this date, on bills that have been approved by the Congress and sent to the President, the Congress, in the aggregate, is about $810 million below the President's budget requests for appropriations for the session.

One of the bills not yet sent to him will probably be above the President's budget in the sum of about $380 million, but two others will very likely be substantially below. The best guess that we are able to make at the moment, assuming the committee position on the pending bill is sustained, is that Congress will close out the year, appropriationwise, when all the bills are cleared to the President, at about $880 million below the President's budget requests for appropriations considered in the 15 bills. That is very rough but probably not too wide of the mark.

Now, there may be some who will believe that this is not a good record. It could have been a better record, no doubt, from the viewpoint of some. Many would have preferred larger appropriations for certain items. Others would have preferred less. It does seem to me that the Congress in this session, if we can hold the line in the pending bill, has done a reasonably good job in the appropriation bills in meeting the requirements imposed upon this Nation by the times.

Mr. Chairman, under leave granted, I include a résumé from page 4 of the committee report, to which I have appended two summaries of the appropriation totals:

For the session, and including this bill, the House has considered budget estimates of appropriations of $130,791,440,166. Against that aggregate, the Committee recommended $130,600,704,565, a net reduction of $190,735,601 in the appropriation requests. This refers only to committee actions; further changes were made on the House floor.

One bill was reported at the budget amount.

Twelve bills were reported with net reductions from the budget requests for appropriations.

Two bills were reported with net increases above the budget requests for appropriations. The Defense bill was reported $946,692,000, net, above the budget, the principal item being $569,000,000 for pay of some 108,000 military personnel on duty at July 1, 1966 beyond the number originally budgeted. The Labor-HEW bill was reported $490,088,000, net, above the budget requests for appropriations.

House floor changes were made in 5 of the 14 bills already voted on—3 were increased, 2 were reduced. There was a net floor reduction of $69,776,200.

Counting the present bill, then, the House—if it adopts this bill as reported—will have approved appropriations this session of $130,530,928,365, a net reduction from the budget requests for appropriations of $260,511,801.

Three of the 15 bills of the session were for defense, 12 related to nondefense activities. In the 3 defense bills (the defense supplemental last spring, the regular defense bill, and the military construction bill), the House made net additions of $856,485,000 to the budget requests for appropriations. Thus, excluding these, the House reductions, overall, from the budget requests for appropriations in the 12 non-defense bills of the session aggregate $1,117,000,000—again, counting the pending supplemental on the basis reported to the House today.

In addition, there are the permanent appropriations that recur under standing law and thus do not require annual action; they are not precisely determinable until the fiscal year is over, but the tentative budget estimate last January was, roundly, some $13,800,000,000. Interest on the public debt accounts for most of that.

The final congressional totals cannot, of course, be assembled, summarized, and precisely reported until all bills have cleared both Houses and also conference. But it now appears entirely possible that, in total, the amounts for appropriations in the bills may be within the total budget requests for appropriations considered. And in very rough terms, including the permanent items, the outlook on that basis is that appropriations this session will probably approximate $144–$145 billion. That would be some $25 billion or so above last session—mostly, though not entirely, attributable to defense spending.

All figures are on the traditional and generally well-understood "appropriation" basis, and thus are, at times, at some variance with the "new obligational authority" basis used in the President's budget, though in the great majority of individual instances the two are synonymous.

*Summary of totals of appropriation amounts in the appropriation bills, 89th Cong., 2d sess., to Oct. 18, 1966*

[Does not include any back-door appropriations, or permanent appropriations [1] under previous legislation. Does include indefinite appropriations carried in annual appropriation bills]

| | Bills for fiscal 1966 | Bills for fiscal 1967 | Bills for the session |
|---|---|---|---|
| A. House actions: | | | |
| 1. Budget requests | $15,949,000,000 | $114,842,000,000 | $130,791,000,000 |
| 2. Amounts in 15 bills passed by House | 15,701,000,000 | 114,830,000,000 | 130,531,000,000 |
| 3. Change from corresponding budget requests | −248,000,000 | −12,000,000 | −260,000,000 |
| B. Senate actions: | | | |
| 1. Budget requests | 16,156,000,000 | 109,817,000,000 | 125,973,000,000 |
| 2. Amounts in 14 bills passed by Senate | 15,937,000,000 | 109,624,000,000 | 125,561,000,000 |
| 3. Change from corresponding budget requests | −219,000,000 | −193,000,000 | −412,000,000 |
| 4. Compared with House amounts in these 14 bills | +236,000,000 | −287,000,000 | −51,000,000 |

See footnotes at end of table.

*Summary of totals of appropriation amounts in the appropriation bills, 89th Cong., 2d sess., to Oct. 18, 1966*—Continued

[Does not include any back-door appropriations, or permanent appropriations [1] under previous legislation. Does include indefinite appropriations carried in annual appropriation bills]

| | Bills for fiscal 1966 | Bills for fiscal 1967 | Bills for the session |
|---|---|---|---|
| C. Final actions: | | | |
| 1. Budget requests | $16,156,000,000 | $97,099,000,000 | $113,255,000,000 |
| 2. Amounts approved in [2] 12 bills | 15,924,000,000 | [3] 96,521,000,000 | [3] 112,445,000,000 |
| 3. Comparisons— | | | |
| a. With corresponding budget requests | −232,000,000 | −578,000,000 | −810,000,000 |

[1] Permanent appropriations were tentatively estimated in January budget at about $13,800,000,000 for fiscal year 1967.

[2] Consists of 2 supplementals for 1966 and these 1967 bills: Interior; Treasury-Post Office; Agriculture; Independent Offices; Legislative; Foreign Assistance; Defense; Public Works; Military Construction; and District of Columbia.

[3] Includes $55,000,000 for fiscal 1968 (grant for mass transportation).

NOTE.—All figures are rounded amounts.

Source: Committee on Appropriations, House of Representatives.

*Summary of action on budget estimates in appropriation bills, 89th Cong., 2d sess., as of Oct. 18, 1966*

[Does not include any back-door appropriations or permanent appropriations [1] under previous legislation. Does include indefinite appropriations carried in annual appropriation bill]

| | Budget estimates to House | Passed House | Budget estimates to Senate | Passed Senate | Enacted | Increase (+) or decrease (−), latest stage of action compared to budget |
|---|---|---|---|---|---|---|
| BILLS FOR FISCAL 1967 | | | | | | |
| Interior | $1,329,960,500 | $1,295,169,500 | $1,340,260,500 | $1,329,755,000 | $1,321,615,800 | −$18,644,700 |
| Loan authorization | (26,000,000) | (26,000,000) | (26,000,000) | (26,000,000) | (26,000,000) | |
| Treasury-Post Office | 7,246,720,000 | 7,210,177,135 | 7,246,720,000 | 7,210,049,135 | 7,196,429,135 | −50,290,865 |
| Agriculture | 7,022,638,000 | 6,876,027,000 | 7,022,938,000 | 7,064,343,300 | 6,994,590,150 | −28,347,850 |
| Loan authorization | (702,100,000) | (852,000,000) | (702,100,000) | (932,000,000) | (932,000,000) | (+229,900,000) |
| Labor-HEW | 10,083,184,500 | 10,573,272,500 | 10,083,184,500 | 10,473,309,500 | | +390,125,000 |
| Independent offices | 14,319,611,291 | 14,017,299,000 | 14,329,863,291 | 14,118,607,000 | 14,065,851,000 | −264,012,291 |
| Legislative | 173,793,578 | 172,146,333 | 214,749,763 | 214,418,213 | 214,463,913 | −285,850 |
| Defense | 57,664,353,000 | 58,616,445,000 | 57,664,353,000 | 58,189,872,000 | 58,067,472,000 | +403,119,000 |
| District of Columbia: | | | | | | |
| Federal funds | $53,394,000 | $52,394,000 | $53,394,000 | $53,394,000 | $53,394,000 | |
| Loan authorization | (26,225,000) | (23,000,000) | (38,225,000) | (37,527,500) | (37,527,500) | (−$697,500) |
| Military construction | 1,114,947,000 | 1,019,340,000 | 1,114,947,000 | 986,518,000 | 979,570,000 | −135,377,000 |
| Foreign assistance | 3,945,095,000 | 3,604,048,800 | 3,945,095,000 | 3,493,473,500 | 3,493,473,500 | −451,621,500 |
| Public works | 4,167,073,000 | 4,110,932,000 | 4,167,073,000 | 4,139,244,000 | 4,134,511,000 | −32,562,000 |
| State, Justice, Commerce, and the judiciary | 2,598,638,500 | 2,364,008,600 | 2,634,405,000 | 2,350,941,600 | | −283,463,400 |
| Supplemental | 5,122,760,629 | 4,919,076,929 | | | | −203,683,700 |
| Subtotal, 1967 bills | 114,842,168,998 | 114,830,336,797 | 109,816,983,054 | 109,623,925,248 | 96,521,370,498 | −675,045,156 |
| SUPPLEMENTALS FOR FISCAL 1966 | | | | | | |
| Defense supplemental (Vietnam) | 13,135,719,000 | 13,135,719,000 | 13,135,719,000 | 13,135,719,000 | 13,135,719,000 | |
| 2d supplemental | 2,813,552,168 | 2,564,872,568 | 3,020,810,903 | 2,801,226,003 | 2,788,143,303 | [2] −232,667,600 |
| Subtotal, 1966 bills | 15,949,271,168 | 15,700,591,568 | 16,156,529,903 | 15,936,945,003 | 15,923,862,303 | −232,667,600 |
| CUMULATIVE TOTAL FOR THE SESSION | | | | | | |
| Running cumulative comparison of all bills (at their latest stage of action) | | | | | | −907,712,756 |
| House | 130,791,440,166 | 130,530,928,365 | | | | −260,511,801 |
| Senate | | | 125,973,512,957 | 125,560,870,251 | | −412,642,706 |
| Enacted | | | 113,255,923,457 | | 112,445,232,801 | −810,690,656 |

[1] Permanent appropriations were tentatively estimated in January budget at about $13,800,000,000 for fiscal year 1967.

[2] Includes $242,000,000 cut from a repayable advance (from the general fund) to the social security medicare trust fund.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. BOW. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, may I say that I appreciate the remarks made by our distinguished chairman. It has been a great pleasure to serve with him this year. The cooperation that I have received from the distinguished gentleman who is chairman, with the great responsibilities he has, has been excellent. And I wish him well after the adjournment and hope that he may receive some rest from the arduous duties that he has had.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. BOW. I will be happy to yield to the distinguished chairman.

Mr. MAHON. Mr. Chairman, in view of the remarks of the gentleman, I must say that the gentleman from Ohio, in my opinion, has performed a distinguished service to the Congress and to the Nation in his capacity as the ranking minority member of the Committee on Appropriations.

While the gentleman has cooperated, the gentleman has not always agreed, but the gentleman has made it possible for our democratic process to work.

I think all the Members would want me to say that the gentleman has certainly made it possible for us to confront the Congress with the problems that have been before the Committee on Appropriations. While the gentleman has taken his position, and has opposed many of the actions taken, he has done it according to the rules of the game, and has thus performed a real service to the Nation.

Mr. BOW. I thank the gentleman.

I might say, in passing, to the gentleman and to my colleagues here, that as we all are engaged in political campaigns right now, we are all amazed sometimes at the issues that are raised. It seems to me the most important issue that my opposition is raising with me right now is that he is charging me with being a rubber stamp for L.B.J. I am sure that my colleagues here on the floor are familiar with the fact that I have not been a rubber stamp. Most interesting of all the charges that he is making against me is that I am responsible for the high spending of this Congress and that I should have cut down the spending and then we would not have had any inflation and prices would not have gone up in the marketplaces. So, I am warning you all that almost anything can happen in a political campaign.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. BOW. I am delighted to yield to my friend.

Mr. JONAS. I think that the distinguished gentleman from Ohio has a ready answer available to him.

It was the gentleman from Ohio who originated the now famous Bow amendment by which the gentleman undertook to cut substantial sums from most of

the bills considered this year. If his amendments had been supported by a majority in the House we would be able to claim a much better record at the end of this session as far as cutting the budget is concerned.

Of course, the gentleman from Ohio has been in the forefront of the fight for economy, and ever since I have served on the committee with him, I have been very pleased to follow his leadership and to have been on his side in that fight also.

Mr. BOW. I thank the gentleman.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman.

Mr. ICHORD. I was very much surprised I will say to the gentleman from Ohio, to hear the distinguished gentleman from Texas state that appropriations by the House will be $260,511,801 under the amounts requested by the Executive. That is in the committee report.

I have been reading in the papers story after story, and article after article, and editorial comment after editorial comment, that this Congress is being irresponsible by going above the Executive requests.

I hope the gentleman from Ohio will elaborate on this, and I would say to the gentleman from Ohio I doubt if this report will even hit the newspapers in the United States. Would the gentleman from Ohio elaborate upon that statement of the gentleman from Texas?

Mr. BOW. Yes, I would say this to the gentleman, we are below the Presidential budget, and the statement of the gentleman from Texas is absolutely correct. What they have done in certain areas is to pick out those places where we have gone above the budget—and we have in some areas. Some of the authorizations, of course, have been considerably above the budget and some individual items in the appropriation bills have been also. Taking only the budget picture into consideration we are below the President's appropriation requests.

May I say I think it is rather interesting, since I have been a member of the Committee on Appropriations and I see Members on the floor who have been on the Committee on Appropriations a longer time than I have, that during my service on the Committee on Appropriations, that committee has cut from the Presidential budgets the amount of $53 billion.

If it had not been for the Committee on Appropriations and the diligent work of that committee in the reduction of the Presidential budgets, your national debt today would be much higher than it is.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman.

Mr. MAHON. I would like to share with the House itself whatever credit accrues from the reduction of some $53 billion.

Of course, as the gentleman from Ohio well knows, the Committee on Appropriations itself is helpless except as Members of the Congress vote their will and support such reductions. So this is an achievement of the Members of the House of Representatives through the years, and the individual Members have constructed that record.

With respect to the question of the gentleman from Missouri, and the headlines indicating that Congress has gone somewhat above the President's budget in different areas, I believe that, with a couple of exceptions, the references have been not to the appropriation bills, generally speaking, but to various authorization bills which have been passed. As I have shown on several occasions by insertions in the RECORD and will do again today, we are above the budget in the Labor-HEW and the Defense appropriation bills.

But in the aggregate, in all 15 appropriation bills, we are, prospectively, going to be below the requests for appropriations by several hundreds of millions of dollars.

I am not one to be critical of authorizations above the budget. But the higher authorizations—those above Presidential recommendations—unless they mandate expenditures over which there is no subsequent discretion, do not deprive the Congress from going below the related budget requests.

As one example, in the bill before us today, the authorization bill in the other body for elementary education was some $800 million above the figure we are providing in the pending appropriation, or recommending in this body. The House authorization is some $300 million above. But I see nothing inconsistent about the appropriation being lower. The Congress is always at liberty to work out its will in providing the actual funds, and it not infrequently fails to appropriate the full authorization. There is never enough money to fund all authorizations.

It is not the objective of the Appropriations Committee—nor is it so considered, in my opinion, by the membership—to be just a rubberstamp for the funding of all authorizations. If we funded all authorizations, we would have to appropriate before the adjournment of this Congress many, many billions of dollars above what we will appropriate.

Mr. BOW. I thank the gentleman. Mr. Chairman, insofar as we know now this supplemental will be the last appropriation bill to come before the House in the 89th Congress.

At the appropriate times today I propose to offer amendments which will reduce nonessential domestic spending and which will strengthen the President's efforts to curtail the fiscal excesses that this Congress has approved.

Repeatedly, throughout this session, my efforts have been directed toward ways and means of keeping nonessential spending at a noninflationary and prudent level. Of course, the modest success of my efforts in this regard has been rewarding. But, it has not been sufficient to stave off the grave inflationary situation which now exists in the economy. And, it has not been of such magnitude as to avoid the tax increases, with which corporate incomes are now being saddled through suspension of the 7-percent investment tax credit and the accelerated depreciation provisions.

I do express the hope, however, that when we are finished with this bill today we will have made a real start toward reducing nonessential spending and helping to avoid a general tax increase, which is sure to come unless we apply the brakes now.

With regularity this year, the President has pointed to the fiscal excesses being approved by Congress. On more than one occasion he has called upon the Congress to cease and desist. But, up to this time his pleas and admonitions have gone unheeded by the majority party here in Congress.

With his pleas for economy falling on deaf ears on the other side of the aisle and with inflationary pressures growing daily, in an already over-heated economy, the President took unilateral action on September 8 to plan the withholding of some $3 billion of spending in fiscal 1967 as one means of assuring continuing health and strength of the economy.

At that time, he said, "I am going to cut all Federal expenditures to the fullest extent consistent with the well-being of our people." He also said that he had "already directed that lower priority Federal programs be reduced by $1.5 billion in 1967" and just as soon as Congress completed its actions on the remaining appropriation bills, he hoped and expected to find at least an additional $1.5 billion which could be impounded.

On September 22 the President held a news conference, following a meeting with his Cabinet. He had with him at the news conference Budget Bureau Director Schultze who reviewed the strong determination of the administration to control expenditures.

At that time Director Schultze said that if you added up legislation which had been enacted and was pending, Congress had added on to the President's January budget request some $6 billion in appropriations and $3.3 billion in expenditures.

Of course, we all know that Mr. Schultze combined authorizations and actual appropriations in arriving at the $6 billion of additional appropriations but if all of the excess authorizations are funded by Congress the terms will become synonymous. Moreover, they represent a staggering increase in a budget that was already bloated when it was submitted last January.

Now, no one can deny that the President and his Budget Bureau are faced with a monumental task in postponing, delaying and stretching out beyond fiscal 1967 the $3 billion which they feel should not be spent this year.

I, for one, feel that they need help in accomplishing this most worthwhile and essential goal. And, I hope the majority of the House will agree with me that the President needs their help.

With the greatest of sincerity I say to you that as long as funds are available for expenditure, the bureaucrats downtown will barrage the President and the

Budget Bureau with demands that their programs be exempt from the President's economy efforts. So, I think we should reduce appropriations as our contribution to the President's resolve to do all that he can to avoid further inflation and keep the economy healthy.

Keeping in mind that the President has already found $1.5 billion which can be impounded and saved in 1967, I shall offer an amendment which would cut appropriations in this bill by an equal amount and which would permit the President to fund necessary activities in this bill from the already provided funds which he expects to impound.

Further, I shall offer an amendment to reduce Federal employment by 10,000 full-time permanent positions and thereby assure further savings of $70 million.

On September 20 at the direction of the President, Budget Director Schultze issued a memorandum to all of the departments and agencies with respect to employment ceilings. His memorandum indicated the President had directed, except for the Departments of Defense and Post Office and the Selective Service System, that employment in full-time permanent positions for the remainder of fiscal 1967 was to be held at or below the level prevailing as of July 31, 1966. He also directed that temporary, part-time, or intermittent positions be held at or below the level prevailing as of June 30, 1966.

At the President's news conference on September 22 with respect to Federal employees, Director Schultze said this personnel freeze would reduce Federal employment by between 20,000 and 30,000 positions. He estimated that at an average cost of $7,000 per employee, the freeze would save between $150 and $200 million when compared with the personnel ceilings for next June 30 as were established in the budget of last January.

The cutback to the July 31 level for the affected agencies is to be accomplished by not filling vacancies. Thus, Federal employees in affected agencies do not need to fear the loss of their jobs because the normal attrition of resignations, retirements, and death are expected to provide the desired reduction.

I have in my hand a table which compares full-time permanent employment as of July 31—the freeze date—with the administration's budget ceilings for June 30, 1967. When we are back in the House, I shall ask unanimous consent to have the table inserted in the RECORD at the end of my remarks. Now, the table reflects that as of last July 31 there were a number of agencies, exclusive of the Departments of Defense, Post Office, and the Selective Service System, having 4,141 more employees than were budgeted for them as of next June 30. The table also reflects that as of last July 31, a number of agencies, exclusive of the Departments of Defense, Post Office, and the Selective Service System, had 19,496 full-time permanent positions that were unfilled. If we are to cut those agencies which on July 31 exceeded their budget ceiling for next June 30 and are to freeze the unfilled positions as of July 31, then there are 23,637 full-time permanent positions which should be eliminated.

Further, keeping in mind that Budget Bureau Director Schultze said the administration would eliminate through attrition between 20,000 and 30,000 positions, which would save between $150 million and $200 million in fiscal 1967, my amendment to eliminate 10,000 full-time permanent positions will strengthen the President's resolve to cut since the bureaucrats cannot demand additional employees if vacant positions are not available. This amendment will give the President statutory assistance but, at the same time, will allow him flexibility in determining where the position cuts shall be made.

In support of my contention that the bureaucrats pay little attention to the wishes of the President, let me cite a situation which points up my argument that he does, in fact, need help from Congress in his efforts to control Federal spending.

Back on May 20 the President sent a memorandum to all departments and agencies asking them to defer filling vacant positions and to report to the Budget Director by June 3 of the actions they were taking to carry out the President's suggestion. Of course, I do not know what responses the departments and agencies sent to the Budget Director but, exclusive of the Defense and Post Office Departments and the Selective Service System, Civil Service Commission records indicate the following employment situation with respect to full-time permanent employees:

On May 31, there were 778,109 persons in full-time permanent positions.

As of June 30, they had been increased by 8,534 to 786,643.

During July, they were increased again by 4,812 to 791,455.

Further, as of August 31—the most recent date for which figures are available—they had been increased by 2,259 to a total of 793,714.

Thus, despite the President's May 20 memorandum asking them not to fill vacancies, the departments and agencies, other than Defense, Post Office, and the Selective Service System, employed 15,605 additional full-time permanent employees.

Since Budget Director Schultze's freeze directive of September 20 allowed for some personnel increases where they could be justified by the affected departments and agencies, it seems to me that we should assure ourselves that at least one-half of Mr. Schultze's minimum reduction of 20,000 will be accomplished.

I urge each of you to support these amendments when they are offered. In doing so, you will give substantial aid and comfort to the President's efforts to curtail nonessential domestic spending but, more importantly, you will be keeping faith with our fighting men in Vietnam and with the folks back home to do what must be done to protect the economy from the ravages of runaway inflation.

*Full-time permanent employment in the executive branch*

| | Actual, July 31, 1966 | Budget ceiling, June 30, 1967 |
|---|---|---|
| Total | 2,383,050 | 2,416,500 |
| Departments and agencies excepted from Sept. 20 freeze order: | | |
| Defense | 1,094,507 | 1,103,900 |
| Post Office | 490,084 | 500,000 |
| Selective Service System | 7,004 | 5,790 |
| Total | 1,591,595 | 1,609,690 |
| Departments and agencies not excepted from Sept. 20 freeze order: | | |
| Agriculture | 85,147 | 82,850 |
| Commerce | 29,995 | 31,840 |
| Health, Education, and Welfare | 93,521 | 99,010 |
| Housing and Urban Development | 14,113 | 15,350 |
| Interior | 60,180 | 59,500 |
| Justice | 33,270 | 32,700 |
| Labor | 9,259 | 9,600 |
| State | 40,799 | 41,350 |
| Treasury | 86,657 | 86,200 |
| Federal Aviation Agency | 41,837 | 42,300 |
| General Services Administration | 36,156 | 36,750 |
| National Aeronautics and Space Administration | 33,726 | 34,000 |
| Veterans' Administration | 147,559 | 150,850 |
| Tennessee Valley Authority | 11,524 | 11,750 |
| Panama Canal | 11,369 | 14,180 |
| U.S. Information Agency | 11,567 | 11,430 |
| Other | 44,776 | 47,150 |
| Filled positions above budget ceiling as of July 31 | | 4,141 |
| Budgeted positions unfilled as of July 31 | | 19,496 |
| Total | | 23,637 |

Mr. GIBBONS. Mr. Chairman, the funds provided by this act—$1,563 million—are not sufficient to conduct a war on poverty.

In his state of the Union message to the 89th Congress, President Johnson said:

> For that other nation within a nation—the poor—whose distress has now captured the conscience of America, I will ask the Congress not only to continue, but to speed up the war on poverty. And in so doing, we will provide the added energy of achievement with the increased efficiency of experience.

It is dramatically clear that if the appropriation for the Office of Economic Opportunity is cut to $1,563 million it will be impossible to carry out the President's mandate. In every community where there is a program of the war on poverty—and there are more than 1,000 of these—in every Job Corps center, in every Neighborhood Youth Corps project, in every job training program, the poor who are now participating in programs of self-help will be turned back into the distress of poverty.

Here is what a 15-percent cut in the appropriation would mean in hard, human terms:

In the Job Corps, 6,750 of our poorest youth—ages 16 to 21—would be turned back to the hopelessness of the streets.

Over 80,000 young men and women eligible for the constructive and gainful employment of Neighborhood Youth Corps would be unable to take part in this vital work experience.

Some 50,000 migrants would be unable to get the self-help training and assistance offered under OEO migrant programs. Total for migrants and rural loans under title III not cut; however, specific program authorizations are not earmarked—CAP can take all for migrants if it desires.

Some 830 men and women who want to serve in VISTA will be denied this opportunity and the poor people they could be helping will not have this help.

Some 27,000 poor people will not be employed in community betterment and beautification projects—Nelsen-Scheuer amendment.

Some 37,050 10th- and 11th-graders who might qualify for higher education will be written out of Upward Bound.

No health centers will be capable of funding.

Some 750 older Americans and the 1,500 institutionalized children in need of love and care will be denied access to the Foster Grandparents program.

Some 50,000 Indians on 20 reservations will have the doors of economic opportunity slammed to them.

The President has asked for multipurpose neighborhood centers to be established in every ghetto in this land. With a 15-percent cut in appropriations, 120 fewer neighborhood centers can be established, leaving 600,000 slum residents to be shunted back and forth from agency to agency without this vital distribution of needed services.

Some 25,000 poor people who have been given employment and training under community action as Headstart aids, legal aids, health aids, and other career opportunities would be out of work and back into poverty.

Whatever success OEO has experienced during fiscal 1966 in getting antipoverty programs into rural America would be halted and turned into defeat.

These are some of the specific results of a cutback in appropriation to $1,563 million, but beyond these, the momentum and the energy which we have begun to generate in this war against poverty would be abruptly turned off. We would be unable, in the President's words, to "provide the added energy of achievement with the increased efficiency of experience."

If the impetus of the war on poverty is halted, the impact would be disastrous to thousands of volunteer Americans who have organized community action agencies, neighborhood groups, tutorial groups, Headstart classes, Job Corps community relations councils and other advisory and helping groups all across the United States. If this happens, it is doubtful whether belief in a national war on poverty or widespread volunteer effort in a war on poverty could be renewed in our time.

Mr. Chairman, unless these funds are increased, our action today will amount to a retreat—not an advance—in this war.

I include the following statistics:

*Economic Opportunity Act Amendments of 1966*

[In millions of dollars]

| Program | Fiscal year 1966 | Budget | H.R. 15111 (as passed) | S. 3164 (as passed) | Conference amount | House Appropriation Subcommittee |
|---|---|---|---|---|---|---|
| Title I: | | | | | | |
| Job Corps | 310 | 228 | 200.0 | [1] (228) | 211 | 200.0 |
| NYC | 272 | 300 | 496.0 | (496) | 410 | 325.0 |
| Special impact (Kennedy-Javits) | | | | (150) | 75 | 25.0 |
| Subtotal, title I | 582 | 528 | 696.0 | 588 (874) | 696 | 550.0 |
| Title II—CAP: | | | | | | |
| Versatile CAP funding | 395 | 489 | 323.0 | (487) | 323 | 323.0 |
| Headstart | 201 | 327 | 352.0 | (527) | 352 | 352.0 |
| Legal services | 25 | 25 | 22.0 | (50) | 22 | 22.0 |
| Nelson and Scheuer | 10 | 73 | 88.0 | (150) | 73 | 36.5 |
| Health centers (Kennedy) | | | | (100) | 50 | 50.0 |
| Narcotics rehabilitation | | | 12.5 | | (11) | (11.0) |
| Family emergency loans | | | 8.0 | | 8 | 8.0 |
| Adult literacy incentive [1] | 35 | 30 | 26.5 | | 7 | 7.0 |
| Subtotal, title II | 666 | 944 | 832.0 | 944 (1,314) | 846 | 809.5 |
| Title III: | | | | | | |
| Rural loans | 35 | 28 | 24.5 | (28) | | |
| Migrants | 26 | 37 | 32.5 | (37) | | |
| Subtotal, title III | 61 | 65 | 57.0 | 65 | 57 | 57.0 |
| Title IV: SBDC loan counseling | | 5 | | 5 | 5 | 5.0 |
| Title V: Work experience | 150 | 160 | 119.0 | 100 | 100 | 100.0 |
| Title VI: Administration | 12 | 17 | 15.0 | 17 | 15 | 15.0 |
| Title VIII: VISTA | 16 | 26 | 31.0 | 31 | 31 | 26.0 |
| Grand total | 1,500 | 1,750 | 1,750.0 | 1,750 (2,496) | 1,750 | 1,563.0 |

[1] Adult basic education program transferred to Office of Education; $7,000,000 transferred from title V.

NOTE.—Figures in parentheses show amount as reported in Senate bill (before Dirksen amendment).

Mr. COHELAN. Mr. Chairman, I will support this supplemental appropriation. It is late in the session and without it we will not provide essential funding for at least seven different departments and agencies.

But, Mr. Chairman, I want to make clear that I am very disappointed in the reductions that the committee has made in both the Elementary and Secondary Act and the war against poverty.

Aid to our elementary and secondary schools has been cut by $348,893,000 from the figure authorized by the House.

Funds for the war on poverty have been cut by $187 million from the figure recommended by the administration and approved by both the House and the conference committee.

I am opposed to these cuts. I think they are unnecessary and unwise.

I think it is shortsighted, and just poor economics, to cut corners at the expense of the disadvantaged in our society who need our help most.

I hope and urge that these funds will be restored before final action is taken on this bill.

Mr. SCHEUER. Mr. Chairman, when the House Appropriations Committee reduced antipoverty funding from the administration's request and the Senate-House conferees' agreement of $1.75 billion, back to $1.563 billion, it cut the heart out of the one new concept in the war against poverty to fight long-term, hard-core unemployment and put the jobless back to work.

The result of the Appropriations Committee budget trimming is that less than half the funds remain in the double-pronged public and private sector job programs endorsed in both the House and Senate, and refined and agreed upon by the distinguished poverty conferees last week.

The new careers employment program in title II of the Equal Opportunity Act opens the way to create new jobs in this full-blown war economy that is not producing jobs quickly enough to absorb the growing numbers of minority unemployed.

Not only would new jobs be opened, but the program would also constitute the first step in dealing with the burgeoning demand for additional, much-needed personnel in many essential public services such as health, education, welfare, community betterment, and law enforcement. Half of the $36.5 million for this program was cut from the bill.

Under the provisions of title I, urban ghettos with multiple social and economic problems stemming from high unemployment rates of American minority groups, could receive help in reducing joblessness. Yet two-thirds of the $75 million in funds were cut from this program.

This double-pronged program is now urgently required because for the past year we have witnessed a painful paradox in the Nation's economy: minority group unemployment is on the rise while joblessness has turned downward for every segment of the white work force.

We know that long-term unemployment is the root cause of poverty. To the extent we ignore the creation of the indispensable conditions of a viable national employment program, to that same extent we undermine and denigrate the war on poverty.

The House Education and Labor Committee, in giving recognition to this principle, assured a new emphasis on the creation of jobs and job training.

The House Education and Labor Committee report on the antipoverty bill said in part:

> If unemployment is to be significantly curtailed as a substantial cause of poverty, complementary programs providing jobs, training, education and opportunity for permanent economic advancement are essential to assist the hard core unemployed and the countless persons whose unemployment is not exposed to statistical view because they have dropped out of the job market.

Despite the Job Corps, the Neighborhood Youth Corps, and the work experience for relief recipients under title V, there is still a large pool of hard-core, chronically unemployed persons who have not been effectively reached by these Federal programs. The hard fact is that this pool is growing.

Current unemployment rates underscore this unpleasant picture dramatically. In August 1965, overall white unemployment stood at the rate of 4.1 percent, and overall Negro unemployment stood at its traditional level of approximately twice the white rate, or 7.7 percent.

During the last year, white unemployment went down from 4.1 percent to 3.1 percent: while at the same time Negro unemployment in this highly affluent and productive economy went up from 7.7 percent to 8.3 percent, or to about 2⅔ times the white unemployment rate.

One year ago white teenage unemployment stood at the rate of about 12 percent, and Negro teenage unemployment stood at the traditional rate of a little less than twice that much, or 22 percent.

In the last 12 months of unprecedented affluence and labor scarcity in many segments of our economy, white teenage unemployment went down from 12 percent to 10 percent, while at the same time Negro teenage unemployment went up from 22 percent to 26 percent, to a little over 2½ times white teenage unemployment.

Unemployment for male whites over 21 now stands at the almost historic all-time low of 1.7 percent—what the economists characterize as frictional unemployment—really no unemployment at all—while unemployment for Negro males over 21 stands at the rate of 5.5 percent today, over three times the comparable white unemployment rate.

Never in a generation has there been such an unfavorable relationship between Negro and white unemployment. The gap is not narrowing: the gap is growing.

This was one of the principal reasons why the new careers employment program and the impact program of title I were readily accepted by the House and Senate and the antipoverty bill conferees.

Half of the $73 million in title II and two-thirds of the $75 million in title I to operate these programs have been written out of the supplemental appropriations bill.

This, Mr. Chairman, is a tragically false economy. We cannot pretend we are saving money now, knowing—as we must—that the deep-rooted, long-term costs of poverty will continue to rise so long as we refuse to face honestly and squarely the problem of structural unemployment in a virtually full employment, wartime economy.

There is no real saving here. To allege so is an exercise in futility and self-delusion that will plague us for many tomorrows. Rather, we are simply mandating growing unemployment rates for Negroes and Puerto Ricans, while the rest of us enjoy steady jobs and regular income at close to frictional unemployment levels.

In every corner of the country we will feel the frustration, bitterness, and disillusionment caused by these antipoverty fund cutbacks. We will feel it again in Watts, in Harlem, in Cleveland, in Chicago, and San Francisco, and their future counterparts.

Last week, OEO had to tell the city of San Francisco that California would receive a pittance in community action funds this year instead of the much larger sums required to alleviate the misery of the poor slum dweller.

The OEO, told San Francisco last week that its job training money is to be cut in half. This astonishing decision was made—believe it or not—while San Francisco was simmering with riots that exploded out of the frustrations of slum life.

The mayor of San Francisco, our distinguished former colleague, John E. Shelley, was moved to appeal, "in the name of God and human decency," for Federal money to conduct job training, the very same programs from which the majority of the funds have been severed.

With Mayor Shelley, I urge the Congress to meet this great and pressing need.

Mr. FOGARTY. Mr. Chairman, I would like to take a few minutes to explain by far the largest chapter in this supplemental appropriation bill, chapter 5 which covers the Department of Health, Education, and Welfare and the Office of Economic Opportunity. In total, this chapter contains $3.733,654,000 out of the grand total of the bill of a little less than $5 billion. I would go into more detail were it not for the fact that the legislative authorizations for the programs that are included in this chapter have been before the House so recently and so are fresh in Members' minds.

I will place in the RECORD a table which shows in a little more detail than the table in the report which accompanies this bill, some statistical information concerning the committee's action as compared with 1966 appropriations, the 1967 budget request, and the 1967 authorizations as they currently stand.

The table referred to follows:

*Authorizations and appropriations for education and Office of Economic Opportunity items in 1967 supplemental, H.R. 18381*

[In thousands]

| | Actual appropriations, 1966 | Budget request, 1967 | 1967 authorizations | | | Amount in supplemental appropriation bill |
|---|---|---|---|---|---|---|
| | | | House bill | Senate bill | Public law | |
| Office of Education: | | | | | | |
| Elementary and secondary educational activities | $1,151,000 | $1,342,410 | $1,691,303 | $2,205,278 | (1) | $1,342,410 |
| Higher educational activities | 5,000 | 30,000 | 30,000 | 55,000 | (1) | 30,000 |
| Higher education facilities construction | 632,700 | 722,744 | 792,000 | 1,159,000 | (1) | 722,744 |
| Grants for libraries | 55,000 | 57,500 | 88,000 | 88,000 | $88,000 | 76,000 |
| Office of Economic Opportunity: Economic opportunity program | 1,500,000 | 1,750,000 | 1,750,000 | 1,750,000 | (1) | 1,562,500 |
| Total | 3,343,700 | 3,902,654 | 4,351,303 | 5,257,278 | | 3,733,654 |

[1] Conference.

NOTE.—Total amount in ch. V of supplemental bill compared with—

| | *Thousands* |
|---|---|
| 1966 appropriations | +$389,954 |
| Budget request | −169,000 |
| House authorization bill | −617,649 |
| Senate authorization bill | −1,523,624 |

Since the economic opportunity program is actually a composite of many programs, I will also include in the RECORD a statistical breakdown of the recommended appropriation comparing each of its parts with the conference report on the legislative bills, the 1967 budget request, and the obligations incurred during fiscal year 1966.

The table referred to follows:

*Office of Economic Opportunity*

[In millions]

| Program | Fiscal year 1966 obligations | Fiscal year 1967 budget request | Legislative conference report | House appropriations bill |
|---|---|---|---|---|
| Title I, total | $574.7 | $528.0 | $696.0 | $550.0 |
| A. Job Corps | 303.6 | 228.0 | 211.0 | 200.0 |
| B. Neighborhood Youth Corps | 271.1 | 300.0 | 410.0 | 325.0 |
| D. Impact programs | | | 75.0 | 25.0 |
| Title II | 642.1 | 944.0 | 846.0 | 809.5 |
| A. Community action, total | 621.1 | 914.0 | 846.0 | 809.5 |
| Headstart | 179.8 | 327.0 | 352.0 | 352.0 |
| Health centers | 1.0 | | 50.0 | 50.0 |
| Legal services | 19.9 | 25.0 | 22.0 | 22.0 |
| Narcotics rehabilitation | | | 11.0 | 11.0 |
| Family loans | | | 8.0 | 8.0 |
| Nelson-Scheuer | 12.9 | 73.0 | 73.0 | 36.5 |
| Education | | | 7.0 | 7.0 |
| Unearmarked CAP | 407.5 | 489.0 | 323.0 | 323.0 |
| B. Adult basic education | 35.4 | 30.0 | [1] 0 | 0 |
| 1966 funds | 21.0 | | | |
| Carryover 1965 funds | 14.4 | | | |
| Title III, total | 60.5 | 65.0 | 57.0 | 57.0 |
| Rural loans | 35.0 | 28.0 | | |
| Migrants | 25.5 | 37.0 | | |
| Title IV: SBA loans (outside counseling) | | 5.0 | 5.0 | 5.0 |
| Title V: Work experience | 112.3 | 160.0 | 100.0 | 100.0 |
| Title VI: General administration | 11.3 | 17.0 | 15.0 | 15.0 |
| Title VIII: VISTA | 15.9 | 26.0 | 31.0 | 26.0 |
| Draft rejectees [2] | 5.0 | 5.0 | | |
| Transfer of work study, HEW | 60.0 | | | |
| Transfer of milk indemnity, Agriculture | .3 | | | |
| Transfer of rent, GSA | 1.0 | | | |
| Unobligated | 16.9 | | | |
| Total | 1,500.0 | 1,750.0 | 1,750.0 | 1,562.5 |

[1] Transferred to HEW.

[2] Funds transferred to HEW.

Mr. Chairman, as is always the case with a major piece of legislation, this bill is the result of considerable compromise. Personally, I supported a larger amount for these programs. This appropriation bill is far below the authorization included in both the House and Senate bill for the elementary and secondary educational activities. The amount included in the bill will only annualize the program that was operated in fiscal year 1966 if, indeed, it will even do that.

The same is true for higher education facilities construction—the amount carried in this bill is considerably below both the House and Senate authorization bills.

I am pleased that we were able to agree on an increase of $18,500,000 over the budget request for the library program. The bill includes $76 million compared with the request of $57,500,000, but the amount in the bill is still $11 million less than the authorization.

With regard to the economic opportunity program, the bill carries $1,562,500,000 whereas the House legislative bill, the Senate legislative bill, the conference report, and the budget request were all for $1,750 million. At this point, I will place in the RECORD a factual statement concerning the meaning, or impact, of a $10 million cut as it applied to any of the antipoverty programs.

The statement follows:

IMPACT OF A $10 MILLION CUT ON ANY OEO POVERTY PROGRAM

A $10 million cut in any OEO program means:

2,200 poor youth, 16–21 years old, will not receive vocational training in Job Corps.

16,500 poor youth, 16–21 years old, will not get work training experience in summer and annual Neighborhood Youth Corps In School and Out of School programs.

23,630 poor children 3–5 years old will not receive medical attention, social and family related services, and class room activities, preparatory to entering school in the Head Start program.

48,000 poor adults will not participate in Adult Basic Education programs in improving employment potential and community life.

6,618 poor adults will lose work experience benefits in the form of income maintenance and job experience and skill improvements in the Work Experience program.

5,000 poor adults would no longer be employed, bring companionship to institutionalized and disadvantaged children in the Foster Grandparents program.

400,000 poor persons will not receive services in areas of health, jobs, family counseling and related areas from the Neighborhood Center program.

280,000 poor people will not have available Legal Aid.

4,880 loans will not be made to needy individuals in rural areas or to rural cooperatives serving the needs of rural poor people in the Rural Loans program.

1,617 Vista volunteers will not be on the job bringing services to both the urban and rural poor.

I am supporting the bill as it now stands because, in committee, as I stated, this was a matter of considerable compromise and there were several members of the committee who would have preferred that many of these programs be reduced even further. Therefore, Mr. Chairman, I am supporting this bill as it now stands. I think, in view of all the strong opinions that there were on both sides of this issue, that it is a reasonable compromise.

Now there are two things, Mr. Chairman, that I would like to spend a few more minutes discussing. The first of these is in connection with the health programs that have recently been started by the Office of Economic Opportunity.

This country can be proud of the achievements of two distinguished American scientists who were chosen last week for the Nobel prize in medicine. You know, Mr. Chairman, of the support this Congress has given to medical research, and the international recognition our physicians and scientists have brought to this Nation. The tragedy is that so many of the poor among our people have yet to profit from modern medical knowledge; that the medical services we have learned so well how to give, fail to reach them.

Before the war on poverty began 2 years ago, we did not know that 70 percent of the teenage boys and girls who would come to our Job Corps centers would not have seen a doctor for several years; that 90 percent of them would never have seen a dentist; that they would be, on average, 10 pounds underweight.

We did not know that they would require, on average, 27 visits to the center medical facility each year, often because of a health deficit they brought with them to the Job Corps camp. Nor did we know that better than one-third of them would require eyeglasses because of visual defects never before detected.

We did not know that every single Job Corpsman would require either medical, dental, or psychiatric care at some point during his training, nor did we know that the health of many would be so severely impaired at the time of their application that more than 6 percent would have to be turned down for medical reasons. The cost of treating their illness or incapacity would be too great for the job training program to support.

And even for those who are admitted to the Job Corps, we have learned that two out of every three corpsmen would have to spend an average of 4 days hospitalized or in the infirmary each year.

How could we have known that 35 percent of the preschool children in poverty entering Headstart programs around the country would never have seen a doctor and that more than 75 percent of them would never have seen a dentist?

And yet today in a country proud of its medical achievements, we face the possibility that this Congress will cut back the funds for the programs that are bringing the poor of our country the health services, the legal services, the educational opportunities that for so long have been beyond their reach.

How can we reconcile this with our conscience, Mr. Chairman, when we know that untreated illness of mind and body is a fact of life to the millions who are poor: that men and women with incomes of less than $2,000 a year suffer heart disease at a rate 4 times greater than the rest of us; that they suffer mental illness, retardation, and nervous disorders at a rate 6 times greater than the rest of us; and that they have serious visual impairment 10 times more commonly than those more fortunate of our citizens?

This prevalence of unattended disease and illness directly affects the economic status of these people, and by so doing perpetuates the vicious cycle of poverty in their lives.

For the poor who are fortunate enough to be employed, almost one-third of them carry such chronic conditions of illness that severe limitations are placed upon their ability to work. That is true of only 8 percent of the more fortunate of our citizens. No matter how many days we may lose from work because of sickness, that figure is double for the poor—who do not have the benefit of salary, sick leave, or a work environment which will tolerate their absence.

What is this environment of illness and suffering that the average American cannot even begin to comprehend? Why is it that sheer poverty is considered by some authorities to be the third leading cause of death in our cities? Why are the killer diseases of the poor still tuberculosis, influenza, and pneumonia—diseases that we who are fortunate have not suffered for a generation?

Let me place before you, Mr. Chairman, the answer given by Dr. Alonzo Yerby, former commissioner of hospitals of the city of New York, who told the White House Conference on Health last November:

> The pervasive stigma of charity permeates our arrangements for health care for the disadvantaged, and whether the program is based upon the private practice of medicine or upon public or non-profit clinics and hospitals, it tends to be piecemeal, poorly supervised, and uncoordinated * * *.
>
> In most of our large cities, the hospital out-patient department, together with the emergency room, provide the basic sources of care for the poor. Today's out-patient departments still retain some of the attributes of their predecessors, the 18th century free dispensaries. They are crowded, uncomfortable, lacking in concern for human dignity and to make it worse, no longer free.

Dr. Yerby continues:

> To these unhappy circumstances has been added a steady proliferation of specialty clinics so that it is not uncommon for a hospital to boast of 30 or more separate clinics meeting at different hours, five or six days a week. The chronically ill older patient who frequently suffers from several disease conditions, or poor families with several small children are seen in several clinics which frequently meet on different days. Even if the clinical record is excellent and readily available, it is difficult, if not impossible, for any one physician to know the patient as a person and to coordinate his care.

Dr. Yerby concluded his eloquent address with a call for action which cannot be ignored. He said that America must learn to organize its health system in such a way that all Americans, regardless of income, will have "equal access to health services as good as we can make them, and that the poor will no longer be forced to barter their dignity for their health."

The war on poverty through its neighborhood health centers, through its Headstart programs, and through its Job Corps centers, is bringing to the poor of this country—and especially to their young—the services that have missed them for so long. And we are just now learning the terrible toll in sickness and poor health the inaccessibility of these services to them has caused.

Mr. Chairman, I sincerely hope this bill will not be cut. I am aware that all of us in this Chamber would like to go back home and tell the people that we are saving their money. It sounds good and our constituency is impressed.

It is true that it may appear as if we are saving some money if we cut these funds for the war on poverty. But should we not also tell our constituents of the much higher price they will continue to pay for the sickness, deformity, and delinquency produced by such false economy? Should we not also tell them of the terrible toll of suffering and disease the poor will continue to pay for our neglect?

Let us be proud today of the achievements of our medical science. Let us not put off till tomorrow the millions of our people who still await its blessings for themselves and their children.

Now, Mr. Chairman, the other subject I would like to take a little time to discuss are the guidelines established by the Office of Education with regard to the civil rights law.

Mr. Chairman, the very able Commissioner of Education, Mr. Harold Howe II, has been at the center of much controversy recently over the issues of segregation and racial imbalance in the Nation's public schools. Because of the fact that these issues are of such importance to all of us in this House, members of my subcommittee and I questioned Mr. Howe closely on these points when he appeared before us last week to testify on behalf of the appropriations we are now considering. On the basis of his appearance and of a careful study of the record of the Office of Education in these areas, I am satisfied that the Commissioner is acting within the limits of the law with regard to assuring nondiscrimination in federally assisted programs and that he is not now compelling school districts to bus students to overcome racial imbalance and has no intention of doing so in the future.

Let us be perfectly clear about what title VI and the Office of Education's guidelines require. Title VI itself requires that no person will be discriminated against on the basis of race, color, or national origin in any program or activity receiving Federal financial assistance. Legal school segregation is clearly a form of discrimination which was declared unconstitutional by the Supreme Court in 1954.

The Office of Education guidelines on title VI are intended to help school districts implement title VI's central objective. The initial guidelines, issued in April of 1965, required school districts to desegregate at least four grades in the fall of 1965, and all grades by the fall of 1967. School faculties had to be desegregated, but, during the first year, only minimum steps, such as holding desegregated staff meetings, were required. School systems were permitted to undertake desegregation in a variety of ways, including attendance zone plans and freedom of choice plans.

Revisions of the guidelines issued in March of 1966 among other things spelled out next steps for faculty desegregation and established a general formula for measuring progress being made by school districts toward eliminating a dual system of schools. These two provisions have caused a great deal of the controversy, and I would like to turn to them briefly and examine what they do and do not require.

With regard to faculty desegregation, the guidelines do not require every school to establish a biracial faculty this school year. They do not establish a fixed formula for the numbers of white and Negro teachers in each school in a school system. They do not tell school administrators whom they may hire and whom they may fire. They require only that school personnel decisions be made without regard to the race, color, or national origin of the children to be taught, including the correction of past discriminations. And I might add that recent Federal court decisions have also required such nondiscriminatory assignments of faculty.

With regard to measuring progress toward desegregation, we must be equally clear about what is required and what is not. The law and the courts have placed clear responsibility for eliminating a dual system of schools on school authorities. The 1966 guidelines set forth certain enrollment percentages in order to give school authorities some

standard for measuring their progress toward desegregation and to give the Commissioner of Education some indication as to whether a desegregation plan is actually working or not. Failure to meet suggested percentages does not mean that procedures to cut off assistance will automatically be instituted. Such failure is merely a signal for both the Office of Education and local education agency to take a closer look at the actual operation of the plan in order to assure themselves progress is being made.

There have been complaints, I know, that the Office of Education has been too forceful in its implementation of these guidelines and that its personnel have lacked diplomacy in their dealing with local school officials. There have also been complaints that the Office of Education guidelines do not go far enough or fast enough.

There is probably some truth on both sides.

On the basis of what I know of Commissioner Howe and Secretary Gardner, both personally and by reputation, I am convinced that they are honest, forthright public servants who have sworn to uphold the law as enacted by the Congress and are doing so to the best of their considerable abilities. We may in this House have differences of opinion on how they have gone about their legal task, but their integrity and character are unimpeachable, and I want to commend them for the leadership they have shown in this very difficult area of public policy implementation.

The Commissioner of Education has consistently taken the position that the elimination of racial imbalance is a matter for decision by local education agencies. Title IV of the Civil Rights Act specifically excludes the overcoming of racial imbalance from legal action by the Attorney General. Commissioner Howe has always supported this law and has never taken the position that the Federal Government should compel school districts to correct racial imbalance.

Commissioner Howe has repeatedly stated that nothing in the law, the Office of Education's regulations, nor their guidelines, requires any school system to bus schoolchildren to overcome racial imbalance. When Commissioner Howe was questioned on this subject during our hearings on this bill he stated:

> Again, let me say this kind of thing is done completely at local option and is in no sense required or forced by us in any way, nor would we want to be in that position.

Later in the same hearing he stated:

> As far as busing is concerned, the guidelines do not require busing. The only busing mentioned in the guidelines is busing which gives to Negro pupils the same rights that white pupils have to go to the schools which they have chosen under a free choice plan. If a local school district is operating a free choice plan, then presumably the youngsters in the district have completely free choice as to where they will go to school, and when they elect to go to a certain place, the district has an obligation to give them a ride on the bus. But there is no requirement in the guidelines that particular numbers of pupils be picked up and taken to particular schools to establish any form of racial balance or imbalance.

He also further stated in these hearings:

> It seems to me that there is just no substance to these arguments about busing or about racial imbalance. It is interesting to note that whenever these arguments are made, no specific situations are ever cited to support them. They are made in the general sense rather than the specific sense, and where we have had them made occasionally on a specific basis, I think we have been able to demonstrate to the parties involved that what is commonly meant by busing and what is commonly meant by racial balancing were not our intention under the guidelines.

These are all direct quotes from Commissioner Howe, the head of the Office of Education.

Mr. Chairman, I have raised these matters because I am concerned that in the heat of emotion we have lost sight of our primary goal: improvement of the quality of education available to all American children. That is the purpose of the legislation whose appropriations we are now considering.

I hope that we can proceed with consideration of these appropriations, pass them, and let the very able Mr. Howe and the Office of Education return their full energies to the vast educational task before us.

The CHAIRMAN. If there are no further requests for time, the Clerk will read.

The Clerk read as follows:

CHAPTER I—DEPARTMENT OF AGRICULTURE

*Related agencies*

Farm Credit Administration

Revolving fund

Limitation on administrative expenses

Not to exceed an additional amount of $39,000 (from assessments collected from Farm Credit agencies) shall be available during the current fiscal year for administrative expenses.

AMENDMENT OFFERED BY MR. LIPSCOMB

Mr. LIPSCOMB. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LIPSCOMB: On page 2, after line 10, insert:

"CHAPTER II—DEPARTMENT OF DEFENSE

*"Military personnel*

"Military Personnel, Army

"For an additional amount for 'Military personnel, Army,' $265,000,000.

"Military Personnel, Navy

"For an additional amount for 'Military personnel, Navy,' $84,000,000.

"Military Personnel, Marine Corps

"For an additional amount for 'Military personnel, Marine Corps,' $31,000,000.

"Military Personnel, Air Force

"For an additional amount for 'Military personnel, Air Force,' $189,000,000."

And renumber the succeeding chapter and section numbers accordingly.

Mr. LIPSCOMB. Mr. Chairman, it is well known that the Department of Defense Appropriation Act for fiscal year 1967 for over $58 billion, which was signed by the President on October 16, is not adequate to finance the high level of combat operations in Vietnam and to support our Nation's other worldwide commitments. Substantial additional funds are needed, and the estimates run upward to $15 billion and perhaps more. The Secretary of Defense has said he cannot give a figure at this time because he does not know exactly how much to calculate it costs to support our war efforts in Vietnam. It is my belief that the Secretary of Defense should have submitted a supplemental request for our military before this time so that this Congress could act.

This amendment covers money for our military personnel that is well known, and represents a need that we can handle at this time.

Mr. Chairman, on July 19 of this year the House of Representatives passed H.R. 15941, the Department of Defense Appropriation Act.

The amounts which I have included in this amendment were in the Defense appropriations bill as approved by the Committee on Appropriations and passed by this House of Representatives.

However, Mr. Chairman, the other body did not include these personnel funds which are included in this amendment, and they were left out of the bill signed by the President.

In the Appropriation Committee report, No. 1652, at page 5 thereof, accompanying the Department of Defense appropriation bill, the committee said the following:

> When the budget for fiscal year 1967 was submitted to Congress in January, it was estimated that the total military personnel strength on June 30, 1966, would be 2,987,300. In the intervening 5 months military manpower has been increased at a more rapid rate and it is now estimated that our military manpower will total 3,095,700 at that time, an increase of 108,400. The committee recommends an appropriation of $569 million above the Budget estimate for the pay and allowances of additional personnel. The assumption is made that no manpower reductions will take place during the fiscal year and that funds will be required for at least this many personnel for the entire period.

It is better than 10 months since the President submitted his budget to the Congress, and the need for military personnel funds is even greater than it was when we passed the original Appropriation Act.

Mr. Chairman, there is no reason why Congress should not appropriate these funds now to at least more adequately finance military personnel for the present fiscal year.

There is no reason why the Secretary of Defense should be required or permitted to borrow funds and use other statutory authority in order to make ends meet to support the war effort in Vietnam.

Mr. Chairman, this amendment, will add $569 million—exactly the same amount that the House had previously placed into the Appropriation Act—to support military personnel, already on duty, over the estimated strength as of July 1, 1966.

In my opinion this would represent a responsible action by the House of Representatives and a timely action.

Mr. Chairman, I respectfully request the Committee of the Whole House on the State of the Union to support this amendment.

Mr. MAHON. Mr. Chairman, I rise in opposition to the amendment which has been offered by the ranking minority member on the Defense Subcommittee of the Committee on Appropriations, the gentleman from California [Mr. LIPSCOMB].

Mr. Chairman, it is true, as the gentleman from California pointed out, that the defense appropriation bill, as it passed the House of Representatives earlier in the year, did include that $569 million for the pay of additional military personnel who were on duty at the beginning of the fiscal year.

Mr. Chairman, the other body struck those funds from the bill on the ground that they had not been budgeted, and on the further ground that there were sufficient funds available to pay all military personnel until sometime next year.

So, Mr. Chairman, we, in conference, yielded to the position of the other body, after some discussion, and we brought the matter back to the House. The House has already acted upon the gentleman's amendment in this sense, that the House, in agreeing to the conference report, voted not to go $569 million above the budget for the purpose of providing for the pay of the additional military personnel at this time.

The other body took the position, which is logical, that the Executive should assume the responsibility of placing the required funds in the budget when they are urgently needed, and take the responsibility for the action which is proposed by the gentleman from California.

As has already been mentioned, in appropriation bills passed by the House thus far, including this bill, the House is $260 million below the President's budget. I think the Members would like to close out the session below the President's budget in the appropriation bills rather than above it, and this amendment would put us above the President's budget.

I want to say in all fairness to the gentleman from California that he does not have an illogical position. There is no argument over the requirement for the necessary funds at a future time. And it would be perfectly all right to put the funds in the bill at this time if we had a budget estimate. But these are not the only additional funds which will be required by the Defense Department before the end of this fiscal year. For example, we raised the pay of military personnel, and there is no money in any of the bills passed the House to fund the pay raises. A similar situation exists with respect to civilian personnel in the Defense Department. Nor are there funds provided in the various appropriation bills for the pay increases for the other agencies of the Government. What the Executive has done in previous years, and is doing this year, is to ask the departments to squeeze expenditures wherever they can and try to reduce the sums required for the pay raises to the lowest possible level.

So it does seem to me that it is unnecessary to approve this additional money at this time.

Further, it seems to me that when a large request for funds for the Department of Defense is presented to the Congress next year, the country and the Congress will gain a more dramatic picture of the tremendous cost of the war, and the sacrifices which must be made will be emphasized.

So I hope that the gentleman's amendment will be defeated.

Mr. LIPSCOMB. Mr. Chairman, will the gentleman yield?

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

Mr. LIPSCOMB. Mr. Chairman, I appreciate the distinguished chairman yielding to me.

The gentleman is not saying that because the administration refused to accept the responsibility of adequately financing the defense efforts in Vietnam, or to support our worldwide commitments, that Congress should not recognize its responsibility and adequately support these efforts with funds?

Mr. MAHON. I would say that the gentleman is correct. I am not taking that position. I am taking the position that we must adequately finance the war. It is somewhat of a technical matter, as to whether or not we provide the additional funds required for this fiscal year at this time, or at the next session. If we provided the $569 million proposed in the gentleman's amendment at this time, we would be taking action to more adequately finance the war, but the funds already enacted will adequately finance the war until early next year. The funds proposed in the gentleman's amendment would not increase or decrease our capability to fight the war.

Perhaps the gentleman's amendment would make more clear to some what the costs of the war are. But since we have said time and time again that a supplemental request of very large proportions will be required next year, of which this will be a part, all of those who read the record know that no one, either in the Congress or in the executive branch, claims that additional funds will not be required. It is simply a matter of procedure.

I personally would have preferred that we had more completely funded the Department of Defense, but that is purely a matter of opinion. The procedure that has been followed will not affect the conduct of the war in any way, shape, or form.

Mr. LIPSCOMB. But it is a fact that our military personnel accounts are underfunded at this point. And it is a fact that we have not appropriated any money for pay increases that we voted in this House. And it is a fact, is it not, that we will have to act immediately in January or else some of our personnel funds will be in serious difficulty?

Mr. MAHON. I do not think we would have to enact a bill immediately. I think probably we would have to enact a supplemental defense appropriation bill by April of next year.

It is true that additional funds will be required but the timing of the requests is merely a matter of procedure. Under the circumstances, I think it would be better if we could get this whole picture of defense costs before us next year in a supplemental bill and thus have a better opportunity to evaluate the overall situation and to find out what the problems are.

Mr. Chairman, I hope that the amendment is defeated.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JONAS. Mr. Chairman, I move to strike out the last two words.

I will not take the entire 5 minutes, but I do want to take a few minutes to say that I am not going to vote for the Lipscomb amendment, because I think we all ought to face the fact that it is the primary responsibility of the President of the United States to send a budget up here which will take care of these requirements. He has obviously not done so.

This is an example of how to make a travesty of the fiscal operation of the Government. Here we are engaged in the third most serious war in our history, and it is admitted by both sides in this debate that the President's budget underfunds the military requirements to prosecute that war.

We might as well go to a calendar year basis. Is this going to be the precedent for the future? Will some future President wanting to make a pretense of holding a budget down, submit a budget that will cover only half of the fiscal year? What kind of a way of doing business is that? This is not a good way to operate a government.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I am glad to yield to the gentleman.

Mr. MAHON. I believe there has been ample precedent for this sort of financing. As the gentleman knows, earlier this year we had a large Defense supplement for the same purpose for which we will have one next year, and that is to provide additional funds when the picture is a little clearer as to what exactly the requirements will be.

Of course, if through some happy circumstances, the war should be brought to a conclusion, we would not be required to do that. It has been the practice for many, many years that you do not fund a pay raise for example, until you come to a supplemental early in the session following its enactment. That was true surely of the Eisenhower administration, and I believe in other administrations. The point is to wait until any offsetting savings can be discovered before bringing in a supplemental for that purpose.

Mr. JONAS. That is what we are being asked to do right now. We have before us today for consideration the end of the year supplemental bill. This is the last supplemental that will be considered before the Congress adjourns. I do not remember, and my memory may not be accurate, but I do not remember a time since I have been on this committee that any President has divided up the fiscal year into segments and sent up a budget that covers only half of the year and declines at the invitation of the committee to fully fund on a fiscal year basis the known military obligations of the Government.

I think what this means is that they are hoping some miracle will happen. And I am, too. But, if that should happen, they would not have to spend the money. Even if we appropriate it and the war should come to an end, they would not have to spend it. What this means is that they are undertaking to fund the operation of this war on a month-to-month basis, and that something may happen between now and the time that we come back. I do not think we ought to defer these decisions when the requirements are well known. We are closing up the books for this year and you cannot keep any accurate records when only part of known requirements are funded in one calendar year and Congress is allowed to adjourn when it is well known that the war effort is underfunded substantially.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I am glad to yield to the distinguished gentleman from Texas.

Mr. MAHON. The gentleman will recall, of course, that we are not underfunding the Department of Defense in the sense that the Department of Defense is being deprived of large sums of money. For this fiscal year for all purposes, the committed and uncommitted funds available to the Department of Defense will be—without a supplemental which is expected next spring—in excess of $100 billion.

That is a very, very large amount.

Mr. JONAS. I would say most respectfully to my distinguished Chairman that we ought to make them spend that money, then, before we appropriate additional money. But they are borrowing right now from Peter to pay Paul. All the funds that are surplus and unexpended have been appropriated for a specific purpose. They are not standing out there alone as an emergency fund that can be shuffled back and forth.

Mr. BATES. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I am glad to yield to the gentleman from Massachusetts.

Mr. BATES. As a member of the House Armed Services Committee, I wish to say that it has been distressing to me to observe the way in which the war in Vietnam has been funded. Within the last year and a half we have had about 6 or 7 individual requests to fund the war. We cannot operate on a clear basis in this manner.

As the gentleman has said, it has been on a hand-to-mouth basis. In fact, only a year and a half ago the Department of Defense stretched out the production of helicopters from a 2- to a 3-year period, and today we are short of them.

In addition to this hand-to-mouth funding, we have had considerable reprograming where we have borrowed from other funds to take care of unbudgeted needs.

The CHAIRMAN. The time of the gentleman has expired.

The question is on agreeing to the amendment of the gentleman from California [Mr. LIPSCOMB].

The amendment was rejected.

AMENDMENT OFFERED BY MR. LIPSCOMB

Mr. LIPSCOMB. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LIPSCOMB: On page 2, after line 10 insert:

"CHAPTER II

"DEPARTMENT OF DEFENSE

*"Procurement*

"Procurement of Aircraft and Missiles, Navy

"For an additional amount for 'Procurement of aircraft and missiles, Navy,' $431,000,000, to remain available until expended.", and renumber the succeeding chapter and section numbers accordingly.

Mr. MAHON. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state the point of order.

Mr. MAHON. The point of order is that the Committee on Appropriations operates under authorizing legislation, which we often refer to as "412," providing annual authorization for the procurement of aircraft, ships, missiles, and so forth. The House Armed Services Committee has not reported, and Congress has not authorized these additional funds, this $431 million for the procurement of additional aircraft.

So I make the point of order against the amendment on the grounds that it would exceed the authorization. I would withhold the point of order if the gentleman wishes to discuss the amendment, but I must insist upon the point of order.

The CHAIRMAN. Does the gentleman from California wish to be heard on the point of order?

Mr. LIPSCOMB. I do, Mr. Chairman.

Mr. Chairman, on September 22, Secretary McNamara announced that he was going to reprogram additional funds for fighter aircraft and fighter-bomber aircraft in the amount of $700 million. Subsequently he sent to the Congress, to the appropriate committees, a reprograming action. He sent one to the Armed Services Committee and one to the Subcommittee on Defense of the House Appropriations Committee. He did the same to the other body.

It is my understanding that the House Armed Services Committee gave approval to the reprograming request. To my knowledge, the House Subcommittee on Defense Appropriations also approved the reprograming action.

The rule which we are now operating under on this bill waives points of order. This amendment is in the same position as other items in the appropriation bill which we are now considering; namely, funds for the poverty program and funds for the education program. Neither of those are authorized, and still we are acting upon them.

I believe that the amendment is in order.

The CHAIRMAN. May the Chair inquire of the gentleman from California: Is it correct, as stated by the gentleman from Texas, the chairman of the committee, that the $431 million referred to in the amendment has not been authorized by legislation adopted by the Congress?

Mr. LIPSCOMB. The gentleman from Texas is entirely correct. The amount was not authorized in a regular bill. However, it has been approved through a reprograming action by the House Armed Services Committee and also the House Appropriations Committee—reprograming actions, as such, do not come to the floor of the House of Representatives for action.

The CHAIRMAN. Does the gentleman from Texas wish to be heard further?

Mr. MAHON. Mr. Chairman, I should like to be heard further on the amendment.

The total authorization for procurement of aircraft and missiles, Navy, is $1,801,900,000. That is the authorization.

The appropriations thus far made by this Congress are $1,789,900,000. If we add to the $1,789,900,000 the amount here under discussion—$431 million—we would go far above the authorized amount for procurement of aircraft and missiles, Navy.

It is true that we are operating under a rule waiving points of order, but the rule waived points of order only with respect to the content of the bill, not with respect to amendments.

Clearly it seems to me that this amendment is subject to a point of order.

The CHAIRMAN (Mr. O'HARA of Michigan). The Chair is prepared to rule.

The gentleman from Texas has stated the content of the resolution providing for the consideration of the bill before the Committee of the Whole correctly. The resolution waives points of order against the bill but it does not waive points of order against amendments to the bill.

Inasmuch as there seems to be agreement between the gentleman from Texas and the gentleman from California that the funds contained in the amendment are not authorized by legislation enacted into law, the point of order is sustained.

The Clerk will read.

The Clerk read as follows:

CHAPTER II—FOREIGN OPERATIONS

*Export-Import Bank of Washington*

Limitation on Operating Expenses

In addition to the amount heretofore made available for operating expenses, not to exceed $600,000,000 shall be available for such expenses from funds available to the Export-Import Bank, and an additional amount of $945,000,000 shall be available from amounts herein and heretofore provided for equipment and services loans.

Mr. MINSHALL. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Sixty-five Members are present, not a quorum. The Clerk will call the roll.

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

[Roll No. 372]

| | | |
|---|---|---|
| Abernethy | Aspinall | Brown, Calif. |
| Adair | Ayres | Brown, Clarence J., Jr. |
| Adams | Baring | Broyhill, Va. |
| Albert | Barrett | Callaway |
| Anderson, Ill. | Belcher | Carter |
| Anderson, Tenn. | Berry | Chelf |
| Andrews, Glenn | Betts | Clawson, Del |
| Arends | Blatnik | Clevenger |
| Ashbrook | Bolling | Colmer |
| | Brock | Cooley |
| | Broomfield | |

| | | |
|---|---|---|
| Corman | Huot | Rivers, Alaska |
| Craley | Jacobs | Roberts |
| Cramer | Jennings | Robison |
| Daddario | Jones, N.C. | Rogers, Tex. |
| Davis, Ga. | King, Utah | Roncalio |
| Dent | Kirwan | Roudebush |
| Denton | Kornegay | Roush |
| Derwinski | Laird | Scheuer |
| Devine | Long, La. | Schisler |
| Dickinson | Love | Schmidhauser |
| Diggs | McCarthy | Senner |
| Dingell | McDowell | Shipley |
| Duncan, Oreg. | McMillan | Sickles |
| Dyal | McVicker | Sisk |
| Edwards, Ala. | Mackay | Skubitz |
| Edwards, La. | Mackie | Smith, Calif. |
| Evans, Colo. | Mailliard | Smith, N.Y. |
| Evins, Tenn. | Martin, Ala. | Stafford |
| Farnum | Martin, Mass. | Stanton |
| Fino | Martin, Nebr. | Steed |
| Fisher | Matsunaga | Stephens |
| Flynt | Meeds | Stratton |
| Foley | Michel | Stubblefield |
| Fulton, Tenn. | Miller | Sullivan |
| Fuqua | Moeller | Sweeney |
| Gallagher | Morrison | Taylor |
| Gilligan | Moss | Teague, Tex. |
| Goodell | Multer | Thomas |
| Gray | Murray | Thompson, N.J. |
| Green, Oreg. | Nedzi | Thompson, Tex. |
| Greigg | Nix | Thomson, Wis. |
| Gross | O'Brien | Todd |
| Hagan, Ga. | O'Konski | Toll |
| Hanna | Olsen, Mont. | Trimble |
| Hansen, Idaho | Ottinger | Tunney |
| Hansen, Iowa | Pike | Tupper |
| Harvey, Ind. | Pirnie | Udall |
| Harvey, Mich. | Pool | Ullman |
| Hawkins | Powell | Walker, Miss. |
| Hébert | Pucinski | Watkins |
| Helstoski | Purcell | White, Idaho |
| Hicks | Randall | Widnall |
| Howard | Reinecke | Wilson, Bob |
| Hungate | Resnick | Wolff |

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. O'HARA of Michigan, Chairman of the Committee of the Whole House on the State of Union, reported that that Committee, having had under consideration the bill H.R. 18381, and finding itself without a quorum, he had directed the roll to be called, when 266 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose, the Clerk had read through line 20 on page 2.

AMENDMENTS OFFERED BY MR. LIPSCOMB

Mr. LIPSCOMB. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LIPSCOMB: On page 2, strike out lines 11 through 20.

Mr. LIPSCOMB. Mr. Chairman, I have another amendment which pertains to the same matter. I ask unanimous consent that the amendments may be considered en bloc.

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

Mr. MAHON. Mr. Chairman, reserving the right to object, we do not know what the other amendment is.

Mr. LIPSCOMB. Mr. Chairman, will the gentleman yield?

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

Mr. LIPSCOMB. Because of the situation, I would recommend deleting the entire chapter II. The first amendment, which has been read, would delete lines 11 through 20 on page 2, and the next amendment would delete lines 1 through 5 on page 3, to delete the entire chapter II.

Mr. MAHON. Mr. Chairman, I withdraw my reservation.

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

There was no objection.

The CHAIRMAN. The Clerk will report the second amendment offered by the gentleman from California.

The Clerk read as follows:

Amendment offered by Mr. LIPSCOMB: On page 3, strike out lines 1 through 5 and renumber the succeeding chapters and section numbers accordingly.

Mr. LIPSCOMB. Mr. Chairman, these amendments would delete the entire chapter II of this bill, which authorizes additional resources of $600 million for the operating expenses of the Export-Import Bank. It also would delete $128,000 for administrative expenses.

According to the committee report which accompanied this bill, these additional resources are required for a higher level of lending activity for exports of traditional equipment and services, aircraft, and military goods. The report also says that, in addition, the Bank has recently initiated a new program of loans to commercial banks for export financing.

If the Members of the House will look at the hearings which have been published in regard to the supplemental bill, they will find there are no hearings available on the request for the Export-Import Bank which indicate the new programs being set up by the Export-Import Bank or why they are going into a higher level of lending activity. However, recent public announcements may give some indication as to the increased activity which may be contemplated by the Export-Import Bank, and this is the basis on which I offer these amendments.

On October 7, the President, when addressing the National Conference of Editorial Writers, announced some new steps in his drive to seek economic and cultural relations with the Communist states. The President at that time said:

We will reduce export controls on East-West trade with respect to hundreds of nonstrategic items.

He also said:

I have today signed a determination that will allow the Export-Import Bank to guarantee commercial credits to four additional Eastern European countries—Poland, Hungary, Bulgaria and Czechoslovakia. * * *

The Export-Import Bank is prepared to finance American exports for the Soviet-Italian Fiat auto plant.

That is what the President said.

On March 24, 1966, when Mr. Harold F. Linder, President and Chairman of the Board of the Export-Import Bank, testified before the Subcommittee on Foreign Operations Appropriations in behalf of a $922,121,000 increase for fiscal year 1967 over 1966, he said at that time, and I quote from this testimony in March:

We are requesting a limitation this period of $2,108,241,000, which amount includes, I should point out, a sum of $595 million for emergency credits. The other restriction provides that the Bank will not guarantee or otherwise participate in extending credits to Communist countries unless the President determines it to be in the national interest for the Bank to do so. The Bank has kept the Congress and this committee advised of the few guarantees and credits it has granted under the Presidential finding of national interest. There have been no credits or guarantees extended to the Soviet Union, Bulgaria, or Czechoslovakia.

Now, it certainly looks at this time, in view of the President's announcement and in view of this bill which is before the House today, that a great change has come about. Because of the lack of hearings and the lack of the Congress in not being able to know what we are raising this limitation for, there is good reason to delete the request for an additional limitation of $600 million in this bill. It is late in the session. The Congress should have time to look at this program and to know better what is going on in the Export-Import Bank. Three months of fiscal year 1967 have already gone by. As I mentioned previously, the committee in their regular appropriation bill increased the Export-Import Bank limitation by over $922 million. The President's announcement about weakening controls generally on sales to the Communists and to finance the highly suspect trade through the Export-Import Bank represents a serious new policy which is cause for concern. The Congress should have a chance to look into this matter.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. HALL. Mr. Chairman, I ask unanimous consent that the gentleman from California [Mr. LIPSCOMB] may proceed for 5 additional minutes.

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

There was no objection.

Mr. HALL. Mr. Chairman, would the gentleman yield at that point?

Mr. LIPSCOMB. I yield to the gentleman from Missouri.

Mr. HALL. Do I understand the gentleman from California, a member of the Committee on Appropriations, to say that in view of the President's message, in the interests of international diplomacy, I am sure, that we are going to increase our loans and business with the Communist nations through the Export-Import Bank, authorizing the making of loans to these four Communist countries, Czechoslovakia, Bulgaria, Rumania, and Poland?

Mr. LIPSCOMB. According to the President's announcement in his speech before the National Conference of Editorial Writers, he said:

I have today signed a determination that will allow the Export-Import Bank to guarantee commercial credits to four additional eastern European countries, Poland, Hungary, Bulgaria, and Czechoslovakia.

Mr. HALL. Would the gentleman not agree with me that this is in direct contravention of the stated will of the Congress on many occasions in this area in the past?

Mr. LIPSCOMB. It has been my understanding that this is so, but under

the law the President can make such a determination in the operation of the Export-Import Bank, and he has done so previously for Yugoslavia and Rumania.

Mr. HALL. Does he have to notify Congress or make a determination that it is in the best interests of the Republic before so doing?

Mr. LIPSCOMB. I understand that the Export-Import Bank has been notifying the Congress and the Committee on Appropriations when the President so makes a determination.

Mr. HALL. Mr. Chairman, I simply wish to state further that I am unalterably opposed to such operations or loans, as our men are dying overseas and I support the amendment which has been offered by the gentleman from California [Mr. LIPSCOMB].

Mr. Chairman, one final question:

I understood the gentleman to say that a loan is being made to the Fiat Company and I wonder if the gentleman can state the amount of the loan which is to be made by the Export-Import Bank?

Mr. LIPSCOMB. Mr. Chairman, in a national magazine, published just recently there is an article to the effect that "hush-hush deals" had been going on between the Department of Commerce and the Department of State with the Italian Fiat Auto Co. to obtain an Export-Import Bank loan with which to finance a Soviet-Italian Fiat auto plant in the Soviet Union.

Mr. Chairman, I have no concrete evidence that any such deal has gone through at this time. But there has been so much information in the press and other places that I believe such a deal either has been or is about to be consummated, and the President referred to it in his speech made on October 7 at that time he said:

> The Export-Import Bank is prepared to finance American exports for the Soviet-Italian Fiat auto plant.

So, I have every reason to believe that with the weakening of export controls this will go through and, therefore, I believe that Congress should take action on this amendment, and wait until we have some congressional determination as to how much trading with the Soviets and other Communists countries that our Nation should do before we start granting long- or short-term loans.

Mr. RHODES of Arizona. Mr. Chairman, will the gentleman yield?

Mr. LIPSCOMB. I am delighted to yield to the gentleman from Arizona.

Mr. RHODES of Arizona. Mr. Chairman, if I understood the gentleman correctly, this is going to be a loan to an Italian concern with which to build a factory in the U.S.S.R.

Is there any additional question involved? Is there any indication that additional goods or products will be financed by this loan?

Mr. LIPSCOMB. It is reported that American manufacturers will sell to the Italian Fiat Co. the machine tools and other machinery that is necessary and then the Italian Fiat Co. will build a plant in the Soviet Union.

In effect, there will be American materials and techniques that will be "putting the Russians on wheels." The loan would go, I would assume, to the Italian Fiat Co. with which to purchase this equipment.

Mr. RHODES of Arizona. Mr. Chairman, if the gentleman will yield further, it seems to me that this represents a very radical departure from the procedure and the policies of the Export-Import Bank.

As I view it as a former member of the Foreign Operations Subcommittee for some 6 years, this is my opinion.

Mr. LIPSCOMB. I thank the gentleman from Arizona.

Mr. Chairman, the Congress should have the opportunity to look into this carefully in order to determine whether our Nation should finance goods, to Communist countries, which are helping to support North Vietnam.

We should not increase the additional resources to the Export-Import Bank, until we have heard and ascertained more about it.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. LIPSCOMB. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

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

There was no objection.

Mr. LIPSCOMB. The Export-Import Bank received in the regular appropriation bill an increase for fiscal year 1967 of $922,121,000.

The action that I am asking the House to take through the adoption of this amendment today will not retard their program one bit and, if necessary, we can come back when we have the Defense supplemental under consideration in January and insert the necessary language for the Export-Import Bank at that time.

I respectfully ask the House to consider this amendment and let us find out what the Export-Import Bank is going to do in the way of financing the buildup of the military potential of the Communist bloc countries before we grant them more resources.

Mr. Chairman, the announcement by the administration to greatly increase exports of U.S. goods and technology to the Communists of the Soviet Union and Eastern Europe is a matter of great concern to all Americans.

That is the administration's policy even though the Communists of the Soviet Union and Eastern Europe are openly and directly increasing the military effectiveness of North Vietnam.

That is the administration's policy even while Americans are increasingly giving their lives and money in war against a Communist regime.

That is the administration's policy even though the Communist Party of the Soviet Union has publicly stated its great need for U.S. technology in order to build a Communist society and even though the present membership of the House has proclaimed that the Government of the Soviet Union is depriving fundamental human rights to people who live within that Communist society.

As I discussed with the House yesterday, I believe the administration's position on Red trade is a tragic error. My statement appears beginning on page 27154 of the October 17 CONGRESSIONAL RECORD.

For the information of the House, I am submitting for inclusion in the RECORD a copy of letters I have written to the President and to the Secretary of Defense on this subject:

OCTOBER 13, 1966.

The PRESIDENT,
*The White House,*
*Washington, D.C.*

MY DEAR MR. PRESIDENT: Newspapers report that a formidable antiaircraft defense system has been developed during the past year in North Vietnam with the bulk of the equipment being supplied by the Soviet Union.

These reports state: that the number of operational antiaircraft missile sites has increased by more than 600 percent; that the number of conventional antiaircraft guns (37 mm, 57 mm, 85 mm, 100 mm) has increased by 333 percent; that there are said to be more radar sets per square mile in North Vietnam than there are in Eastern Europe; that the number of MIG aircraft has increased to about 100; that almost 400 American aircraft have been shot down by Communist weapons; that the antiaircraft defense provides an umbrella under which lethal military weapons flow southward to be used by Communists in killing Americans and our Allies in South Vietnam; and that just since January 1 of this year over 26,000 Americans alone have been killed or wounded by Communists.

The U.S. Defense Department has information concerning aid to North Vietnam. In a letter of October 7, 1966 from the Office of the Secretary of Defense I was advised that reports indicate that during 1965 and early 1966 ". . . up to $500,000,000 in [military] equipment has been delivered from the USSR alone." In the letter I was also advised that "The flow of both economic and military aid into North Vietnam has continued, and perhaps increased, in volume during 1966."

According to Commerce Department figures available to me, the Communists of the Soviet Union and Eastern Europe—the same Communists who are supplying the weapons and equipment which are killing American soldiers, sailors, and airmen in Vietnam—have, this year, increased their purchases of American technology and American commodities. I am enclosing only a partial list of commodities and technical data which the Commerce Department has authorized for shipment to the Communists during seven months of this year.

The text of your October 7 remarks to the National Conference of Editorial Writers in New York City include the following:

"We do not intend to let our differences on Vietnam or elsewhere prevent us from exploring all opportunities. We want the Soviet Union and the nations of Eastern Europe to know that we and our allies shall go step by step with them as far as they are willing to advance.

"Let us—both Americans and Europeans—intensify our efforts.

"We seek healthy economic and cultural relations with the Communist states.

"I am asking for early congressional action on the U.S.-Soviet Consular Agreement.

"We intend to press for legislative authority to negotiate trade agreements which could extend most-favored-nation tariff treatment to European Communist states.

"And I am today announcing these new steps:

"We will reduce export controls on East-West trade with respect to hundreds of nonstrategic items;

"I have today signed a determination that will allow the Export-Import Bank to guarantee commercial credits to four additional Eastern European countries—Poland, Hungary, Bulgaria and Czechoslovakia. This is good business. And it will help us build bridges to Eastern Europe."

In light of the above I respectfully ask two questions:

1. Do you not see any relationship between the Communist military potential and the commodities and technology which is sent from America to the Communists?

2. When you speak to the relatives of Americans who have been killed and maimed by weapons, equipment, and ammunition which was supplied by the Communists to whom we export our products and technology, how do you explain the Administration's trade-with-Communists policy?

Respectfully yours,

GLENARD P. LIPSCOMB,
*Member of Congress.*

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OCTOBER 14, 1966.

Hon. ROBERT S. MCNAMARA,
*Secretary of Defense,*
*Department of Defense,*
*Washington, D.C.*

DEAR MR. SECRETARY: I am writing about a matter which directly affects the security of the United States.

For a number of years I have been concerned with the quantity, quality, and type of American products and know-how that the Communists of the Soviet Union and Eastern Europe have been able to purchase. The enclosed lists will indicate to you the kinds of technical data, prototypes, and commodities for which export licenses have been issued this year by the Department of Commerce authorizing shipment to the U.S.S.R. and East European nations.

I believe the average American citizen recognizes the relationship between advanced technology and its actual and potential benefits to the Communist economy and to the Communist military machine.

Certainly the Communist Party leaders recognize their need for our technology. Mr. Bulganin in 1955 said:

"When the Party Central Committee emphasizes the great importance of introducing advanced technology into our national economy, it bases itself on the fact that the struggle for technical progress in our country is the struggle for the building of a Communist society."

Mr. Kosygin in 1965 said:

"In thoroughly developing our country's machine building, we must make wider use of the achievements of foreign technology."

The American citizen can visualize that the American technology and goods shipped in previous years to the Communists of the U.S.S.R. and Eastern Europe in all likelihood may be used directly and indirectly in the weapons of war which those same Communists have supplied to North Vietnam.

They can visualize some of the components which make up the Soviet supplied equipment which is killing and maiming the American fighting man in Vietnam: the diesel generators, the capacitors, the transistors, the electrical cables, the switches, the lubricants, the fuels, the metals, the plastics, the chemicals in the explosive. All of those items and more are found in the jet aircraft; the efficient network of radar sets; the missiles and conventional anti-aircraft weapons; the trucks; and the myriad of other military aid which has been supplied to North Vietnam by the Soviet and Eastern European Communists.

The Department of Defense has informed me that during 1965 and 1966 ". . . up to $500,000,000 in [military] equipment has been delivered from the USSR alone." I was also told that "The flow of both economic and military aid into North Vietnam has continued, and perhaps increased, in volume during 1966."

The American citizen knows that under the canopy of the formidable North Vietnam air defense network a lethal supply of Communist weapons and ammunition flows southward to be used against Americans and our allies in South Vietnam.

The President on October 7 announced the reductions on export controls on East-West trade. This will include, according to the announcement, American exports of automotive manufacturing machinery for a factory the Fiat Company of Italy has agreed to construct in the Soviet Union.

There is no question that the export of American precision automotive building machinery to the USSR would have a significant impact on the Soviet economy and its overall economic, and hence military, strength.

I therefore call on the Department of Defense to oppose vigorously the proposed issuance of any licenses to authorize shipment from the United States of automotive manufacturing equipment for the factory Fiat has agreed to construct in the USSR.

Also, I urge the Department of Defense to vigorously oppose any other proposed exports which would have a significant impact toward strengthening the economic bases of the USSR and Eastern Europe Communist countries.

Sincerely yours,

GLENARD P. LIPSCOMB,
*Member of Congress.*

Mr. PASSMAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. PASSMAN. Mr. Chairman, it would be easier to defend sin than to attempt to defend anything that has to do with Russia or any Communist country. If I thought for one moment that the Export-Import Bank would approve a loan of even $1 to the Soviet Union I would enthusiastically support the gentleman's amendment.

May I say, in response to the gentleman's statement, that we had no subcommittee hearings on the $600 million request. We did discuss this supplemental estimate during the markup on the regular foreign aid bill. The President of the Export-Import Bank had advised me prior to that date that they would need an additional $1.25 billion. Almost daily we expected the President's request to reach the Congress for action. We even had to redraft our committee report and delete the proposed increase of $1.25 billion when the supplemental budget estimate was not forthcoming and we were ready to report the foreign aid bill. If I am not mistaken, there was no opposition during the markup, from any subcommittee member. At the same time we marked up the regular bill, we also discussed the $128,000 for additional administrative expenses. And I repeat, I do not recall that there was any opposition to either increase.

Let me say, Mr. Chairman, that I was informed today by officials of the Export-Import Bank that they have never made any type of loan to the Soviet Union. I am also informed by the Export-Import Bank officials that there is no—and I repeat—no application pending from the Instituto Mobiliare Italiano, the Italian financial institution, that usually handles much of the financial affairs of the Fiat automobile corporation.

Regardless of any individual personal feelings some of us may have about selling commodities to the Soviet Union, we must face up to the fact that manufacturers and exporters in America are exporting some type of commodities to the Soviet Union almost daily. That has been true since the end of World War II. These exporters accept either dollars or gold in return.

It is contemplated that the Fiat Corp. of Italy will erect a substantial automobile plant in the Soviet Union, which is valued at approximately $600 million. It will purchase from the United States machinery and equipment for that plant valued at $50 million. The equipment and machinery is available in France, the United Kingdom, West Germany, and other European countries if Fiat chooses to buy there.

The question is: Does the United States desire to sell to the Italian firm $50 million of the $600 million, or do we wish to let the entire sale go to our competitors in Europe?

May I again remind you that U.S. manufacturers and exporters are selling Russia U.S. commodities every day.

Incidentally, the total sales of U.S. commodities to the Soviet Union, the last complete year I have, which is 1964, amounted to $144,553,000. There are some 1,200 items manufactured in America being exported to the Soviet Union annually.

As I stated in the beginning, and I repeat that statement, if I thought that the Export-Import Bank would approve a loan to the Soviet Union, then I would support the gentleman's amendment. But I have been assured by the Export-Import Bank, and I have a letter in my possession, that states that if a loan should be made, it will be made to a financial institution in Italy that the Export-Import Bank has been doing business with for many, many years. They have made them many, many loans, and all of these loans have been repaid, many of them some years in advance of the due date.

Mr. Chairman, may I state for the benefit of the Members, that the original, contemplated estimate—and we have a copy of the letter in the committee's files—was indicated to be an increase of $1.25 billion.

The reduced request, which is in the bill before us, is for $600 million. Under the gentleman's amendment the entire $600 million appropriation would be deleted from the bill on the premise that at some subsequent date there might be an application for a $50 million loan from this financial institution in Italy.

May I also say that the gentleman's amendment would not in any way, shape, manner, or form prevent the Export-Import Bank from approving this possible $50 million loan to the Italian financial institution from funds already approved for the Bank by the foreign assistance appropriation bill for fiscal year 1967.

I want to assure the gentleman from California that I appreciate his alertness. I know he is trying, as all of us are trying, to prevent loans of any type to the Soviet Union.

But the gentleman's amendment, if I may repeat, will strike the entire $600 million just in case, at some subsequent date, there could be an application for a $50 million loan for the Italian financial firm.

Mr. LIPSCOMB. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield to the gentleman.

Mr. LIPSCOMB. Just so that this point will be clear, it is not only the Soviet Union that I am talking about, it is Czechoslovakia, Hungary, Poland, and Bulgaria. Those are the countries that are included in the President's determination.

Mr. PASSMAN. Of course, I cannot speak authoritatively about the President's determination. But I do have to deal with the official agency, and I want to assure the gentleman that so far as I know there has been no loan application even considered for the other Communist countries.

I want to repeat if I may that I wholeheartedly support the gentleman's amendment.

If I had any idea that at any subsequent date there would be a loan approved for the Soviet Union, notwithstanding the fact that the Joint Chiefs of Staff including the chairman, General Wheeler, think that this would be a very excellent idea to get the Soviet Union to use some of its financial resources for peaceful pursuits and manufacturing items that would go into the civilian economy of Russia, rather than spending all of their resources arming themselves, which I think it is a very good point, then I would support the gentleman's amendment.

Mrs. BOLTON. Mr. Chairman, will the gentleman yield for just one question?

Mr. PASSMAN. I am happy to yield to the gentlewoman from Ohio.

Mrs. BOLTON. I tried to find out this morning in committee and I ask the gentleman who it is that advises the President in all of these decisions that he makes about other countries?

Mr. PASSMAN. If I may say so, and I am being a little humorous, the President does not take those things up with me. I have no idea as to who advises him on these matters. I have to go by the official record. I do appreciate the contribution of the gentlewoman.

Mrs. BOLTON. I think it would be the wise thing to do to find out who does advise him.

Mr. PASSMAN. Mr. Chairman, I have a letter dated October 17, 1966, signed by Walter C. Sauer, First Vice President and Vice Chairman of the Export-Import Bank of Washington, which reads as follows:

This is in reply to your request for information as to the proposed financing by Export-Import Bank of United States exports for the Soviet-Italian Fiat auto plant to which the President referred in his speech on October 7, 1966.

Let me make clear at the outset that any financing Eximbank may undertake in connection with this plant will be in the form of a loan to Istituto Mobiliare Italiano (IMI), an Italian financial institution, for the benefit of Fiat, S.P.A., an Italian corporation. The Bank will not be extending credit to or in any way dealing with the Soviet Government or any of its entities.

The facts as of this time are these. Since 1947, the Export-Import Bank has extended credits of some $650 million to IMI for financing U.S. exports, including credits aggregating about $50 million for the use of Fiat. Parenthetically, I might say that all of these credits have been repaid; many of them some years before they were due.

I repeat, "Parenthetically, I might say that all of these credits have been repaid; many of them some years before they were due."

The purpose of the Export-Import Bank, of course, is to make loans so that U.S. exporters may sell our commodities to countries overseas. They have a marvelous record to date. It is the one institution in the field of foreign assistance—and I do insist that it is foreign assistance, because if you do not give cash but do extend credit, that is assistance in my book—that has a good record. It is operated by good bankers, and they have made a tremendous profit, not only for the exporters and manufacturers of America, but they have also made a very handsome profit on the amount of interest that they have collected and returned to the U.S. Treasury.

It is a conservative organization. They have also asked for a very small increase of $128,000 in their administrative expenses. I did not hesitate to recomend it, and I am of the opinion that the subcommittee also approved this request unanimously.

May I say to the distinguished minority member of the committee that at the time the subcommittee approved the proposed $1,025 million request which was anticipated, and the $128,000 in administrative expenses, that we had no information as to the Fiat loan that we have been referring to today.

Mr. SHRIVER. Mr. Chairman, I ask unanimous consent that the gentleman from Louisiana may be permitted to proceed for an additional 2 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas? The Chair hears none, and the gentleman from Louisiana is recognized for 2 minutes.

Mr. SHRIVER. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I am happy to yield to the gentleman from Kansas.

Mr. SHRIVER. At the time that this request for an extension of the limitation came before the subcommittee recently, you discussed the matter with me. Did you have any idea that involved was further dealing with a Communist country?

Mr. PASSMAN. No. As I said a moment ago, at the time the subcommittee tentatively approved this request for an increase in the operating-expense limitation of $1,025 million, we had no knowledge of the possible Fiat loan that we have referred to today. If I thought for a moment that there was any loan pending for the Soviet Union, I would support the amendment. But what we are proposing to do here is to knock out the $600 million because at some subsequent date the Bank may have an application for a loan of $50 million to the Fiat Corp.

Mr. SHRIVER. If the purpose of the loan is for use in the Soviet Union, what is the difference if the loan is made to an Italian company or directly to Russia? What is the difference?

Mr. PASSMAN. I say to the gentleman that if you start trying to trace all commodities—whether they be sardines, drugs, or machinery—as to their ultimate destination, it would take at least a million people to police it. This is an effort to sell U.S. commodities and, as far as I am concerned, you will be making the loan to an Italian financial institution. We have been dealing with them for many, many years. It is a proposed $600 million transaction, and we are only going to be privileged to make a loan of $50 million if they decide to make an application for it.

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield to the gentleman from Michigan.

Mr. CEDERBERG. The gentleman knows that the Appropriations Committee has always been concerned about back-door financing. This is nothing more than back-door financing to Russia through an Italian concern.

Mr. PASSMAN. The gentleman is entitled to his personal opinion. I hope the amendment is voted down.

Mr. CHAMBERLAIN. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. CONTE. Mr. Chairman, will the gentleman yield to me?

Mr. CHAMBERLAIN. I am pleased to yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, I would like to compliment the gentleman from Louisiana, not only on the position that he has taken today but on the consistent position he has taken all year supporting foreign aid. It is a real eye-opener to me. For 8 years I have been battling the gentleman from Louisiana on this question of foreign aid.

I find the gentleman on my side, punching and fighting against all cuts this year, going down the line on foreign aid.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I do not have control of the time.

Mr. CHAMBERLAIN. I yield to the gentleman from Louisiana, briefly.

Mr. PASSMAN. May I say to the distinguished gentleman from Massachusetts, I, too, majored in sarcasm and made straight A's.

Mr. CHAMBERLAIN. Mr. Chairman, I asked for this time to commend our colleague from California for offering this amendment, for the study he has given to this problem and for calling it to the attention of the House.

Particularly I would commend the gentleman for including in yesterday's RECORD, on page 27154, a further discussion of this same problem, with which I feel every Member of the House should familiarize himself.

I say that this is no time to add another $600 million to this bill. It is only 3 weeks before the election and many Members have gone home. A question of great moment has been raised. We will be back here again in 2 or 3 months. This is a matter which should be discussed then.

We are about to make a radical change in our policy. This should have the closest scrutiny of the Members of the Congress and should not be summarily treated in the 11th hour, when we all have our bags packed ready to go home.

Again I commend the gentleman from California for offering the amendments.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. CHAMBERLAIN. I yield briefly.

Mr. PASSMAN. We are not making a dollar appropriation here as such. We are recommending an increase in the Bank's borrowing authority from the Treasury.

Mr. LIPSCOMB. Mr. Chairman, will the gentleman yield?

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

Mr. LIPSCOMB. I find it very interesting that the gentleman from Louisiana mentions this, because if Members will check the hearings on the regular appropriation bill they will find he made a very important point, with which I agree. No matter what you call it, it still comes out of the taxpayers' money.

Mr. PASSMAN. I still agree that this is foreign assistance. As far as I am concerned, I should like to see the Export-Import Bank operate on an annual appropriation basis like other Federal agencies, but it was not created on that basis.

Mr. LIPSCOMB. Mr. Chairman, if the gentleman will yield further, in no way does my amendment imply that I do not appreciate the efforts of the Export-Import Bank or the efficient way in which they have operated. My amendments go to the root of financing Communist countries, where they are building up their economic and military capacity.

This also goes to the root of helping and supporting countries who are fighting against our policy and supplying our enemy in North Vietnam.

It seems absolutely ridiculous.

Mr. PASSMAN. Mr. Chairman, if the gentleman will yield, the amendment would not in any way, shape, or fashion preclude the Export-Import Bank from approving a $50 million loan application if it should be filed.

May I also assure the gentleman from Michigan as well as the gentleman from California that we will question the Bank officials very thoroughly. I am of the opinion that we will go into what their future plans may be with respect to this type of loan, which may be, directly or indirectly, of benefit to Communist countries.

As I said earlier, if they want to make the proposed loan they can still do so. The amendment does not preclude this loan, if the application should be filed, because the Bank has funds available to it that have already been approved in the regular foreign aid appropriation bill which was signed by the President only 3 days ago.

Mr. LIPSCOMB. Mr. Chairman, will the gentleman yield?

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

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(By unanimous consent, Mr. CHAMBERLAIN was allowed to proceed for 2 additional minutes.)

Mr. LIPSCOMB. If the Export-Import Bank has enough borrowing capacity now to take on new programs, dealing with Communist nations, along with the other programs they now have, they certainly have too many resources and too much borrowing authority at the present time. So that is all the more reason to support this amendment.

Mr. PASSMAN. Would the gentleman yield for an explanation?

Mr. CHAMBERLAIN. I am sorry, but I feel I have to decline to yield further. I have been rather generous, I think, and I am sure the gentleman will be able to get his own time.

Mr. PASSMAN. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan [Mr. CHAMBERLAIN] may proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. CHAMBERLAIN. I will yield to my colleague from Louisiana.

Mr. PASSMAN. Do you realize that it may take almost 30 months from the date a loan application is received from one of these borrowing countries before it is approved. The increase in limitation would in all probability finance the sale of aircraft to friendly countries. We did not get into too much detail in our hearings, but I do have the correspondence, which you may check, which shows that in all probability it will be used for equipment and for aircraft. I am familiar with some of the negotiations where they would be selling the new passenger aircraft versions, not military, to some of the friendly countries of the world.

Mr. LIPSCOMB. Mr. Chairman, will the gentleman yield?

Mr. CHAMBERLAIN. I yield to the gentleman, but I will say to my colleague from California that this is the last time I am going to yield.

Mr. LIPSCOMB. If the gentleman from Louisiana would have had hearings published so that the Members of the House could read them, they would know better what he has in mind. As you know, as chairman of the Subcommittee on Foreign Operations, you raised the Export-Import Bank $922 million just recently. The hearings you are talking about apply to that increase.

Mr. PASSMAN. We are trying to shift from a giveaway aid program to a hard-dollar loan program. We have been working on it for years. If your amendment passes, you will go back to the old grant program. That is what I am trying to stop.

Mr. LIPSCOMB. If the gentleman will yield further, I am not in favor of giving aid or assistance to any Communist country now supporting the effort of the North Vietnamese against our soldiers.

Mr. PASSMAN. I support the gentleman's view on that point 100 percent. However, I would say that no European country is supporting the North Vietnamese either with men or equipment.

Mr. CHAMBERLAIN. Mr. Chairman, in his speech in New York City on October 7, before the International Conference of Editorial Writers, the President is reported to have said with reference to encouraging increased trade with Eastern European countries:

> I have today signed a determination that will allow the Export-Import Bank to guarantee commercial credits to four additional Eastern European countries—Poland, Hungary, Bulgaria, and Czechoslovakia. This is good business. And it will help us build bridges to Eastern Europe.

I question that this is good business as the President claims. I question that the citizens of the Sixth District of Michigan would think this is good business. And, Mr. Chairman, I question whether the American people are going to think that this is good business. It would be mighty hard for me to explain to those I am honored to represent why I voted to make our taxpayers' funds available to provide credits to Communist countries that are supporting Ho Chi Minh and North Vietnam, and, you too, my colleagues, who support the legislation will find it difficult to explain why funds from the U.S. Treasury should be used to strengthen communism.

Mr. Chairman, in conclusion I should say we should be very careful that anything we do today will not strengthen any country that might conceivably be giving aid or assistance in any form to the aggressors in Vietnam. A most serious question has been raised, and I am not at all satisfied with the explanations we have had. I think this should be deferred in order that it can be studied with the greatest of care when the 90th Congress convenes in January.

The CHAIRMAN. The question is on the amendments offered by the gentleman from California [Mr. LIPSCOMB].

The question was taken; and on a division (demanded by Mr. Bow) there were—ayes 32, noes 70.

So the amendments were rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CHAPTER III—INDEPENDENT OFFICES

*Veterans' Administration*

General Operating Expenses

For an additional amount for "General operating expenses", $19,320,000.

Mr. GUBSER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I was shocked, to put it mildly, to learn that the Veterans' Administrator, Mr. Driver, had not appeared before the Subcommittee on Independent Offices of the Committee on Appropriations to request supplementary funds for the purpose of relieving the tremendous nurse shortage in the Veterans'

Administration hospitals in the western part of the United States.

Mr. Chairman, in order to build a record, preliminary to what I hope will be a concerted effort to take care of this in January, and certainly it is urgent that we do take care of it, I would like to relate some background. Recently we have had negotiations between the nursing profession in the San Francisco Bay area and the hospitals which have led to 22-percent salary increases for nurses in private hospitals.

Mr. Chairman, at the same time, junior grade nurses entering into the Veterans' Administration receive only $5,867 a year. That is not even $500 a month for a registered nurse.

And, Mr. Chairman, what is the result? Nurses are leaving your Veterans' Administration hospitals by the dozens each day, and we are about to close a ward in the Palo Alto Veterans' Administration Hospital simply because we cannot obtain nurses.

Now, Mr. Chairman, I wrote to the Veterans' Administration Administrator, Mr. Driver, and I pointed these facts out to him. He wrote back as follows:

> We have adopted a policy to permit the setting of pay rates above the minimum for the grade in certain localities. These will be areas where the prevailing pay in non-Federal hospitals is significantly higher than ours and is determined to handicap our ability to hire or retain employees.

Now, Mr. Chairman, what do the nurses say? I quote just one phrase of a telegram which I have received:

> Even were maximum use made of these emergency guidelines our staff's fair and reasonable requirements would be less than halfway satisfied.

Mr. Chairman, let me reiterate: We have taken emergency measures to pay partially the increased cost of hiring nurses in the San Francisco Bay area which met half of the requirements, while the Veterans' Administrator has not even discussed or talked to the Appropriations Committee about it.

Mr. Chairman, what is wrong?

Mr. YOUNGER. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I yield to my distinguished colleague, the gentleman from California [Mr. YOUNGER].

Mr. YOUNGER. Mr. Chairman, I thank my colleague, the gentleman from California [Mr. GUBSER], for yielding. Both of us have veterans' hospitals located in the areas which it is our honor to represent. We not only receive letters constantly from the nurses serving in those hospitals, but we receive letters of criticism from nurses serving in regular hospitals, criticizing the Federal Government for not reaching the maximum that the other hospitals in the area are now paying.

Mr. Chairman, I wish to join with the gentleman from California [Mr. GUBSER] in severe criticism of the action which has been taken, not only by the Veterans' Administration, but by the administration itself, in not requesting these funds.

Mr. GUBSER. I thank the gentleman from California.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman from North Carolina.

Mr. JONAS. Mr. Chairman, the gentleman from California is correct in a great portion of his statement.

However, Mr. Driver did appear before the committee personally, and testified in support of the items now contained in the bill.

Mr. Chairman, there was no budget request for funds for this purpose and Mr. Driver or none of his associates who appeared before the committee discussed that subject at all. There were no requests for funds and none are included herein.

Mr. GUBSER. Mr. Chairman, I yield to the gentlewoman from Ohio [Mrs. BOLTON].

Mrs. BOLTON. Mr. Chairman, I wonder if the House appreciates the fact that we have a shortage of bedside nurses in this country of around some 80,000—largely because of the attitude of the hierarchy in the nursing profession, who now say that a nurse has to be a Ph. D. or a doctor, or something of that kind.

Plain, good, old-fashioned nurses are not being produced.

Now, I am all for the nurses receiving adequate wages, my colleagues, very much so, because the nurses are behind, although in some areas of the country everyone is saying that they cannot pay for nursing services. All right, one cannot pay $30, $40, or $50 a day, which they say it is in many places, but why in the world cannot we in this House find some method by which this 80,000 shortage in nurses could be filled? We need nurses.

Mr. GUBSER. Mr. Chairman, I conclude by saying that this Congress is most generous in handing out 103 supergrade positions to the poverty program with salaries up to $25,000 a year. Yet our registered nurses, who have life and death within their hands, who go to college for 4 years, and most of whom receive a bachelor of science degree and who are highly skilled must start work for the Veterans' Administration at $5,867 per year—less than $500 per month. I think that it is an absolute disgrace, and I call upon the Committee on Appropriations to do something about this matter in January, pay these nurses what they deserve, and stop this situation where nurses are leaving the veterans' hospitals in droves to go to better paying positions in private hospitals.

Mr. COHELAN. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman.

Mr. COHELAN. Mr. Chairman, I want to thank the gentleman for bringing this matter to the attention of the House. This is an important question and it deserves attention. It also requires some straightforward and sobering answers.

Where do you find nurses today?

You find nurses just about anywhere—but wherever they are, there are not enough. There are not enough in hospitals and clinics, in doctors' offices and schools, or in the Armed Forces. There are not enough in industry or in research, and there are not enough nurse teachers to instruct the students who might help fill this tremendous shortage.

"Nurse shortage" is a phrase which is echoing throughout the Nation today, and Federal statisticians have pointed out that the situation will become worse before it improves.

We are not the first persons to note that there is a dreadful shortage of nurses, and we will not be the last. It is no longer particularly newsworthy or sage to point out that nurses are in short supply. We can all continue to wring our hands and point our fingers and overlook a very obvious fact—that the shortage of nurses is an old, old problem.

Mr. Chairman, I am tired of—and I am sure the American public is tired of—self-contained and self-righteous statements about the shortage of nurses. I think that the health consumers of this country are entitled to some straightforward information—and by that I do not mean headline statements about a shortfall of 125,000 nurses or that 521,000 nurses are currently practicing while there are actually over a million nurses in the United States today.

These are some of the facts:

No matter what way you look at it, there is no such thing as an "instant nurse." Recruitment, good education, a commitment to quality nursing care, proper utilization of nursing personnel, economic and working conditions to attract and hold nurses—all these, and more, are involved in the process of bringing nurses into the Nation's health care facilities. Without all the right ingredients, the individual produced may be a very nice person to have around the hospital—but she will not be a nurse.

There are many who are looking for shortcuts to increase the nurse supply. I am not speaking of legitimate methods to increase educational facilities or of well-planned refresher courses or of stepped-up recruitment. These are the kinds of thoughtful, well-planned measures which must be intensified.

When I say "shortcuts," I am thinking of ill-advised plans and suggestions which can only shortchange the nursing practitioner and the consumer of health care. These shortcuts would dilute nursing education in time and quality. They would demand less in the qualifications of a professional nurse. This individual, with less than adequate preparation, would be placed in the health field and called a nurse. But the fact is, we are short of real nurses, not substitutes or poor copies of qualified professional nurses.

Legislators and the public alike must come to a full comprehension of the total situation which has created and continues to contribute to the nurse shortage. Once the total situation is understood, perhaps then we can get on with the business of filling the needs. Perhaps then we will no longer hear "nurse shortage" and "quick solution" spoken in the same breadth.

If there were a quick solution for the nurse shortage, Mr. Chairman, it would have been implemented 10 years ago, 20 years ago, or even 50. It was the same problem then. It is just that a nation

of health-care consumers has suddenly come face to face with an old, old problem.

Today there is a new national attitude toward health care that has brought on a sense of urgency. Medicare and a wealth of progressive health legislation has made all of us aware of health manpower needs—and especially of the need for nurses.

But we should not shortchange the future of health care by sacrificing the quality we have come to expect from our professional nurses. In fact, we should demand that these women be better trained and better paid in order to meet the increasing demands which are being placed on them. Only by going in this direction will we be able to increase the quantity and quality.

Mr. MAHON. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. MAHON. Mr. Chairman, I am sure that all Members of Congress want to see nurses adequately paid. Of course, the Committee on Appropriations in an appropriation bill cannot set nurses pay rates in the VA hospitals. This is done by basic law. If legislation is required along that line I am sure the appropriate committee will support the legislation. It is my understanding, however, that the Veterans' Administration may raise the beginning rates several steps in the pay scale where this is necessary to be competitive in a locality. This may provide some relief in the situation mentioned here.

I might add that we provided all the funds requested for these purposes when we considered the regular bill.

The Clerk concluded the reading of the bill.

AMENDMENT OFFERED BY MR. MAHON

Mr. MAHON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MAHON: On page 15, lines 8, 9, and 10, strike out the following: "the Public Works Appropriation Act, 1967; the Department of Defense Appropriation Act, 1967;".

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. MAHON].

Mr. MAHON. Mr. Chairman, I am sure there will be no objection to this amendment. Since this bill was prepared and reported, the President has signed the public works appropriation bill and the Department of Defense appropriation bill. Therefore, we do not need any validating language for the funds provided in those two bills, and I have offered the amendment to strike out the unnecessary language.

Mr. BOW. Mr. Chairman, we have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. MAHON].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BOW

Mr. BOW. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Bow: On page 16 after line 3, add a new section as follows: "SEC. 803. Not later than 120 days after the date of enactment of this Act, appropriations herein and heretofore made for personal services (but not including those for Department of Defense military functions, the Post Office Department, and the Selective Service System) shall, as the President shall determine, be reduced by not less than $70,000,000 through the reduction, below the number otherwise authorized under appropriations herein and heretofore made, of not less than 10,000 full-time permanent civilian Federal employees."

Mr. MAHON. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MAHON. Mr. Chairman, I make a point of order against the amendment on the ground that the amendment goes beyond the scope of this bill. It applies to funds that are contained in other legislation and to funds that are made available by previous law.

The amendment is not restricted to this bill.

I raise the further point, Mr. Chairman, that the gentleman's amendment would require additional duties of the President, and for that reason is subject to the point of order that it is legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman from Ohio [Mr. Bow] desire to be heard on the point of order?

Mr. BOW. Yes, I do; Mr. Chairman.

Mr. Chairman, I believe that this amendment is germane under the Holman rule, and I would like to discuss that with the Chairman.

The Holman rule permits legislation in a general appropriation bill if the legislation is germane and retrenches expenditures in any one of the following ways:

First. By reduction of the number and salary of the officers of the United States.

And I think it does that, Mr. Chairman.

Second. By the reduction of the compensation of any person paid out of the Treasury of the United States.

And, Mr. Chairman, I think it meets that requirement.

Third. By the reduction of amounts of money covered by the bill.

Mr. Chairman, this bill is a general appropriation bill which affects various agencies.

The amendment is germane since it also deals with and affects various appropriations of various agencies.

There can be no speculation or uncertainty about its reducing personnel because it will cut by 10,000 the full-time permanent employees of the Federal Government.

Additionally, it reduces appropriations in this bill and in existing legislation by $70 million, which also comes under the Holman rule.

I acknowledge that it deals with personnel and appropriations in other legislation as well as in this bill, but the whole subject matter is the reduction of personnel and the retrenchment of Federal expenditures. That follows the Holman rule.

On June 1, 1892, while in the Committee of the Whole and to an item appropriating $10,450,000 for free delivery service, an amendment was submitted striking out that sum and inserting "$10,449,000, to be disbursed in such manner," and so forth, the manner prescribed being a new provision of law. It was held that the amendment was germane; that while it changed existing law, it reduced the amount appropriated by the bill, and was therefore in order—pages 4909–4911 of the CONGRESSIONAL RECORD, of June 1, 1892. The decision of the Chair was appealed but, after full debate, his decision was sustained by the Committee of the Whole—CONGRESSIONAL RECORD, of June 1, 1892, page 4920.

Further, "Cannon's Precedents," volume VII, 1491, holds that an amendment reducing the number of Cavalry regiments from 15 to 10 is in order, for while the Chair cannot fix the amount of the reduction, that a reduction will follow seems to be a fair and necessary conclusion.

I particularly point this out to the Chair that "Cannon's Precedents," volume VII, 1511, holds that unlike a provision admitted as a limitation—and this is not a limitation—language admitted under the Holman rule is not restricted in its application to the pending bill.

This is a precedent of the House. It has been sustained by the House. Mr. Chairman, this amendment clearly qualifies under the Holman rule, and I urge that the point of order be overruled.

The CHAIRMAN. The Chair is prepared to rule. The amendment offered by the gentleman from Ohio provides that "provisions herein and heretofore made for personal services shall as the President shall determine be reduced by not less than $70 million through the reduction, below the number otherwise authorized under appropriations herein and heretofore made, of not less than 10,000 full-time permanent civilian Federal employees."

The amendment of the gentleman from Ohio would apply not only to funds carried in this bill but to funds heretofore appropriated by the Congress.

The Chair notes that the Holman rule, in clause 2 of rule 21, specifies that to fall within the exception provided by this rule, the amendment must be germane to the subject matter of the bill. The bill before the Committee provides supplemental appropriations for certain governmental activities—activities specified in this bill. The amendment goes much further than this, and with three exceptions would be applicable to all departments and agencies of the Government.

The citations brought to the attention of the Chair by the gentleman from Ohio—all of them, as far as the Chair can determined, involved appropriation bills that dealt with the activities of some department or agency of Government, and the amendments provided for limitations or retrenchments of activities carried in the bill, and were germane to the bill before the Committee.

The bill before the Committee, as the Chair indicated, provides supplemental appropriations just for certain governmental activities, and the gentleman's amendment goes beyond those activities and the point of order is therefore sustained.

AMENDMENT OFFERED BY MR. BOW

Mr. BOW. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Bow: On page 16 after line 3 add a new section as follows:

"SEC. 803. Notwithstanding any other provision, appropriations herein, as the President shall determine, shall, not later than 120 days after the date of enactment of this Act, be reduced in the aggregate by not less than $1,500,000,000 through substitution by reduction and transfer of funds previously appropriated for governmental activities that the President, within the aforementioned 120 days, shall have determined to be excess to the necessities of the services and objects for which appropriated."

Mr. MAHON. Mr. Chairman, I make a point of order against this amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MAHON. The point of order is that the amendment goes far beyond the scope of this bill and applies to funds made available by other laws for which appropriations are not provided in the pending measure.

I make the further point of order that the amendment would obviously impose additional duties on the President.

The CHAIRMAN. Does the gentleman from Ohio wish to be heard on the point of order?

Mr. BOW. Yes, I do wish to be heard, Mr. Chairman.

With respect to this amendment I shall not repeat the provisions of the Holman rule.

I believe we have changed the Holman rule today by making it relate to this bill. The previous precedents of the House have been it must not necessarily apply to this particular bill when there is a retrenchment, so we are making new precedents today.

This is a general appropriation bill affecting various agencies. Since the amendment also deals with and affects various appropriations of various agencies, it is germane.

Again, there can be no speculation as to its retrenching Federal expenditures because it reduces appropriations in this bill—in this bill by $1.5 billion and requires the President to fund activities in this bill from previously appropriated funds that are excess to the necessities of the services and objects for which appropriated.

I point out again that the Holman rule does not go along with the decision suggested by the distinguished chairman of the committee that additional duties are involved.

Under the Holman rule it is a question of retrenchment of expenditures.

The legislation in this amendment is not unrelated to the retrenchment of expenditures. Instead, it is directly instrumental in accomplishing the reduction of expenditures. Thus, the proposed retrenchment and the legislation are inseparable and must be considered together.

"Cannon's Precedents," in volume VII, 1550 and 1551, holds that an amendment may include such legislation as is directly instrumental in accomplishing the reduction of expenditures proposed. That is the precise situation with respect to this pending amendment.

Again I cite "Cannon's Precedents," volume VII, 1511, which holds that language admitted under the Holman rule is not restricted in its application to the pending bill, and to the June 1, 1892, decision, to which I referred before, of the Committee of the Whole and its Chairman, that an amendment was in order under the Holman rule even though it changed existing law.

I say, Mr. Chairman, I believe if this is held to be out of order we will be changing the precedents and the rules of the House, and we will be destroying the Holman rule.

I urge the Chair to overrule the point of order.

The CHAIRMAN (Mr. O'HARA of Michigan). The Chair is prepared to rule.

The amendment offered by the gentleman from Ohio specifies that appropriations herein, as the President shall determine, shall be reduced in the aggregate by not less than $1.5 billion. This reduction would be achieved by authorizing and directing the President to utilize previously appropriated funds for the activities carried in this bill.

The Chair feels that the amendment is clearly legislation. It places additional determinations and duties on the President and involves funds other than those carried in this bill.

Therefore, if the amendment were to be permitted it would have to qualify, as the gentleman has attempted to qualify it, under the Holman exception, under the Holman rule, rule XXI, clause 2.

In the opinion of the Chair, the Holman exception is inapplicable in this instance for three reasons.

First, the payment from a fund already appropriated of a sum which otherwise would be charged against the Treasury has been held not to be a retrenchment of expenditures under the Holman rule.

Chairman Hicks, of New York, ruled to the same effect when a proposition involving the Holman rule was before the House on January 26, 1921.

Second, it seems to the Chair that the language proposed by the gentleman from Ohio [Mr. Bow] authorizes the reappropriation of unexpended balances, a practice prohibited by clause 5 of rule XXI.

Third, the amendment goes to funds other than those carried in this bill and is not germane.

With respect to the latter point and the citation that has been given by the gentleman from Ohio, which is found in the precedents of the House, volume VII, 1511, the Chair will note that the proposition reduced the number of Army officers and provided the method by which the reduction should be accomplished. It was an amendment, as it appears in the citation, to a War Department appropriation bill and was therefore germane in spite of whatever the general proposition in the heading may have stated.

For the reasons given, the Chair will sustain the point of order made by the gentleman from Texas.

AMENDMENT OFFERED BY MR. FINDLEY

Mr. FINDLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FINDLEY: On page 16, after line 3, add the following:

"SEC. 803. None of the funds made available because of the provisions of this bill shall be used by the Export-Import bank to either guarantee the payment of any obligation hereafter incurred by any Communist country (as defined in section 620(f) of the Foreign Assistance Act of 1961, as amended) or any agency or national thereof, or in any other way to participate in the extension of credit to any such country, agency, or nation in connection with the purchase of any product by such country, agency or nation."

Mr. MAHON. Mr. Chairman, it appears, although I have not had an opportunity to examine a copy of the amendment submitted by the gentleman from Illinois, that the amendment is subject to the point of order that it is legislation on an appropriation bill and seemingly requires additional duties.

The CHAIRMAN. Does the gentleman from Illinois wish to be heard on the point of order?

Mr. FINDLEY. Mr. Chairman, this amendment is taken exactly from the language of an amendment which was part of an appropriation bill in 1963. I am sure many of the Members present today will recall the Christmas Eve session which did extend to that late date because of this amendment. The amendment itself does not impose any burdens, duties, or obligations on the President. It is simply an act of retrenchment and withholding and denial of funds for specific purposes. By virtue of the fact that no determination or duties are placed upon anyone as a result of this amendment, I feel it is in order today just as it was back in 1963.

The CHAIRMAN. The Chair is prepared to rule.

The Chair finds that the amendment offered by the gentleman from Illinois [Mr. FINDLEY] is in the nature of a limitation on an appropriation and does not, in the opinion of the Chair, impose extra burdens or administrative duties upon the administration in a way that would subject it to a point of order. Therefore, the Chair overrules the point of order.

The gentleman from Illinois is recognized for 3 minutes in support of his amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. FINDLEY] is recognized for 5 minutes.

Mr. MAHON. Mr. Chairman, I ask unanimous consent that the amendment be read again. We would like to have the amendment read again in order to have a copy of it. We do not know what is contained in the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. FINDLEY: On page 16, after line 3, add the following:

"SEC. 803. None of the funds made available because of the provisions of this bill shall be used by the Export-Import Bank to guarantee the payment of any hereinafter incurred by any Communist country as defined in section 620(f) of the Foreign Assistance Act of 1961, as amended, or any agency or national thereof, or in any other way to participate in the acts of trade to any such country, agency or nation in connection with the purchase of any product by such country, agency or nation."

Mr. FINDLEY. Mr. Chairman, the bill now pending before us clearly provides additional funds for the Export-Import Bank. This is an institution owned entirely by the taxpayers of the United States, taxpayers who are also financing a very difficult costly and bloody struggle in Vietnam.

It is a fact well known to all Members of this body and to the Nation generally, that the Communist nations of Europe form a veritable arsenal to supply the Communist forces in North Vietnam.

I am sure that no Member of this body would wish to provide funds which might be used by the Export-Import Bank to provide additional resources to any of these nations whose activities work a hardship by providing guns and other supplies used against our fighting men in North Vietnam.

Mr. Chairman, the effect of this amendment will simply be to restrict the authority of the Export-Import Bank, which is not a private institution—not a private bank—from providing this form of aid to any Communist countries.

I hope that there will be no objection to this amendment.

And, I might say that language similar to this was sustained by a large majority in this body in 1963, and that occurred during a period when there was certainly a lower level of activity in Vietnam and when we were not so clearly and heavily at war as we are today.

If this House of Representatives had good reason to support a limitation at that time, it has even greater reason today.

We have sustained a heavy toll in Vietnam. And, apparently, this toll will continue.

It is very clear that petroleum products and all kinds of weapons are produced and shipped from these very same Communist countries, which under the broad existing authority of the Export-Import Bank, would have access to taxpayer-financed credit.

All of us are aware, I am sure, that when any person or any nation receives credit, that person or nation is enabled to do things he could not otherwise afford.

So, Mr. Chairman, to the extent that the Export-Import Bank does extend credit to any Communist nation which provides arms or other supplies to North Vietnam, to that extent that country is enabled to maintain a higher level of activity in that respect than otherwise would be the case.

Therefore, Mr. Chairman, I urge support of the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. PASSMAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the amendment, although in principle, as I stated earlier, I certainly support the amendment.

However, Mr. Chairman, the members of the subcommittee or the committee had no prior knowledge of the proposed amendment, or what the impact would be upon the financial operations of the Export-Import Bank.

Mr. Chairman, it may well be that the proposed amendment would ultimately prove to be a good amendment, especially if we had an opportunity to study it and to discuss it with the officials of the Export-Import Bank as to what the impact would be, what our present commitments are, and what undelivered commodities we have that may fall into this category.

Mr. Chairman, I can assure the gentleman from Illinois [Mr. FINDLEY] that we appreciate the amendment being offered.

The amendment indicates that we are against selling any commodities to the Soviet Union, or to any of its satellites, that would assist the enemy in North and South Vietnam. But I think that the committee has a record of being fair, and I believe we ought to have the opportunity to discuss this proposed amendment with the officials of Export-Import Bank before we adopt it and cripple the activities of the Bank.

So I trust that the gentleman's amendment will be voted down.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RHODES of Arizona. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, lest there be any doubt in anybody's mind, this is the same amendment that was offered and which carried the House in 1963, which was knocked out in conference, which came back to the floor of the House, whereupon the House instructed the conferees to insist on the House position.

This was done twice, and the third time the House refused to instruct the conferees because it was 5 o'clock in the morning of Christmas Eve at that time.

The House has repeatedly expressed itself as being in favor of the proposition which is included in this amendment.

I think the memory of the gentleman from Louisiana will certainly revert to the time in 1963 when this language was thoroughly studied. We knew what it was going to do then, and we do now. I will say to him without any equivocation whatsoever that it will stop the Export-Import Bank from making loans to Czechoslovakia, Poland, and other countries which are identified as Communist countries, and so defined under the language referred to in this amendment.

There is no mystery here. This language has been well considered by the House.

I think every Member of the House, including the gentleman from Louisiana, knows exactly what it will do.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. RHODES of Arizona. I yield to the gentleman.

Mr. PASSMAN. Mr. Chairman, we never heard of possible loans to Yugoslavia, Czechoslovakia, and all these different countries. I wish that some of the able members of the committee had brought this matter to the attention of the chairman of the subcommittee so that he would have some knowledge of this amendment.

I have no prior knowledge of any proposed loans such as have been indicated. This is something that can catch us off base.

Mr. RHODES of Arizona. I understand that the gentleman from Louisiana, if I understood his earlier colloquy, was caught off base by the fact that there are actually loans planned to Communist countries by the Export-Import Bank. This information was not divulged to him in any hearings. I would say that we are not now trying to catch the gentleman off base, we are going to get him back on base, by telling the Export-Import Bank that it cannot make these loans until it comes to the gentleman's committee and makes a proper case for them. This can certainly be done in January. There could not be any emergency about these transactions.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield further?

Mr. RHODES of Arizona. I yield to the gentleman.

Mr. PASSMAN. Mr. Chairman, I can assure the gentleman that if he will not insist on this amendment, on which we do not have the background and the knowledge that we should have as to its full impact, that we will start hearings tomorrow morning at 10 o'clock and try to clear it up.

But I do not think that the gentleman should offer this amendment in the closing hours of this Congress that could have the effect of destroying the Export-Import Bank. I repeat that there have been no hearings held on it. But if the gentleman will not insist on his amendment we will begin hearings tomorrow morning at 10 o'clock, and find out what it is all about.

Mr. RHODES of Arizona. The matter of these loans certainly could go over until January; there is no urgency whatsoever that there be hearings on this tomorrow. However, I think that the Committee understands why no loans should be made by the Export-Import Bank of the American taxpayers' money to any Communist countries whatsoever.

There is no rush for hearings on this. All we are trying to do with this amendment is to take the heat off of the House, take the heat off the Committee, and to take the heat off of the gentleman from Louisiana so that he can deal with this in his deliberate wisdom, and he is a very wise Member of the House. He can go into this matter in January.

Mr. PASSMAN. Mr. Chairman, if the gentleman will yield further.

Mr. RHODES of Arizona. I yield.

Mr. PASSMAN. There is no heat on the gentleman from Louisiana. I have the courage of my convictions. I think this is a rather bad way to legislate—to come in at the closing hours of the session with an amendment that might close down this institution that has an excellent record as a financial institution for the financing of U.S. exports abroad. This amendment might destroy the one institution that every Member of this body has supported over the years.

Mr. RHODES of Arizona. It is well known that the Communist countries are now in Russia making agreements. Also I have here a newspaper clipping showing that Poland and North Vietnam on Monday, signed trade and economic assistance agreements.

These people are doing business with North Vietnam. I do not think I need to remind the House that North Vietnamese troops are shooting at American boys and shooting down American planes every day. Now, why should it be necessary to come before the House at this late hour and authorize funds which will go to make loans which may strengthen the country of North Vietnam? I do not think it is necessary. I think the amendment should be adopted.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, let us look back to what happened in 1963 after we had defeated this same amendment. What happened was that we sold a lot of wheat to Russia and we got gold for it. They ate the wheat, but they no longer have the gold. They do not have that gold with which to buy munitions and strategic materials.

Mr. LIPSCOMB. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield.

Mr. LIPSCOMB. Some of the wheat that we sold to Russia was transshipped to another Communist country and it never even got to Russia.

Mr. SMITH of Iowa. There was an unauthorized mixup over there on $25 million worth but that was relatively just peanuts to what we are talking about here.

Mr. LIPSCOMB. But the gentleman will admit that it never got to Russia.

Mr. SMITH of Iowa. Mr. Chairman, I decline to yield further.

Mr. Chairman, this is an anti-American-businessman's amendment.

There is just so much wheat in the world. If we do not sell the wheat, then France or Canada or somebody else sells the wheat. Then we supply wheat to people that they would have been supplying wheat to.

That is exactly what happened in 1963 and 1964. There was so much wheat sold by Canada to those countries that our merchants picked up Canada's usual customers, including France.

When our businessmen and millers cannot sell the wheat directly, what happens is that some Canadian or other merchant will sell it. They can buy the wheat and touch base in Montreal and then go on.

Talk about American bottoms—they are not restricted to American bottoms on 50 percent or on any percentage. They can secure Japanese bottoms or any other bottoms entirely. They can load the wheat and touch base in Montreal, make a new invoice or bill of lading and then go on to wherever they want to go.

All this amendment would do is to cut out the American businessman from making a share of the profit in world trade. It puts foreign merchants between the American businessman and the ultimate customer.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman.

Mr. PASSMAN. May I say to the committee that none of us know what the implications of this amendment may be. Every day, since the end of World War II, manufacturers and exporters have been shipping commodities to the Soviet Union. There are some 1,200 different commodities being exported to the Soviet Union. We sold to the Soviet Union in 1954 $144 million worth of American commodities.

I do not know whether this amendment would preclude any manufacturer or any exporter from exporting their commodities to the Soviet Union.

Why did we not adopt this amendment 20 years ago or after World War II? Trade has been going on between these nations ever since. I do not know whether the amendment is all-inclusive or just what you propose to do. But take into account the fact that we are selling commodities to the Soviet Union every day of the year.

Mr. SMITH of Iowa. I want to say this too, Mr. Chairman. You cannot do business in the world market without the Export-Import Bank guarantee. Germany set such a guarantee agency up after World War II. Other countries followed suit, and finally, we established one.

Business is not done exclusively between individuals in the United States and individuals somewhere else—they have to have a government that guarantees the transaction.

This is the only way you can sell in world trade, and that is what our Export-Import Bank is for.

One of the usual customs in world trade is that you get one-third down. perhaps a third of it upon delivery, and one-third 6 months later, after they have had a chance to distribute some of it.

This is the usual custom and in fact synonomous to a cash sale. The Export-Import Bank guarantees it, and nobody has ever defaulted including the Communist nations on any of these guarantees of the Export-Import Bank.

Mr. YOUNGER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman.

Mr. YOUNGER. I am absolutely surprised.

Mr. SMITH of Iowa. I am not surprised that you are surprised.

Mr. YOUNGER. I am absolutely surprised that the gentleman from Iowa would come before us and defend the purpose of the businessmen who want to continue the war and furnish the munitions to kill our boys in Vietnam.

Mr. SMITH of Iowa. I decline to yield further. That is nothing but demagoguery. It has nothing to do with this, and the gentleman knows it. That is the kind of amendment that never comes up except in the closing days of a session of Congress. Why did it not come up before?

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Michigan.

Mr. CEDERBERG. What profit is it to the American Government to trade in this manner with a Communist country?

Mr. SMITH of Iowa. The American Government does not trade.

Mr. CEDERBERG. The American people or the American businessman. Do they need this profit?

Mr. SMITH of Iowa. We have wheat and other products to sell, and we are going to sell it in a world market. Someone is going to sell the wheat. Why should our businessmen be the only ones excluded from doing so?

Mr. CEDERBERG. I understood that we had a shortage of wheat.

Mr. SMITH of Iowa. Only because we have been selling it. We would not have a shortage of wheat if we had prohibited our businessmen from selling it.

Mr. CEDERBERG. Do our businessmen need this profit so badly that they have to sell the wheat?

Mr. SMITH of Iowa. They have as much right to part of the profit as businessmen in Canada have.

Mr. BOW. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. BOW. This is not a new amendment. We have had it before us many times previously. The distinguished chairman of the Foreign Aid Appropriations Subcommittee of the House has seen this amendment many times. When he says that he does not know but that this may destroy the Export-Import Bank, may I point out that he knows it refers only to Communist countries, nothing else but Communist countries.

I would ask the gentleman from Iowa whether the millers and the wheat growers of Iowa, the fathers and mothers who have sons in Vietnam today, are willing that this trade shall go on with Communist countries, to build them up so that they can kill their sons? And that is exactly what we are talking about here. I wish that instead of this vote being today on this matter, that we were giving this vote to 400,000 men now serving in Vietnam, whether they feel we should or should not be lending that money to nations which are furnishing the sinews of war, the antiaircraft guns, the rifles, the automatic weapons, the petroleum, and whether the American taxpayers' dollars should go into the Export-Import Bank to be used for these countries.

Let us look at this thing from the standpoint of whether the American businessman wants it or not. Let us look at it from the standpoint of whether or not we are going to furnish the sinews of war simply for a profit motive to affect 400,000 men—and you are drafting more every day. You know it is going to increase.

And I say to you, my colleagues, this is the test. This is the test. Are we going to continue this trade and are we going to build Communist countries, and are we going to give them an opportunity to furnish additional materiel, or are we going to say to them that the United States is not going to support their war efforts?

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

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

Mr. SMITH of Iowa. Will the gentleman explain to me how, by this amendment, you are going to keep Canada from making these sales?

Mr. BOW. I do not care what Canada does. I do object to what Canada is doing.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield further?

Mr. BOW. No, I do not yield any further. I am not trying to protect Canada. I am trying to protect the American servicemen in Vietnam. Let Canada sell it if it wants to. I am concerned. We have spent $122 billion in foreign aid and other aid beginning with the Marshall plan. The gentleman who is on his feet on the other side has helped to appropriate those funds.

Where are our friends? Who is helping us in South Vietnam? Are we going to continue to give this money to Communist countries to help them?

Mr. Chairman, Canada is not there helping us. There are no troops from Canada, no troops from Great Britain. Go right down through the countries we have assisted. We gave $122 billion to save those nations. Now you call the roll in Vietnam and they are not there.

I say to you, my friends, here is the test: Are we going to lay down the rule here today that we are not going to strengthen Communist countries which are shipping the materiel of war to kill American men, or is the profit motive enough for us to tell our businessmen, "Go ahead. We will finance you," and not protect these 400,000 boys?

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to my friend from Louisiana.

Mr. PASSMAN. I believe the distinguished gentleman from Ohio [Mr. Bow], has made an excellent, patriotic statement. I share his desire about devising some plan whereby we do not help Communist countries.

It would appear to me, at this time, that this amendment is all inclusive, and nothing is said about exempting any commodities American exporters may ship to Russia or to any other Communist country on a cash basis.

The distinguished gentleman from Ohio is very able and fair. I am in hopes that he will impart some of that wisdom to our subcommittee early next year during our hearings on the fiscal year 1968 foreign aid bill, rather than at a late date in the session, when we do not have an opportunity to ascertain what the full impact of the proposed amendment would be.

My question is: Would this amendment also stop American exports for cash?

Mr. BOW. Before the gentleman goes further, since the gentleman talks about cash sales, the gentleman knows that this amendment would not prevent cash sales.

Mr. PASSMAN. I thank the gentleman.

Mr. BOW. This has to do with financing by the Export-Import Bank. I will come before the gentleman's committee next year and make this plea. But let us stop it now.

Mr. PASSMAN. I only asked the gentleman what it would do with respect to cash sale exports. Would the gentleman advocate continuing that practice?

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(On request of Mr. FLOOD, and by unanimous consent, Mr. BOW was allowed to proceed for 3 additional minutes.)

Mr. PASSMAN. I am only trying to ascertain what our position would be as to cash sales to the Soviet Union or to other Communist countries. Could the amendment be construed to where it would restrict all exports to Communist countries?

There are ways to get cash. This amendment is not going to correct anything, but will only restrict the activities of the Export-Import Bank.

Mr. BOW. This says that none of the funds made available because of the provisions of this bill shall be used by the Export-Import Bank to guarantee the payment of obligations incurred by Communist countries.

It is not a question of cash sales. It is a question of the financing activities of the Export-Import Bank.

I merely wish to say to the gentleman who asked us to wait until next year and to come before his subcommittee, to see what should be done, that I would remind the gentleman the casualty list in Vietnam will go on from this day until then. Let us stop it now.

Let us take every step we can today to protect our boys in South Vietnam.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield for a further question?

Mr. BOW. I yield.

Mr. PASSMAN. Could the gentleman furnish the Foreign Operations Subcommittee an estimate of the amount of exports, which the Export-Import Bank has financed, that are going into Communist countries?

Mr. BOW. I cannot do that.

Mr. PASSMAN. I thank the gentleman.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Illinois.

Mr. FINDLEY. I might say, in response to the query just made, that Rumania recently received a loan guaranteed by the Export-Import Bank for some sort of a petroleum cracking plant, a plant that would have obvious use in a munitions industry.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. BOW. I am delighted to yield to the gentleman from Maryland.

Mr. LONG of Maryland. I am very much concerned with respect to this amendment, because I have a son in Vietnam at the present time. Can the gentleman tell me how the amendment would save the life of a single American boy?

Mr. BOW. I believe it would save lives from the standpoint of not building up the resources of Communist countries. We should not ship them any material that will assist in that buildup.

Mr. LONG of Maryland. I understand that, but the point has been raised that if we do not sell to them, they will buy it somewhere else. I just wonder how the amendment would save the life of any American boy.

Mr. BOW. I do not know whether they will buy it some place else. If we ship it to them we can rest assured that it will be used to make up the sinews of war.

Mr. LONG of Maryland. I do not believe the gentleman has answered my question.

Mr. MAHON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I ask unanimous consent that all debate on this amendment conclude in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MAHON. Mr. Chairman, the gentleman from Ohio [Mr. Bow] and the gentleman from California [Mr. LIPSCOMB] were kind enough to give the chairman of the committee, in advance, copies of amendments which they offered earlier in the proceedings today. The gentleman from Illinois did not provide us with a copy of his amendment, so it took a little time to research the records and the present law on this matter.

Mr. Chairman, I hate to close this session of Congress on a political controversy as to who is the most patriotic—the Democratic or the Republican Party.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. MAHON. This is reminiscent of December 1963, when an effort was made by the gentleman from Illinois [Mr. FINDLEY] to prove that the Republican Party was more patriotic than the Democratic Party. That was in December 1963. Then, in November 1964, the people went marching to the polls and elected Democratic candidates in overwhelming numbers. So I would warn my friends that this sort of operation cannot be counted on to pay off at the polls.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I must proceed. Time is limited.

Mr. FINDLEY. The gentleman mentioned my name. Will he please yield?

Mr. MAHON. I would like to say, ladies and gentlemen of the Committee——

The CHAIRMAN. Regular order.

Mr. MAHON. I would like to say that I find, upon research, that the pending amendment is identical, with one exception, to a provision now in Public Law 89-691 of this Congress. It is already the law.

I want to make the issue before the House crystal clear. The present law provides the following with respect to the issue:

None of the funds made available because of the provisions of this title shall be used by the Export-Import Bank to either guarantee the payment of any obligation hereafter incurred by any Communist country (as defined in section 620(f) of the Foreign Assistance Act of 1961, as amended) or any agency or national thereof, or in any other way to participate in the extension of credit to any such country, agency, or national, in connection with the purchase of any product by such country, agency, or national, except when the President determines that such guarantees would be in the national interest and reports each such determination to the House of Representatives and the Senate within 30 days after such determination.

The gentleman's amendment is as follows:

SEC. 803. None of the funds made available because of the provisions of this bill shall be used by the Export-Import Bank to either guarantee the payment of any obligation hereafter incurred by any Communist country (as defined in section 620(f) of the Foreign Assistance Act of 1961, as amended) or any agency or national thereof, or in any other way to participate in the extension of credit to any such country, agency, or nation in connection with the purchase of any product by such country, agency, or nation.

It will be noted that there is no real difference in the gentleman's amendment as compared with the existing law except he leaves out the final proviso in the law and denies the President any discretionary authority to take action to the contrary if he deems such action is in the national interest.

It just does not make sense to adopt this amendment. I point out to you that the existing law takes care of the situation unless there are Members of the House who prefer to take a gratuitous slap at the President, the Commander in Chief, in a foreign policy matter at this time when we are engaged in war. The gentleman's amendment tends to slap the President in the face by denying him as Commander in Chief of the Armed Forces the discretion which the existing law provides. The existing law, which I have quoted heretofore, seems to me to adequately cover the situation and I for one do not propose to advocate that we change it now. How irresponsible can we be?

The existing law was approved into law only 3 days ago as Public Law 89-691.

The existing law on this subject is not something new. It was enacted in 1963, again in 1964, again in 1965, and again only 3 days ago.

Let those who beat their breast and protest their loyalty and patriotism take note of what the real facts are in this case.

If this amendment is not adopted, and I predict it will not be, the proposal of the gentleman from Illinois [Mr. FINDLEY] may be the subject of a motion to recommit. It would be just as inappropriate as a motion to recommit as it now is in the form of an amendment.

Let no man be deceived. The gentleman is merely proposing reenactment of existing law except for a discretionary clause contained in existing law. He proposes the reenactment of a portion of the law which a majority of the House has supported since 1963, including myself. The gentleman would simply eliminate the discretionary section of the present law.

I wish to repeat for emphasis and clarity the position which those of us take who oppose the pending amendment. We favor the present law which is as follows, and I repeat:

None of the funds made available because of the provisions of this title shall be used by the Export-Import Bank to either guarantee the payment of any obligation hereafter incurred by any Communist country (as defined in section 620(f) of the Foreign Assistance Act of 1961, as amended) or any agency or national thereof, or in any other way to participate in the extension of credit to any such country, agency, or national, in connection with the purchase of any product by such country, agency, or national, except when the President determines that such guarantees would be in the national interest and reports each such determination to the House of Representatives and the Senate within 30 days after such determination.

If this amendment is defeated and the amendment is used as a basis for a motion to recommit, those of us who vote against recommitting the bill will do so because we continue to support the existing law heretofore quoted.

I hope the amendment will be defeated.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield.

Mr. SMITH of Iowa. The exception was also placed in the provision in 1963, and that makes all the difference in the world, because that permits the President to differentiate between these bad sales and the ones where all we are doing is rewarding Canada for trading with the Soviet Union.

Mr. MAHON. Of course, this is not a wheat sale problem in any sense of the word, but we are presently selling for cash to the Soviet Union to a very limited degree. Something less than $50 million in value annually, I believe.

Mr. Chairman, I trust that the pending amendment will be voted down.

PREFERENTIAL MOTION OFFERED BY MR. FINDLEY

Mr. FINDLEY. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. FINDLEY moves that the Committee do now rise and report the bill back with the enacting clause stricken.

Mr. FINDLEY. Mr. Chairman, I would first like to explain why the amendment was drafted at the last minute. I apologize to the chairman of the subcommittee for not furnishing him with a copy in advance. I suppose it may reflect some lack of diligence on the House floor, but I simply did not realize until about an hour ago that this supplemental bill did provide some money for the Export-Import Bank. Had I known of it in advance, I assure the gentleman that I would have provided him with a copy of the amendment in advance so that he would be advised as to the exact language contained therein.

But, Mr. Chairman, as I stated earlier, the language was taken from the amendment—of course, deleting that final Presidential clause to which the gentleman referred—but otherwise it is precisely the same amendment which was dealt at great length back in 1963. So, to most of the Members of this body the language and its effect come as no surprise.

This language was offered back in 1963 for the same reason as it is offered today. But I believe the reason has even more importance today than it did back in 1963.

At that time it was not clear that we would be involved in the combat activities that we are involved in today.

In 1963, the death toll in Vietnam certainly had not risen to its present level, and some were hopefully looking for better relationships with Communist countries. But, even so, it did not seem to me to make sense to require the taxpayers of this country to provide this additional resource to the Communist bloc countries which they otherwise would not have, and to me it makes even less sense today for us to require the taxpayers, through this legislation, to enable the Communist countries to reach into our pockets in order to help finance, in effect, a war machine for Communist forces in Vietnam.

If we could be assured that they would stop shipping machineguns and automatic rifles and other types of war equipment and that we could be assured that they would no longer ship any petroleum products with which to help keep the Communist war machine oiled, then it would be another thing.

I see the gentleman from Louisiana [Mr. PASSMAN] on his feet and I know that the gentleman is sincere about this situation. The gentleman from Louisiana is as sincere as he was back in 1963, when he objected to this same amendment, and I concur in his feelings about the Export-Import Bank being, by and large, an excellent institution.

But, Mr. Chairman, I am sure the gentleman has read the papers of late as I have, and has seen the news which gives some strong assurance to the effect that there will be a new chapter in the activities of the Export-Import Bank, and that in the future we cannot reasonably expect that our credit guaranties to these Communist countries will be very limited and selective in scope.

In fact, the news I read indicates that we are going to try to open the trade doors. Trade, Mr. Chairman, is one thing. But providing credit and resources which these countries do not have and could not otherwise have, is quite another thing.

To me it makes no sense in this period of trouble, a period in which more than 100 of our boys a week are dying at the hands of the Communists in Vietnam, for us to add 1 penny of resource to the countries which form a veritable arsenal for those Communist forces.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I am glad to yield to the gentleman from Louisiana.

Mr. PASSMAN. Mr. Chairman, I share the concern of the gentleman from Illinois, and I also say to him that I am always looking for information that will

help the committee report out a better bill.

Mr. Chairman, I am just as opposed to helping in any way Communist countries as is the gentleman from Illinois.

Mr. FINDLEY. Well, here is a chance for you to do it.

Mr. PASSMAN. Mr. Chairman, if the gentleman will yield further, I have not asked my question as yet.

The gentleman from Illinois mentioned the sale of a petroleum cracking plant, I believe, to what country?

Mr. FINDLEY. Rumania is the country.

Mr. PASSMAN. If the gentleman will yield further, could the gentleman tell me on what date the Export-Import bank approved that loan, the amount, the terms and if the gentleman from Illinois protested to the Export-Import Bank at the time the sale was negotiated?

Mr. FINDLEY. The moment I heard about it, I demanded the details thereof.

Mr. Chairman, I have tried to keep up on every rumored transaction by the Export-Import Bank. However, I am fully aware that the President, back in early 1964 made a determination that it was in the national interest for us to finance trade with Communist countries.

Mr. PASSMAN. Mr. Chairman, if the gentleman will yield further, this petroleum cracking plant deal was nothing more than a rumor, is that it?

Mr. FINDLEY. I beg the gentleman's pardon?

Mr. PASSMAN. It is a rumor that the gentleman heard?

Mr. FINDLEY. Oh, no. I believe it was a bit more than a rumor, because I was quite concerned about the new approach in plans to make use of the funds contained in the Export-Import Bank.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield further?

Mr. FINDLEY. I do not yield further to the gentleman from Louisana.

Mr. LIPSCOMB. Mr. Chairman will the gentleman yield?

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

Mr. LIPSCOMB. Mr. Chairman, it does not appear to be rumor that the President has made a determination along this line. On October 7, as I quoted earlier, the President announced:

> I have today signed an application that will allow the Export-Import Bank to guarantee commercial credits to four additional Eastern European countries, Poland, Hungary, Bulgaria and Czechoslovakia.

Then the President also went on to say the Export-Import Bank is prepared to finance American exports for the Soviet-Italian Fiat plant.

The CHAIRMAN. The time of the gentleman has expired.

Does the gentleman from Illinois wish to withdraw his preferential motion?

Mr. FINDLEY. Yes, Mr. Chairman, I withdraw my preferential motion.

The CHAIRMAN. Without objection, the preferential motion is withdrawn.

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. FINDLEY].

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. FINDLEY. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. PASSMAN and Mr. FINDLEY.

The Committee divided, and the tellers reported that there were—ayes 54, noes 67.

So the amendment was rejected.

Mr. MAHON. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. O'HARA of Michigan, 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. 18381), making supplemental appropriations for the fiscal year ending June 30, 1967, and for other purposes, had directed him to report the bill back to the House with an amendment with the recommendation that the amendment be agreed to and that the bill, as amended, do pass.

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

The question is on the amendment.

The amendment was 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.

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

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BOW. I am, Mr. Speaker.

The SPEAKER. The gentleman qualifies.

The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Bow moves to recommit the bill to the Committee on Appropriations with instructions that it report it back forthwith with the following amendment: On page 16, after line 3, insert a new section as follows:
>
> "SEC. 803. None of the funds made available because of the provisions of this bill shall be used by the Export-Import Bank to either guarantee the payment of any obligation hereafter incurred by any Communist country (as defined in section 620(f) of the Foreign Assistance Act of 1961, as amended) or any agency or national thereof, or in any other way to participate in the extension of credit to any such country, agency, or nation in connection with the purchase of any product by such country, agency or nation."

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

There was no objection.

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

The question was taken.

Mr. BOW. 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 167, nays 121, not voting 114, as follows:

[Roll No. 373]

YEAS—167

| | | |
|---|---|---|
| Abbitt | Erlenborn | Mize |
| Addabbo | Everett | Moore |
| Andrews, George W. | Fallon | Morris |
| Andrews, N. Dak. | Feighan | Morrison |
| Arends | Findley | Morton |
| Ayres | Fountain | Mosher |
| Bates | Fulton, Pa. | Murphy, N.Y. |
| Battin | Fulton, Tenn. | Natcher |
| Bell | Gathings | Nelsen |
| Bennett | Gettys | O'Neal, Ga. |
| Boggs | Gray | Pelly |
| Bolton | Green, Pa. | Pike |
| Bow | Grider | Poage |
| Bray | Grover | Poff |
| Brock | Gubser | Quie |
| Broyhill, N.C. | Gurney | Quillen |
| Broyhill, Va. | Hagen, Calif. | Race |
| Buchanan | Haley | Redlin |
| Burleson | Hall | Reid, Ill. |
| Burton, Utah | Halleck | Reifel |
| Byrnes, Wis. | Hamilton | Rhodes, Ariz. |
| Cabell | Hanley | Rivers, S.C. |
| Cahill | Hardy | Rogers, Fla. |
| Callan | Harsha | Rumsfeld |
| Casey | Henderson | Satterfield |
| Cederberg | Herlong | Saylor |
| Chamberlain | Horton | Schweiker |
| Chelf | Hosmer | Secrest |
| Clancy | Hull | Selden |
| Clark | Hutchinson | Shriver |
| Clausen, Don H. | Ichord | Sikes |
| Cleveland | Jarman | Smith, Calif. |
| Collier | Johnson, Calif. | Smith, Va. |
| Conable | Johnson, Okla. | Springer |
| Corbett | Johnson, Pa. | Stubblefield |
| Cramer | Jonas | Teague, Calif. |
| Cunningham | Jones, Ala. | Teague, Tex. |
| Curtin | Jones, Mo. | Tuck |
| Curtis | King, N.Y. | Tuten |
| Dague | Kunkel | Utt |
| Davis, Wis. | Landrum | Vigorito |
| de la Garza | Langen | Waggonner |
| Delaney | Latta | Walker, N. Mex. |
| Dent | Lennon | Watson |
| Dole | Lipscomb | Watts |
| Dorn | Long, La. | Whalley |
| Dowdy | McCulloch | White, Tex. |
| Downing | McDade | Whitener |
| Dulski | McEwen | Whitten |
| Duncan, Tenn. | McGrath | Williams |
| Dwyer | MacGregor | Willis |
| Edmondson | Machen | Wilson, Bob |
| Edwards, La. | Marsh | Wilson, Charles H. |
| Ellsworth | May | Wyatt |
| | Mills | Wydler |
| | Minish | Younger |
| | Minshall | |

NAYS—121

| | | |
|---|---|---|
| Annunzio | Ford, William D. | Kluczynski |
| Bandstra | Fraser | Krebs |
| Beckworth | Frelinghuysen | Kupferman |
| Bingham | Friedel | Leggett |
| Blatnik | Garmatz | Long, Md. |
| Boland | Giaimo | McFall |
| Brademas | Gibbons | Macdonald |
| Brooks | Gilbert | Madden |
| Burke | Gonzalez | Mahon |
| Burton, Calif. | Grabowski | Mailliard |
| Byrne, Pa. | Green, Oreg. | Mathias |
| Cameron | Griffiths | Matthews |
| Cohelan | Hanna | Miller |
| Conte | Hathaway | Mink |
| Conyers | Hays | Monagan |
| Culver | Hechler | Moorhead |
| Daniels | Holifield | Morse |
| Dawson | Holland | Multer |
| Diggs | Irwin | Murphy, Ill. |
| Dingell | Joelson | Nedzi |
| Donohue | Karsten | O'Brien |
| Dow | Karth | O'Hara, Ill. |
| Edwards, Calif. | Kastenmeier | O'Hara, Mich. |
| Farbstein | Kee | Olson, Minn. |
| Farnsley | Kelly | O'Neill, Mass. |
| Fascell | Keogh | Ottinger |
| Flood | King, Calif. | Passman |
| Fogarty | | Patman |

| | | |
|---|---|---|
| Patten | Rogers, Colo. | Smith, Iowa |
| Pepper | Ronan | Stalbaum |
| Perkins | Rooney, N.Y. | Tenzer |
| Philbin | Rooney, Pa. | Tupper |
| Pickle | Rosenthal | Van Deerlin |
| Powell | Rostenkowski | Vanik |
| Price | Roybal | Waldie |
| Rees | Ryan | Weltner |
| Reid, N.Y. | St Germain | Wright |
| Resnick | St. Onge | Yates |
| Reuss | Scheuer | Young |
| Rhodes, Pa. | Sickles | Zablocki |
| Rodino | Slack | |

NOT VOTING—144

| | | |
|---|---|---|
| Abernethy | Ford, Gerald R. | Olsen, Mont. |
| Adair | Fuqua | Pirnie |
| Adams | Gallagher | Pool |
| Albert | Gilligan | Pucinski |
| Anderson, Ill. | Goodell | Purcell |
| Anderson, Tenn. | Greigg | Randall |
| Andrews, Glenn | Gross | Reinecke |
| Ashbrook | Hagan, Ga. | Rivers, Alaska |
| Ashley | Halpern | Roberts |
| Ashmore | Hansen, Idaho | Robison |
| Aspinall | Hansen, Iowa | Rogers, Tex. |
| Baring | Hansen, Wash. | Roncalio |
| Barrett | Harvey, Ind. | Roudebush |
| Belcher | Harvey, Mich. | Roush |
| Berry | Hawkins | Schisler |
| Betts | Hébert | Schmidhauser |
| Bolling | Helstoski | Schneebeli |
| Broomfield | Hicks | Scott |
| Brown, Calif. | Howard | Senner |
| Brown, Clarence J., Jr. | Hungate | Shipley |
| Callaway | Huot | Sisk |
| Carey | Jacobs | Skubitz |
| Carter | Jennings | Smith, N.Y. |
| Celler | Jones, N.C. | Stafford |
| Clawson, Del | Keith | Staggers |
| Clevenger | King, Utah | Stanton |
| Colmer | Kirwan | Steed |
| Cooley | Kornegay | Stephens |
| Corman | Laird | Stratton |
| Craley | Love | Sullivan |
| Daddario | McCarthy | Sweeney |
| Davis, Ga. | McClory | Talcott |
| Denton | McDowell | Taylor |
| Derwinski | McMillan | Thomas |
| Devine | McVicker | Thompson, N.J. |
| Dickinson | Mackay | Thompson, Tex. |
| Duncan, Oreg. | Mackie | Thomson, Wis. |
| Dyal | Martin, Ala. | Todd |
| Edwards, Ala. | Martin, Mass. | Toll |
| Evans, Colo. | Martin, Nebr. | Trimble |
| Evins, Tenn. | Matsunaga | Tunney |
| Farnum | Meeds | Udall |
| Fino | Michel | Ullman |
| Fisher | Moeller | Vivian |
| Flynt | Morgan | Walker, Miss. |
| Foley | Moss | Watkins |
| | Murray | White, Idaho |
| | Nix | Widnall |
| | O'Konski | Wolff |

So the motion to recommit was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Thompson of New Jersey against.

Mr. Abernethy for, with Mr. Toll against.

Mr. Fuqua for, with Mr. Aspinall against.

Mr. Kornegay for, with Mr. Celler against.

Mr. Wolff for, with Mr. Corman against.

Mr. Taylor for, with Mr. Daddario against.

Mr. Colmer for, with Mr. Dyal against.

Mr. Stephens for, with Mr. Hawkins against.

Mr. Davis of Georgia for, with Mr. Kirwan against.

Mr. Hagan of Georgia for, with Mr. Matsunaga against.

Mr. Gerald R. Ford for, with Mr. Moss against.

Mr. Laird for, with Mr. Nix against.

Mr. Widnall for, with Mr. Rivers of Alaska against.

Mr. Adair for, with Mr. Sisk against.

Mr. Michel for, with Mr. Sweeney against.

Until further notice:

Mr. Albert with Mr. Martin of Massachusetts.

Mr. Jennings with Mr. Derwinski.

Mr. Cooley with Mr. Ashbrook.

Mr. McDowell with Mr. Del Clawson.

Mrs. Sullivan with Mr. Reinecke.

Mr. King of Utah with Mr. Skubitz.

Mr. Fisher with Mr. Betts.

Mr. Evins of Tennessee with Mr. Talcott.

Mr. Meeds with Mr. Broomfield.

Mr. Craley with Mr. Pirnie.

Mr. Jones of North Carolina with Mr. McClory.

Mr. Hicks with Mr. Keith.

Mr. Barrett with Mr. Harvey of Indiana.

Mr. Anderson of Tennessee with Mr. Edwards of Alabama.

Mr. Jacobs with Mr. Goodell.

Mr. Schmidhauser with Mr. Dickinson.

Mr. Schisler with Mr. Halpern.

Mr. Trimble with Mr. Harvey of Michigan.

Mr. Udall with Mr. Fino.

Mr. Ullman with Mr. Hansen of Idaho.

Mr. Mackay with Mr. Martin of Alabama.

Mr. Olsen of Montana with Mr. Glenn Andrews.

Mr. Mackie with Mr. Clarence J. Brown, Jr.

Mr. Pool with Mr. Schneebeli.

Mr. Gilligan with Mr. Stafford.

Mr. Gallagher with Mr. Roudebush.

Mr. Moeller with Mr. Martin of Nebraska.

Mr. Love with Mr. O'Konski.

Mr. Howard with Mr. Devine.

Mr. Hungate with Mr. Smith of New York.

Mr. Helstoski with Mr. Belcher.

Mr. Ashley with Mr. Stanton.

Mr. Ashmore with Mr. Carter.

Mr. Clevenger with Mr. Thomson of Wisconsin.

Mr. McVicker with Mr. Callaway.

Mr. Evans of Colorado with Mr. Berry.

Mr. Casey with Mr. Robison.

Mr. Brown of California with Mr. Anderson of Illinois.

Mr. Purcell with Mr. Watkins.

Mr. Greigg with Mr. Walker of Mississippi.

Mr. Pucinski with Mrs. Hansen of Washington.

Mr. Randall with Mr. Murray.

Mr. Foley with Mr. McMillan.

Mr. Flynt with Mr. Hansen of Iowa.

Mr. Tunney with Mr. Farnum.

Mr. Vivian with Mr. Duncan of Oregon.

Mrs. Thomas with Mr. Staggers.

Mr. Steed with Mr. Shipley.

Mr. Senner with Mr. Roncalio.

Mr. Roberts with Mr. Huot.

Mr. Roush with Mr. Scott.

Mr. Rogers of Texas with Mr. Adams.

Mr. Todd with Mr. McCarthy.

Mr. Stratton with Mr. Thompson of Texas.

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

The result of the vote was announced as above recorded.

The doors were opened.

Mr. MAHON. Mr. Speaker, in accordance with the action just taken by the House, I report back the bill (H.R. 18381), making supplemental appropriations for the fiscal year ending June 30, 1967, and for other purposes, with an amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 16, after line 3, insert a new section, as follows:

"SEC. 803. None of the funds made available because of the provisions of this bill shall be used by the Export-Import Bank to either guarantee the payment of any obligation hereafter incurred by any Communist country (as defined in section 620(f) of the Foreign Assistance Act of 1961, as amended) or any agency or national thereof, or in any other way to participate in the extension of credit to any such country, agency, or nation in connection with the purchase of any product by such country, agency or nation."

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

The previous question was ordered.

The SPEAKER. The question is on the amendment.

The amendment was 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 bill was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE TO REVISE AND EXTEND REMARKS

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members who spoke may be permitted to revise and extend their remarks in the body of the RECORD on the bill just passed and that they may include tabular information and brief excerpts.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

## GENERAL LEAVE TO EXTEND REMARKS

Mr. MAHON. Mr. Speaker, I also ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Without objection, so ordered.

There was no objection.

## FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 1039. Concurrent resolution relating to the enrollment of the bill H.R. 15857.

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 360. An act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3708) entitled "An act to assist comprehensive city demonstration programs for rebuilding slum and blighted areas and for providing the public facilities and services necessary to improve the general welfare of the people who live in those areas, to assist and encourage planned metropolitan development, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing

votes of the two Houses on the amendments of the Senate to the bill (H.R. 15111) entitled "Economic Opportunity Amendments of 1966."

## ELECTIVE GOVERNOR, GUAM

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

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

There was no objection.

Mr. SAYLOR. Mr. Speaker, among the many pieces of legislation allowed to die during the closing days of the 89th Congress will be H.R. 11775, a bill to provide for the popular election of the Governor of Guam.

The House passed H.R. 11775 on May 16, 1966, but the Senate failed to act on the bill until October 10, a week ago yesterday. In passing H.R. 11775 the Senate amended the bill in several major respects. An important change involved a change in the term of the Governor and Lieutenant Governor from 2 to 4 years. The House bill provided for the election to take place on November 8, 1966. The Senate provided that the first election date would be November 3, 1970. Under the Senate bill the elective Governor may not succeed himself after two terms unless a 4-year term intervenes.

Another major change between the House and Senate bill is found in the recall provisions. The House provided for an impeachment trial to be held by the Guam Legislature with a panel to be appointed by the chief judges of the Ninth Circuit Court. On the other hand, the Senate bill provided that the entire recall question should rest with the people and it contained a proviso providing for removal by 25 percent of the registered voters. If the voters favor removal, the approval or disapproval of the President would be sought.

The impeachment proceedings under the Senate bill may be initiated by a two-thirds vote of the Guam Legislature, or through the legislature by a petition signed by 25 percent of the registered voters.

Section 5 of the Senate version creates the office of government comptroller and outlines his functions and duties. The salary and expenses of the comptroller's office will be paid by the United States from funds which are covered into the Guam treasury in accordance with the Guam Organic Act.

It is possible that each of the major changes made by the Senate are meritorious. At least they should be carefully studied. The Attorney General's advice ought to be sought regarding the recall and impeachment proceedings. The Comptroller General's opinion on the comptroller's office should be obtained. I want to find out the views of the Guam Legislature on the need for a comptroller. After all, the members of the legislature represent the voters of Guam who are also the taxpayers. I am not so much concerned about the attitude of a Presidentially appointed Governor, but I want to solicit the advice of the legislators.

Since the election date will not occur until November 3, 1970, I see no reason for trying to unravel the details in a short conference committee. I join the chairman of the Committee on Interior and Insular Affairs [Mr. ASPINALL] in recommending that the Guam elective Governor bill be passed over until the 90th Congress when thorough consideration can be given to it.

I am sincere in my belief that the people of Guam are ready for the additional self-government that is provided in the legislation. Mr. Speaker, some of our colleagues will recall that on April 19, 1966, I and several members of the Committee on Interior and Insular Affairs outlined the progress made in our offshore flag areas over the past 15 years and how capably the people of Guam were handling their affairs. I have no doubt they will be able to assume the responsibilities given to them under the elective Governor bill providing they have sound legislation that they have helped prepare. Whenever Congress amends an organic act we want to be certain what is contained in the amendments in order to insure full implementation by the territorial government.

I have, therefore, asked that H.R. 11775 be passed over at this time and that early in the 90th Congress a companion bill be given careful consideration by both the House and the Senate.

## INAUGURATION FETE OF NEW KNESSET IN JERUSALEM

Mr. MURPHY of Illinois. 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 Illinois?

There was no objection.

Mr. MURPHY of Illinois. Mr. Speaker, it is my privilege to report as a member of the U.S. delegation to Jerusalem, August 30, 1966, for the purpose of representing the U.S. Government at the inauguration of the New Knesset Building, that it was an occasion of extraordinary significance. Aside from myself, the U.S. delegation included Senators CLIFFORD P. CASE and DONALD RUSSELL, and my colleagues, Representatives CORNELIUS E. GALLAGHER and FRANK HORTON.

The historic event was honored by the attendance of Parliamentarians from 41 foreign governments throughout the world, whose high positions symbolized free speech, parliamentary procedure among freemen, and the principles of steadfast domestic ideals of free peoples.

I submit for the RECORD, at this point, a detailed report on the events of the dedication and inauguration:

### INAUGURATION FETE OF NEW KNESSET IN JERUSALEM

The inaugural ceremony of the new building on Givat Ram, in the heart of Jerusalem, was faultlessly planned and executed before an audience of over 6,000 guests from Israel and abroad. It opened in the forecourt of the building with the ceremonial entry of representatives of Jewish communities and 44 foreign parliaments, and it ended with the affixing of mezuzot by the two chief rabbis to the opposing doorposts of the entrance of the Knesset. Israel's "Who's Who" was there, present and former Knesset members and their families, judges, religious leaders, members of the diplomatic corps, and representatives of political, economic, and cultural institutions. The Israeli guests were more than matched in color by the representatives of foreign parliaments, and the delegation of Jewish leaders who marched in, each flanked by an Israeli boy or a girl.

"Israel's Knesset has already proved to be a great asset in that it guaranteed the development of the state as a parliamentary republic based on free democratic principles," said the speaker of the world's oldest parliament, Mr. Finnsson from Iceland. He called the dedication of the new Knesset "a symbol of the miracle of the survival of the Jewish people and of Israel's rebirth after 2,000 years of wandering."

Prime Minister Eshkol said the new Knesset was a symbol of the democratic consciousness of the people of Israel in the spirit of the prophets. He pointed to the difficulties under which Israel's democracy is taking shape in the face of the persistent hostility of Israel's neighbors on the one hand and the great differences in background of the ingathering Jewish nation on the other. It was in the Knesset that the nation's unity was being shaped after its long years of wandering and after the holocaust. The Prime Minister hoped that the Knesset, in its new edifice, would deepen the sense of friendship and understanding between the citizens of Israel and help to inspire their representatives to find a common sense of purpose, despite their differences through frank and thorough debates of the problems of the state. In conclusion the Prime Minister expressed the yearning that—"the call for peace that goes out from this building and this city; the eternal city of Jerusalem, will reach listening ears and open hearts so that peace will reign among all the nations in the area and people the world over."

President Shazar, donning his black Homburg for the occasion, read from psalm XXX (a psalm and song at the dedication of the House of David) and elaborated a homily on the meaning of the words of the opening sentence and their pertinence to the present ceremony. The President also evoked the memories of all Jews who had perished in the holocaust "who should have been with us here today." Mr. Shazar also sent a message of peace from the city of peace to Israel's Arab neighbors.

When the foreign delegations presented their basic laws to the Speaker of the Knesset, Mr. Kadish Luz, it was my great honor to present a special copy of the Constitution of the United States, including the Bill of Rights and our Declaration of Independence, on behalf of the Speaker of the House, the Honorable JOHN W. MCCORMACK.

On Wednesday, the day after the ceremony Prime Minister Eshkol introduced a bill on the "basic law" which was adopted at the end of the session by a vote of 51 to 23. The bill which was introduced and voted in the presence of many guests is essentially designed to give legal sanction to existing political practice or put together various parts of existing legislation.

#### SPEECHES OF ISRAEL LEADERS AT THE INAUGURATION OF THE KNESSET BUILDING

*a. Mr. Kadish Luz, Speaker of the Knesset*

Your Excellency the President of the State, Mr. Prime Minister, the President of the World Zionist Organization. Your Excellencies the Ambassadors and Members of the Diplomatic Corps, my distinguished colleagues the Heads of Parliaments, our dear Mrs. James A. de Rothschild, the President of the Supreme Court of Israel, the Chief Rabbis of Israel, Your Worship the Mayor of Jerusalem, distinguished guests from the Diaspora and from the State of Israel, and,

last but not least, the hosts of this day of rejoicing, the Members of the Knesset and all who work in it here, on one of the hills of Jerusalem, our capital, we dedicate today the Knesset's permanent abode. Eighteen years after the reestablishment of the state, our supreme institution, source of all authority, government and law in Israel, is to have a home of its own.

"We have fulfilled the prophecies of old.

"Faith in an ultimate return to Zion, consciousness of the national unity of all Israel's tribes, attachment to the spiritual heritage to which the Jewish people has held fast through millennia of dispersion, these have been the fountainheads of Israel's rebirth and renewed independence.

"Eighty-eight years ago the plinth was set, when Petach Tikva, first Jewish village of modern times, heralded a revival of agrarian Israel. It was followed quickly by more and more sister villages, as Jews began to return from a stormracked exile that had meant intolerable privation and suffering for them. Generations then arose of dreamers and men of action, pioneers and fighters. Sensing deeply a personal duty to play their physical and spiritual part in the 'advent of the Messiah,' they laid down layer of foundations after layer, grappled with Hebrew as a medium of natural, everyday speech, established farmsteads and townships, learned to till the soil and do every other manner of creative work. They defended what they achieved. They breathed new life into the land and people.

"For decades, almost from the beginning of our resettlement, the work was organized and financed by a single man, Baron Edmond de Rothschild of blessed memory, so rightly known as the 'Father of the Yishuv.' The early villages were in danger of collapse for lack of funds. But for the miracle of Rothschild, the movement to start the return to Zion might have been halted, to go down in Jewish history as no more than another of the sporadic manifestations of the messianic urge that ended in disappointment and despair. Edmond de Rothschild kept the new settlers going, developed their farms, bought extra land and improved it and built new villages on it, provided wine presses and factories—and in all this he persevered even after the Zionist Organization had embarked on its activity.

"The first Zionist Congress met in 1897, and there the Zionist Organization was founded, the instrument of world Jewry for the remaking of a Jewish state in the land of Israel. A star had blazed into the firmament of Israel; Binyamin Ze'ev Theodor Herzl, seer of the Jewish State, creator of the Zionist Organization. His vision fired the farthest bounds of the Diaspora and kindled the heart of every Jew.

"A new Jewish reality had come into being in the land of Israel. Thanks to that, and thanks to a national awakening among the Jews of the world, and by dint of the personal merits and efforts of Chaim Weizmann of blessed memory, the Balfour Declaration was issued by the British Government toward the end of the First World War. Then came the decision of San Remo. In these ways, international recognition was accorded to the right of the Jewish people to conduct itself as a sovereign nation in the land of its ancestors, its historic homeland.

"In the interval of the British mandate, scores of thousands of Jews entered year by year. They built towns and villages, developed sources of work and livelihood, established services of education, culture and health, and evolved institutions of self-government. The Zionist executive and the elected assembly and National Council of the Jews of Palestine made firm the basis of an independent existence of the Jewish community under a foreign authority. In spite of the bloody outbreaks again and again organized by a hostile section of the Arab population, the foundations of our defense forces were safely laid down.

"Already on the eve of the Second World War, with the rise of the Nazis to power, a brutal persecution of German Jews was begun and a plan announced to destroy all the Jews of Europe. For thousands of years, the Jewish people have been oppressed and denied fundamental human rights. Rivers of Jewish blood have been spilt in many lands. But massacres and blood libels, the pyres of the inquisition, the czarist pogroms and expulsions from one land to the next * * * all this savagery of generations pales into insignificance beside the cold-blooded extermination of European Jews by the Nazis and their collaborators in the Second World War.

"The Jewish people will never forget the murder of its 6 million coreligionists, who had been the principal standard bearers of Jewry's learning and tradition, of Jewry's spiritual treasures and national strength.

"As far back as the First World War, battalions of Jewish volunteers from the land of Israel and from other countries were formed at the instance of Yosef Trumpeldor, Ze'ev Jabotinsky, and Pinhas Rutenberg, to fight for the homeland. With these units, which he did so much himself to recruit, Maj. James A. de Rothschild was always closely linked.

"In the Second World War, through the splendid efforts of Moshe Sharett of blessed memory, Jewish fighting formations, foremost among them the Jewish brigade, were enrolled in the British Army to take part in the campaigns against Nazi Germany, and, even under all the rigors of German occupation, ghettos revolted and Jewish partisans fought the barbarous enemy.

"When that war ended, there began the struggle in the land of Israel for the Jewish right to return to the homeland and to plough its earth again. First and foremost, the demand was made that the remnants of the holocaust, still languishing in concentration camps, should be allowed to enter.

"It was a struggle for the independence and sovereignty of the Jewish people in the land of Israel. As in the prophecy of Herzl, 50 years after the First Zionist Congress met the United Nations decided on the establishment of a Jewish State. Bloody fighting broke out in the land.

"The mandatory government and its troops withdrew. On the fifth day of Iyar 5708, May 14, 1948, the delegates of the Zionist movement and of the Jews of the homeland assembled. They were led by David Ben-Gurion, then chairman of the executive of the Zionist Organization and the Jewish agency. He read the 'Scroll of Independence,' and the gathering approved it by acclamation.

"The State of Israel had come to life again.

"A Provisional Council of State and a Provisional Government were set up under the leadership of David Ben-Gurion, who also held the portfolio of Defense. Yosef Sprinzak of blessed memory was elected Chairman of the Council and Chaim Weizmann its President, discharging thereby the functions of President of the State.

"The Jews of Israel rose as one man against the invading armies of five Arab States to defend themselves and their restored independence. Behind every Jewish fighter there stood the shades of 6 million slaughtered by the Nazis. With their few improvised weapons, those warriors worsted the well-equipped invaders. Thousands of Israel's finest citizens gave their lives for Israel's soil and nation. The Jewish people will forever cherish their heroic memory and mourn eternally for their radiant youth, their resplendent valor and their incomparable determination, dying for Israel in that grim encounter.

"After 8 months of activity, the Provisional Council of State and the Provisional Government met on 15 Shevat 5709 February 14, 1949. This was the Constituent Assembly, the First Knesset of Israel.

"Addressing the first session, Chaim Weizmann, chosen 2 days later to be the first President of the State, said this:

" 'We are setting about the establishment of our sovereign structure on firm and honorable foundations, foundations of liberty, equality, mutual responsibility and common discipline * * *. How heavy is the responsibility that rests upon this House * * * the renewed expression of the kingdom of Israel. We employ the patterns of political life that have taken shape in the tradition of the enlightened world in our time, but we are well aware that here they are instinct with the spirit of Israel's heritage.'

"Yosef Sprinzak, chosen, in his turn, to be speaker of the Constituent Assembly, concluded the session with these words:

" 'By a leap forward in Jewish history, under the inspiration of our sons who fell on Israel's soil, by arousing a supreme will and by glorious deeds, we have on this day, the New Year of Trees, in Jerusalem our holy city, reached our longed-for haven. We have this day planted a new growth. At the bidding of past generations, for the sake of generations yet to come, we have planted the tree of Israel's independence.'

"Presenting the first regular Cabinet to the Knesset 3 days afterward, Ben-Gurion said: 'It may be that we are now passing from the period of great deeds, the period of heroism and victory in the military and political fields, which has transformed the history of Jewry and the Land of Israel and renewed our ancient glories, to a period of little things, of a prosaic and prolonged effort to build our economy and organize our sovereign structure, in which perhaps there will be not glamour and luster and dramatic heroism but arduous, persistent, and dedicated toil.'

"Since then, Israel's Legislature, its Government, and its citizens have rendered themselves up unremittingly to exploits great and little, to arduous toil and courageous deeds, to glamour and luster, and to the still, small voice of creation.

"In his 10 years of office as Speaker of the Knesset, Yosef Sprinzak not merely molded the pattern of parliamentary procedure. He exercised a profound and lasting influence on the propriety of behavior and of relationship between the Members of the House. He it was that conceived the notion of constructing the new Knesset Building and, even before the funds had been assigned, boldly held the competition for the architectural design.

"The judges were just about to announce their verdict when Prime Minister Ben-Gurion received a letter from Mrs. James A. de Rothschild, whom we all, fervently and gratefully, wish long life. With it was the draft of a testament of her husband of blessed memory. Profoundly moved, the Prime Minister read it to the Knesset. James A. de Rothschild had bequeathed the vast land holdings of the Palestine Jewish Colonization Association to the national institutions of Israel, and, to the State itself, a sum of money for the construction of the Knesset Building.

"I have paid homage to the great work of Baron Edmond de Rothschild, enshrined in the annals of the return to Zion and of Jewish resettlement in the land of Israel. Presiding over the Palestine Jewish Colonization Association, his illustrious son James pursued that paternal mission for many a year and, among much else that he did for the good of the land, we owe him many more villages. The new Knesset Building is a symbolic zenith of the immense contribution of father and son, and of the whole house of Rothschild, to the restoration

of the national and sovereign independence of the Jewish people in the land of Israel. In his superb testament, James A. de Rothschild wrote: 'We endeavoured to give to Israel and its people all we could without seeking anything in return—whether profit or gratitude or anything else.'

"But I know full well that the people of Israel will never forget what that peerless father and son accomplished for us.

"I should like to express our gratitude and felicitations to the architect of the building. Mr. Y. Klarwein, our esteem and appreciation to the advisory architect, Mr. Karmi, unhappily no longer with us, and our thanks to the interior architects, Mrs. D. Gad, Mr. Noy, Mr. Blumenfeld, and Mr. Heskia; to Marc Chagall, greatest of living Jewish artists; to the mosaic artists, Mr. and Mrs. Milano, and Dani Karavan; to the sculptor Mr. Palombo who, to our regret, has just passed away; to the artist Mr. Weil; to Emmanuel Friedman, district engineer of the Public Works Department in Jersualem, who was responsible for construction; to the chief foreman of works, Mr. Kantorovski; and to Solel Boneh and the other firms, experts, and workers who have their rightful share in the great undertaking.

"This house now stands in all its glory. May it be God's will that, in its deliberations, the Knesset shall be a source of pride and distinction to the people of the State, to the Jews of the world and to all men, in enactment of good and just laws, in guidance to the Government for the strengthening and development of the State, the continued absorption of Jewish newcomers, the implanting of a sense of mutual responsibility in our people, the encouragement of justice and mercy in relations between men, and the establishment of peace in our region and the entire world. As in the words of the Prophet:

" 'The glory of this later house shall be greater than of the former, saith the Lord of hosts: and in this place I will give peace, saith the Lord of hosts.' "

*b. Mr. Teddy Kollek, the mayor of Jerusalem*

"Mr. President, Mr. Speaker of the Knesset, Mr. Prime Minister, Mrs. James A. de Rothschild, Lord Rothschild, distinguished parliamentarians of the world, ladies and gentlemen:

"This moment in which we dedicate the permanent home of our Knesset, the splendid new building intended to serve Isratel's democratically elected legislators, is one of the great moments in the history of the Jewish people, the State of Israel, and our capital city, Jerusalem.

"To give adequate expression to my feelings at this moment, I should require the tongue of the Prophets who in this city expressed their exalted wisdom and vision in timeless words. Were they here with us today, they would certainly direct our thoughts to the purpose of this great building and leave poetic descriptions of its grandeur to others.

"It is our hope that the Knesset's glorious new home will enshrine the ideal of true democracy, infusing into our assembly of legislators a spirit of justice, righteousness, and love of their fellow men, values which have deep and ancient roots in Jerusalem, 'City of righteousness, the faithful city.'

"May our nation's elected ones fill this house with a purpose that will bring inspiration to the entire Jewish people.

"Esteemed Knesset Members, our nation's elect:

"I am proud that I have been granted the privilege of bringing you the blessings of Jerusalem. Our city today acquires another national treasure which enhances its status as the capital of Israel.

"May Jerusalem dwell in your hearts, and may you always bear in mind the words of the Prophet: 'Behold, I have graven thee upon the palms of my hands; thy walls are continually before me.'

"Our special thanks are due to Mrs. de Rothschild, widow of James, the man who made possible the construction of this edifice and whose spirit is with us today."

*c. Dr. Nahum Goldman*

"Mr. President, Mr. Speaker, Mr. Prime Minister, members of the Rothschild family, Speakers and Chairmen of Houses of Parliament the world over, ladies and gentlemen:

"On behalf of the representatives of the Jewish communities, Zionist federations and Jewish organizations in the Diaspora who have gathered here from many parts of the world, permit me at the outset to express our joy and gratitude for having been invited to attend this historical event.

"The dedication of the permanent home of the Parliament of the State of Israel in Jerusalem is an event of the deepest historical significance and symbolizes the realization of the dearest dream of many generations of our people. For the citizens of the State of Israel this is the dedication of their House of Parliament, which is the highest expression of Israel's sovereignty and democracy. For the Jewish people as a whole, it signifies the dedication of the highest institution of the land which has been and will always be the spiritual, cultural, and religious center of the Jewish people the world over.

"The presence at this resplendent ceremony of so many leaders of Jewish communities and organizations is yet another expression of the deep sense of solidarity of the Jewish people with the State of Israel, which is the greatest achievement of our unique Jewish generation, marked by the darkness of extermination and the dawn of redemption.

"It is a matter of the deepest regret that not all the Jewish communities are represented on this great occasion. We send them from here sincerest brotherly greetings. I am confident that I express the sentiments of all of us here if I voice the hope that on future occasions they will be with us and will not be cut off from the Jewish people and the State of Israel.

"I deem it a great honor to bring to this auspicious gathering the sincerest good wishes of Jewish communities the world over. May this edifice give apt expression to the rich spiritual heritage of our Nation and our young democracy, its momentous values and creativeness! May the deliberations to be held in this House serve as a source of inspiration for the citizens of Israel and of the whole world, Jews and non-Jews alike!

"My fervent hope and prayer are that we may witness the ratification in this building of the peace treaties between Israel and her neighbors and that the banner of this house may be a veritable symbol of peace and brotherliness. May this lofty edifice serve as a symbol of the Israel society that is being built to the glory of the Jewish people and the welfare of humanity."

*d. The Prime Minister, Mr. Levi Eshkol*

"It is with feelings of warm friendship and amity that Israel greets the heads of parliaments from all over the world, who have come to celebrate with us the opening of our new Knesset Building. Our sincere greetings are also extended to those amongst us today who represent the Jewish communities and organizations of the Diaspora, the Zionist movement, and our own towns and villages.

"This building, which is to be the home of our state's legislature, symbolizes the renaissance of the people of Israel in its own land; it is a sign of the renewal of our national sovereignty; a testimony to our people's developed sense of democracy.

"Throughout the long years of exile, our people strove to realize man's right to freedom and equality as expressed in the visions of our prophets. And when the first hour of our redemption dawned, we sought to give reality to their lofty dreams.

"Israel's democracy is being forged in troubled times, in years of trial, in a period beset by political, military, economic, and cultural crises and challenges. It is being clothed in flesh and sinew in the very midst of a bitter struggle against our enemies, against threats and attacks from beyond our borders. It is being developed at a time when our state is still absorbing hundreds of thousands of immigrants, most of them from lands where democracy has struck no roots. The democratic character of our state is being molded despite the fact that around us rages the conflict of other traditions, other customs, and other systems of government.

"It is upon the anvil of the Knesset that we are hammering out the national unity of our people, exiled from our land by violence of the sword and robbed of independence some 1,800 years ago. Within its walls is taking place that wondrous reuniting of our nations sons, returning to the bounds of our homeland in the wake of the most dreadful holocaust which ever befell our people. Here we behold the coming together of the people of Israel which in its wanderer's knapsack carried its everlasting law, its culture and its eternal hope. We are witnessing the renaissance of a people which fought for its existence although scattered throughout the world and which, its own endless agony notwithstanding, emerged victorious from the fight.

"When our people, embracing all of us and our brethren in the Diaspora, lifts up its eyes to gaze at this great institution, it will know that there is a reward for all its labor, that the wrestling for independence and the yearning for redemption throughout the ages were not in vain. Our sincere thanks are due to the Rothschild family, and to Mrs. James A. de Rothschild in particular, for making possible the construction of this wonderful edifice. The credit for initiating it belongs to the late James A. Rothschild, who conceived the idea in the eventide of his days. He was a proud Jew, an outstanding human being and a faithful son of his people and of his great father no less, that same Baron Edmond de Rothschild so affectionately known to us as the father of the Yishuv, the benefactor of our renascent homeland.

"May the deliberations in this house be as inspiring as its appearance. May it deepen the spirit of friendship and fraternity among the citizens of Israel and help them and their representatives in enlarging the knowledge and wisdom that lead to unity through frank and thorough debate on the problems of our people and our State. May the discussions in this house educate our youth and all our citizens toward respect for democracy and its glories. May it come to pass that the call for peace which goes forth from this, the Eternal City of Jerusalem, capital of Israel, shall reach attentive ears and open hearts, so that we may all dwell in peace—the peoples of this region and all nations on earth."

*The President of the State, Mr. Zalman Shazar*

"Dedicating the building of the Knesset today, we recall the psalm which is a "Song at the Dedication of the House of David'—David, who welded the tribes of Israel into a single kingdom, who built the city of Jerusalem, David, the sweet singer, of whom the sons and daughters of our land still sing in the old folksong, rejoicing that he is alive and with us. That psalm has been customarily chanted at the dedication of communal buildings in Jewry: it wells up from our hearts with particular strength and pertinency today. For us now it is a song of the dedication of this exalted edifice which will house the legislators chosen by a people newly redeemed, that has returned and con-

tinues to return from dispersion to the revived and rebuilt Jerusalem. And from this building rays of light go forth to illuminate and warm the hearts of the children of our scattered people, who despite the torment and temptation of the alien, remain cohesive and close.

"We welcome with blessing and joy the speakers and members of the world's old and new parliaments who have honored us by their presence, coming to rejoice with us in this dedicatory ceremony which bears witness to the emergence here of a new shoot from the stem of world democracy, a twig sprung from old and vigorous roots, that has proved its vitality for these 18 years and now at last been given its permanent abode.

"Our festive greetings are extended to our brothers from abroad, envoys of their communities, leaders of the remnant of Israel, who have come from all the centers of the open Diaspora to share in our joy which is their joy. For from every land, whether earlier or later, children of our people have written memorably in the book of our redemption—in letters of toil and enterprise, pioneering and dedication. Nor is there a community in the world, free or confined, old or new, that does not have members bound in heart and spirit to the builders of our land. It has been my good fortune recently to visit close on a dozen splendid Jewish communities in great and friendly countries of South and North America and I have witnessed their tempestuous love of Israel and its state. I shall permit myself to join in the expression of their ardent sympathy conveyed by their leaders on this festive occasion of the dedication of our parliamentary building on the heights of Jerusalem, our eternal city.

"Heartfelt gratitude must be expressed to that noble family which has given such superb assistance to the development of this country and in particular to Mrs. James A. de Rothschild who has carried out so faithfully, fully, and generously the will of her late husband, munificent son of a munificent father. May the family's link with rebuilt Israel remain strong over the years and bring it the joy of achievement and the deepest appreciation of all of us.

"The psalm of the dedication of the House begins with a most sublime verse. Yet not all its words are perfectly clear. 'I will extol Thee, O Lord, for Thou hast raised me up,' the translation reads, but the scholars are divided in their interpretation of the last verb. Does it—*dilitani* in the Hebrew original—mean 'raise' or is it to be construed as derived from the adjective *dal* which means poor? If we accept the latter meaning, the verse gives striking expression to our feelings today, for we are indeed poor—impoverished and destitute. How different these festivities would have been had we not suffered our great loss. Let us, above all our joy, remember the destruction of our people—of all those who should have been here with us. With the eyes of the spirit we see the community of Poland, mother of the exile in our time, a vital center of millions of Jews, men of action, of labor and trade, great traditional scholars and hearty, pious Hassidim, modern writers in Hebrew and Yiddish, masters of journalism and drama and pictorial art, the various parties of the labor movement. Zionists in all their factions and their pioneering youth preparing for life in Israel—all these in the famed cities and the needy, blessed towns of Poland. And we remember the enlightened Jewry of Germany with its scholars and scientists, its communal leaders and writers, its assimilationist and it Zionists and its constantly changing range of Zionist pioneering movements. And what of the community of Saloniki, so rooted in tradition, pride of scattered Sephardi Jewry, bearing its legacy with dignity in the markets and streets and harbor of the city? I shall not draw up a list. All of us know who the missing are, whether they are no longer alive or live and have been forcibly detached from the body of the people. Though to tear them away from the body of the people is possible, there is no hand that can tear them forever out of the soul of the people. We sense the closeness to us of many of them, even though there is no connection between us and them. Surely the day will yet come when they and we will meet face to face here.

"Yet the usual interpretation of the word 'dilitani' in the 'Psalm of Dedication' has been to 'bring up' or 'raise' from the root dalo, as paralleled later in the psalm by the verse:

"'O Lord, Thou broughtest up my soul from the nether world: Thou didst keep me alive, that I should not go down to the pit.'

"Understood in this fashion, the verse, again, is beautifully appropriate today. We are in the midst of the miraculous process of bringing up to the land and absorbing great numbers of our brothers from the many countries in which they are scattered. Most of us here have ourselves come up to the land or are children of those who have done so. For the State of Israel there is no greater source of pride than the reassembling of its children within it—that movement begun generations before the establishment of the state and proceeding on a far greater scale ever since, up to this very day of dedication. Nor can the house we dedicate today have any aim more exalted and more vital than continued concern with increased aliya—coming up into the land—and absorption, until we attain true sovereignty, politically, economically, culturally, and peace reigns among us and around us.

"On the doors of this house are engraved, in invisible but everlasting letters, the basic principles of democracy, as handed down to us in the dawn of our peoplehood:

"'Ye shall have one statue, both for the stranger, and for him that is born in the land. Thou shalt follow the many * * *. And deliver the spoiled out of the hand of the oppressor * * *. Neither shalt thou favor a poor man in his cause. Let thy brother live with thee. Justice, justice shalt thou follow. The earth shall be full of knowledge.'

"It is our prayer that hatred among brothers shall never reach the threshold of this house, nor trivial rivalries, nor disputatiousness and mutual recrimination, slander and pettiness. Rather let each man here defend his principles and opinions, as his conscience and those whom he represents would wish; without disrespect for the attitudes of his opponents; without losing sight of the great objective of general welfare for the entire nation; without distinction of faith, race, community, origin, party. May this house of lawgivers be at the same time a house of true and continuing education for all who live in the State; a house of hope for the scattered children of our people, enhancing our name among the nations.

"From this place on this festive day we send the blessing of peace to all our neighbors roundabout, to those, too, who have chosen the path of persistent hostility against us. Our hearts wish peace and happiness to all of them and all of us, that the people may live without fear and the world be built in righteousness and the great blessing of peace rest upon our country, our region, and all the world."

*4. Address by the Speaker of the Knesset, Mr. Kadish Luz, at the Dinner in Honor of the Heads of Parliaments on Wednesday, 15 Elul 5726, 31 August 1966*

"Dear colleagues, Speakers of Parliaments ladies and gentlemen, I thank you deeply and sincerely for being good enough to honor us by your friendly presence at the ceremony of the inauguration of the new Knesset Building in Jerusalem, our capital. Of Israel it was said at the dawn of its history: 'The people will dwell alone.' And ever since, it is as if we were destined to be lonely and strangers. There are many separate families of nations—Anglo-Saxon, Slav, Scandinavian, Rumanian, and German, for example—but we have no special one. We have only the universal family of nations. That is what makes every expression of friendship so precious in our loneliness.

"As I address you, Speakers of Parliaments, I feel that I am speaking to a great part of democratic mankind. For is not a parliament chosen by the people in free elections with clashes of ideas and interests, the very symbol of democracy?

"There are common principles in parliamentary procedure but each parliament has its own image. The Knesset has standing orders and a procedure which resemble those of other parliaments in this or in that respect, but ancient traditions, thousands of years old, pulsate through it and it vibrates as well to the revolutionary changes of recent generations; these are the return to Zion, the destruction of so many of our people, political independence, the turbulent reality of a folk which has gathered together from 70 origins, which is suffering the pangs of integration, in language and in culture, which is building a modern state and economy, and, at the same time, has to defend its security with unremitting vigilance.

"The long record of our people is marked by a ceaseless endeavor to safeguard its spiritual identity, not only when it dwelt in the land of Israel in independence, but also when it was under foreign dominion there, and even when it was in dispersion, it possessed the means to achieve the purpose. One was the existence of quasi-parliamentary institutions; even Moses set up a council of elders, of 70 men, elected by the tribes. There was a kind of separation of powers in the desert and judges and police were appointed. The judges were responsible to God alone, as it is written "* * * and judge righteously * * * ye shall not be afraid of the face of any man, for judgment is God's.'

"A similar structure of government was in being in the land after the reentry from Egypt, as the Book of Joshua tells. In the Babylonian exile a president and a council of elders and special courts administered the community. With the repatriation to Zion from Babylon, 2,500 years ago, under Persian rule, Ezra the scribe set up the Great Knesset, with 120 members. It was both a legislative and a juridical institution. It was in the light of this tradition that we named our parliament, when the state was reestablished and called it Knesset and decided on 120 members.

"With its conquest by Alexander of Macedon and the change of rulership, the Sanhedrin was set up in the land. It had 71 members, and the principle of decision in disputes of ideological or juridical character was established. 'These are the words of the living God, and the majority shall be followed.'

"Institutions of a semiparliamentary character to uphold internal autonomy also existed in the Diaspora; for example, 'the council of the four lands' that functioned for 200 years in Poland and Lithuania.

"The Zionist Congress, too, was a kind of parliament of world Jewry. Under the British mandate in Palestine, we had the Asefat Hanivharim and its executive, the Vaad Leumi.

"Thus, in spite of our youth, we have an ancient parliamentary tradition and once more we speak the Hebrew tongue; our new culture draws its sustenance from our millennial culture and from the diversified treasures of civilization throughout the ages.

"Let us hope that the day will come when every people will be able freely to mold its own culture and enrich it with the cultures of humanity entire.

"May the day come realizing the ancient prophecy that was first heard in this land 'and they shall beat their swords into plowshares and their spears into pruning hooks; nation shall not lift up swords against nation, neither shall they learn war any more'!

"'May that be God's will'!

"Peace upon all peoples; peace unto the whole world."

*5. Visiting parliamentarians*

The following is a list of representatives of overseas parliaments who attended the opening ceremony of the Knesset. The list is given in the Hebrew alphabetical order, according to which the delegations will enter and take their places:

AUSTRALIA. President of the Senate, Sir Alister Maxwell McMullin.

AUSTRIA. President of the National Council, Dr. Alfred Maleta.

ITALY. Vice President of the Senate, Mr. Ennio Zelioli Lanzini.

ICELAND. Speaker of the United Althing and Mrs. Birgir Finnsson.

EL SALVADOR. President of the National Assembly and Mrs. Francisco José Guerrero.

UNITED STATES. Senator CLIFFORD P. CASE (New Jersey); Senator DONALD S. RUSSELL (South Carolina); Representative WILLIAM T. MURPHY (Illinois); Representative FRANK HORTON (New York) and Mrs. Horton; Representative CORNELIUS E. GALLAGHER (New Jersey).

BELGIUM. Vice President of the Senate, M. Henri Moreau de Melen; Vice President of the House of Representatives and Mrs. Ludovic Moyerson.

BRITAIN. Speaker of the House of Commons, Dr. Horace Maybray King; Mrs. Margaret Wilson, Speaker's daughter; Sir Barnett Cocks, Clerk of the House; Mr. R. J. Canter, Deputy Trainbearer;

BRAZIL. Senator Don Aharon Steinbruck;

GAMBIA. Speaker of Parliament and Mrs Allen Suleyman Jack.

DENMARK. President of the Folketing. Mr. Julius Bomholt.

THE NETHERLANDS. Chairman-designate of the First Chamber of the States-General, Dr. J. P. Mazure; Chairman of the Second Chamber of the States-General and Mrs. F. J. F. M. van Theil;

WEST GERMANY. President of the Bundestag, Dr. Eugen Gerstenmaier; Dr. Franz Hermann-Moeller, counselor;

VENEZUELA. Vice President of the Senate and Mrs. Armando Soto Rivera; Dr. Jose Ramon Medina;

ZAMBIA. Speaker of the National Assembly, Mr. W. P. Nyirenda; Mr. D. Mokangwana, committee clerk;

IVORY COAST. President of the National Assembly and Mrs. Phillippe Yace; Mr. Rene Boka, Member of the National Assembly; Mr. Henri Kouassi, Secretary to the President; Mr. Claude Japobi, Chief of the Assembly Protocol;

TOGO. President of the National Assembly, Mr. Barthelemy Lambeny;

TANZANIA. Speaker of the National Assembly, Chief Sapi Mkawawa; Mr. Pius Msekwa, Clerk of the National Assembly;

JAPAN. Speaker of the House of Representatives, Mr. Kikuichiro Yamaguchi; Miss Chizuko Yamaguchi, Speaker's granddaughter;

LAOS. President of the National Assembly, Mr. Dr. Oudong Souvannavong;

LUXEMBOURG. President of the Chamber of Deputies and Mrs. Victor Bodson;

LIBERIA. Speaker of the House of Representatives, Mr. Richard A. Henrie;

MALAWI. Speaker of the National Assembly and Mrs. I. K. Surtee;

MALAGASY. President of the National Assembly and Mrs. Alfred Nany; President of the Senate and Mrs. Simeon Japhet.

MALTA. Speaker of the House of Representatives and Mrs. A. Bonnici;

NORWAY. President of the Storting and Mrs. Bernt Ingvaldsen;

NIGER. Vice President of the National Assembly, Mr. Ary Tanimoun;

SIERRA LEONE. Speaker of the House of Representatives, Mr. Banja Tejan-Sie;

SENEGAL. Vice President of the National Assembly, Mr. Moustapha Cisse; Mr. Thierno Diop, Deputy; Mr. Mohamadou Doudou N'Dao, Deputy;

FINLAND. Speaker of Parliament and Mrs. Johannes Virolainen;

PHILIPPINES. President pro tempore of the Senate, Mr. Lorenzo Sumilong;

PANAMA. President of the National Assembly and Mrs. Don Jose Pablo Velasquez;

PERU. First Vice President of the Chamber of Deputies and Mrs. Don Ricardo Temoche Benites;

CHAD. First Vice President of the National Assembly and Mrs. Mehamat Douba Alifa; Mr. Raciang Paragouri, Member of National Assembly; Mr. Djime Ramjadan, Member of National Assembly;

FRANCE. President of the Senate and Mme. Gaston Monnerville; Vice President of the National Assembly, M. Achile Peretti;

CHILE. President of the Senate, Don Tomas Reyes; President of the Chamber of Deputies, Don Eugenio Ballesteros;

CONGO (KINCHASA), President of the Senate, Mr. Sylvestre Mudingayi; Senator Louis Mushy; Mr. Robert Kabonzo, clerk of the Senate;

SWEDEN. Speaker of the First Chamber of the Riksdag and Mrs. Eric Boheman; Speaker of the Second Chamber, of Riksdag and Mrs. Fridolf Thapper;

SWITZERLAND. President of the Council of State, Dr. Dominic Auf Der Maur; President of the National Council and Mrs. Pierre Graber;

RWANDA. President of the National Assembly, Mr. Balthasar Bicamumpaka.

COUNCIL OF EUROPE. President of the Consultative Assembly of the Council of Europe, Sir Geoffrey de Freitas and Lady de Freitas;

INTER PARLIAMENTARY UNION. Secretary General International Parliamentary Union, Mr. Andre de Blonay.

*6. Description of the New Knesset Building*

The State of Israel's imposing new Knesset building provides a fitting focus to the Governmental, academic and cultural complex that crowns Jerusalem's western hillside at Givat Ram. Befitting a young State, the building is modern in approach whilst classical in conception, its dignity lying in the beauty of glowing stone-work contrasting with the upright strength of unadorned concrete. Encircling the olive tree-clad hill is a low wall of warm, russet-gold uncut Jerusalem stone. Welded iron gates, designed by David Palombo, front the broad entrance plaza opposite the massive bronze doors, the work of Shraga Weil, a prominent kibbutz artist. Built into the hillside, three stories rise above the plaza, while a further three descend with the hill to the south. The Chamber, meeting place of Israel's 120-member Knesset, is a lofty semi-circle, surrounded by galleries for the public, the press and distinguished visitors. Setting off the rich colours of the wood furnishings, a wall of cool Galilee stone behind the Speaker's dais is carried out in massive blocks of carved relief, the design of Tel Aviv artist Dani Karavan. Here, too, as befits the People of the Book, are carved inscriptions from the Bible, with a bas-relief of Theodor Herzl, the visionary of the modern State. Adjoining the Chamber, the large State reception hall is graced by three works designed by Marc Chagall; an imposing tapestry triptych, symbolically representing three phases of Jewish history—Creation, Exile and Ingathering—dominates one wall; on another, a mosaic depicts the Temple's Western Wall, a tribute to the memory of the millions of Jews who perished in the Diaspora before the creation of the State; while from the floor itself, the sunlight glints on twelve medallion mosaics of rare formal beauty. The remainder of the building is given over to tastefully planned and designed committee rooms, ministerial offices, a large library, a place of worship, restaurants, press facilities, a lobby where Knesset members can receive the public—all the amenities for the smooth running of Israel's elected legislature. The impression throughout is one of dignity, light and space—an atmosphere inspiringly conducive to enlightened government in a progressive, modern and dynamic State.

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## VIRGIN ISLANDS ELECTIVE GOVERNOR

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

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

There was no objection.

Mr. SAYLOR. Mr. Speaker, on May 16, 1966 the House passed H.R. 11177, a bill to provide for the popular election of the Governor of the Virgin Islands. Our committee held several days hearings on the bill. I hold in my hand a printed copy of the hearings. Not until October 10 did the Senate amend and pass the House bill. Time has run out on us. Conferees from the two bodies cannot possibly reconcile the differences between the two versions. Perhaps the Senate amendments strengthen the bill, I do not know. Whenever Congress amends the Organic Act of one of our offshore flag areas we want to be certain we know what we are doing or we may very well realize the errors of our ways during the next session of Congress.

Perhaps the time is ripe for the American citizens in the Virgin Islands to elect their Governor and Lieutenant Governor. Sometimes I have more faith in the voters than in the officials they elect. On April 19, 1966, I and several of our colleagues pointed out the tremendous progress of the Virgin Islanders during the past decade and a half in developing self-government. Possibly we were premature. Within the past 2 months a series of events have taken place in the Virgin Islands which makes me wonder if certain members of the legislature and the appointive Governor have become power hungry or perhaps are realizing that in order to maintain their positions they must resort to the political shenanigans they have introduced in the islands. Through connivance of the Governor, the 6-to-5 majority in the legislature have sought to confuse and frustrate the voters so that on November 8 they will find it almost impossible to cast their ballots in a free election.

Rather than to give congressional blessing to H.R. 11177 in the closing days of the 89th Congress, I want to join the chairman of the Committee on Interior and Insular Affairs [Mr. ASPINALL] in recommending that the Senate amend-

ments to the legislation be passed over until the 90th Congress so that they can be given more complete consideration.

The Senate amendments to H.R. 11177 are substantial. The House provided for a 2-year term. The Senate changed the term to 4 years. The House set the election date for November 8, 1966. The Senate changed the date to November 3, 1970. The House would permit the Governor and Lieutenant Governor to be elected for as many 2-year terms as they could be elected. The Senate restricts them to two 4-year terms but they can be elected after a 4-year intervention. Surely these differences should be aired at length.

The two versions are definitely at odds on the provision for the recall of the Governor. The House provided for an impeachment trial to be held by the Virgin Island Legislature with a panel selected by the judges of the Third Circuit Court. The Senate amended the bill to provide for removal by 75 percent of the registered voters. The removal would, however, be subject to the approval of the President. These impeachment proceedings could be initiated either by a two-thirds vote of the legislature or through the legislature by a petition signed by 25 percent of the registered voters. This sounds cumbersome. Perhaps it is. After the House has had opportunity to consider the proposal it may sound better. We ought to learn how the Attorney General feels toward the amendments.

A major Senate change is recommended regarding the Government Comptroller of the Virgin Islands. That officer has filled a very important position in the Virgin Islands and we want to be certain that his functions and responsibilities are not lessened. We want to seek the advice of the Comptroller General to ascertain whether that office is agreeable to the amendments.

Over the years the Congress has worked very closely with the Office of Territories and the respective territorial legislatures. I hope we can continue this practice. In January or February 1967 we must have another look at legislation to provide for the popular election of the Virgin Islands Governor and Lieutenant Governor.

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## HISTORY'S BEST CONGRESS

Mr. HALL. 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 Missouri?

There was no objection.

Mr. HALL. Mr. Speaker, out of the ashes of the so-called Johnson landslide of the 1964 election will undoubtedly arise a strengthened Congress, predicated on principles of public trust, and the separation of powers. This "phoenix," as in ancient mythology, will be constituted of lawmakers who believe in basic natural laws and a representative Republic under a limited constitution. Barring accident they shall arise, and a goodly number will be reelected or "first time" Republicans.

For, Mr. Speaker, the modern day phoenix will indeed be the informed and prudent judgment of the U.S. citizens. May their tribe increase.

Herewith, from the Wall Street Journal of today, in the editorial column "Review and Outlook," is an editorial which exemplifies objective analysis with point of counterpoint concerning the 89th Congress. I commend it to the careful study of all current colleagues and nominees of the Congress, regardless of whether this concluding 89th is best or most:

HISTORY'S BEST CONGRESS?

"I think we're going to have the best Congress in the history of this nation when we finish our record this session," President Johnson told his news conference the other day. The appraisal is so sweeping that it calls for a little examination.

"Best" is, of course, a subjective judgment, and it isn't particularly surprising to hear it applied to a Democratic Congress by a Democratic President when an election is close at hand. Yet there are specific actions of this legislature that do deserve broad commendation, though some of them aren't the ones Mr. Johnson had in mind.

Even the thin ranks of Republicans can look back on some achievements. For one, GOP Senators were largely responsible for blocking, at least for this year, repeal of the Taft-Hartley Act's Section 14(b), which has allowed a score of states to ban the union shop.

This action was all the more remarkable in view of the tremendous pressure organized labor put behind the union shop, an arrangement that compels workers to join a union to keep their jobs. While the pressure was enough to convince some legislators, others apparently were aware of the polls that show workers themselves for the most part dislike the idea of compulsory unionism.

Republicans also played a major role in sidetracking the latest civil rights bill, with its controversial "open housing" section. It surely is desirable for Americans to be able to buy homes where they please, regardless of race, creed or color, but it's apparent that the general public, North or South, is not ready to have this social goal implemented by massive Federal force.

Outnumbered more than two to one in both houses, the GOP was limited to moves that may appear negative. But worthy legislative accomplishment cannot be measured merely in numbers of bills passed or in increases in Federal spending, although those are the yardsticks all too commonly used.

If legislatures were fairly judged only by numbers of new laws and size of outlay, the 89th Congress would indeed rank among the nation's "best." In its two-year life it has passed literally hundreds of bills, including such sweeping new Government ventures as medicare for the aged and general school aid, and annual Federal spending has vaulted by around 20%.

A lawmaking body, however, is more thoughtfully rated on the worth of its legislation, and here the Congress does not come off especially well. Disturbingly, the lawmakers frequently seem not to care whether their laws are intrinsically good or bad.

Last year Congress pushed through a great mass of measures, approving more than two-thirds of the Administration's 400-odd specific requests. A number of them were worthwhile, but so frantic was the activity that many liberal Democrats and even President Johnson himself indicated it might be wise for the nation to pause to digest all the new laws, to examine carefully how they worked and to determine exactly how much value the public was getting for its money. That sounded like a good idea, but it was scrapped almost as soon as the lawmakers returned from recess in early 1966.

Congress in 1965 had voted a great deal of money for schools and Federal officials reported educators were having trouble putting it all to productive use. So what are the legislators doing this year? They're about to give the schoolmen several times as much.

For another example, even the stoutest proponents of the costly "war" on poverty, approved by Congress last year, concede it is perforated with scandals and waste. They nonetheless induced the legislators not only to extend but expand it, promising that maybe next year someone would get around to looking into the plentiful evidence of mismanagement.

The indications of irresponsibility spread through many areas. Lawmakers continue to ardently police the ethics of the Executive branch while they sweep under the rug disclosures of peccadillos of their own. The bulk of the remaining unemployment centers on unskilled workers, so Congress boosts the minimum wage and prices many of them out of the job market. Most important, inflation rages and yet the lawmakers merrily go on trying to outspend the freest-spending Administration ever.

Certainly the past two years have been memorable for fast and frenzied action. But the nation should not be deceived that the busiest legislature is necessarily the best.

Mr. Speaker, in this connection I would like to paraphrase a statement I made several years ago on the floor of the House, which was my version of "The Postive No." In so doing, I would call it "The Power of the Responsible Yes." I am sick and tired of hearing all of the Great Society comments that the Republican Party is opposed to everything, and has no positive suggestions of its own. We are now considering basic principles and rugged truths pertaining to the survival of Government that for over 200 years has given us the most truly representative Republic in history, and the highest standards of living in the world, as recorded by history.

THE POWER OF THE RESPONSIBLE YES

"Republicans believe in freedom of the individual . . . and believing so they must necessarily oppose everything that would take away that freedom.

Republicans believe in free enterprise. And so believing, they must necessarily oppose everything that would destroy free enterprise in favor of a Socialistic form of government that concentrates power and authority in "politicians", instead of free individuals.

Republicans, and all citizens, should believe in the Judiciary backing up and supporting the Constabulary, and thus must oppose a managed and indeterminate Supreme Court, which legislates and regulates by fiat instead of simple but important Judicial determination.

Republicans believe in the freedom of the marketplace, and so believing they must necessarily oppose everything that would place absolute authority in the hands of the master planners instead of placing it in the hands of millions of consumers who express their wants in the open market.

Republicans believe in self-determination. And so believing, they must necessarily oppose everything that puts us in a compromising position with international Communism.

Republicans believe in the rewards that go to free men whose own initiative and zeal

for work create prosperity for the rest of society. And so believing, they must necessarily oppose Socialist schemes to "redistribute the wealth" or anything else that takes away individual incentive.

Republicans believe in local responsibility and local authority to meet local needs. And so they must necessarily oppose everything which would sap our reliance on local initiative and transfer responsibility to "the great White Father in Washington."

Republicans believe in government by law, and not government by man alone.

Republicans believe in fiscal responsibility . . . and so believing, they must necessarily oppose everything which will plunge our nation deeper and deeper into debt, and place the burden for our own irresponsibility on future generations . . . on your children and mine.

Republicans believe in the American working man . . . and so they must necessarily oppose liberal Socialistic schemes that attack and weaken the private sector of our economy which must provide jobs for our working men and women. In the long run, collectivized Federal Government creates few or new permanent jobs, and the job of Government is to provide the climate for investment, initiative and free enterprise.

Republicans believe in a strong, dynamic, national government . . . and so believing they must necessarily oppose everything which will detract from our Federal Government's ability to meet national and international problems by diffusing our energies and resources over a vast multitude of local problems.

As Republicans . . . and as Americans, we are plain sick and tired of the volumes of messages coming from the White House calling for greater and greater Federal expenditures, for bigger and bigger bureaucracy.

Republicans believe that history must not necessarily be repeated . . . that the fall and decline of previous great civilizations such as Rome and Greece, was due in part to the decline of reliance on the individual. And so believing, they must necessarily oppose those things which will cause Americans to lose faith in themselves and look to Washington for solutions of local problems.

In short, Republicans believe in America, and they have little faith in those who have no faith.

## THE REVEREND DR. ROBERT W. SPIKE

Mr. RYAN. 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 New York?

There was no objection.

Mr. RYAN. Mr. Speaker, I am deeply saddened by the news that the Reverend Dr. Robert W. Spike was murdered last night in Columbus, Ohio. Dr. Spike, a minister of the United Church of Christ, was a pioneer in the civil rights movement. His life was dedicated to the struggle for equality and betterment of all citizens. As minister of the Judson Memorial Church in Greenwich Village in New York from 1949 to 1956, Dr. Spike was a strong voice for civil rights in New York.

Dr. Spike, who in 1963 became the executive director of the Commission on Religion and Race of the National Council of Churches, gained national prominence as one of the leaders of the 1963 civil rights march on Washington. He also participated in several marches in the South and helped to organize the Mississippi Delta ministry's program which trained hundreds of students to go to Mississippi.

Dr. Spike's life was, and will remain, an inspiration to all who believe in equality among men. The Protestant Episcopal Church and the United Presbyterian Church joined the United Church of Christ in a statement last night saying Dr. Spike was "a pioneer in making the church relevant to contemporary life and especially in putting the church into the forefront of the struggle for civil rights. Our churches join in lamenting his death although we know a life like his will live on."

Mr. Speaker, I extend my deepest sympathy to Mrs. Robert W. Spike and their children.

## SENATE BILLS AND CONCURRENT RESOLUTIONS REFERRED

Bills and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2205. An act for the relief of the widow of Albert M. Pepoon; to the Committee on the Judiciary.

S. 2980. An act to increase the amount of benefits payable to widows of certain former employees of the Lighthouse Service, and thereafter to provide for cost-of-living increases in benefits payable to such widows and to such former employees; to the Committee on Merchant Marine and Fisheries.

S. Con. Res. 109. Concurrent resolution authorizing the printing of certain hearings of the Antitrust and Monopoly Subcommittee of the Committee on the Judiciary; to the Committee on House Administration.

S. Con. Res. 110. Concurrent resolution authorizing the printing of additional copies of hearings by the Special Committee on Aging on "Detection and Prevention of Chronic Disease Utilizing Multiphasic Health Screening Techniques"; to the Committee on House Administration.

## EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

Mr. GARMATZ.
Mr. GILBERT.
Mr. MULTER.
Mr. CONTE during his remarks on the contempt citations and resolutions and to include extraneous matter.

## TO PROVIDE FOR THE DISPOSITION OF FUNDS APPROPRIATED TO PAY A JUDGMENT IN FAVOR OF THE OMAHA TRIBE OF NEBRASKA, AND FOR OTHER PURPOSES

Mr. HALEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 8917) to provide for the disposition of funds appropriated to pay a judgment in favor of the Omaha Tribe of Nebraska, and for other purposes, with amendments of the Senate thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 3, strike out lines 3 to 8, inclusive.
Page 3, line 9, strike out "5." and insert "4.".

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

Mr. SAYLOR. Mr. Speaker, reserving the right to object, I would like to direct a question to the gentleman from Florida and ask him whether or not with the amendment that was adopted in the Senate, this bill will conform to a bill which the House passed a number of years ago with regard to another distribution to this same tribe of Indians?

Mr. HALEY. The gentleman is correct.

Mr. SAYLOR. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Florida [Mr. HALEY]?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

## FILING OF CONFERENCE REPORT AND STATEMENT ON H.R. 13161, ELEMENTARY AND SECONDARY EDUCATION ACT

Mr. POWELL. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have until midnight tonight to file a conference report and statement on the bill (H.R. 13161) to strengthen and improve programs of assistance for our elementary and secondary schools.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

## TO SUSPEND THE INVESTMENT CREDIT AND THE ALLOWANCE OF ACCELERATED DEPRECIATION IN THE CASE OF CERTAIN REAL PROPERTY

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight, October 18, to file a conference report on the bill (H.R. 17607).

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

Mr. HALL. Mr. Speaker, reserving the right to object, may we have the title of the bill besides just the number?

Mr. BOGGS. This is the investment tax credit bill and allowance of accelerated depreciation on certain real property.

Mr. HALL. Mr. Speaker, I thank the gentleman and withdraw my reservation of objection.

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

There was no objection.

## LEGISLATIVE PROGRAM

Mr. BOGGS. 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 Louisiana?

There was no objection.

Mr. BOGGS. Mr. Speaker, I would like to announce that when time permits, a number of bills that have been reported unanimously by the Committee on Ways and Means will be called up and I ask unanimous consent that the list of bills be printed in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The bills are as follows:

H.R. 5950 (PELLY)—free importation of limestone used in cement.

H.R. 7030 (BATTIN)—certain assessments for depreciable property.

H.R. 8244 (HERLONG)—computation of cigar tax.

H.R. 9280 (TALCOTT)—exempting from excise tax, shells and cartridges used in preventing crop damage by birds.

H.R. 11158 (MILLS)—working capital fund for Treasury.

H.R. 11753 (BRAY)—spectrometer, Indiana U.

H.R. 12110 (MINSHALL)—ship model, Lutheran Church.

H.R. 12197 (MCCORMACK)—rheogoniometer, Tufts U.

H.R. 13035 (RUMSFELD)—rheogoniometer, Northwestern U.

H.R. 13190 (CONTE)—carillon, Northfield, etc.

H.R. 13363 (KING of California)—extending filing time for TSUS refunds.

H.R. 13455 (RHODES of Pennsylvania)—payment of podiatrists' services under SMI.

H.R. 13739 (NIX)—spectrograph, Pennsylvania U.

H.R. 14388 (THOMPSON, N.J.)— spectrometer, Princeton U.

H.R. 14610 (ICHORD)—diffractometer, Missouri U.

H.R. 14893 (ROSTENKOWSKI)—ionosonde, Illinois U.

H.R. 15888 (TUNNEY)—carillon, California U.

H.R. 16077 (BOGGS)—free importation of dicyandiamide.

H.R. 16160 (ULLMAN)—tariff classification of Chinese gooseberries.

H.R. 17271 (BYRNES of Wisconsin)—tax treatment, combat pay.

H.R. 18085 (MILLS)—widow's and stepchild's benefits.

H.R. 18230 (WATTS)—indirect purchase of stock (liquidation of subsidiaries).

S. 1013 (SALTONSTALL)—requiring annual Treasury report re national debt and tax structure.

H.R. 13116 (GRIFFITHS)—duty on certain nonmalleable iron castings.

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## DEMONSTRATION CITIES AND METROPOLITAN DEVELOPMENT ACT OF 1966

Mr. PATMAN submitted a conference report and statement on the bill (S. 3708) to assist comprehensive city demonstration programs for rebuilding slum and blighted areas and for providing the public facilities and services necessary to improve the general welfare of the people who live in those areas, to assist and encourage planned metropolitan development, and for other purposes.

## PROCEEDINGS AGAINST MILTON MITCHELL COHEN

Mr. WILLIS. Mr. Speaker, I rise on a question of the privilege of the House, and by direction of the Committee on Un-American Activities I submit a privileged report—House Report No. 2302.

Mr. YATES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. YATES. At what point is it in order for me to present a point of order to the resolution?

The SPEAKER. After the report is read.

The Clerk read as follows:

PROCEEDINGS AGAINST MILTON MITCHELL COHEN

The Committee on Un-American Activities, as created and authorized by the House of Representatives, through the enactment of Public Law 601 of the 79th Congress, section 121, subsection (q)(2), under House Resolution 8 of the 89th Congress, duly authorized and issued a subpena to Milton Mitchell Cohen. The subpena directed Milton Mitchell Cohen to be and appear before the said Committee on Un-American Activities, of which the Honorable EDWIN E. WILLIS is chairman, or a duly appointed subcommittee thereof, on Tuesday, May 25, 1965, at the hour of 10:30 a.m., at the U.S. Courthouse and Federal Office Building, Ceremonial Courtroom, 25th floor, 219 South Dearborn Street, Chicago, Ill., then and there to testify touching matters of inquiry committed to said committee, and not to depart without leave of said committee. The subpena served upon Milton Mitchell Cohen is set forth in words and figures as follows:

"UNITED STATES OF AMERICA

"CONGRESS OF THE UNITED STATES

"To Milton Mitchell Cohen, *Greeting:*

"PURSUANT to lawful authority, YOU ARE HEREBY COMMANDED to be and appear before the Committee on Un-American Activities of the House of Representatives of the United States, or a duly appointed subcommittee thereof, on May 25th (Tuesday), 1965, at 10:30 o'clock, a.m., U.S. Court House & Fed. Office Bldg., Ceremonial Court Room, 25th Floor, 219 S. Dearborn Street, Chicago, Ill., then and there to testify touching matters of inquiry committed to said committee, and not to depart without leave of said committee.

"HEREOF FAIL NOT, as you will answer your default under the pains and penalties in such cases made and provided.

"To Martin A. Walsh, to serve and return.

"GIVEN under my hand this 6th day of May, in the year of our Lord, 1965.

/s/ "E. E. WILLIS,

*"Chairman—Chairman of Subcommittee—Member Designate of the Committee on Un-American Activities of the House of Representatives.*

"If you desire a conference with a representative of the Committee prior to the date of the hearing, please call or write to: Staff Director, Committee on Un-American Activities, Washington 25, D.C., Telephone: CApitol 4-3121—Ext. 3051."

This subpena was duly served as appears by the return thereon made by Martin A. Walsh, who was duly authorized to serve it. The return of service of said subpena is set forth in words and figures as follows:

"I made service of the within subpena by hand to the within-named Milton Mitchell Cohen on the street in front of his home at 5322 S. Kimbark Avenue, Chicago, Illinois, at 8:25 o'clock, a.m., on the 11th day of May, 1965.

"Dated May 11, 1965.

/s/ "Martin A. Walsh."

The said Milton Mitchell Cohen, summoned as aforesaid, appeared and was called as a witness on May 26, 1965, to give testimony, as required by the said subpena, at a meeting of a duly authorized subcommittee of the Committee on Un-American Activities at the Old U.S. Court of Appeals Building in Chicago, Ill. He was accompanied by his counsel, Richard Orlikoff, Esquire.

Having been sworn as a witness, he was asked to state his full name and residence for the record, to which he responded, giving same. He was then asked whether he was represented by counsel, to which he replied that he was.

Thereafter, the witness refused to answer any other questions touching matters of inquiry committed to said subcommittee. The witness then departed the hearing room without leave of said subcommittee.

The foregoing refusal by Milton Mitchell Cohen to answer any further questions, and his willful departure without leave, deprived the Committee on Un-American Activities of pertinent testimony regarding matters which the said committee was instructed by law and House resolution to investigate, and place the said Milton Mitchell Cohen in contempt of the House of Representatives of the United States.

Pursuant to resolution of the Committee on Un-American Activities duly adopted at a meeting held January 13, 1966, the facts relating to the aforesaid failures of Milton Mitchell Cohen are hereby reported to the House of Representatives, to the end that the said Milton Mitchell Cohen may be proceeded against for contempt of the House of Representatives in the manner and form provided by law.

The record of the proceedings before the said subcommittee, so far as it relates to the appearance of the said Milton Mitchell Cohen, including the statement by the chairman of the subject and matter under inquiry, is set forth in Appendix I, attached hereto and made a part hereof.

Other pertinent committee proceedings are set forth in Appendix II, and made a part hereof.

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APPENDIX I

Tuesday, May 25, 1965

UNITED STATES HOUSE OF REPRESENTATIVES, SUBCOMMITTEE OF THE COMMITTEE ON UN-AMERICAN ACTIVITIES,

*Chicago, Illinois.*

PUBLIC HEARINGS

A subcommittee of the Committee on Un-American Activities met, pursuant to call, at 10:30 a.m., in the Old United States Court of Appeals Building, 1212 North Lake Shore Drive, Chicago, Illinois, Hon. EDWIN E. WILLIS (chairman) presiding.

(Subcommittee members: Representatives EDWIN E. WILLIS, of Louisiana, Chairman; JOE R. POOL, of Texas; CHARLES L. WELTNER, of Georgia; JOHN M. ASHBROOK, of Ohio; and DEL CLAWSON, of California.)

Subcommittee members present: Representatives WILLIS, POOL, WELTNER, and CLAWSON.

Staff members present: Francis J. McNamara, director; William Hitz, general counsel; Alfred M. Nittle, counsel; and Neil E. Wetterman and Philip R. Manuel, investigators.

The CHAIRMAN. The subcommittee will come to order.

Mr. Nittle, will you call the names of the witnesses and hand them a copy of the opening statement?

Mr. NITTLE. Is Milton Mitchell Cohen in attendance?

Come forward, please.

Louis Diskin.

David Englestein.
Benjamin Max Friedlander.
Dorothy Mixter Hayes.
Dorothy Mixter Hayes.
Dorothy Mixter Hayes, please come forward.
Yolanda Hall.
Leon Joy Jennings.
Wilberforce Cox Jones.
Versta Miller.
Helen Fotine Queen.
Dr. Jeremiah Stamler.
Charles Fehninger Wilson.

Mr. Chairman, Dorothy Mixter Hayes has not responded. Shall I again call her?

The CHAIRMAN. Please. Three times.

Mr. NITTLE. Dorothy Mixter Hayes, please come forward.

Dorothy Mixter Hayes, please come forward.

Dorothy Mixter Hayes, please come forward.

The CHAIRMAN. Thank you, Mr. Nittle.

Mr. NITTLE. Mr. Chairman, I ask that it be noted on the record that Dorothy Mixter Hayes has not responded.

Mr. WOLF. We are responding for Miss Hayes.

The CHAIRMAN. She ought to be here and must be here in person.

Mr. WOLF. She is here, if you will just give me a moment.

Miss Hayes.

Mr. NITTLE. Miss Hayes, would you step forward, please?

Mr. WOLF. Mr. Chairman, I would like the record to show that we object to the presence here of the cameras.

The CHAIRMAN. We will in that respect abide, as we always do and are today, with the rules of the House.

This subcommittee of the House Committee on Un-American Activities is convened here in Chicago to conduct hearings upon the subjects of inquiry and for the legislative purposes set forth in a committee resolution adopted March 18, 1965. I offer this resolution for the record. It reads as follows:

"Be it resolved, That hearings be held by the Committee on Un-American Activities or a subcommittee thereof, at such times and places as the Chairman may determine, and that the staff be authorized to conduct investigations deemed reasonably necessary in preparation therefor, relating to:

"1. As concerns the Chicago, Illinois area and the Illinois District of the Communist Party of the United States: the structure and organization of the Communist Party of the United States; its major objectives, and the strategical and tactical methods designed to aid in accomplishing such objectives; the major areas of Communist Party concentration; organizations created and controlled by the Communist Party to advance the policies and objectives of the Communist movement; Communist propaganda activities conducted in support of such objectives; and conspiratorial activities in aid of, or in association with, foreign Communist governments; and also like information regarding other Communist organizations in the Chicago, Illinois area, for the following legislative purposes:

"(a) to provide factual information to aid the Congress in the proposal of any necessary remedial legislation in fulfillment of the directions contained in the mandate to the Committee by House Resolution 8, of January 4, 1965, and Public Law 601 of the 79th Congress;

"(b) to assist the Congress in appraising the execution by the administrative agencies concerned of Title I of the Internal Security Act of 1950;

"(c) to provide factual information to aid the House in the disposition of presently pending and proposed legislation, including, but not limited to, H.R. 4293, a bill to amend the Subversive Activities Control Act of 1950 so as to authorize the Federal Government to bar from access to defense facilities individuals who may engage in sabotage, espionage, or other subversive acts;

"(d) consideration of the advisability of amending the Internal Security Act so as to impose certain disabilities, in the manner and form therein provided, upon those persons "affiliated with" Communist organizations as well as upon persons who are members thereof.

"Be it further resolved, That the hearings may include any other matter within the jurisdiction of the Committee which it, or any subcommittee thereof, appointed to conduct these hearings, may designate."

As a result of the June 1961 decision of the Supreme Court of the United States in the Communist Party case (367 U.S. 1), certain provisions of the Internal Security Act have become effective. This was a case against the Communist Party of the United States instituted by the Attorney General before the Subversive Activities Control Board in 1950 to require that the party register as a Communist-action organization within the terms of the Internal Security Act of 1950.

A Communist-action organization is defined in the act as any organization in the United States which is substantially directed, dominated, or controlled by the foreign government or organization controlling the world Communist movement.

Following the taking of extensive testimony, the Subversive Activities Control Board found the Communist Party of the United States was a disciplined organization operating in this Nation under Soviet Union control, with the objective of installing a Soviet-style dictatorship in the United States. The Board, therefore, ordered the party to register as a Communist-action organization.

The Supreme Court, as previously indicated, has upheld this finding and order. This order has the effect of denying to Communist Party members any Federal employment, or employment in any defense facility as defined in the act.

Preliminary committee investigation indicates that this decision of the Court prompted certain organizational changes in the Communist Party. The party has attempted to nullify the provisions of the statute. These hearings in Chicago are one of a series of investigations into area activities of the Communist Party which the committee is conducting in various parts of the country for the purpose of determining whether remedial or amendatory legislation is necessary and, if so, what laws may be desired.

This committee functions as a part of the legislative branch of Government, as distinguished from the executive and judicial branches. In the exercise of its investigative function, the committee neither accuses nor judges. It conducts no trials. It is a fact-gatherer to inform the Congress about the operations of this Soviet-controlled conspiracy.

Its investigations must be continuous. For while the basic objectives of the Communists remain the same, the party develops new tactics and operational forms from time to time to speed and improve Communist undermining activity and to offset the legislative, administrative, and other steps taken by the Congress, the executive branch, and the American people to preserve their liberty.

The power of congressional committees to make investigations and to exact testimony has been repeatedly confirmed by the Supreme Court of the United States. In *McGrain* v. *Daugherty* (273 U.S. 135, at 161), a leading case, the Supreme Court pointed out that, and I quote from the words of the Supreme Court:

"In actual legislative practice power to secure needed information by such means has long been treated as an attribute of the power to legislate. It was so regarded in the British Parliament and in the Colonial legislatures before the American Revolution; and a like view has prevailed and been carried into effect in both houses of Congress and in most of the state legislatures."

That is the end of the quotation from the Supreme Court decision.

Information and knowledge is, of course, the object of investigation. It is basic to the exercise of the lawmaking function.

The Committee on Un-American Activities is authorized by a rule of the House and a Federal statute to make investigations of the extent, character, and objects of subversive and un-American propaganda, whether instigated by foreign countries or of a domestic origin, which attacks the principle of the form of government as guaranteed by our Constitution, and all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

For the purpose of any such investigation, this committee is authorized to hold hearings and to issue subpenas to require the attendance of witnesses and the production of documents. Moreover, the committee is required to report to the House the results of its investigations, together with such recommendations as it deems advisable.

The committee is also required, by House rule and the statute already mentioned, to perform the duties imposed upon all standing committees with respect to laws within its jurisdiction, that is, to appraise the execution of laws enacted by Congress and to exercise a continuous watchfulness over the administrative agencies concerned with the execution of such laws.

In the light of the threat which Communist organizations pose to the United States as a sovereign, independent Nation, we must recognize, as Mr. Justice Frankfurter said in the Communist Party case, "That the power of Congress to regulate Communist organizations of this nature is extensive."

Mr. Justice Harlan, speaking for the Supreme Court in *Barenblatt* v. *United States* (360 U.S. 109, at page 127), a decision upholding the contempt of Congress conviction of a witness who had refused to answer questions asked him by this committee, said:

"That Congress has wide power to legislate in the field of Communist activity in this Country, and to conduct appropriate investigations in aid thereof, is hardly debatable. The existence of such power has never been questioned by this Court, and it is sufficient to say, without particularization, that Congress has enacted or considered in this field a wide range of legislative measures, not a few of which have stemmed from recommendations of the very Committee whose actions have been drawn in question here."

That is, the Committee on Un-American Activities.

Justice Harlan continued: "In the last analysis this power rests on the right of self-preservation, 'the ultimate value of any society,' *Dennis* v. *United States*, 341 U.S. 494, 509. Justification for its exercise in turn rests on the long and widely accepted view that the tenets of the Communist Party include the ultimate overthrow of the Government of the United States by force and violence, a view which has been given formal expression by the Congress."

There is, however, not only a power to legislate in the field of Communist activities, but also a positive duty imposed upon Congress to do so. The Supreme Court has said:

"'To preserve its independence and give security against foreign aggression and encroachment, is the highest duty of every na-

tion, and to attain these ends nearly all other considerations are to be subordinated. It matters not in what form such aggression and encroachment come. . . .' [Quoted in *Communist Party Case*, 367 U.S. 1, 96.]"

Now I would like to stress the fact that the committee's presence here in Chicago is not to be construed in any way as derogatory to this great city. We have held hearings here before, as we have in other major cities of our country on more than one occasion in the past.

Why? Not because these cities as such—or their governments or people—are suspect in any way, but rather because they and the States in which they are located are so important to our national security, prosperity, and welfare.

The Communists decided a long time ago where they would try to build their greatest strength in the United States. They determined that they would send their best organizers, agitators, and propagandists into those areas of our country which were most vital to its overall security, particularly in time of war.

It was in these areas that they determined to pour their money and to concentrate as much effort as possible to build their largest, strongest, and most disciplined units.

Why? So that if war between the Soviet Union and the United States should come—and God pray it won't—their greatest strength would be in those areas where, by sabotage and other traitorous activities, they could do most to help the Soviet Union and bring about the defeat of the United States. And so the Communists concentrate—and always have concentrated—on our great centers of industry, of transportation, communication, learning, and so forth—on States such as Illinois, New York, Michigan, California, Pennsylvania; on cities such as Chicago, Detroit, New York, Pittsburgh. These are the areas of the United States that are most important to Moscow and, therefore, to its puppets, the U.S. Communists. Generally speaking, the Communists have not devoted much attention to our small rural communities.

Our presence in Chicago, therefore, and such evidence of Communist activity in this city and State as is produced in these hearings, is not to be taken as an affront to this city or the State of Illinois. Rather, the hearings are a tribute to them, a recognition of the tremendous importance the enemies of this country, both here and abroad, attach to Illinois and its great city, Chicago.

In short, we are here not to hurt anyone or any institution, but to help—to help, as we are directed by the House of Representatives, the security of our country. It is our hope—and our belief—that, in doing so, we will also help this wonderful State, city, and people.

I now offer for the record the order of appointment of this subcommittee, as follows:

MAY 6, 1965.

To: Mr. FRANCIS J. MCNAMARA,
*Director, Committee on Un-American Activities*

Pursuant to the provisions of the law and the Rules of this Committee, I hereby appoint a subcommittee of the Committee on Un-American Activities, consisting of Honorable JOE R. POOL, Honorable CHARLES L. WELTNER, Honorable JOHN M. ASHBROOK and Honorable DEL CLAWSON, as associate members, and myself, as Chairman, to conduct hearings in Chicago, Illinois, commencing on or about Tuesday, May 25, 1965, and/or at such other times thereafter and places as said subcommittee shall determine, as contemplated by the resolution adopted by the Committee on the 18th day of March, 1965, authorizing hearings concerning certain Communist activities in the Chicago, Illinois area, and other matters under investigation by the Committee.

Please make this action a matter of Committee record.

If any member indicates his inability to serve, please notify me.

Given under my hand this 6th day of May, 1965.

/s/ Edwin E. Willis,
EDWIN E. WILLIS,
*Chairman, Committee on Un-American Activities.*

I would like to point out that the absent member of this subcommittee, Mr. ASHBROOK, of Ohio, his absence has been unavoidably brought about by a death in the family. It is expected that he might appear later on.

Now I point out, and I want the record to reflect, that this statement I have just read—each witness subpenaed has been handed a copy by counsel. I urge them to remain in the committee room so that if there be any testimony regarding them they may be here.

I urge also careful analysis of the statement that each witness has, announcing the purposes and objectives of the hearings, so that there won't be any haggling about a witness not knowing the purpose why these hearings are being held. These purposes are being stated at length in this statement and each witness has a copy.

I want to go one step further and read from Rule XI, 26(m), House of Representatives. The rules of the House are binding on all committees. There are some 20 permanent committees of the House, the jurisdiction of each committee is set forth in the rules of the House.

This committee, the House Committee on Un-American Activities, is but one of 20 permanent committees of the House. This committee is an agency of the House and operating under the rules of the House. I want to direct the attention of all to the provisions of Rule 26(m) in respect to these particular hearings.

Every person concerning whom there might be defamatory, degrading, or incriminating evidence produced here at these hearings has been notified of that possibility and has been sent a letter, a typical sample of which I now read:

"Pursuant to House Rule XI, 26(m), the Committee on Un-American Activities has received certain evidence and testimony in executive session, in the course of which a person by the name of"—and here each witness' name appears—"a resident of"—and their address is given—"was identified as having been a member of the Communist Party."

Everyone whose name might crop up has received a copy of this letter or been sent one.

"If you so desire, you will be afforded an opportunity voluntarily to appear as a witness before a subcommittee of the Committee on Un-American Activities at a time and place to be designated. According to the general practice of the committee, this hearing"—namely the voluntary testimony of witnesses so notified—"shall be conducted in executive session.

"You may also request the committee to subpoena additional witnesses.

"If you desire to avail yourself of the opportunities thus afforded you, you should so advise the Director of the Committee no later than Tuesday, May 18, 1965. He may be reached at Room 226, Cannon House Office Building, Washington 25, D.C.; telephone number: Capitol 4-3121, extension 3051.

"This is not a subpoena or summons requiring you to appear.

"Very truly yours, EDWIN E. WILLIS, Chairman."

Let me tell you that every witness, I repeat, whose name might come up in these hearings, every person was mailed such a letter but not one single, solitary response did we receive. [Laughter and applause.]

I cannot and will not tolerate demonstrations in any direction from anyone. This is a hearing in a Federal courtroom conducted by a committee of the House of Representatives and representing the House of Representatives and we must have order.

You are guests of the committee; you are very welcome. We are glad to have you. We are glad to know your interest in either direction in connection with the activities and the conduct of its affairs by this committee, but we must have order as is the rule under the American procedure.

Mr. Counsel, call your first witness.

* * * * *

Wednesday, May 26, 1965

UNITED STATES HOUSE OF REPRESENTATIVES, SUBCOMMITTEE OF THE COMMITTEE ON UN-AMERICAN ACTIVITIES,
*Chicago, Illinois.*

PUBLIC HEARINGS

The subcommittee of the Committee on Un-American Activities met, pursuant to recess, at 9:30 a.m., in the Old United States Court of Appeals Building, 1212 North Lake Shore Drive, Chicago, Illinois, Hon. EDWIN E. WILLIS (chairman) presiding.

(Subcommittee members: Representatives EDWIN E. WILLIS, of Louisiana, chairman; JOE R. POOL, of Texas; CHARLES L. WELTNER, of Georgia; JOHN M. ASHBROOK, of Ohio; and DEL CLAWSON, of California.)

Subcommittee members present: Representatives WILLIS, POOL, WELTNER, ASHBROOK, and CLAWSON.

Staff members present: Francis J. McNamara, director; William Hitz, general counsel; Alfred M. Nittle, counsel; and Neil E. Wetterman and Philip R. Manuel, investigators.

The CHAIRMAN. The subcommittee will please come to order.

The Chair is pleased to announce that we have with us today the ranking minority member of the House Committee on Un-American Activities who, because of a death in the family, could not be here yesterday, the Honorable JOHN ASHBROOK.

Mr. ASHBROOK, we are grateful for your counsel and advice.

Furthermore, the Chair would like to make this general statement. Yesterday, as everyone knows, the Chair made certain rulings after consultation with members of the committee. We are not going to replow that ground or rehash that particular phase of these hearings.

Number two, as everyone knows, the chief judge of this district ruled that the hearings would be held here instead of the ceremonial courtroom. We, of course, appreciated that ruling and completely respect it. The fact remains, however, that we are operating in rather tight quarters under difficult circumstances.

So, we are following today the practice built on experience that this committee always follows, and it is this: We accommodate in the hearing room as many as can be accommodated. If a cup is full of water, you just can't add any more.

Now, for the convenience of our guests, spectators, we always arrange, and we have done so this time, in an orderly fashion, to permit others to come in as some of our guests retire. That is the very best we can do. That is the only thing we can do. Now, as I say, this presents some difficulties, but we are used to that.

This committee has been in existence for a long time; incidentally, the predecessor was created back in 1930, as I recall. It was reformed in 1934 and the chairman of the predecessor committee at that time was the present Speaker of the House, the Honorable JOHN MCCORMACK from Massachusetts. The committee was re-created until finally, under the Reorganization Act of 1946, this committee was made a permanent, standing committee of the House.

So, as I say, we operate under difficult circumstances, but we do the best we can with

the quarters we have and the accommodations that are available.

Now, we are in a Federal courtroom, and under the practice of this district and others the same discipline, decorum, and cooperation must obtain here as if this were a regular ceremonial Federal court. Part of the same rule is, of course, that we must have the same conduct, appropriate and proper and courteous conduct, here as would obtain in a Federal courtroom.

We cannot and will not, as there could not be in a Federal courtroom, have or tolerate interruptions from the audience of any kind, whether by asking questions or otherwise.

I might point our further, finally, that each witness who was served with a subpena was at the same time served with a printed copy of the rules of this committee. I want to cite for the record at this time the rule of the committee, Rule VII, dealing with the role of counsel. Rule VII reads as follows:

"A—At every hearing, public or executive, every witness shall be accorded the privilege of having counsel of his own choosing.

"B—The participation of counsel during the course of any hearing and while the witness is testifying shall be limited to advising said witness as to his legal rights. Counsel shall not be permitted to engage in oral argument with the Committee, but shall confine his activity to the area of legal advice to his client."

Now, I am a member of the legal profession. I have been an attorney, taught law for 10 years, and graduated from law school 39 years ago. We realize, all counsel, that we are all officers of the court. And I appeal particularly to them to respect the rules and admonitions I have outlined although, of course, they apply to all.

Mr. Marshall, you will enforce these rules.

* * * * *

Afternoon Session—Wednesday, May 26, 1965

(The subcommittee reconvened at 1:08 p.m., Hon. EDWIN E. WILLIS, chairman, presiding.)

(Subcommittee members present: Representatives WILLIS, POOL, WELTNER, ASHBROOK, and CLAWSON.)

The CHAIRMAN. The subcommittee will come to order.

* * * * *

The CHAIRMAN. The witness is excused.

The committee will recess for a few minutes.

(A brief recess was taken.)

Mr. POOL (presiding in absence of Mr. WILLIS). The subcommittee will come to order.

* * * * *

(A brief recess was taken.)

Mr. POOL (presiding). The subcommittee will come to order.

Counsel, do you have any further questions?

Mr. NITTLE. No, Mr. Chairman, I have no further questions.

Mr. POOL. The witness is excused.

Mr. STEINBERG. Thank you.

Mr. POOL. Call your next witness.

Mr. NITTLE. Will Milton Cohen come forward, please?

Mr. POOL. The witness will stand and be sworn.

Do you solemnly swear the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. COHEN. I do.

*Testimony of Milton Mitchell Cohen, accompanied by counsel, Richard Orlikoff*

Mr. ORLIKOFF. I have here a three-paragraph, half-page statement——

Mr. POOL. Just a second.

We will identify the witness first.

Mr. NITTLE. Would the witness state his full name and residence for the record, please?

Mr. COHEN. Milton Cohen, 5322, South Kimbark Avenue, Chicago, Illinois.

Mr. NITTLE. Mr. Cohen, are you represented by counsel?

Mr. COHEN. I am.

Mr. NITTLE. Would the counsel kindly identify himself for the record, stating his name and office address?

Mr. ORLIKOFF. Richard Orlikoff, 7 South Dearborn, Chicago, Illinois.

Mr. Chairman, in this very brief statement we detail all of the reasons why Mr. Cohen is not going to answer any questions here, and I think it will shorten time if I am permitted to read the statement. It will take just about a minute and a half.

Mr. POOL. How about having the witness read it?

Mr. ORLIKOFF. Well, we ask the indulgence of the committee to permit me to do it. I wonder if this is a legal matter.

Mr. POOL. All right. Go ahead.

Mr. ORLIKOFF. This committee subpenaed Mr. Cohen to appear before it approximately 2 weeks ago. A few days after Mr. Cohen received his subpena, every daily newspaper in Chicago published the fact that he had been subpenaed. There has been an obvious violation of Rule XVI of this committee.

I advise the committee that Mr. Cohen has intervened in the legal action pending in the United States District Court for the Northern District of Illinois entitled *Stamler, et al.* versus *Willis, et al.*, Number 65–C, challenging the right of the committee to hold this hearing, challenging the validity of the subpena served upon Mr. Cohen, and asserting by the release of Mr. Cohen's name to the newspapers as a subpenaed witness the rules of this committee had been violated and he will be denied his constitutional rights in the event he is required to testify.[1]

We hereby stand on all the allegations and the reasons in the Stamler complaint in the intervening petition on his behalf. We present a copy of these documents, complaint and the intervening petition, to the committee.

In addition, we reiterate Mr. Cohen's request for a hearing in executive session for the foregoing reasons and until the legal matters we have raised have been adjudicated.

I have instructed, and do instruct, my client not to answer any questions other than to give his name and address, which he has done. In view of the fact that my client will not answer any questions, in view of the fact that we contest the validity of the subpena, and since we are here under no compunction, Mr. Chairman, we are going to leave the hearing room and we are not going to participate any further in these proceedings. [Applause.]

Mr. POOL. I direct the witness not to leave the courtroom.

Mr. ORLIKOFF. Mr. Chairman, I must insist on my instructions to the witness. We do not feel we are here under any compulsion in any case. The committee will have full opportunity to explore that fact in the courts.

Thank you, Mr. Chairman.

Mr. POOL. Your objection is overruled. [Applause.]

Just a minute.

Mr. NITTLE. Mr. Chairman, I think the witness, Milton Cohen, should be instructed directly in the presence of his attorney that such conduct makes him subject to a prosecution for contempt of Congress.

Mr. POOL. You are so directed, and with that admonition, I will direct the witness to take the witness chair and answer the questions.

Mr. ORLIKOFF. Even after that instruction, I repeat my instructions to the witness, and we still will leave the hearing room.

[1] Petition to intervene as additional party plaintiff marked "Cohen Exhibit No. 1" for identification. See appendix, pp. 810–12.

Thank you. [Applause.]

Mr. POOL. I order you to take your seats.

[Mr. Cohen and Mr. Orlikoff walk out of hearing room.]

Mr. POOL. Call the next witness.

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APPENDIX II

PART 1

The following is an extract from the minutes of a meeting of the Committee on Un-American Activities held on February 2, 1965:

"The Committee on Un-American Activities met in executive session on February 2, 1965, in Room 225 of the Cannon House Office Building, at 1:00 p.m. The following members were present:

"EDWIN E. WILLIS, Chairman; WILLIAM M. TUCK, JOE R. POOL (entered at 1:11 p.m.), RICHARD H. ICHORD, GEORGE F. SENNER, JR., CHARLES L. WELTNER, JOHN M. ASHBROOK, DEL CLAWSON, JOHN H. BUCHANAN, JR.

"The staff members present were: Francis J. McNamara, director; William Hitz, general counsel; Alfred M. Nittle, counsel; Donald T. Appell, chief investigator; and Juliette P. Joray, recording clerk.

"The Chairman called the meeting to order at 1:04 p.m., and welcomed the new members of the Committee.

"The Chairman stated, for the benefit of the new members, that this was the Committee's organizational meeting, at which certain basic resolutions were normally adopted in each Congress. As each resolution was read by the Director, the Chairman explained the reasons for its adoption.

"On motion of Mr. ICHORD, seconded by Mr. ASHBROOK, the following resolution was unanimously adopted:

" 'Be it resolved, that the Rules of Procedure revised by the Committee on Un-American Activities during the First Session of the 87th Congress and printed under the title of "Rules of Procedure—Committee on Un-American Activities," together with all applicable provisions of the Legislative Reorganization Act of 1946, as amended, be, and they are hereby, adopted as the Rules of the Committee on Un-American Activities of the House of Representatives of the 89th Congress.'

* * * * *

"On motion of Mr. ICHORD, seconded by Mr. ASHBROOK, the following resolution was unanimously adopted:

" 'Be it resolved, that the Chairman be authorized and empowered from time to time to appoint subcommittees composed of three or more members of the Committee on Un-American Activities, at least one of whom shall be of the minority political party, and a majority of whom shall constitute a quorum, for the purpose of performing any and all acts which the Committee as a whole is authorized to perform.'

"On motion of Mr. POOL, seconded by Mr. TUCK, the following resolution was unanimously adopted:

" 'Be it resolved, that authority is hereby delegated to each subcommittee of the Committee on Un-American Activities which hereafter may be appointed to determine by a majority vote thereof whether the hearings conducted by it shall be open to the public or shall be in executive session, and all testimony taken and all documents introduced in evidence in such an executive session shall be received and given as full consideration for all purposes as though introduced in open session.'

* * * * *

"The meeting was adjourned at 3:22 p.m."

PART 2

The following is an extract from the minutes of a meeting of the Committee on Un-American Activities held on March 18, 1965:

"The Committee on Un-American Activities met in executive session on March 18,

1965, at 3:00 o'clock p.m. The following members were present:

"EDWIN E. WILLIS, Chairman; JOE R. POOL, RICHARD H. ICHORD, CHARLES L. WELTNER, DEL CLAWSON, JOHN H. BUCHANAN.

"The staff members present were: Francis J. McNamara, director; William Hitz, general counsel; Alfred Nittle, counsel; Donald T. Appell, chief investigator; and Juliette P. Joray, recording clerk.

"The Chairman called the meeting to order at 3:25 p.m.

* * * * *

"The director reported that the hearing stage had been reached on the current Chicago area investigation. * * *

"The following resolution was read to the members and was unanimously adopted:

"'Be it resolved, That hearings be held by the Committee on Un-American Activities or a subcommittee thereof, at such times and places as the Chairman may determine, and that the staff be authorized to conduct investigations deemed reasonably necessary in preparation therefor, relating to:

"'1. As concerns the Chicago, Illinois area and the Illinois District of the Communist Party of the United States: the structure and organization of the Communist Party of the United States; its major objectives, and the strategical and tactical methods designed to aid in accomplishing such objectives; the major areas of Communist Party concentration; organizations created and controlled by the Communist Party to advance the policies and objectives of the Communist movement; Communist propaganda activities conducted in support of such objectives; and conspiratorial activities in aid of, or in association with, foreign Communist governments; and also like information regarding other Communist organizations in the Chicago, Illinois area, for the following legislative purposes:

"'(a) to provide factual information to aid the Congress in the proposal of any necessary remedial legislation in fulfillment of the directions contained in the mandate to the Committee by House Resolution 8, of January 4, 1965, and Public Law 601 of the 79th Congress;

"'(b) to assist the Congress in appraising the execution by the administrative agencies concerned of Title I of the Internal Security Act of 1950;

"'(c) to provide factual information to aid the House in the disposition of presently pending and proposed legislation, including, but not limited to, H.R. 4293, a bill to amend the Subversive Activities Control Act of 1950 so as to authorize the Federal Government to bar from access to defense facilities individuals who may engage in sabotage, espionage, or other subversive acts;

"'(d) consideration of the advisability of amending the Internal Security Act so as to impose certain disabilities, in the manner and form therein provided, upon those persons "affiliated with" Communist organizations as well as upon persons who are members thereof.

"'Be it further resolved, That the hearings may include any other matter within the jurisdiction of the Committee which it, or any subcommittee thereof, appointed to conduct these hearings, may designate.'

"The director gave a summary of background information on each of the witnesses scheduled to be subpoenaed for the Chicago area hearings. On motion of Mr. POOL, seconded by Mr. CLAWSON, the following resolution was unanimously adopted:

"'Whereas, the director of the Committee explained the reasons why * * *; Milton Cohen [1]; and * * *; should have knowledge of facts relevant and material to the investigations and hearings authorized by Committee resolution on the 18th day of March, 1965, relating to Communist Party activities in the Chicago, Illinois area, and the Illinois District of the Communist Party of the United States, and other matters;

"'Now therefore, be it resolved, That the Committee is of the opinion that the within-named persons should be required to attend the said hearings as witnesses and to produce such books, papers, and documents, and to give testimony touching matters of inquiry pursuant to said resolution; that the Committee deems such attendance to be necessary in furtherance of its legislative purposes; and that the Committee authorizes subpoenas to be issued therefor in accordance with the provisions of law.'

* * * * *

"The meeting was adjourned at 5:45 o'clock p.m."

PART 3

The following is an extract from the minutes of a meeting of the Committee on Un-American Activities held on May 6, 1965:

"The Committee on Un-American Activities met in executive session on May 6, 1965, at 10:00 a.m. in Room 225, Cannon House Office Building. The following members were present:

"EDWIN E. WILLIS, Chairman; JOE R. POOL, RICHARD ICHORD, CHARLES WELTNER, JOHN ASHBROOK, DEL CLAWSON, JOHN H. BUCHANAN (entered at 10:30 a.m.).

"The staff members present were: Francis J. McNamara, director; William Hitz, general counsel; Alfred Nittle, counsel; and Juliette P. Joray, recording clerk.

"The chairman called the meeting to order at 10:10 a.m.

"It was agreed to hold the Chicago hearings beginning May 25. The chairman designated Messrs. POOL, WELTNER, ASHBROOK and CLAWSON as associate members and himself as chairman, as the subcommittee to sit at the Chicago hearings.

* * * * *

"A discussion concerning the language of the letter to be sent to all persons that may be identified by witnesses as Communist Party members at the forthcoming Chicago hearings, or about whom defamatory or incriminating testimony might be given or evoked in the testimony of witnesses, in compliance with Rule XI, 26(m), resulted in a motion by Mr. WELTNER, seconded by Mr. ASHBROOK, that the letter be revised as suggested by Mr. ASHBROOK. The motion carried. It was agreed that the limitation date be set as May 18.

* * * * *

"The meeting adjourned at 11:25 a.m."

PART 4

The following is an extract from the minutes of a meeting of a subcommittee of the Committee on Un-American Activities held on January 13, 1966:

"A quorum of the subcommittee of the Committee on Un-American Activities designated by the Chairman on May 6, 1965, to conduct hearings in Chicago, Illinois, commencing on May 25, 1965, relating to Communist Party activities in the Chicago area and Illinois District of the Communist Party, met in executive session on January 13, 1966, in Room 429, Cannon House Office Building at 9:00 a.m. The following members of the subcommittee were present:

"EDWIN E. WILLIS, Chairman; CHARLES L. WELTNER, DEL CLAWSON.

"The staff members present were: Francis J. McNamara, director; William Hitz, general counsel; Alfred Nittle, counsel; and Juliette P. Joray, recording clerk.

"The chairman called the meeting to order at 9:10 a.m. and announced that this meeting was called, after notice to all subcommittee members, for the purpose of considering what action the subcommittee should take regarding the refusals of Milton Mitchell Cohen on May 26, 1965, * * * and * * *, to answer questions pertinent to the subjects under inquiry before the subcommittee and their departure without leave, at the hearings conducted by the said subcommittee in Chicago, and what recommendations the subcommittee would make to the full committee regarding their citation for contempt of the House of Representatives.

"After discussion of the testimony and due consideration of the matter, a motion was made by Mr. CLAWSON, seconded by Mr. WELTNER and unanimously carried, that a report of the facts relating to the refusal of Milton Mitchell Cohen to answer questions pertinent to the subject under investigation before said subcommittee and his departure without leave at the hearing aforesaid, be referred and submitted to the Committee on Un-American Activities as a whole, with the recommendation that a report of the facts relating to the aforesaid failures of said witness be reported to the House of Representatives, in order that the said Milton Mitchell Cohen be cited for contempt of the House of Representatives, to the end that he may be proceeded against in the manner and form provided by law.

* * * * *

"The meeting adjourned at 9:30 a.m."

PART 5

The following is an extract from the minutes of a meeting of the Committee on Un-American Activities held on January 13, 1966:

"The Committee on Un-American Activities met in executive session on January 13, 1966, at 9:45 a.m., in Room 429, Cannon House Office Building. The following members were present:

"EDWIN E. WILLIS, Chairman, RICHARD H. ICHORD, GEORGE F. SENNER, CHARLES L. WELTNER, DEL CLAWSON.

"Also present were the following staff members: Francis J. McNamara, director; William Hitz, general counsel; Alfred M. Nittle, counsel; and Juliette P. Joray, recording clerk.

"Chairman WILLIS called the meeting to order at 9:45 a.m., and announced that this special meeting of the Committee was called, after notice to all committee members, for two purposes, the first to consider a recommendation of the subcommittee headed by the Chairman, Mr. WILLIS, appointed to conduct hearings in Chicago, Illinois, which commenced on May 25, 1965, that Milton Mitchell Cohen, * * * and * * * be cited for contempt because of their refusals to testify, and their departure without leave in hearings conducted by the subcommittee in Chicago in May 1965; and the second * * *.

"As to the first matter, the Chairman reported to the committee that hearings were conducted by the subcommittee in Chicago, Illinois on May 25, 26, and 27, 1965, as contemplated under the Resolution adopted by the committee on March 18, 1965; that the subcommittee met on May 25, 1965, in the Old United States Court of Appeals Building, 1212 N. Lake Shore Drive, Chicago, Illinois, to receive the testimony of several witnesses, including Milton Mitchell Cohen, * * * and * * *, who had been duly subpoenaed to appear as witnesses before said

[1] The information referred to above as given by the director was that, on December 17, 1964, a subcommittee of the Committee on Un-American Activities received in executive session testimony from Lola Belle Holmes who had, at the request of the Federal Bureau of Investigation, maintained membership in the Communist Party from August 1957 until January 1963. She testified from personal knowledge that Milton Mitchell Cohen was a member of the Communist Party and of the educational committee of the Wagenknecht Section and the State committee of the Communist Party of Illinois.

subcommittee; that the hearings were commenced on that date; that the witness Milton Mitchell Cohen was called to testify and appeared before the subcommittee on May 26, 1965, there being a quorum of the subcommittee in attendance; that the witness Milton Mitchell Cohen having appeared before the subcommittee, was sworn as a witness and was asked to state his full name and residence for the record to which he responded, giving same; that when asked whether he was represented by counsel he replied that he was; that thereafter he refused to answer any other questions which might be put to him; that he then departed without leave; * * *; that a quorum of the subcommittee met in executive session on January 13, 1966, at which time motions were made and unanimously adopted with respect to each of said persons, to wit, Milton Mitchell Cohen, * * *, and * * *, and that a report of the facts relating to the refusals of each of them to testify before said subcommittee at said hearings, and the departure of each without leave, be referred and submitted to the Committee on Un-American Activities as a whole, with the recommendation that a report of the facts relating to the aforesaid failures of each of said witnesses be reported to the House of Representatives, in order that each of said witnesses may be cited for contempt of the House of Representatives and to the end that each may be proceeded against in the manner and form provided by law.

"A motion was made by Mr. WELTNER, seconded by Mr. CLAWSON that the subcommittee's report of the facts relating to the refusal of Milton Mitchell Cohen to answer questions pertinent to the questions under inquiry and his departure without leave at the hearings conducted before it in Chicago, Illinois, commencing on the 25th day of May, 1965, be and the same is hereby approved and adopted, and that the Committee on Un-American Activities report the said failures of Milton Mitchell Cohen to the House of Representatives to the end that the said Milton Mitchell Cohen may be proceeded against in the manner and form provided by law; and that the chairman of this committee is hereby authorized and directed to prepare and file such report constituting the failures of the said Milton Mitchell Cohen. The motion was put to a vote and carried unanimously.

* * * * *

"The meeting was adjourned at 10:50 a.m."

Mr. WILLIS (interrupting the reading). Mr. Speaker, the issues in this case are very simple and will be shortly and succinctly explained in a moment; and I ask unanimous consent that further reading of the report be dispensed with.

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

There was no objection.

Mr. YATES. Mr. Speaker, I make a point of order against the resolution.

The SPEAKER. The gentleman will state his point of order.

Mr. YATES. Mr. Speaker, I make a point of order against the resolution offered by the Committee on Un-American Activities. The committee appears here today claiming the privilege of the House. It asserts that this House has been injured, that its dignity and its integrity have been threatened, even impaired, by reason of the refusal of the respondents to give testimony to the committee at a public hearing duly convened. It now asks this House in this resolution to hold the respondent in contempt so that he may be punished by the criminal processes of the law for his refusal to testify.

Mr. Speaker, there is no doubt that the respondent did refuse to give testimony. The question I raise for the consideration of the Chair is whether a witness may be required to give such testimony when the committee itself has violated the rules of the respondent by refusing to follow the Rules of the House which were specifically established to protect the rights of the respondents for this purpose.

The Rules of the House give the witnesses certain rights. I refer to the Code of Fair Procedure which was approved in 1955, and which is now a part of the Rules of the House. They are designed to protect the rights of witnesses who may be required to appear before the committees.

This committee, the Committee on Un-American Activities, has failed and refused to follow the Code of Fair Procedure by denying the request of the respondent that his testimony be taken in executive session.

Will the Chair under such circumstances sustain the committee against an individual who has been wronged by the committee?

Mr. Speaker, you have a very important decision to make today, and some historical background may be in order.

May I say I, for one, am pleased the responsibility and this opportunity for this decision, Mr. Speaker, are in your hands. I say this because I know that prior to the beginning of your distinguished career in the Congress you were a great trial lawyer. You knew then and you know now the traditions of the American system of justice, which require that every defendant be given a fair trial.

Second, Mr. Speaker, I am pleased you are in the chair today, because you were the chairman of the investigating committee that preceded the so-called Dies Committee, which later became the Committee on Un-American Activities. It was your difficult task back in the 1930's to look into the shocking activities of a most despicable anti-American group, the German-American Bund, who were the pro-Nazis in this country allied with Hitler's cause. There could not have been a more vicious group; yet, Mr. Speaker, you conducted those hearings with dignity, with fairness, with keen understanding of the rights of the defendant to a fair hearing. Your investigation at all times was devoted to the valid legislative purpose of gathering facts and information to lay before the Congress as the basis for proposed legislation.

Third, Mr. Speaker, I am pleased you are the chairman today because you were the distinguished majority leader of the House during the time when the reprehensible actions of the Committee on Un-American Activities, of its flouting of the rights and reputations of witnesses who appeared before it, persuaded our late beloved Speaker, Sam Rayburn, to take action to change that situation.

You will recall, Mr. Speaker, that Mr. Rayburn decided that as far as the Democratic side of the Committee on Un-American Activities was concerned only lawyers would be named as members. Mr. Rayburn was insistent that the Members of the Committee be aware of the basic principles of American Jurisprudence. Mr. Rayburn was determined, too, that a code of fair procedures should be placed in effect which would sustain the dignity of the House of Representatives. He wanted hearings that would gather evidence rather than headlines, evidence that might have some value as the basis for legislative proposals.

And you will recall, too, Mr. Speaker, that Mr. Rayburn also ordered that there be no television coverage of the committee's hearings, a rule you too have continued.

It was under the leadership of Mr. Rayburn and yourself, Mr. Speaker, that a new Code of Fair Procedures was adopted for committee hearings in 1955. It was determined that witnesses subpenaed to appear before the committee would be given a fair trial and that if there was to be presented any testimony that tended to degrade, defame, or incriminate any person that such testimony should be taken in executive session.

The Code of Fair Procedures was intended to prevent a committee of the House of Representatives to again be denounced in public as a "kangaroo court."

Mr. Speaker, those Rules of Fair Procedure are presumably still in force and effect, and I underline the word "presumably" for, Mr. Speaker, I say to you that the most important rule, the rule designed to protect respondents and witnesses from the loose, the unreasonable treatment at the hands of earlier committees, is not today being observed by the Committee on Un-American Activities. One need only examine the hearings of the committee to see immediately the obvious failure of the committee to comply with rule XI26(m), the rule which provides that hearings shall be held in executive session where the testimony may tend to defame, degrade, or incriminate the respondent.

That is why this point of order is so important, Mr. Speaker. I raise the question of the dignity and the integrity of the House against the committee. Shall committees of this House be above the rules of the House established for their conduct?

May a committee of this House deny the protection of the rules which were approved by this House for the purpose of protecting witnesses who request that protection? There are no precedents of the House on this point, but the Supreme Court faced with a similar question decided that a committee could not compel a witness to testify under such circumstances, and the Court, the Supreme Court of the United States, vacated a criminal contempt conviction that had been entered against a defendant whose case had come up from the Committee on Un-American Activities.

Mr. Speaker, what does rule 26(m) provide? I read it, Mr. Speaker. It says this:

If the committee determines that evidence or testimony at an investigative

hearing may tend to defame, degrade, or incriminate any person, it shall do the following:

First. It shall receive such evidence or testimony in executive session;

Second. It shall afford such person an opportunity voluntarily to appear as a witness; and—not "or" but "and," Mr. Speaker,

Third. Receive and dispose of requests from such persons to subpena additional witnesses.

It is to be noted, Mr. Speaker, that the three requirements of the committee are not in the alternative. They are cumulative. All of them must be pursued if the rights of witnesses appearing before the committee are to be protected. The requirement of point No. 1, that evidence or testimony be received in executive session, cannot be vitiated or excused if the committee complies with No. 2, that is, affording the person an opportunity to appear as a witness. Both of these have to be complied with. The fact that the committee offers such person an opportunity to appear as a witness does not excuse the committee from receiving such evidence or testimony in executive session if that evidence or testimony may tend to defame, degrade, or incriminate the witness.

It should be noted, too, Mr. Speaker, that the rule uses the mandatory word "shall." Not the word "may" but the word "shall."

With reference to the instant case, Mr. Speaker, the hearings disclose that the first notice that the respondents received was a subpena to appear before a hearing of the committee in Chicago, Ill., on May 25, 1965, at 10:30 a.m. There was no reason stated in the subpoena as to why it was issued. It was only the direction to appear. A few days later the respondent received a letter saying that evidence had been given to the committee in executive session, that a person by the name of the respondent had been identified as a member of the Communist Party. It will be noted, Mr. Speaker, that the letter invited the respondent to appear. It did not direct the respondent to come before the committee. It said he could come before it voluntarily if he so desired. This was not a subpena, and the invitee did not appear voluntarily. However, Mr. Speaker, the respondent did appear in accordance with the direction of the subpena at the hearing on May 25. At that time the respondent requested immediately—he made the point specifically, as did all respondents—that in accordance with rule No. XI, clause 26(m), in view of the fact that the testimony might tend to defame, degrade, or incriminate him, that the testimony be taken in executive session. There could be no question, Mr. Speaker, that the effect of the testimony would be to defame, degrade, or incriminate. The witness was charged with having been a member of the Communist Party. What could be more defamatory or degrading? For several days before that time, before the day of the hearing, the newspapers in the city of Chicago had blazed with headlines such as "Chicagoans Listed Who Are To Be Called at the Red Inquiry Hearing," and there appeared pictures of some of the respondents. The committee was aware of the fact that the testimony might tend to defame, degrade, or intimidate.

In his letter of May 25, the chairman of this committee wrote a letter to the respondent saying that the committee was acting pursuant to rule XI26(m) in offering to take the testimony in executive session. Thus, the rule had been activated and a decision had been made by the committee that the testimony was of a type that would tend to defame, degrade, or incriminate.

Mr. Speaker, in offering the witness this opportunity to appear voluntarily and give testimony in executive session, the committee was complying with section 2 of the rule.

But, Mr. Speaker, when the witnesses did not appear voluntarily, in spite of the fact that the conditions for requiring testimony to be taken in executive session were still present; namely, that the testimony would tend to degrade, defame, or incriminate, the committee determined to receive the testimony in public session.

Mr. Speaker, the committee, thus, did not have any prerogative. The rules did not give it any prerogative nor any alternative. The rules stated specifically that testimony of this kind could only be received in executive session. Yet, when the hearing was convened and the defendants requested that the hearing be conducted in executive session, the committee ruled against them. They insisted upon their rights. The committee denied that motion.

I point out, Mr. Speaker, the fact that the rule to which I have referred was still operative at the time the committee met.

Mr. Speaker, the committee had no alternative, except to permit it to take testimony in closed session.

Why, Mr. Speaker, do I say this? Because the Code of Fair Procedures, the rules that make up the Code of Fair Procedures, are established for the benefit of the witnesses and for the respondent. They are not established for the benefit of the committee. They cannot be waived by the committee. They can only be waived by the respondent.

And, Mr. Speaker, in this case the respondents not only did not waive them, they insisted upon their rights being protected. Not only this, but the respondent contended itself that compliance with the rule was absolute. However, the letter inviting them to respond and to appear before the committee was voluntary.

Mr. Speaker, as I pointed out earlier, that procedure is not a compliance with the rule. The entire rule has to be complied with, and this part of it is only a partial compliance, an inadequate compliance, an observance that does not carry out the intent of the rule.

Mr. Speaker, the rule takes cognizance, elementary cognizance of this fact.

Mr. Speaker, the rule is designed to protect the rights and reputation of the witnesses by permitting the hearings to be held outside the glare of the publicity and of the explosiveness that has marked so many of the sessions of the Committee on Un-American Activities.

Also, Mr. Speaker, it permits the committee to perform its legislation function by gathering testimony in a way that it should be gathered. The fact that the testimony may be required to be taken in executive session, does not diminish its usefulness in any respect.

Obviously, Mr. Speaker, there is a greater opportunity for obtaining useful information in matters of the type that are held by the committee in executive session, than are presented in public session.

So, I say, Mr. Speaker, the rule serves a distinctly useful purpose in this respect.

Now, Mr. Speaker, can it be argued that the rule is intended to be directed only against witnesses, other than the respondents, because it is obvious that the testimony of the respondent himself may tend to defame, degrade, or incriminate him.

Mr. Speaker, what would be the sense or purpose in requiring the testimony of third persons to be taken in executive session if that testimony should be defamatory and excluding such testimony from executive session by a respondent, if that testimony tended to incriminate.

The rule is directed against the type of evidence—the type of evidence, Mr. Speaker. It is not directed against the person who gives that evidence. By the clear language of the rule itself the witness is entitled to be protected against defamatory testimony of any kind being given in open session, whether given by another, or whether given by himself.

It may be argued, Mr. Speaker, that the committee may later make public testimony taken in executive session, and therefore, that this vitiates the requirements of the rule in the first instance. That does not follow, Mr. Speaker, because the purpose of the rule is to require that the committee take the testimony that may be degrading in executive session first. The committee later may decide to make that testimony public. It may decide that it should not be made public, or it may decide that it should be made public.

But the fact remains that in the first instance such testimony must be taken in executive session.

Mr. Speaker, I have carefully combed the precedents of the House in an attempt to find another situation with which the House was faced at some earlier time. I have found none. I have checked all the precedents. I have checked with the Parliamentarian's office. I have been advised that there are none. I have had a check made by the Library of Congress on the point, and I have been advised it could find no precedents.

This is a most important matter, Mr. Speaker. There ought to be a precedent established upholding the rules of the House against committee violation.

We have heard much criticism about the disregard for law and order. Are we who make the laws to be above the law itself, and above the code of behavior that the House has established for its committees? Are we who make the laws

to be above our own code of laws, namely; the rules of the House.

I recognize that the decisions of the Supreme Court are not binding upon this House in cases of this kind, but I suggest that they may nevertheless be persuasive, particularly in view of the fact that they will be followed by the courts in the event this contempt citation is voted by this House.

On the very point I have raised, Mr. Speaker, and on a similar rule the Supreme Court of the United States in the case of *Yellin* v. *United States* in U.S. 374–109, decided that where a committee, this committee, in fact, violated rules that had been established for the benefit of witnesses before it, a conviction of criminal contempt could not be sustained.

Mr. Speaker, this principle is important. It is a principle based upon fair play. It is a principle based upon a fair trial. It is a principle based upon a fair hearing.

The rules to which I refer were drafted to assure a fair hearing, and if the purpose of the Committee on Un-American Activities is in fact to obtain testimony which is to be used as a basis for possible legislation it is obvious that that purpose can be accomplished by taking that testimony in executive session.

The rules of the House recognize that fact. The courts have sustained that position.

So, Mr. Speaker, I ask the House, and I ask the Chair, to sustain that position too, by sustaining this point of order.

A ruling by the Chair to that effect will establish the principle of fair hearings by the committees of this House in accordance with the rules of the House which were established for that purpose.

Mr. Speaker, the Un-American Activities Committee will not be injured in any respect by sustaining this point of order. It could summon the witnesses again. It could take their testimony in executive session in accordance with the rule.

But, Mr. Speaker, what you will have done, or the Chair will have done, by sustaining this point of order is to establish the fact that individuals who may be summoned to appear before the Committee on Un-American Activities are entitled to have their rights observed under the rules of the House.

I want to conclude, Mr. Speaker, by quoting from the famous trial of John Peter Zenger, which was held, as you know so well, during Revolutionary times, a trial that established the great principle of freedom of the press.

In his magnificent speech of summation, the distinguished lawyer, Andrew Hamilton, said this:

> Power may justly be compared to a great river; while kept within its bounds, it is both beautiful and useful, but when it overflows its banks, it is then too impetuous to be stemmed; it bears down all before it, and brings destruction and desolation wherever it comes.

But when it overflows its banks, it is then too impetuous to be stemmed.

It bears down all before it. It brings destruction and desolation wherever it comes.

If, then, this be the nature of power, let us at least do our duty and like wise men who value freedom use utmost care to support liberty, the only bulwark against lawless power which, in all ages, has sacrificed to its wild lust and boundless ambition the blood of the best men that ever lived.

Mr. Hamilton said:

> I hope to be pardoned, sir, for my zeal upon this occasion.

As I do also, may I say, parenthetically, Mr. Speaker.

> It is an old and wise caution that "when our neighbor's house is on fire, we ought to take care of our own." For though, blessed be God, I live in a government where liberty is well understood and freely enjoyed, yet experience has shown us all (I am sure it has to me) that a bad precedent in one government is soon set up for an authority in another; and therefore I cannot but think it mine and every honest man's duty that, while we pay all due obedience to men in authority, we ought, at the same time, to be upon our guard against power wherever we apprehend that it may affect ourselves or our fellow subjects.

Mr. Speaker, you have a great privilege and a great opportunity today to sustain the great cause of individual liberty against excessive authority.

Such a ruling will do more to uphold the high dignity and integrity of this body than a decision that the individuals who refuse to testify are guilty under any circumstances for having so refused.

For all these reasons I respectfully submit, Mr. Speaker, that my point of order should be sustained.

The SPEAKER. Does the gentleman from Louisiana [Mr. WILLIS] desire to be heard?

Mr. WILLIS. Yes, I do, Mr. Speaker.

Mr. Speaker, I am happy that, under the circumstances, my friend, the gentleman from Illinois at least brought out or read the provisions of the rules of fair-play embodied in the Rules of the House of Representatives by the direction of our late beloved Speaker, Sam Rayburn.

Mr. Speaker, this rule is now known as paragraph 26(m) of rule XI of the Rules of the House of Representatives. I am familiar with those rules. I should be. Why? I was done the great honor and the great privilege by Sam Rayburn to be appointed by him as one of a committee of three to draft this very rule 26(m).

I regret that this point of order is made. But I say, and I assert, and I represent to my colleague, on my word of honor, that every care, every means, every precaution was taken to respect all the rules of the committee and of this House in connection with the Chicago hearings. In my opinion, and in the opinion of our able counsel, in the opinion of members of my committee staff, and in the opinion of every member of the committee, Democratic and Republican, the rules of the House and of this committee were indeed, and in fact, and in truth, literally and meticulously complied with.

Mr. Speaker, for further elaboration of the facts of the issue on that point, I ask the privilege of yielding to my friend, the gentleman from Georgia [Mr. WELTNER].

The SPEAKER. The Chair will hear the gentleman from Georgia [Mr. WELTNER].

Mr. WELTNER. Mr. Speaker, I appreciate the opportunity to speak to this point of order.

I do so, Mr. Speaker, by stating at the outset that the Rules of the House in this matter have been carefully complied with.

The precedent that is available to us as members of the House Committee on Un-American Activities has continuously been before us in these deliberations.

We have had, throughout, the advice of counsel, and we have had throughout the wisdom of our distinguished and learned chairman, the gentleman from Louisiana [Mr. WILLIS] Mr. Speaker, I would point out that paragraph 26 of rule XI in subparagraph (g) states what is the general operating procedure for the House of Representatives.

It states that—

> All hearings conducted by standing committees or their subcommittees shall be open to the public, except executive sessions for the marking up of bills or for voting or where the committee by majority vote orders an executive session.

That is certainly the standard procedure for the House of Representatives, and that is the procedure that all committees of the House follow, with rare exception.

There is a specific provision. Paragraph 26(m) deals with those hearings where the matters that tend or might tend to injure or diminish the reputation of any citizen might come before a committee in public session.

I must burden the Speaker at this point by reading the three elements of that requirement, because they are very important. I shall state that each of these three elements have been followed and the instructions of the House to this committee, as contained in Rule 26(m), have been followed. That rule is as follows:

> If the committee determines that evidence or testimony at an investigative hearing may tend to defame, degrade, or incriminate any person, it shall—
>
> (1) receive such evidence or testimony in executive session;
>
> (2) afford such person an opportunity voluntarily to appear as a witness; and
>
> (3) receive and dispose of requests from such persons to subpoena additional witnesses.

Mr. Speaker, in this instance it was the sense of the committee that the testimony with regard to the respondent in this motion, Milton Mitchell Cohen, would come within that category of evidence which might tend to degrade. For that reason, the committee did hear in executive session testimony in his activities were outlined by two witnesses, Lola Belle Holmes and Lucius Armstrong. That testimony was taken in executive session. It was taken under circumstances where those witnesses subscribed to an oath, and answered inquiries propounded to them by the committee. And that was in compliance with paragraph 26(m)(1). That testimony was taken in executive session.

The reason for this rule is to contain irresponsible charges and totally un-

founded accusations to the very minimum.

The reason for the rule is so that the committee might eliminate any notoriety which might stem from statements that are totally unrelated to fact. That is why section 26(m)(1) was followed in this instance. Their testimony was taken in executive session.

Then, the second part of this rule requires that the committee afford such a person—in this instance, Mr. Cohen—an opportunity voluntarily to appear as a witness. As the record shows, that was done by forwarding to Milton Mitchell Cohen a letter dated May 11, 1965, advising him that, pursuant to House rule XI, paragraph 26(m), the Committee on Un-American Activities had received certain evidence and testimony in executive session, in the course of which a person by the name of Milton Cohen, a resident of Chicago, Ill., was identified as having been a member of the Communist Party.

Mr. Cohen was advised of his rights in this language, Mr. Speaker:

> If you so desire, you will be afforded an opportunity voluntarily to appear as a witness before a subcommittee of the Committee on Un-American Activities at a time and place to be designated. According to the general practice of the committee, this hearing will be conducted in executive session.

He was further advised also by this letter of his rights under paragraph 26(m)(3), that he had the opportunity to request the committee to subpena additional witnesses. He was advised in that letter of May 11th that if he desired to avail himself of these opportunities, he should communicate with the director of the committee.

He was further advised that the letter was not a subpena, but was an opportunity for him voluntarily to appear. And he was further advised that this letter did not release him from the compulsion to appear as a witness pursuant to a subpena already served upon him.

Thus it was that the House Committee on Un-American Activities complied with rule 26(m)(1), receiving testimony in executive session, and rule 26(m)(2) affording an opportunity voluntarily to appear.

I might say we were thoroughly willing to comply with the third portion of that rule, which requires us to receive and dispose of requests from such person to subpena additional witnesses.

I state, Mr. Speaker, that there was no request. There was no communication at any time prior to the time of the hearing in the city of Chicago. There was no request that he appear voluntarily as a witness in executive session.

Consequently, upon the date that the subcommittee had determined to initiate open hearings he was called as a witness, and the report before the Speaker and before the Members shows that on May 18, Mr. Cohen, without relying upon any constitutional protection, announced through his attorney that he was departing from the witness room without submitting himself to any questions by the committee, after stating only his name and address.

The rules of the House have been religiously followed in this instance, in each case, in each of the three burdens upon the House committee pursuant to rule 26(m).

I might mention, Mr. Speaker, that the case mentioned by my friend from Illinois, the case of Yellin against United States, clearly contemplates that executive testimony, once taken, may be the basis for a determination by the committee to hold public hearings. I read, on page 318 of the report, 374 United States Reports, from that decision:

> That petitioner may be questioned in public even after an executive session has been held does not mean, however, that the committee is free from considering possible injury to his reputation.

It seems to me that is the burden of that case.

There was a request by his attorney that he be called and examined in executive session. The record of the hearing will show, Mr. Speaker, that subsequent to the making of that request, this committee recessed the public hearings; that it undertook to consider his request in executive session; that the factors making up the substance of his request were considered; and the request was by unanimous vote of that committee denied.

That announcement was made publicly, and thereafter through his attorney he announced that he was no longer going to abide by the direction of the House, and thereupon left the courtroom in the city of Chicago.

Now, the rules have been followed, Mr. Speaker, in each and every instance. They have been followed with the greatest of care.

I submit, Mr. Speaker, that this question is not one of injury to the House Committee on Un-American Activities, because that is not important. This is a question of whether or not this body has the opportunity to gather information, whether or not a legislative body shall have the power to obtain data and the substance of matters upon which the Congress can wisely legislate. Without the power to obtain information, without the power to subpena, then this body is helpless.

Mr. Speaker, bearing in mind that this is probably the last week of this session of the 89th Congress, there is no alternative but to protect the power of the House of Representatives to obtain witnesses, and to assure their attendance on matters of the House.

My friend from Illinois says a bad precedent soon becomes an authority. Mr. Speaker, if there is a precedent of a citizen of this country willfully violating and flouting a subpena of the U.S. Congress, then that precedent will soon become authority on a broad basis.

The SPEAKER. Does the gentleman from Illinois desire to be heard further?

Mr. YATES. I do, Mr. Speaker.

I appreciate fully the argument of my distinguished friend from Georgia. I think that the issue has been clearly drawn.

My friend from Georgia suggests that the committee, having heard two witnesses in executive session, was free thereafter to take testimony in public session even though that testimony might nevertheless still tend to defame, degrade, or incriminate the respondent. My friend from Georgia gives the rule a strained interpretation.

The compliance of the committee was only a partial compliance. The rule requires total compliance. It does not say that where several witnesses are heard in executive session thereafter the committee may hear the remainder of the witnesses in open session even though the testimony tends to degrade or defame. It also protects respondents who may be called to testify from testifying in open hearing if their testimony may tend to degrade, defame, or incriminate them.

Even though the testimony tends to degrade or defame. May I read the rule again? The rule that was read by my distinguished friend and myself. It says this, and the rule is absolute: Any testimony that may tend to defame or degrade, whether it is given by people called by the committee other than the respondent or whether it be given by the respondent himself, shall be given in executive session. In this case the respondent had been accused of being a member of the Communist Party. He was subpenaed to appear and testify. Can there be any doubt that the testimony he would be called upon to give would tend to defame, degrade, or incriminate? The language of the rule is clear, and I repeat it: "If the committee determines that evidence or testimony at an investigative hearing may tend to defame, degrade, or incriminate any person, it shall receive such evidence or testimony in executive session." There is no exception. No exception at all. No matter whether it is the respondent whose testimony is sought, as was the case here, or whether it was the two witnesses who preceded the respondent in another hearing and who were listened to in executive session.

The second point was complied with. The respondent was given an opportunity voluntarily to appear as a witness. He was not required to do so, so he did not do it, but he was subpenaed to appear, and that is the gravamen of this particular discussion. The fact that the witness is being asked to testify in open session himself giving testimony that might tend to defame, degrade, or incriminate him. That is the question that is involved here.

My distinguished friend says other testimony by other witnesses was taken in executive session. That does not excuse the committee from taking the respondent's testimony in executive session as well. That is the point involved in this dispute. Must all testimony—this is the point—must all testimony that tends to defame, degrade, or incriminate be taken in executive session? It was the obvious purpose of the rule that the witness be protected; that he be listened to in executive session first. The committee cannot waive that rule. That rule was established for the benefit of the witness and not for the benefit of the committee. The committee cannot waive that and say that you will testify in open session even though the testimony you give may tend to defame, degrade, or incriminate you. So partial compliance

by the committee is no compliance at all. It is like a half truth being represented as being the entire truth.

Mr. Speaker, the issue is drawn. I believe that based upon the purpose of the rule and based upon the point that is involved here, the purpose of the House when it passed the rule was protecting the rights of the individuals summoned by law to appear before it.

Mr. Speaker, I think the point of order must be sustained. Thank you.

The SPEAKER. The Chair is ruling only in these cases on this particular case concerning Milton Mitchell Cohen. The gentleman from Illinois [Mr. YATES] has raised a point of order against the privileged report filed by the gentleman from Georgia [Mr. WELTNER] citing a witness before a subcommittee of the Committee on Un-American Activities of the House for contempt. The point of order is based on the ground that the subcommittee while holding hearings in Chicago failed or refused to follow the rules of the House, specifically rule XI, clause 26(m) and, at the demand of the witnesses' attorney, take the testimony in executive session rather than in an open hearing.

The Chair has given considerable thought to this matter, has read thoroughly the report citing this witness, and has listened intently and attentively to the statement of the gentleman from Georgia [Mr. WELTNER] as well as to the statement of the gentleman from Illinois [Mr. YATES].

The Chair has also refreshed his recollection of clause 26(m), rule XI, which reads as follows:

> If the committee determines that evidence or testimony at an investigative hearing may tend to defame, degrade, or incriminate any person, it shall—
>
> (1) receive such evidence or testimony in executive session;
>
> (2) afford such person an opportunity voluntarily to appear as a witness; and
>
> (3) receive and dispose of requests from such person to subpena additional witnesses.

The Chair agrees with the gentleman from Illinois that the three subclauses are not in the alternative. Each subclause stands by itself. The Chair will point out, however, that the subsection places the determination with the committee, not with the witness.

The Chair will also point out, parenthetically, that subsection (k) of rule XI, provides that:

> Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

This privilege, unlike advocacy in a court, does not as a matter of right entitle the attorney to present argument, make motions, or make demands on the committee.

Now the Chair will cite clause 26(a) of rule XI, which states that the rules of the House are the rules of its committees so far as applicable. This provision also applies to the subcommittees of any such committee. Consequently, the Chair must examine the facts to see if the subcommittee did in fact comply with clause 26(m) of rule XI.

The Chair will call attention to the fact that it is pointed out on page 8 of the report that the witness was invited to appear and testify in executive session. The invitation was ignored.

It will be noted, on pages 11 and 12 of the committee report, that the attorney for witness Cohen instructed his client not to give any testimony pending determination of a legal action in the U.S. District Court for the Northern District of Illinois.

The witness then left the hearing room, notwithstanding the admonition of the chairman of the subcommittee.

The Chair fails to see how clause 26(m) of rule XI becomes involved since the witness left the hearing room after his attorney had instructed him not to answer any questions pending determination of the legal proceedings.

The Chair, therefore, overrules the point of order.

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## PROCEEDINGS AGAINST MILTON MITCHELL COHEN

Mr. WILLIS. Mr. Speaker, I offer a privileged resolution (H. Res. 1060) from the Committee on Un-American Activities and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1060

*Resolved*, That the Speaker of the House of Representatives certify the report of the Committee on Un-American Activities of the House of Representatives as to the refusals of Milton Mitchell Cohen to answer questions pertinent to the subject under inquiry before a duly authorized subcommittee of the said Committee on Un-American Activities, and his departure without leave, together with all the facts in connection therewith, under the seal of the House of Representatives, to the United States attorney for the northern district of Illinois, to the end that the said Milton Mitchell Cohen may be proceeded against in the manner and form provided by law.

Mr. WILLIS. Mr. Speaker, I yield 15 minutes to the gentleman from Georgia [Mr. WELTNER] to present the case of the committee, as contained in the report against Milton Mitchell Cohen.

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

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

Mr. HAYS. Mr. Speaker, the gentleman mentioned in his argument on the point of order, and I listened intently to his argument, that there were two witnesses heard in executive session.

Will the gentleman inform me as to whether these so-called witnesses were paid by the committee, or were under contract to the committee and paid in that fashion?

Mr. WELTNER. Mr. Speaker, I can inform the gentleman, responding to his inquiry, that the two witnesses were Lola Belle Holmes and Lucious Armstrong who, as the hearings elicited, had previously maintained some relationship with the Federal Bureau of Investigation.

To the best of my knowledge, information, and belief, there was no contract or remuneration with regard to these two witnesses in connection with their appearance in executive session. I state that on the best of my information, because I have no information to that point.

Mr. HAYS. Mr. Speaker, if the gentleman will yield further?

Mr. WELTNER. I will yield further to the gentleman from Ohio.

Mr. HAYS. Mr. Speaker, I am glad to take the gentleman's word that they were not paid.

Mr. WELTNER. I am not stating that, if the gentleman please. I am stating that I have no knowledge or information of any kind of remuneration or compensation to these witnesses from the committee in connection with their executive testimony wtih regard to Milton Mitchell Cohen.

Mr. HAYS. The gentleman is aware, however, Mr. Speaker, that in times past the House Committee on Un-American Activities has paid witnesses, and has used the device of putting them under contract to keep their names from the public records to pay them?

Mr. WELTNER. I have served in this body for only 4 years, and I have had no knowledge of such a practice.

Mr. HAYS. Mr. Speaker, I will tell the gentleman that I have signed contracts which I have been told as chairman of the Contract Committee, was a device to keep these witnesses' names off the public payroll.

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

Mr. HAYS. Mr. Speaker, I am serving notice now that I am not signing any more, and I am sorry I have signed any.

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

Mr. WELTNER. I yield.

Mr. ICHORD. Mr. Speaker, I do not know just what the gentleman has in mind, but I will tell the gentleman from Ohio that if ever in any of these cases any employee of the House Committee on Un-American Activities ever hires a witness to testify before the committee in connection with Communist hearings, I will vote to fire him. And I think the gentleman from Ohio should not leave that in the RECORD. I know of no cases such as that, and if any employee would hire a witness to come before one of our committees to testify, and if that were to come to my attention, it would be my recommendation that he be fired.

Mr. HAYS. Mr. Speaker, if the gentleman will yield further? I did not say they hired them. I said they paid them after they were witnesses. And if the chairman wants to get up and deny that, I will produce the contracts.

Mr. WILLIS. There should be no payment.

Mr. WELTNER. Mr. Speaker, and Members of the House, addressing myself to the issue that is before this body——

Mr. WILLIS. If the gentleman will yield further, I regret to say that I do not know what the gentleman is talking about.

Mr. HAYS. You mean to say you have never heard of committee contracts?

The SPEAKER. Will the gentleman from Georgia yield to the gentleman from Ohio?

Mr. WELTNER. Mr. Speaker, not at this time.

Mr. HAYS. All right; we will leave it hanging in midair.

Mr. WELTNER. Mr. Speaker, I will yield to the gentleman from Louisiana.

Mr. WILLIS. I thank the gentleman.

Mr. Speaker, I might say of course we have people under contract such as consultants, but that is not talking about witnesses. My goodness. That has never been indulged in.

Mr. HAYS. The gentleman never had a witness under contract, or gave him a contract because he was a witness?

Mr. WILLIS. Perhaps as a consultant, I do not know, but not as a witness. And not a dime was ever paid to any witness to procure evidence, or anything of the sort.

Mr. HAYS. They have been put under contract after they testified.

Mr. WILLIS. If what the gentleman refers to is a contract executed by the committee, which I expect most committees of Congress do, certainly the Committee on Armed Services does, where it needs consultants and expert people to advise and counsel and aid the committee in their work, we do have in our committee, as other committees have, that kind of contract, but of course that does not involve or refer to or have anything to do with witnesses appearing before the committee.

The SPEAKER. The Chair recognizes the gentleman from Georgia.

Mr. WELTNER. Mr. Speaker, directing myself to the issues contained in this resolution, and realizing that the Members of this body have previously heard, in connection with the argument on the point of order, some of the details concerning the problem, I shall be quite brief.

This is a proceeding with regard to one Milton Mitchell Cohen.

In connection with the responsibilities of the House Committee on Un-American Activities, it was determined by this committee to hold hearings in the city of Chicago.

It was further determined, based upon testimony received in executive session, that a subpena should issue requiring the attendance of Milton Mitchell Cohen at those hearings.

The hearings were duly convened in the city of Chicago.

The respondent, Milton Mitchell Cohen, was present at the first day of those hearings. He was present and he was represented by counsel.

On Wednesday, the 26th day of May 1965, Mr. Cohen, pursuant to the subpena served upon him was called by the Chair to take the witness stand to testify in connection with the subject matter of those hearings.

At that time his attorney stated that there were certain objections that he wished to present on the part of his client. The acting chairman of the committee permitted his attorney to make a brief statement with regard to his client's position.

I read from page 12 of the report, wherein an excerpt of that transcript appears.

The attorney for this respondent stated:

> I have instructed, and do instruct, my client not to answer any questions other than to give his name and address, which he has done. In view of the fact that my client will not answer any questions; in view of the fact that we contest the validity of the subpena, and since we are here under no compunction, Mr. Chairman, we are going to leave the hearing room and we are not going to participate any further in these proceedings.

That was the statement of the counsel for this respondent.

The acting chairman then said:

> I direct the witness not to leave the courtroom.

Counsel then responded that he was going to insist upon his instructions to his clients.

With the admonition that Mr. Cohen might be in contempt of Congress, the acting chairman said:

> I direct the witness to take the witness chair and answer the questions.

Once again, the acting chairman stated:

> I order you to take your seats.

Then as the record shows, Mr. Cohen and his counsel walked out of the hearing room.

Mr. Speaker, this is a plain case of a contempt of Congress of the most basic sort.

This is not a breach of decorum.

This is not a slim, tenuous legal question as to the validity of some objection.

This is not a question based upon the constitutional rights of any citizen under the 15th amendment or under the 14th amendment.

This is based upon the plainest kind of contempt, of utterly refusing to obey a lawful subpena issued by this body.

I know not what more need to be said about this, Mr. Speaker.

The witness was subpenaed.

The proceedings were totally regular.

The regularity and the legality of these proceedings have today been ruled upon by the Speaker, and with good authority.

There is no contention as to the record being inaccurate.

It is simply a contempt of the Congress. It is simply a record of a man who willfully flouted a subpena of a duly constituted standing committee of this body, and who removed himself contrary to the direction of the chairman of the committee from the presence of the committee.

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

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

Mr. MULTER. I would like to have for the benefit of the record a clarification. I hold in my hands the committee report and am reading from pages 11 and 12 of the committee report on the resolution now before the House.

I recall that our distinguished Speaker in overruling the point of order, referred to the fact that the witness did not ask for the executive session. The report shows that his counsel did.

Is it not a fact that the record shows this—and that this is what occurred—that when the statement was made by the chairman of the committee who was then presiding asking the witness to make the statement that counsel asked permission to make it, and the chairman of the committee then said, "All right, go ahead."

Then the counsel did make the statement, in which, among other things, he did say—after enumerating various objections:

> In addition, we reiterate Mr. Cohen's request for a hearing in executive session for the foregoing reasons and until the legal matters we have raised have been adjudicated.

That is the record, is it not?

Mr. WELTNER. That is correct. The request was made on behalf of the witness to the committee. It is further correct that on page 402 of the printed hearings there appears counsel's specific request that the session be held in executive session. On page 404 it appears that the committee took a recess, at the direction of the Chair, in order to consider that request, and that thereupon the chairman of the committee made the following ruling:

> Let the record show, as the committee did yesterday before the rulings were made, the committee met in executive session, considered the motions made by other parties, along with this witness, together with counsel, and opportunity having been given to others to join, the committee by unanimous vote has decided to overrule the several motions.

As the Speaker ruled, the prerogative remained with the committee, not with the witness.

Mr. MULTER. In other words, the committee does not raise the point that the witness himself did not make the request for the executive session but, by permission of the chairman, his counsel did make the request for the executive session?

Mr. WELTNER. The committee has never traveled on the idea that someone failed to say "Simon says." The request was considered. It was considered in the light of the precedents of the committee, and it was unanimously resolved that the request be denied.

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

Mr. WELTNER. I yield to the gentleman from Illinois.

Mr. YATES. Let me interject and point out that on page 338 of the hearings Mr. Cohen, who is the defendant in the case, said:

> My lawyer cannot be here. My name is Milton Cohen. I would like to be included in the request for executive session.

The respondent himself asked for the executive session.

Mr. WELTNER. I responded to the gentleman by saying that both of them asked for an executive session.

Mr. YATES. But the witness did, too.

Mr. WELTNER. Yes, both of them did, and consideration was given by the committee on the basis that the witness really did want an executive session, inasmuch as he had asked for it and his lawyer had asked for it. We considered that, and we considered all the ramifications of that request, and we determined unanimously as the record shows, that that request would be denied. There is not a mere technicality. The request of the witness, Mr. Cohen, was considered and it was denied.

Mr. MULTER. Mr. Speaker, will the gentleman yield further?

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

Mr. MULTER. There was a quorum present when the request was made and there was a quorum of the committee when they took action in executive session overruling his request.

Mr. WELTNER. The hearings show the presence of a quorum in each of those instances.

Mr. MULTER. Just one further question, if the gentleman will yield.

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

Mr. MULTER. Just to complete clarification of the record, the purpose of directing the witness to stay when his counsel said he would not answer any questions but would leave, the purpose in asking the witness to stay was so that he could be asked questions in the public hearing and be required to answer in the public hearing.

Mr. WELTNER. The purpose of the chairman was to proceed with the examination of the witness for the purpose of developing such information as might be of value to the committee in the discharge of its duties under the rules of the House of Representatives.

Mr. MULTER. At a public hearing then and there being held.

Mr. WELTNER. That is correct.

Mr. MULTER. In other words, he was not to be questioned in executive session but at a public hearing.

Mr. WELTNER. The matter of executive session had been disposed of by unanimous vote of the committee.

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

Mr. WELTNER. I yield to the gentleman from New Hampshire.

Mr. CLEVELAND. As the gentleman from Georgia probably knows, this matter was debated on February 2 when we considered contempt citations from your committee involving some of the witnesses from the Ku Klux Klan.

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. WILLIS. Mr. Speaker, I yield 5 additional minutes to the gentleman from Georgia.

The SPEAKER. The gentleman from Georgia is recognized for 5 additional minutes.

Mr. WELTNER. I yield to the gentleman from New Hampshire.

Mr. CLEVELAND. During that debate the gentleman from Missouri [Mr. CURTIS], made the following statement. I refer to page 1757 of the RECORD:

> Some Congressmen did some research and have reported that since 1950, 129 contempt citations were issued by the Congress and there were only 9 convictions.

I am not going to ask you whether or not that information is true or false, because perhaps the gentleman does not know, but I do not find that this information has ever been rebutted in the record.

I address myself to this point: If that is our batting average, how can you people come before us today and say we are going to uphold the image of and respect for Congress? If that is our batting average, something must be wrong with these contempt citations coming out of committees, if so far we can only get 9 convictions out of 129 contempt citations.

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

Mr. WELTNER. I yield to the gentleman from Louisiana.

Mr. WILLIS. Let me say I am very happy the gentleman brought out that point about convictions. This committee does not send people to jail. This House does not send people to jail.

We vote out a contempt citation, and then it goes to the Department of Justice and it just becomes one more case to prosecute in a grand jury or a petty jury, with the defendant cloaked with all the constitutional privileges that a defendant in a criminal prosecution has.

The gentleman referred to a statement made by the gentleman from Missouri [Mr. CURTIS] during the Ku Klux Klan consideration. May I say that earlier this year, at the suggestion of the committee, this House voted out six contempt citations against six prominent members of the Ku Klux Klans of America. All of them, after the matter left the House, were brought before the grand jury. All of them were indicted. One of them recently was tried, Robert Shelton, of Tuscaloosa, Ala., known as—to me it is silly—the Imperial Wizard of the Invisible Empire, in this modern age of 1965. That one was tried and recently found guilty. Just a day or so ago he was sentenced by the presiding judge and given the limit.

Mr. CLEVELAND. I thank the gentleman. That raises it to 10 out of 135. What kind of batting average is that?

Mr. WILLIS. Does the gentleman expect that this committee shall be responsible for the prosecution of people? We have no jurisdiction over that, I say to my friend. I say we have done our duty. We have brought them before the bar of this House. The House brings them before the bar of the Department of Justice. The Department of Justice prosecutes.

The gentleman should direct his statistical inquiry to the Department of Justice, not to me or to this House.

Mr. WELTNER. Mr. Speaker, I submit that the question is not what our batting average may be. This is not a win-loss column tabulation. It is not a matter of trying to repair or refurbish any "image." It is a question of preserving the right of a legislative body to gather information. It is a question of preserving the long-established parliamentary process whereby committees of a deliberative body act upon fact, and not upon speculation.

It is a question of whether or not this House of Representatives, through its duly constituted standing Committee on Un-American Activities, shall continue the age-old parliamentary privilege of requiring attendance for the purpose of developing information upon which sound legislation can be structured.

I believe it is totally immaterial what some court may have done or failed to do in the past. The only material issue is that this report and this resolution are founded upon strict compliance with the rules of the House.

Your committee brings this to you with its recommendation because there is an unquestioned flouting of a duly-issued subpena by a witness who does not rely upon any constitutional perquisite, but who utterly refuses to attend a legally constituted meeting of that body.

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

Mr. WELTNER. I yield to the gentleman from Minnesota.

Mr. FRASER. I appreciate the gentleman's yielding. I was interested in the gentleman's statement that the purpose of the hearing was to develop information.

The SPEAKER. The time of the gentleman from Georgia has again expired.

Mr. WILLIS. Mr. Speaker, I yield the gentleman 3 additional minutes.

Mr. WELTNER. I yield to the gentleman from Minnesota.

Mr. FRASER. I assume that the purpose of having Mr. Cohen appear before the committee must have been to develop information.

Now, when he asked to be heard in executive session, I wonder if the gentleman could tell me what the considerations were which prompted the committee to proceed with public hearings rather than with executive hearings if the sole purpose was to develop information rather than to demonstrate publicly something about the person?

Mr. WELTNER. The considerations were the provisions of section 26(g) of the rules of the House of Representatives, which state that all hearings conducted by standing committees or their subcommittees shall be open to the public. That is the general basis on which hearings are held in this body. That might be departed from if the committee, in its discretion, deems that it is desirable to hold those matters in executive session. By and large, I think the gentleman from Minnesota must agree that public hearings are a valuable adjunct to the legislative process.

I might add that were hearings held in private, I could well imagine the cries of "star chamber" that would arise.

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

Mr. WELTNER. Yes. I yield to the gentleman from Louisiana.

Mr. WILLIS. In further amplification and answer to the gentleman who just propounded that question, it used to be that this devilish Committee on Un-American Activities, which I have the dubious honor to be chairman of at this time—this devilish committee would call and call witnesses in executive session, in star chamber procedure, with no right to go into the open, and we were denounced for that. The pattern was set here during the last recess of the Congress. Now all of a sudden when we are at long last, if you please, if that is what you gentlemen are talking about, conducting this in executive session dealing with matters of strict confidentiality, so much so that the committee did rule that a certain hearing should be completely executive, then what happened?

Then three certain witnesses came over here and staged a ruckus. One day they appeared in the halls of the Cannon Office Building with their own klieg lights and publicity stunts and raised a ruckus all over Capitol Hill, saying that they wanted a public session then. And how did we dare not to give them a public session? So there is nothing that this committee can do, I am confident, that will ever please certain people.

Mr. Speaker, I yield 5 minutes to the gentleman from Virginia [Mr. TUCK].

Mr. TUCK. Mr. Speaker, I thank the gentleman from Louisiana for yielding to me.

I would like to address myself only to the question that was raised here about contracts. I think the situation here is perfectly clear. I believe the Members of this House understand the resolution citing the witness, Cohen, so I will not enter into that discussion at this time, but I do desire to state that I have been a member of this Committee on Un-American Activities for approximately 8 years and, while I have not at any time acted as chairman of the committee and only a few times have acted as chairman of a subcommittee, still I think I know something of what has been going on in the committee.

I have been close not only to the distinguished chairman of the committee, the gentleman from Louisiana [Mr. WILLIS], but very close, indeed, to the distinguished gentleman from Pennsylvania, the late Francis Walter, who was the former chairman of this committee. I have kept up fairly well with what is going on, and I can state to the membership of this House that there is nothing in our files anywhere showing that we have paid any witness to testify during the 8 years I have been a member of the committee. There have been contracts that I can illustrate and contemplated contracts. For instance, the late Frank Tavenner, Jr., who for many years was counsel of this committee and was one of our leading lawyers in America. He was the U.S. district attorney for the western district of Virginia for some 10 or 15 years and also prosecuted that famous Japanese general in Japan, General Yamashita—he successfully prosecuted this general—and was considered for appointment and highly recommended for appointment to the Supreme Court of Appeals of Virginia during my term in Richmond and came very near getting that appointment.

And, Mr. Speaker, he was considering retiring, because of bad health, and he was so learned in the law pertaining to this committee and to the affairs of this committee, that we persuaded him to stay on as a counselor on a contract basis. Most regrettably, he passed away before having the opportunity to retire, so the contract was never submitted.

And, Mr. Speaker, there have been one or two others who have been employed based upon a similar situation. But, Mr. Speaker, there has never been a witness paid anything for testifying since I have been a member of the committee except in the regular way, under the Rules of the House, except for per diem or for his mileage.

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

Mr. TUCK. I yield to the gentleman from Louisiana

Mr. WAGGONNER. I think this point about contracts needed to be clarified and it is my opinion that the gentleman from Virginia [Mr. TUCK] has, indeed, clarified the question which did exist a few moments ago as a result of the question propounded by the gentleman from Ohio [Mr. HAYS].

Mr. Speaker, I serve as a member of that Contracts Subcommittee. However, throughout my service on that Contract Subcommittee I have been assured by the gentleman from Louisiana [Mr. WILLIS], my esteemed colleague, that never has any contract been negotiated for the purpose of paying witnesses for testifying; that contracts have been negotiated only in the instance of people who, much prior to the exercise of a contract, served as witnesses. They have done special research and so forth for the committee.

Mr. Speaker, the gentleman from Ohio [Mr. HAYS] made no effort—and I am sure that he intended in no way to intimate that people had been paid under contract to serve as witnesses for the Committee on House Un-American Activities.

Mr. Speaker, the gentleman from Ohio simply was making an effort to be sure that people were not rewarded with contracts for having served as witnesses or to testify in a certain way.

Mr. Speaker, I take the gentleman's word, the word of the gentleman from Louisiana, that contracts have not been dispensed with or handled in this manner, because I know the gentleman to be a man of his word and I know that the gentleman from Ohio does as well.

Mr. WILLIS. Mr. Speaker, I simply want to personally say on the floor of the House that what the gentleman has said I told him is true, and I subscribe completely to what my friend, the gentleman from Virginia, Governor TUCK, said.

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

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

Mr. HAYS. I asked the question merely to clear up the fact in my own mind as to—to help me make up my own mind as to how I would vote on this—as to whether or not these two witnesses had ever been under contract to the committee.

Now, the dispute, apparently, got off the track as to whether they were under contract before the fact or after the fact.

The SPEAKER. The time of the gentleman from Virginia [Mr. TUCK] has expired.

Mr. HAYS. Mr. Speaker, will the gentleman from Louisiana yield?

Mr. WILLIS. May I say to my friend, the gentleman from Ohio [Mr. HAYS] that these two witnesses were never under contract at any time.

Mr. HAYS. Mr. Speaker, will the gentleman yield for just one moment in order for me to complete my statement?

Mr. WILLIS. Yes; certainly.

Mr. HAYS. Mr. Speaker, all I wanted to know was whether they had ever been under contract with the committee either before the fact or after the fact, and if the gentleman from Louisiana [Mr. WILLIS] tells me that they have not been; that is good enough for me.

Mr. WILLIS. That is right.

Mr. HAYS. I merely asked the question for information.

Mr. WILLIS. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Speaker, I thank the chairman of the Committee on House Un-American Activities for yielding this time to me.

Mr. Speaker, obviously I was unaware of what the Speaker's ruling was to be when I made my point of order.

As I understand that ruling, it was based, among other things, upon two points:

The first point was that the respondent's counsel had requested an executive session and had made objection to continuing in open session.

Mr. Speaker, that is not true. The fact is—and I read from page 330 of the hearings—that the respondent in this case made the request himself for an executive session. He said:

> I would like to be included in the list for executive session.

It appears on page 330.

That is point 1.

Point No. 2, Mr. Speaker, as I understand the Speaker's ruling, is that these rules are made for the benefit of the committee and can only be waived by the committee.

Mr. Speaker, I read from page 116 of 374 U.S., in the case of Yellin against the United States. The Court, for a full page, has discussed the rules that make up the Code of Fair Procedure to which I alluded in my preliminary remarks. And then the Court said this:

> It does what all of them do, all of these rules, the court says, all of them work for the witness' benefit. They show that the committee has in a number of instances intended to assure a witness fair treatment as far as the right of counsel, protection from undue publicity, the right not to be photographed by television cameras. Rule 4 provides for executive sessions when a public hearing might unjustly injure a witness' reputation, and has the same protective import. And if it is the witness who is being protected, the most logical person to have a right to enforce those protections is the witness himself. It shows that only the respondent has the right to waive this protective rule.

That is the case of Yellin against the United States in the Supreme Court of the United States.

Why do we take such a strong position against the actions of the committee? Those of us who come from Chicago well remember the hearings of the committee there.

My friend from Georgia—and he is my friend—refers to this as a simple record. This is a simple case, he said. The record may be simple, the issue is much more complex. A man's liberty is at stake.

He asked us to sustain the action of the committee, right or wrong. I say to the

House that if the committee is wrong, its action should not be sustained. And I say to the House that in this case the committee action is wrong.

Let me read to you from a conservative newspaper, the Chicago Daily News, as it editorialized on May 29 in respect of the hearings of the committee in Chicago—and the respondent in this case was one of those who participated in those hearings. This case, this instant resolution, arises from those hearings.

This is what the editorial said—and the editorial is captioned "Fairplay Went Out the Window."

And it said:

The 3-day visit to Chicago of the Un-American Activities Committee was a disgrace from start to finish.

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

Mr. YATES. I yield to the gentleman.

Mr. WILLIS. Mr. Speaker, I do not know what an editorial writer thought about the situation in Chicago, but I will say this: that these three witnesses cited today—when I reached Chicago on May 24 I was served with an injunction to stop the hearings. I was greeted by these three witnesses. Two of them were plaintiffs, and one an intervenor in that case, the district judge ruled on it. I do not know what the Chicago papers thought about the ruling, the district judge threw them out.

Mr. YATES. Mr. Speaker, I will say to the chairman that I will not read that editorial at the present time. I will ask the Speaker to be permitted to attach it.

But I want to read from the same U.S. Supreme Court case that I read from a few moments ago.

My friend from Georgia has stated that this is a simple case of a person walking out of a committee. It is not quite that simple.

What happened in that case was that the witness appeared in response to the subpena and, in accordance with rule 26(n), made a request that his testimony be taken in executive session.

When that request was denied, the witness walked out of the hearing room. According to the Supreme Court, under the circumstances he had no alternative.

Listen to what the Supreme Court says in the Yellin case, which was an interpretation of a similar rule.

On page 121, the Supreme Court said this:

Petitioner has no traditional remedy, such as the writ of habeas corpus upon which Accardi relied, by which to redress the loss of his rights. If the Committee ignores his request for an executive session, it is highly improbable that petitioner could obtain an injunction against the Committee that would protect him from public exposure. See *Pauling* v. *Eastland*, 109 U.S. App. D.C. 342, 288 F. 2d 126, cert. denied, 364 U.S. 900. Nor is there an administrative remedy for petitioner to pursue, should the Committee fail to consider the risk of injury to his reputation. To answer the questions put to him publicly and then seek redress is no answer. For one thing, his testimony will cause the injury he seeks to avoid; under pain or perjury, he cannot by artful dissimulation evade revealing the information he wishes to remain confidential. For another, he has no opportunity to recover in damages, U.S. Const., Art. 1, Sec. 6: *Kilbourn* v. *Thompson*, 103, U.S. 168. 201–205. Cf. *Tenney* v. *Brandhove*, 341 U.S. 367, 377. Even the Fifth Amendment is not sufficient protection, since petitioner could say many things which would discredit him without subjecting himself to the risk of criminal prosecution. The only avenue open is that which petitioner actually took. He refused to testify.

That is what the witness did in this case. The Court said it was the only recourse he had.

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

Mr. YATES. I yield to the gentleman.

Mr. WILLIS. The witness did more than that. The witness simply walked out. He took a powder. He did not answer any questions. He just took off and out he went.

Mr. YATES. Mr. Chairman, I ask you this question. Did not the witness request that his testimony be taken in executive session?

Mr. WILLIS. That is right.

Mr. YATES. He did not walk out until the committee denied that request, is that correct?

Mr. WILLIS. That is correct.

Mr. YATES. All right.

Mr. WILLIS. But his request was considered and denied. And the Speaker has ruled on that, and that ends it.

Now, let me say to the gentleman that that case involved former rules of the House that are no longer the rules.

Mr. YATES. But it is almost the same rule under a different nomenclature. Rule IV is this rule with a slight variation. I see counsel shaking his head.

I want to ask the chairman of the committee one other question. Mr. Chairman, if the purpose of a committee is to obtain testimony and evidence as a basis for legislative action, why is it not just as well to take that testimony in executive session?

Mr. WILLIS. We did just that.

Mr. YATES. You did it for two witnesses, but not for this respondent.

Mr. WILLIS. We did it for the three of them—we did it for the three of them.

Mr. YATES. You denied him the right to have his testimony taken in executive session.

Mr. WILLIS. No; we did not. We did not. Here is what we did.

By the way, before leaving Washington, this rule which I was part of a committee to draft, and I was one of those who drafted this very rule, and I know a little about it, has to do with this and the crux of rule 26(m) is this. If the committee should determine that evidence to be presented at a public hearing might tend to incriminate a person—if it is so determined that the evidence of those who might so testify at that public hearing shall be taken in executive session.

Mr. YATES. Right.

Mr. WILLIS. We determined that if it was true of somebody being called a Communist, he would be degraded and we knew who would say it in Chicago.

So we held an executive session here and, under oath, testimony saying that these witnesses were Communists was taken in executive session. And what did we do? We wrote to these three people being cited today. And we said:

Someone testified under oath in executive session that you were at one time a Communist. Do you desire to affirm or deny or explain it? Do you want us to examine witnesses on your behalf, friends of yours who can challenge that? If so, let us know.

There were no takers. They simply ignored it.

Mr. YATES. May I read to you from the RECORD.

Mr. WILLIS. If the gentleman will read the debates, when we adopted this rule, particularly the speeches made by the gentleman from Ohio [CLARENCE BROWN].

Mr. YATES. I have read them.

Mr. WILLIS. And the speeches made by Judge SMITH. Then you will know what this rule is about.

Mr. YATES. Mr. Speaker, if the gentleman will let me answer the question.

Mr. WILLIS. Wait a minute, wait a minute, I know something about these rules.

Mr. YATES. Will the gentleman yield me more time so that I can answer the question?

Mr. WILLIS. This rule refers to a probably outraged witness. Suppose, for instance, I received a letter or the gentleman received a letter, or his people received a letter tomorrow which said: "Dear ED WILLIS: We have just heard in executive session a man who said you are a Communist. Do you want to deny that?"

I say, "Hell, yes, I do. I want to deny it right now in executive session or public session." But not so with this witness.

Mr. YATES. Mr. Speaker, will the gentleman permit me to have the time to say that I read the statement in the CONGRESSIONAL RECORD. I also read the rule. Let me read you from the debate in the CONGRESSIONAL RECORD, the statement by Mr. Miller of Maryland in which he said:

I share the view of the gentleman from Virginia—

Referring to PORTER HARDY—

that no matter what may be the intention—and you state what the intent of the rule is—it certainly is not the language. It does not indicate how it would be possible to bring out evidence that was going to degrade someone except in executive session.

I do not see any language here that states that the rule itself says where the testimony tends to degrade or defame, it shall be taken in executive session. There is no deviation from the rule.

Mr. WILLIS. That is what we did.

Mr. YATES. But you did not do it.

Mr. WILLIS. Why do you not read the report?

Mr. YATES. I not only read the report; I read both volumes of your hearings. I know what is in your hearings.

The SPEAKER. The time of the gentleman from Illinois has again expired.

Mr. WILLIS. Mr. Speaker, I yield to the gentleman from Illinois [Mr. ANNUNZIO].

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent to revise and 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 Illinois?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, we have before us today three contempt citations which the House Un-American Activities Committee wishes to bring against Dr. Jeremiah Stamler, Mrs. Yolanda F. Hall, and Mr. Milton M. Cohen. Because the issue at stake involves the fundamental rights of all American citizens, it behooves each and everyone of us to apprise ourselves of all the facts and to deliberate carefully before casting our votes.

Dr. Stamler is the director of the division of adult health and aging and the director of the heart disease control program, both of which come under the jurisdiction of the Chicago Board of Health. He also has written numerous scientific books and articles on diseases of the heart and blood vessels. He is presently the recipient of three research grants given by the National Heart Institute of the National Institutes of Health which holds his work in high regard. On the same day that Dr. Stamler was named winner of the Albert Lasker Award in Medical Journalism, he was subpenaed to appear before the House Un-American Activities Committee which had scheduled hearings to be held in Chicago on May 25, 26, and 27, 1965.

Mrs. Yolanda F. Hall, who was likewise subpenaed, holds a master of science degree from the Illinois Institute of Technology. She is an assistant to Dr. Stamler in the capacity of research nutritionist for the heart disease control program of the Chicago Board of Health and for the Chicago Health Research Foundation.

The third person who was subpenaed and against whom contempt citation proceedings are pending is Mr. Milton M. Cohen, executive director of Parkview Homes. He is affiliated with several charitable organizations and holds a master of social studies degree from the University of Chicago School of Social Science Administration.

Dr. Stamler, Mrs. Hall, and Mr. Cohen are the object of contempt proceedings because they decided, after careful consideration, neither to answer the committee's questions nor to take refuge in the fifth amendment. Let us consider, however, the unfair treatment that was directed against them from the very beginning by the committee.

In direct violation of the committee's rule 16, which prohibits release of names of witnesses prior to the hearings, the names of Dr. Stamler, Mrs. Hall, and Mr. Cohen, together with others, were released to the press in Chicago. The blatant headlines and the unfavorable publicity which resulted did irreparable damage to the reputations of these highly respected members of the community.

Dr. Stamler, in response to the publicity, signed a loyalty oath for the Chicago Board of Health. Subsequently, the board voted to retain his services, and Dr. Eric Oldberg, president of the board, expressed his confidence in Dr. Stamler, by saying:

In my book, he is not a Communist.

Yet, serious injury to the reputations of Dr. Stamler, Mrs. Hall, Mr. Cohen, and others had already been done, their good character had been prejudiced, and they had been degraded unjustly by a congressional committee which disregarded its own rule 16 apparently to achieve exposure for the sake of exposure alone.

The character assassinations and the damage done to innocent U.S. citizens as a result of HUAC hearings is appalling. Such unfair exposure and witch-hunting tactics by the committee have become commonplace over the years. What is not commonplace, however, is the reaction of Stamler, Hall, and Cohen, who, instead of acquiescing to these unfair tactics, filed a suit questioning the constitutionality of the House Un-American Activities Committee and asking that the committee be enjoined from holding hearings. This suit is now pending before the U.S. court of appeals. The case has been argued but no decision has been reached as yet.

Albert E. Jenner, Jr., a past president of the Illinois Bar Association and a former senior counsel to the Warren Commission, was retained as counsel by Dr. Stamler and Mrs. Hall. In summarizing his objections to the Chicago hearings, Mr. Jenner declared that the hearings did not even meet our minimum standards of fairness and due process of law. He pointed out that instead of fairness, the committee displayed the very opposite of fairplay.

First, it failed to demonstrate proper legislative purpose. Second, it confronted those subpenaed with defamatory assertions and innuendoes in questions. Third, it refused to hear defamatory testimony in executive session, which was a deliberate breaking of its own committee rule 26(m). Fourth, the opportunity for cross-examination was not afforded to those subpenaed. Fifth, the attorneys retained by the subpenaed witnesses, as well as the subpenaed witnesses themselves, were treated with a complete lack of respect and were at times verbally abused. Sixth, the witnesses were not advised as to why they were subpenaed to appear before the committee.

Let me emphasize that the committee's charges that Dr. Stamler, Mrs. Hall, and Mr. Cohen had some connection with Communist activity in Chicago were completely unsubstantiated by evidence which would be found admissible as proof by our courts. Therefore, Dr. Stamler, Mrs. Hall, and Mr. Cohen, like countless citizens who have preceded them, stand accused by the committee without having had an opportunity to exonerate themselves in accordance with the full protection of our laws.

The newspapers have condemned the Chicago HUAC hearings. The radio and TV stations have likewise deplored the hearings. Hon. Richard J. Daley, mayor of Chicago has also stated his opposition to the "star-chamber proceedings" of the hearings. When the news media and the officials of a particular area unite in the expression of a single viewpoint, it is time that the Members of the House of Representatives take note of the reasons for this stand.

We are a democratic government organized to protect the innocent against tyranny and persecution, and as such, we should remain vigilant and do all that we can to uphold these basic precepts of our society.

The undemocratic treatment accorded today to Stamler, Hall, and Cohen could easily be directed tomorrow at our friends, our relatives, you or I. Our fundamental American freedoms which are guaranteed in the Bill of Rights are therefore in jeopardy. I urge you to uphold and protect these precious rights by voting against the contempt citations.

For the information of my colleagues, I am including in the RECORD articles about the Chicago HUAC hearings which have appeared in the Chicago Daily News, the Chicago American, and the Chicago Sun-Times. The articles follow:

[From the Chicago Daily News, May 29, 1965]

FAIRPLAY WENT OUT THE WINDOW

The three-day visit to Chicago of the House Un-American Activities Committee was a disgrace from start to finish and from hearing room to picket line. Nothing positive was accomplished and a great deal of harm was done.

The infantile displays that went on outside the old U.S. Court of Appeals Building were degrading. Both the anti-HUAC pickets, who went far beyond the right of peaceful protest, and the Nazi clowns who showed up to oppose them succeeded only in earning the contempt of the community.

The only credit earned in these performances goes to the Chicago police, who exercised remarkable restraint in the face of extreme provocation and managed to maintain a semblance of order.

The hearings themselves followed a dismally familiar pattern to no apparent purpose. The committee produced a couple of FBI informers, and a few people who predictably invoked the Fifth Amendment, and must have left even its most avid supporters wondering what it was all about.

Interest centered, of course, on the appearance of Dr. Jeremiah Stamler, cardiac research specialist for the Chicago Board of Health, and his assistant, Mrs. Yolanda Hall. Both had sought to testify in closed session, but refused to jeopardize an appeal on that point by testifying at the open hearing.

Their names were nevertheless read into the record by the committee counsel in questions addressed to witnesses who consistently invoked the Fifth Amendment. The charges that Dr. Stamler and Mrs. Hall had some connection with Communist activity in Chicago are thus left hanging, unsubstantiated and with no opportunity on their part for rebuttal or cross-examination of accusers.

Their attorney, Albert E. Jenner Jr., protested in vain the committee counsel's tactics of asking leading questions and permitting hearsay testimony, and an appeal is planned. Certainly the methods used here need to be examined by the courts.

It has long been established that HUAC or any other congressional committee has a broad right of inquiry into matters that may become the basis for legislation. There have been instances, however, in which HUAC has been slapped down for going too far afield and engaging in what amounted to witch hunts.

We do not venture to predict what the courts will do in this case. But elementary

rules of fair play, if not of law, surely demand that persons shall not be accused without a fair chance to reply. And a committee which uses its power to present only one side of a story makes its motives suspect.

Much of the opposition to HUAC arises from the extreme left and the hard-core Communists who are the HUAC targets. But opposition also arises from anti-Communists fearful that this committee is riding roughshod over the basic civil rights of the people called before it. The Chicago appearance enhanced those fears.

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[From the Chicago American, June 6, 1965]

SEQUEL TO HUAC HEARINGS

The House Un-American Activities Committee didn't look very impressive in its 3-day stand here last week, and yesterday's sequel involving Dr. Jeremiah Stamler didn't improve its image much. After questioning Dr. Stamler about his refusal to testify before the committee, the Chicago board of health dismissed charges of improper conduct against him. The board said it had found no proof that Dr. Stamler, a leading specialist in heart ailments, had behaved improperly at any time during his employment by the city, and saw no reason for discontinuing his services.

The statement did not support Stamler's position against HUAC; it merely said, in effect, that his opinions on that score had nothing to do with his professional worth or his usefulness to the city. The net result of the statement, though, may be to strengthen Stamler's position in his court fight to have HUAC's practices declared unconstitutional.

Whether or not he succeeds in that, we hope some kind of restraint can be imposed [self-restraint is apparently too much to hope for] on HUAC's habit of damaging people's reputations at will. Rep. DONALD RUMSFELD [R., Ill.], whose credentials as a conservative are beyond question, has suggested that Congress meet this issue head-on by investigating the committee's methods, and either clearing it or taking steps to bring it into compliance with House rules. To our mind, the suggestion makes excellent sense.

As we observed last week, one of HUAC's strongest assets is the kind of people who demonstrate against it. Some of the creeps who made public nuisances of themselves at the hearings here made the committee look good by comparison; we are proud to claim some of HUAC's enemies as our own.

But none of this justifies HUAC's lordly disregard of citizens' rights to privacy and their own reputations. We know of no service this committee performs that couldn't be performed better by strictly judicial methods.

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[From the Chicago Sun-Times, June 4, 1965]

AFTERMATH OF HUAC HEARING

Rep. SIDNEY YATES (D-Ill.), in whose Chicago district the House Committee on Un-American Activities (HUAC) held hearings last week, introduced a resolution Monday calling for the abolishment of the committee. On Wednesday Rep. DONALD RUMSFELD (R-Ill.) in a formal statement before the Joint Committee on the Organization of Congress declared that Congress should meet "head-on" criticism made by responsible citizens of HUAC. Congress, said RUMSFELD, should investigate the investigating committee.

Although RUMSFELD himself did not pass judgment on HUAC, the tone of his statement left no doubt that he took seriously the accusations against the committee made by such persons as his fellow Republican and resident of his North Shore district, Albert E. Jenner Jr., attorney for the Warren Commission on the Kennedy assassination and former member of the U.S. Loyalty Review Board.

Last week Jenner said that HUAC "has been embarked upon a program of exposure for exposure's sake, character prejudice and degrading of U.S. citizens of good reputations such as my clients." He declared, "The time has come for loyal citizens to stand up and resist the high-handed tactics of this committee."

Jenner was inspired to make his comment by the committee's treatment of his clients, Dr. Jeremiah Stamler, director of a heart disease control program of the Chicago Board of Health, and Dr. Stamler's assistant, Mrs. Yolanda Hall.

Dr. Stamler and Mrs. Hall were subpenaed to appear at the Chicago hearings of HUAC. Dr. Stamler immediately signed a loyalty oath and gave Dr. Eric Oldberg, president of the Board of Health, assurance that he had never engaged in subversive activities or consorted with groups or individuals with such objectives. He and Mrs. Hall asked HUAC to testify in a closed hearing. This was denied. In questioning other witnesses, the committee counsel later read their names into the record as having had Communist affiliations several years ago.

One witness, an undercover agent for the Federal Bureau of Investigation, when asked if he had ever heard Dr. Stamler's name mentioned at a Communist Party meeting, said that in 1959 the Illinois party leader had said Stamler was a party member. But the witness said he himself did not know Stamler at the time.

The questions and this testimony, Jenner said, constituted "not one scintilla of evidence admissible or competent" before any court or committee. The Board of Health Wednesday adopted a resolution which was in effect a vote of confidence in Dr. Stamler.

For 27 years HUAC has periodically brought criticism of its methods because, as in the Stamler case, it has allowed unverified charges to be made public and has abused witnesses. It often has confused liberalism with communism.

When the committee came to Chicago last week, we commented that it remains to be seen whether the hearings would, in the words of its chairman, "help the security of our country."

Just what was accomplished for the security of the country by naming a dozen persons as having had Communist affiliation and making public experiences of former undercover agents of the FBI? Security is well-guarded by the FBI which maintains constant checks on subversive and Communist activities. J. Edgar Hoover has written extensively on the subject.

HUAC's chairman said the hearings had been "useful for Congress from an informational point of view to carry out legislation." What legislation? HUAC has been responsible for only three laws in its 27 years of existence and one of these was made necessary to correct an error the committee made in writing the Internal Security Act.

It should be possible for a committee of Congress to conduct necessary investigations in a manner consistent with American regard for fair play, rules of evidence and the right of a person to face his accusers.

Rep. YATES proposes that the functions of HUAC be transferred to the House Judiciary Committee where hearings would be conducted more fairly. It seems likely to us that if Rep. RUMSFELD's proposed review of HUAC is carried out YATES' conclusion will be inescapable.

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[From the Washington Post, Oct. 18, 1966]

CONTEMPT FOR DUE PROCESS

The House Committee on Un-American Activities will ask the House of Representatives today to endorse another one of its bad checks. It is seeking contempt citations against Dr. Jeremiah Stamler, a renowned heart specialist who is director of the Heart Disease Control Program of the Chicago Board of Health, and two of his professional associates, who declined, as a matter of principle and on the advice of distinguished counsel, to answer questions put to them a year and a half ago by HUAC in the course of one of its scattershot inquiries into "subversive" activities.

There are three good reasons why the House should not indulge HUAC in its petty and pointless persecution of the witnesses it summons. In the first place, experience has shown that the courts almost invariably reject these citations. In all save a tiny percentage of the cases brought to final adjudication, the Committee has been found to have gone beyond the bounds of its lawful authority. Just a fortnight ago, as one of his last acts as Attorney General, Nicholas Katzenbach ordered the Department of Justice to abandon contempt-of-Congress prosecutions against three peace activists, Dagmar Wilson, Donna Allen and Russell Nixon. The Court of Appeals had already overturned their District Court conviction.

In the second place, the Committee demand is, at best, frivolous. Its questions had no relevance to any legitimate legislative purpose when they were asked 18 months ago. A Committee request for these citations was put on the House calendar in January and again in February of this year—and then dropped both times. There is certainly no need for it now.

Third, and most important the recalcitrant witnesses took the issue to court before they ever appeared before the Committee. Their case, already briefed and argued, is now before the U.S. Court of Appeals for the 7th Circuit. It challenges the Committee's constitutionality and seeks an injunction against enforcement of its edicts. This is a wholly proper forum in which to have the legitimacy of the Committee's commands determined. The House of Representatives plainly ought to await this judicial determination.

Mr. WILLIS. Mr. Speaker, I yield to the gentleman from Alabama [Mr. BUCHANAN], a member of the committee.

Mr. BUCHANAN. Mr. Speaker, in behalf of the minority, I want to indicate our unanimous support of the committee on the resolution. As a member of the committee for only 2 years, I have studied very closely its deliberations. I have been impressed by the desire that has been consistently shown on the part of the members of the committee to protect individual rights and to faithfully observe the rules of the House. This consumes most of our time in our deliberations.

May I say further that the committee's fairness to those who disagree has been shown in this debate when the committee members have yielded most of their time to opponents of the resolution.

Mr. Speaker, I fully support the resolution offered by our chairman to certify to the U.S. attorney the report of the facts relating to the contumacious conduct of Milton Mitchell Cohen.

Mr. Speaker, what is involved in this resolution is solely a question of whether the dignity of the House of Representatives and the integrity of its process is to be maintained. There is no other issue involved in this citation, or in the citations of Yolanda Hall and Jeremiah Stamler for identical conduct which I understand will follow. Last May, subpenas were duly issued and served by authority of the House of Representatives on Milton Mitchell Cohen, Yolanda

Hall, and Jeremiah Stamler, by which each of them was commanded to appear before this committee or its subcommittee in Chicago to testify touching matters of inquiry committed to said committee and not to depart without leave. As you have heard, this command and this process were dishonored.

Of course I am aware, as other Members of the House must now be aware, that efforts have been made to obscure this one simple issue. One of the attorneys for the witnesses Hall and Stamler circularized the House in a letter which was most remarkable, I believe, not so much for what it said but for what it failed to say. He wrote in part, and I quote:

> We hope to demonstrate to every member of the House that the hearings held last May in Chicago reflect the low ebb of the Committee's procedures, involving prior release of names of witnesses; unreasonable refusal of executive sessions; physical mistreatment of counsel; lack of legislative purpose; character assassination by means of grossly leading questions to witnesses (other than my clients) who were refusing to answer any questions (on 5th Amendment grounds), which Committee counsel, knowing the witness would not answer, employed to "state" unproved and unsworn supposed "facts" in the record safe from cross-examination or other exposure; failure to adduce any testimony (other than one blatantly hearsay supposition by a paid Committee witness) in support of Committee counsel's insinuations; refusal to afford cross-examination; and many other abuses of the normal standards of due process and fair play.

Mr. Speaker, it hardly seems necessary to dignify these misrepresentations with a reply. You have the record before you. Yet to assure those who may be disturbed by these allegations, let me state categorically:

First. This committee and its staff did not release the names of witnesses subpenaed for the hearings.

Second. This committee did not unreasonably refuse an executive session for any of the witnesses.

Third. This committee did not physically mistreat counsel.

Fourth. This committee did not lack legislative purpose.

Fifth. This committee did not engage in character assassination by any impropriety in its questioning.

Sixth. This committee did not make any inquiry or pose one single question upon unfounded supposition.

Seventh. This committee did not deny any witness any right to which he was entitled by law, by the rules of the House, or by commonsense.

On the other hand, this committee has met with the most blatant kind of abuse. The efforts made to intimidate and harass this committee, and to obstruct the hearings in Chicago, were reminiscent of the 1949 Smith Act trials at Foley Square. What we have here today in the conduct of the cited witnesses is a most unjust and intolerable attack upon the investigative process. We cannot permit it to succeed.

The plain facts are that the subcommittee convened in Chicago for the purpose of receiving evidence of Communist Party activities in the Chicago area and the Illinois district. It was, of course, performing a duty imposed upon it by this House in its wisdom. I do not think that this House, or this committee, in these days of crisis, stimulated by Communists here and abroad, need apologize for or again justify the purposes of the inquiry. Our chairman made clear to the witnesses what were the subjects of inquiry and the legislative purposes. Several witnesses were subpenaed to give testimony. The three witnesses who are the subject of today's citations were among the 16 witnesses who were subpenaed for the Chicago hearings. A brief review of the information possessed by the committee relating to each of them amply demonstrates the basis for calling them and for the committee's belief that they would possess evidence material and relevant to the committee's inquiry. Let me briefly summarize some of the information possessed by the committee as to each of them.

Milton Mitchell Cohen, residing at 5322 South Kimbark, Chicago, Ill., and employed as an assistant manager of Park View Home in Chicago, was born in that city on February 17, 1915. In an executive session before a subcommittee of the Committee on Un-American Activities convened on December 17, 1964, two witnesses who maintained membership in the Communist Party at the request of the Federal Bureau of Investigation—Lola Belle Holmes for the period from 1957 to 1963, and Lucius Armstrong for the period from 1953 to 1963—identified Milton Mitchell Cohen as a member of the Communist Party during their period of membership. Miss Holmes had testified previously in executive session, as she did subsequently in the public hearings in Chicago in May 1965, that Milton Mitchell Cohen held various offices of importance in the Communist Party for the District of Illinois, including membership on the Educational Committee of the Wagenknecht Section of Chicago, the District of Illinois Industrial Commission, and a member of the State Committee of the Communist Party—the party's top governing board. Other evidence in the possession of the Committee on Un-American Activities, both documentary and from intelligence sources, revealed that Milton Mitchell Cohen had been involved as a member and functionary of the Communist Party for a continuous period of over 25 years past.

Yolanda Hall was born in New York City on April 29, 1922, daughter of Louis and Yolanda Farkas Freeman, naturalized citizens of the United States. She attended Tule High School at Chicago from 1935 to 1939, and entered the Chicago Teachers College from which she received a degree of bachelor of education in 1942. At the time of her subpena she was a research assistant to Dr. Jeremiah Stamler, who is the subject of the other citation for contempt filed contemporaneously herewith. She was employed with Dr. Stamler by the Chicago Board of Health since 1958. Prior thereto she was employed at the Michael Reese Hospital where she worked for 3 years with Dr. Stamler in the cardiovascular department. While employed by the Chicago Board of Health in 1963, she obtained a master of science degree at the Illinois Institute of Technology. In aid of her admission to the Illinois Institute of Technology she was highly recommended by Dr. Stamler, then director of the heart disease control program of the Chicago Board of Health. In his letter of recommendation, addressed to the director of admissions, dated March 8, 1960, Dr. Stamler stated that he had known Mrs. Hall for several years and unqualifiedly supported her candidacy.

In testimony on July 28, 1949, at the Smith Act trials in the Federal district court at Foley Square in New York City, at which time she appeared as a witness on behalf of the defendants, Eugene Dennis and others, top Communist Party leaders, Yolanda Hall testified that she was a member of the Communist Party, having joined in 1939 while a student at the Chicago Teachers College. This was a matter of public record. She testified that she had joined the Young Communist League in 1937 when a student at the Tule High School, and that upon the dissolution of the Young Communist League during World War II, she participated in the formation and leadership of the American Youth for Democracy, a successor organization of the Young Communist League and was in attendance at the national convention of this organization in October of 1943 at New York. A copy of the October 1945 announcement of the Second Anniversary Ball of the American Youth for Democracy, in possession of the committee, noted her as a member of the Illinois-Indiana regional board of that organization. The Illinois-Indiana regional area was then coextensive with district eight of the Communist Party. In the 1940's, Milton Cohen was likewise a functionary of district eight of the Communist Party. She was also employed as an instructor in the Chicago Workers School during the period from 1945 to 1949, a school which was established by the party for the indoctrination and recruitment of Communists.

On October 24, 1950, Mrs. Hall filed an application for a passport with the Department of State in which she represented that she sought a passport for travel to "England and France," and setting forth her purpose of the trip as being "pleasure." She, in fact, traveled as one of a group of American delegates to Stalin's Second World Peace Congress, held at Warsaw November 16–22, 1950, and thereafter to Moscow. At the time of her travel to the Soviet Union in 1950, the committee possessed information that she was the organizer of the Johnstone section of the Communist Party in Chicago. The committee possessed information which indicates that Mrs. Hall continued her activities in support of the Communist apparatus from thence until a recent period.

Dr. Jeremiah Stamler, residing at 1332 East Madison Avenue Park, Chicago, has been employed by the Chicago Board of Health since 1958 and is director of its division of adult health and aging and heart disease control program. He appears to have taken up his residence in Chicago commencing in 1948. Having been trained in the public schools of New Jersey and New York colleges, he was

certified by the National Board of Medical Examiners on October 31, 1947, at which time he became a fellow in pathology at the Long Island College of Medicine, Brooklyn, N.Y. He was then in 1948 employed at the Medical Research Institute of the Michael Reese Hospital in Chicago, where he remained until employed by the Chicago Board of Health in 1958. During his employment at the Michael Reese Hospital and next while at the Chicago Board of Health, he became a principal investigator under various grants from the National Institutes of Health and continues to function in that capacity up to the present time. For the period from 1957 to 1965, he has administered Federal grants as principal investigator in a sum totalling in excess of $1 million. As a principal investigator he exercises complete authority in the disbursement of funds, supervision of the assigned project, and the employment of personnel subject to the provisions of the granting agency and the regulations of any affiliated institution.

Information from intelligence sources, as well as from documentary evidence in possession of the committee, pointed to the fact that Jeremiah Stamler had a long and continuous record of membership in the Communist Party.

It is the committee's information that in the early 1940's, Jeremiah Stamler was a member of the Young Communist League in New York, and for a period served as head of the New York State student section of the Young Communist League. For example, an official ballot utilized by the Fourth Empire State Convention of the Young Communist League, for election of State council members of the Young Communist League in March of 1943, in possession of the committee, lists him as 1 of the 136 candidates proposed by the nominating committee and the delegation caucus for the convention. The committee was further informed that Jeremiah Stamler and his wife, Rose Stamler, to whom he was married on June 27, 1942, joined the Communist Party on or about 1946. The committee was further informed that during the 1950's, Dr. Jeremiah Stamler was a Communist Party functionary who directed the activities of the Communist Party underground within the Chicago area.

A copy of the passport application of Jeremiah Stamler of May 14, 1956, revealed that he applied for a passport to travel to various European countries. In the letter accompanying this application he indicated that the purpose of this trip was in connection with his medical research work. The Passport Office of the Department of State asked him to file an affidavit under the provisions of section 51.135 of the passport regulations, which in the language of that section had as its purpose the promotion of the national interest by assuring that no U.S. passport be used in support of the world Communist movement. The letter specifically asked him to forward an affidavit setting forth whether he was at any time a member of the Communist Party or Communist Political Association, a description of offices or other positions which he may have held therein, and whether his membership had been terminated and under what conditions such termination occurred. Dr. Stamler refused to submit such an affidavit and his application was denied.

The committee also possessed intelligence information that in 1956 and 1957, meetings of the Hyde Park section of the Communist Party were held on a regular basis at the home of Dr. Jeremiah Stamler and wife Rose Stamler, then residing at 5414 Engleside, Chicago, Ill. Meetings of the Southside section of the Communist Party were likewise held at his residence during the same period. Among those in regular attendance at the party meetings at his residence included Milton Mitchell Cohen, Ben M. Friedlander, Leon Gurley—also known as Leon Joy Jennings—and Mathilda Heyman—also known as Mathilda Perryboon, also known as Mathilda Burke. These persons were all identified by Lola Belle Holmes as members of the Communist Party. The committee was also informed that the Communist Party meetings held at the residence of Dr. Jeremiah Stamler were terminated in early 1958 for security reasons, that Dr. Stamler was about to become associated with an organization the identity of which would preclude further meetings at his home. As a matter of fact, Dr. Stamler commenced his employment with the Chicago Board of Health in 1958.

While meetings of the Hyde Park and Southside sections of the Communist Party were held at the residence of Dr. Stamler, and it was the committee's information that Rose Stamler acted as chairman at some of these meetings, it was the committee's information that Dr. Stamler had met on a regular basis as a member of the professional section of the Communist Party, but that he likewise ceased to meet regularly as a member of the professional section in the early part of 1958 for the same reasons that meetings of the Hyde Park and Southside sections were discontinued at his residence, namely, the prospect of his obtaining an important position. He did, however, continue thereafter to meet on an irregular basis with members of the professional section, also with high-ranking members of the Communist Party for the District of Illinois, and continued his contacts and associations with high-level officials of the Communist Party up to and including the early part of 1965.

Mr. Speaker, in the light of these facts, can anyone reasonably contend that the committee was without probable cause in subpenaing any of these persons?

Now it has been suggested that because of the positions they occupy or the repute they are said to possess, they should not have been subpenaed, for to do so would cause them injury. Mind you: it is said to cause them injury—not injustice. Mr. Speaker, we cannot accept this argument as a basis for barring legislative inquiry. If this argument were valid, it might with equal justice be advanced against subpenaing any witness who might be embarrassed by being called in the criminal or civil courts. Must the Congress and the courts cease operation? It is clear that witnesses are not to be excused from their obligations or from requirements of law, whether in the courts or before committees of Congress, because they have a certain reputation or occupy positions of importance. There is not one law for the rich in repute or substance and another for the poor in repute or substance. Equal justice and the imperative demands of government require that the law be no respecter of persons. Indeed, in matters of national security the demand for information relating to the relevant activities of prominent persons, who are in a position to do greater damage to the security of the Nation, becomes even more imperative than from persons of less influence or more lowly position.

Moreover, the demand of Congress for the testimony of witnesses in aid of its legislative function—and hence a public record—is as imperative as that of a court of justice for relevant testimony in civil or criminal proceedings. A person, at his own option, should not be permitted to disqualify himself as a witness by reason of his own conduct or failures and thus secure anonymity or exemption from the reasonable demands of government. The fact that any interrogators that might be put to Cohen, Hall, or Stamler, or testimony that any of them may give, would tend to disgrace or otherwise render them infamous, would not of itself support a request that interrogatories be put, or the testimony received, in confidence or, in other words, be accomplished in executive session. An act of Congress expressly provides otherwise:

> No witness is privileged to refuse to testify to any fact, or to produce any paper, respecting which he shall be examined by either House of Congress . . . upon the ground that his testimony to such fact or his production of such paper may tend to disgrace him or otherwise render him infamous. (Act of June 22, 1938; 2 U.S. Code 193.)

The fact that the committee's inquiry will disclose the associational activities of Cohen, Hall, and Stamler with the Communist movement would not serve to bar the inquiry. As the court pointed out in *Uphaus* v. *Wyman* (360 U.S. 72, 80f), decided June 8, 1959, which upheld the contempt conviction of Uphaus for his refusal to produce a list of guests at the World Fellowship, Inc., in the course of an inquiry by the State of New Hampshire into certain subversive activities within that State, "so long as the committee must report to its legislative parent, exposure—in the sense of disclosure—is an inescapable incident of an investigation into the presence of subversive persons within a State. And the governmental interest in self-preservation is sufficiently compelling to subordinate the interest in associational privacy."

Nevertheless, Mr. Speaker, in preparation for the Chicago hearings, the committee took every precaution to protect every person against unjust injury, and fully complied with the rules of this House and the rules of this committee. House rule XI26(m) expressly provides that:

> If the committee determines that evidence or testimony at an investigative hearing may

tend to defame, degrade, or incriminate any person, it shall—

(1) receive such evidence or testimony in executive session;

(2) afford such person an opportunity voluntarily to appear as a witness; and

(3) receive and dispose of requests from such person to subpena additional witnesses.

(n) Except as provided in paragraph (m), the chairman shall receive and the committee shall dispose of requests to subpena additional witnesses.

Prior to holding public sessions the committee initially received in executive session such evidence or testimony as might tend to defame, degrade, or incriminate any person. In further compliance with this rule, and prior to the holding of public sessions, the committee gave notice to all persons, including Cohen, Hall, and Stamler, that this committee was in possession of evidence or testimony relating to their Communist Party membership. Each was afforded an opportunity voluntarily to appear as a witness in executive session, and each was advised of his or her right to request that the committee subpena additional witnesses. All were expressly advised as to the date within which they should act—a date prior to the commencement of the public session. Not one of them communicated individually or through their counsel with this committee. Not one of them asked to be heard in executive session within this appropriate and critical time.

Mr. Speaker, I must emphasize that this rule, and the notice given pursuant to it, afforded all persons adequate protection, if the factual basis for the inquiry relating to any of them was without probable cause, or based upon untrue or perjured evidence, or indeed if there was some reason which they wished to advance that might lead the committee to take a different course. The benefits afforded by this rule were waived. Not one of these persons asked to be heard in executive session. Not one of them advised the committee that there was error in this evidence or information. Not one of them made request to examine the evidence or to put interrogatories to witnesses on that basis. Not one of them advised the committee that his or her membership in the Communist Party had been terminated, if it had. Not one of them advised the committee that he or she had no knowledge on this subject of inquiry. Not one of them advised this committee that he or she had any other matter to communicate which might warrant the committee in taking a different course. I say, Mr. Speaker, if there was any error in the testimony or evidence relating to any person, it was the duty of that person, in the light of the notice, to assist Congress by clarifying the situation when afforded the opportunity to do so.

It was only after the committee had gone to Chicago and after the public sessions commenced, that these three witnesses then in public forum made their requests that interrogatories or evidence relating to them be put in executive session. Nevertheless, in making these requests at that time, when the public hearing was already in progress, none of the witnesses or their attorneys offered any excuse or justification for their present claim to have evidence or interrogatories relating to them, or their own testimony, taken in executive session. Not one of the witnesses asserted that he had not received notice of the opportunity to testify in executive session prior to commencement of the public hearing. Not one of the witnesses then asserted that the evidence or testimony relating to him was untrue—nor, indeed, do they make any such assertion now. Not one of the witnesses made any representation of fact or law that might have persuaded the committee to take a different direction. In fact, none of these witnesses even offered to testify in executive session if the opportunity were granted. On the contrary, both Hall and Stamler made unmistakably clear that their requests for executive session were to carry no implication that neither would testify in response to interrogatories put in executive session.

Having complied with House rule XI, 26(m), the committee was under no duty thereafter to hear Cohen, Hall, or Stamler in executive session, or to refrain from interrogating other witnesses who possessed knowledge relating to them. On the contrary, the House rules—specifically, XI, 26(g)—required that the committee proceed in public session unless a majority of the committee determined otherwise. The burden was now upon the witnesses to justify the confidential treatment they sought. They did not meet this burden. Under the circumstances, the subcommittee's action in refusing their present requests cannot now be attacked as arbitrary or capricious. This was clearly the import and ruling of a unanimous court in *Federal Communications Commission* v. *Schreiber*, 381 U.S. 379, decided as recently as May 24, 1965.

Mr. Speaker, the record is before you. I submit that there is only one conclusion which can reasonably be drawn from this record. There was here a deliberate effort to abort and forestall any inquiry relating to Cohen, Hall, and Stamler, whether in executive or public session. We cannot permit or condone such action.

Mr. Speaker, it would of course be very nice for the Communist apparatus—and the world Communist movement—if the Congress would let it alone, would not make any inquiry into its practices and its organization, and would not legislate upon it. We have, however, as I see it, no obligation to advance the interests of the Communist Party within this country, to foster its growth, to conceal its activities, or to shield its leadership from necessary disclosure. Nor have we any obligation to excuse a witness from the consequences of his own gross misconduct in refusing to respond to the lawful process of this House.

This country's security is of paramount interest to me and, I believe, to the Members of this House. The matter was well stated by the Supreme Court when it said:

To preserve its independence, and give security against foreign aggression and encroachment, is the highest duty of every nation, and to attain these ends nearly all other considerations are to be subordinated. It matters not in what form such aggression and encroachment come. (Quoted in *Communist Party Case*, 360 U.S. 1, 96.)

I trust that our sense of duty will not become so subdued by cynicism or error, or so misled by the claims of alien ideologies, that we shall ever lose sight of this simple truth upon which our safety and our freedom depends.

Mr. WILLIS. Mr. Speaker, I yield 3 minutes to the gentleman from New Hampshire [Mr. CLEVELAND].

Mr. CLEVELAND. Mr. Speaker, I have asked for these 3 minutes because I wish to call attention to the Members of the House—and there are many Members of the House here now who should have their attention called to the statements in the minority supplemental views in the final report of the Joint Committee on the Organization of Congress, page 88, signed by myself and the two gentlemen from Missouri [Mr. HALL and Mr. CURTIS].

We address ourselves there to the very point that is now so late in the session tying up this House in a knot. Actually, this is not the proper forum to debate whether this contempt citation is a good and valid citation or not. We have some evidence it is good; we have some evidence it is not. I have confidence in the members of the committee. I do not mean to reflect in any way on them.

But I do raise the question as to whether or not they are the proper people to bring out a contempt citation. I do not wish to reflect on them or their judgement. But after all, you can get pretty mad at someone who does not answer your questions. I got pretty mad the other day when the distinguished gentleman from Louisiana would not yield to answer mine—and I am not referring to the chairman of the committee. I am referring to the acting majority floor leader.

What we recommend in the minority views is:

All citations of contempt be referred to a Joint Committee on Congressional Operations—

Described more fully at other places in the report—

before they are reported to the floor of the House for further proceedings.

We go on to point out in these minority views, very wisely, the fact that under present rules the contempt citation is brought out by people who feel they have been held in contempt. There is always the question of their objectivity.

I want to commend these minority views to the House. I see a large number of people on the other side of the aisle right now who are always talking about congressional reform and always talking about ways of improving the workings of this body. I want to refer them to the Republican supplemental views in this joint report on the organization of Congress.

I also remind them that although 2 years ago we adopted unanimously the resolution to study the organization of Congress we conclude our deliberations this year without having acted on it. I believe that speaks very poorly for this body. It is a sad commentary. It is sad

there is so little comment—particularly by those who should know better—or those who profess to know better.

Mr. YATES. Mr. Speaker, will the gentleman yield at this point?

Mr. CLEVELAND. I do not yield at this point.

Mr. YATES. I was only going to suggest that the gentleman test us by giving us a motion to recommit to a committee, in accord with the suggestion.

Mr. CLEVELAND. We will.

The SPEAKER pro tempore (Mr. HOLIFIELD). The gentleman from Alabama [Mr. BUCHANAN] has the floor.

Mr. YATES. Mr. Speaker, will the gentleman yield for one point?

The SPEAKER pro tempore. The gentleman from Illinois will desist while the Chair restores parliamentary procedure.

Mr. YATES. I beg the Chair's pardon.

The SPEAKER pro tempore. Does the gentleman from Alabama yield?

Mr. BUCHANAN. Mr. Speaker, I yield to the gentleman from New Hampshire [Mr. CLEVELAND].

Mr. CLEVELAND. Mr. Speaker, while we are talking about congressional reform, as I understand, it is always pretty hard to get time on this side. What little time I have I shall hang on to.

I want to read that part of the supplemental views referred to:

7. CONTEMPT CITATIONS

We recommend that all citations of contempt be referred to the Joint Committee on Congressional Operations before they are reported to the floor of the House for further proceedings.

One of the necessary powers of any legislative body is to protect itself against acts designed to undermine and contravene its functions. The means employed by the Congress is through the contempt procedure, a procedure which calls to the attention of the Congress the act which threatens it and provides for punishment of the offender, either through the courts or through the bar of the House against which the contempt has been directed.

Most contempts today arise from actions of those called before committees of the Congress as witnesses. There is no need to call attention to the importance of our committee structure but the point that concerns us is the manner in which contempt citations are handled.

At present, it is the practice for the committee which has been the subject of the act of contempt to serve as first judge of the matter. It is the committee itself which reports the matter to the parent body, acting as both victim and prosecutor.

We question both the soundness and the justice of such a procedure and for that reason we recommend that contempt citations be referred in each case to an impartial committee—the Joint Committee on Congressional Operations. This committee would screen the evidence and report its findings and recommendations to its parent body.

Although not strictly in point here the preceding section of our views are also significant, these being Republican views are of course unpublicized views:

6. RIGHTS OF WITNESSES

In addition to the right to counsel, a witness before a committee of the Congress should be extended the right to cross-examine other witnesses and to review the record, in particular any material which might tend to defame him. He also should have the right to bring in rebuttal witnesses.

Mr. WILLIS. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. O'HARA].

Mr. O'HARA of Illinois. Mr. Speaker, may I ask the chairman, from Louisiana, if he is yielding me only 5 minutes when he knows that two of the persons involved are my constituents?

Mr. WILLIS. Yes. I yielded the gentleman 5 minutes with that knowledge.

Mr. O'HARA of Illinois. May I give the 5 minutes back to the gentleman from Louisiana with my deep thanks? I would not want my good friend, for whom I have high respect, become exhausted by such excessive generosity.

Mr. WILLIS. I know that. I told the gentleman a while ago, instead of yielding him 10 minutes to start with I would yield him 5 minutes at a time, so after this 5 minutes I will yield.

Mr. O'HARA of Illinois. So I get 5 minutes now and 5 minutes on another citation; or 15 minutes in all?

Mr. WILLIS. No. I will yield an additional 5 minutes to the gentleman after the first 5 minutes expire. If, when we reach the next citation, since the gentleman wanted 15 minutes all told, he wants an additional 5 minutes or even 10 minutes, I will do it again.

Mr. O'HARA of Illinois. The gentleman and I came to the Congress the same year. We have always been good friends. But I think his treatment of me now indicates he does not always hold to the course.

The SPEAKER pro tempore. The Chair will admonish the gentleman in the well of the House to use parliamentary language.

Mr. O'HARA of Illinois. I appreciate the advice of the Chair. What I intended to say is that the Lord never made a sweeter man than our friend from Louisiana.

Mr. WILLIS. Except the gentleman from Chicago.

Mr. O'HARA of Illinois. Mr. Speaker, I have never voted for the Un-American Activities Committee—never. I was elected first in 1948, and the issue of that campaign was the Un-American Activities Committee.

There was a young sophomore here from California, and the then sitting Republican Congressman from the district I now represent. They were on the House Un-American Activities Committee. They would go to Chicago and say that everybody at the University of Chicago were Communists; that these great atomic scientists were Communists. In that campaign of mine the Republican candidate for President carried the district, but I was elected on that issue. So never have I voted for the House Un-American Activities Committee. Yet during these years that I have been here I have maintained a warm, affectionate friendship for the members of that committee. I regard today as one of the finest men I have ever known and one of my dearest friends Governor TUCK, who is a member of that committee. Tad Walter and I were close friends. I never permitted my feeling against the committee to affect my regard for the members and my colleagues serving on the committee.

Yes, I am speaking with emotion. Two of the people that you are citing for contempt are dear friends of mine. They are men who are held in the highest esteem by my constituents and the people in the city of Chicago. This telegram that I hold is an indication of the kind of people who are watching this proceeding today, with the prayer on their lips that this House will refuse to vote these citations. It is from a great religious leader, Rabbi Jacob J. Weinstein. He is the rabbi of the permanent Ambassador to the United Nations, the former member of the President's Cabinet, the former Associate Justice of the Supreme Court of the United States, the Honorable Arthur Goldberg. It reads:

Much troubled at the news that the HUAC is attempting to push contempt citations against Dr. Stamler and others just before congressional adjournment. This will be a great disservice not only to those accused but to the whole cause of civil liberties. I urge you on behalf of the Central Conference of American Rabbis to withstand this ill-considered step.

The SPEAKER pro tempore (Mr. HOLIFIELD). The time of the gentleman from Illinois has expired.

Mr. O'HARA of Illinois. Mr. Speaker, can I ask the gentleman from Louisiana, may I have my other 5 minutes now?

Mr. WILLIS. Yes. I gladly yield the gentleman 5 additional minutes.

Mr. O'HARA of Illinois. Dr. Stamler is one of the great heart experts of the world. I do not think that he ever had a thought in his mind that was not of tenderness and of serving people. I do not think we have ever had an American stronger in his American patriotism than Dr. Stamler. Now, why he has been brought into this I do not know.

Yes, it may be that some paid person—and I was interested in what the gentleman from Ohio [Mr. HAYS] said—I had not heard about those contracts—I hope that those contracts do not suggest the Un-American Activities Committee is going back to its old practices.

There is something that not everybody knows of the old practices. Why, they used to have meetings and they would have some woman of ill repute give testimony. It was all perjured testimony, and generally there was a great scene of merriment while those hearings were being held, and then finally the chairman was indicted for dishonesty.

Mr. Speaker, one of the witnesses testified that she was a "woman" and that the chairman cashed a check for $108 for a dummy on the committee's payroll and gave the chairman $100. She said he was a good generous man and let her keep the $8 after he had put $100 in his pocket.

Now, Mr. Speaker, that is a part of the history of the Un-American Activities Committee, but that was in another time period or era.

On another occasion the committee announced that the respected and revered wife of the editor and publisher of the Washington Post was a Communist. Oh, they got a lot of publicity out of that. But they finally apologized and admitted

it was all a mistake. The committee had caused all of this distress to a good woman of many noble deeds because someone else had the same name.

Oh, Mr. Speaker, it is a committee which has had a bad past even though the committee were now a perfect example of virtue, it could not live down its past and its name.

I am hoping, Mr. Speaker, that this citation will not be voted, and yet I do say to you, despite the fact that these men and this woman in Chicago are my friends, and I believe in their innocence, if it were not for one fact, I would vote for these citations. Let me explain. I have never voted for the Un-American Activities Committee, but I have always voted for its citations. I have taken the position that this is a matter for the courts to determine and that we should refer strictly legal questions to the courts for decision.

So, today, if it were not for one circumstance, even though these are friends of mine and I am convinced of their innocence, I would be voting for the citations, leaving it to the courts to make the decision whether under the law they were guilty of contempt.

But, Mr. Speaker, what are the facts in this case?

There is pending in the Circuit Court of Appeals in the Seventh Circuit of Illinois a case. It was argued about a month ago. The decision will be handed down on that case within the next few weeks. It was commenced after this hearing had been held in Chicago. There was another suit held before the hearing started, a suit asking for an injunction. But after the hearing of the committee was held, this second suit was filed. Thus the matter already is in the court.

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

Mr. O'HARA of Illinois. Certainly, I yield to the distinguished gentleman from Georgia.

Mr. WELTNER. Mr. Speaker, I have listened to the distinguished gentleman's statements and I express for him my admiration.

But, Mr. Speaker, does not the gentleman from Illinois agree that were the pendency of a lawsuit a valid ground for voting down this resolution, that no committee of the Congress, under any circumstances, at any time, could ever act and refer a case to the Department of Justice any contempt citation, because with the free access that every citizen has to the courts, that mere pendency of the lawsuit whether it be frivolous, or not would obstruct the objectives of any committee?

Mr. O'HARA of Illinois. Mr. Speaker, I will say to my good friend, for whom I have the highest regard, because he is a man of conscience, I would say to him that I hold to a strict division of power of the courts and of the Congress.

Mr. BUCHANAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

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

There was no objection.

Mr. BUCHANAN. Mr. Speaker, on two occasions within the last 2 years, the members of the committee have remained silent while the gentleman from Illinois attacked the committee and made allegations against it.

Today, he has again addressed the House, underlining these accusations. I do not feel that I can remain silent any longer. Failure to reply to charges which now, on three separate occasions, have been made a part of the permanent record of this House can be interpreted only as acquiescence to them, as agreement that the are solidly based, and that the committee stands guilty as charged.

Since this is not by any means the case, these accusations can no longer go unchallenged.

On February 25, 1966, in the course of debate on appropriations for the Committee on Un-American Activities, the gentleman from Illinois spoke, as follows:

> Mr. Speaker, in 1948 I ran for Congress. Mine was a strong Republican district. One of the issues was the Committee on Un-American Activities. This arose from the fact that members of that committee at that time had come into the district and they said that every person at the University of Chicago was a Communist, including the atomic scientists, who had given to the cause of the free world the atomic bomb, and all without one break in the secrecy required.
>
> I have never known a feeling of resentment to run stronger than it ran in my district. Women as well as men worked through the day and through the night to accomplish my election as a rebuke to a congressional committee that had become wild, reckless and irresponsible. That was almost 17 years ago.

He went on to say that, although some members of the committee in recent years had been his personal friends—

> The plain, blunt truth is that if the Committee today were pure as the driven snow, it could not live down its past.

On February 2 of this year, in the course of debate on reports of contempt involving certain KKK leaders, the gentleman from Illinois stated that in the 1948 campaign, when he was first elected to the House, the Un-American Activities Committee was one of the major issues in the congressional campaign. He then stated:

> Members of the committee as then constituted had leveled charges of the basest character against the district that I represented, including wholesale indictments of the atomic scientists, of the University of Chicago whose tireless services, sacrifices, and high patriotic loyalty had set a pattern of good citizenship.
>
> The feeling against the committee ran heavy, and although many years have elapsed that feeling still obtains in my district. I would say that my constituents as a whole are sensitive to the irreparable injury that wrongfully can be done to the reputation even of the most innocent when there are public hearings in a highly emotional climate and without those protections that centuries of experience have woven into the law.

These remarks of the gentleman from Illinois were echoes—somewhat embellished, I must say—of a statement he placed in the Appendix to the RECORD on April 4, 1949, when he stated that certain scientists at the University of Chicago had worked for his election in 1948 "because of the unfair and unjustified aspersions cast, not upon them individually but anonymously upon atomic scientists as a body, by the Un-American Activities Committee of the 80th Congress."

In these three statements, the gentleman from Illinois has made a series of allegations. Let us look at these specific charges, one by one, and see how they square with the facts:

Allegation No. 1: The Committee on Un-American Activities invaded Chicago in 1948.

The fact of the matter is that the committee held no hearings at all, either public or executive, in Chicago in 1948.

Allegation No. 2: The committee leveled charges of the "basest character" against the Second Congressional District of Illinois.

Actually, at no time in its history, in 1948 or any other year, has the committee leveled any charge or made any statement or comment of any kind about the Second Congressional District of Illinois.

Allegation No. 3: The committee indicted the University of Chicago wholesale by saying that every person at the university, including the atomic scientists working there, were Communists.

This charge is as completely unsupported as the first two. It is clear from the remarks made by the gentleman from Illinois on the occasion I have referred to, that when he made them, he had in mind hearings on atomic espionage which were held by the committee in 1948.

What are the facts about these hearings?

Between August 24 and September 16, 1948, 14 witnesses testified before the committee in an investigation of Soviet atomic espionage activities. They testified in 6 days of hearings, every one of which was held in Washington and in executive session. Not one of the hearings was public.

On September 28, about 2 weeks after the hearings were completed, the committee issued a "Report on Soviet Espionage Activities in Connection With the Atom Bomb." At the same time, it released the testimony of three of the witnesses—Clarence Hiskey, Martin David Kamen, and John Chapin. The testimony of the other 10 witnesses has not been made public to this day. It is still secret. I might mention the fact that the witnesses whose testimony was received in these hearings included both intelligence and security officials of the U.S. Government and persons who were involved in atomic espionage against the United States.

And now the important point:

In the committee report and in the released testimony, not a single person then at the University of Chicago was named as, or accused of being, a Communist. Not a single atomic scientist then working at the university was accused of being a Communist, of being disloyal, a security risk or anything like it.

I challenge the gentleman from Illinois to read—or to reread, if he has read them before—the report and the released testimony and to find in either document any accusation or disparaging remark

about the University of Chicago, or any person at the university, atomic scientist or other.

So there will be no misunderstanding on this point, I want to state for the RECORD just what was contained and revealed in these two documents—the report and the released testimony.

The report centered on the atomic espionage activities of Soviet Agent Arthur Alexandrovich Adams and his contacts in the United States: Adams fled to the Soviet Union, apparently in 1945, when he learned that security agents were on his trail. The report named five contacts of Adams in New York City. Not one of these persons was in any way associated with the University of Chicago.

It also dealt with other persons—Martin Kamen, Clarence Hiskey, and John Chapin. They were the three witnesses in the hearings whose testimony was made public.

All had worked on the World War II A-bomb project which operated under the code name, "Manhattan Engineering District." This was, of course, a Federal undertaking with its personnel employed, paid, and controlled by the U.S. Government. Special installations were built for the project, such as those at Oak Ridge, Tenn., and Los Alamos, N. Mex. It also took over and used laboratories associated with some universities which were needed for the project—the Radiation Laboratory at the University of California, the Metallurgical Laboratory at the University of Chicago, and others. Persons working on the project in these laboratories were Government, not university, personnel.

Kamen had worked on the project at the University of California Radiation Laboratories. His released testimony revealed that he was a cooperative witness before the committee and that, when asked to give his educational background, had testified that he had studied at and received two degrees from the University of Chicago in the thirties. The report did not even mention the fact that Kamen had attended the University of Chicago.

Obviously, then, the gentleman from Illinois could not have had Kamen in mind when he alleged that the committee indicted the University of Chicago wholesale and charged that everyone there, including the atomic scientists, were Communists.

That means he could have had only two persons in mind—Hiskey and Chapin. And what did the committee, in its report, actually say about these two men?

It said that Hiskey had worked for the Manhattan Engineering District, first at the SAM—Substitute Alloy Material—Laboratory at Columbia University and then, from about September 1943 to April 1944, at the University of Chicago Metallurgical Laboratory. It further stated that a high-ranking official on the A-bomb project had testified that Hiskey was taken off the project in April 1944, called to limited active Army duty and sent to Canada to count underwear because "we were convinced that he was a subversive agent."

The committee also quoted excerpts from a 1945 military intelligence report which included the statement that in 1942 "Hiskey was said to be an active member of the Communist Party."

Hiskey's full testimony before the committee was released. It revealed that when given an opportunity to deny that he had given information to Soviet Espionage Agent Adams while working on the A-bomb project at the Metallurgical Laboratory, he had invoked the fifth amendment.

Regarding the military intelligence report that Hiskey was said to be an active Communist in 1942, the committee report said:

> The Committee makes no findings as to the correctness of such evaluation by military intelligence.

Now let us take the case of John Chapin. He was a coworker with Hiskey at the Metallurgical Laboratory. When Hiskey was removed from the Laboratory for security reasons and sent to Canada, he arranged, before he left, for Chapin to be his successor as Adams' contact.

Chapin's released testimony revealed that he admitted meeting with Adams, but said he had not given him classified information. He said his meeting with Adams was "pretty stupid."

The committee report, in short—contrary to the claims made by the gentleman from Illinois—did not call a single person at the University of Chicago a Communist. What it did do—and accurately—was to report to this House that two scientists who worked on the A-bomb project during World War II were contacts of Arthur Adams while assigned to the Metallurgical Laboratory.

In every single instance in which the words "University of Chicago" were used in the report—twice—and the released testimony, it was only to identify the location of the Metallurgical Laboratory. Not a single word of comment about the University of Chicago appears in either document.

Another very important fact:

The committee member who worked on the report gave statements to the press a few days before it was released, indicating its general findings. Newspaper accounts reported that he said it would state that some scientists working on the A-bomb project at the University of Chicago made attempts to steal atomic secrets. They also reported that immediately after stating this:

> Congressman Vail stressed the point that none of the scientists was a University of Chicago professor. He said they were men assigned to work on the Manhattan Project branch there.
>
> "In my opinion, there was no spy ring at the school," he asserted.

In light of all the facts I have enumerated, it is apparent that any charge that the committee indicated the University of Chicago wholesale, or said that everyone at it was a Communist, is ridiculous on its face and utterly groundless.

Allegation No. 4: The Committee on Un-American Activities unfairly and unjustly cast aspersions upon and indicted atomic scientists as a body.

Now the truth is that in the introduction to its 1948 report on atomic espionage, the committee said:

> The committee wishes to emphasize that in issuing this report, it intends to cast no reflection upon that great majority of American scientists who are without question loyal to the United States. The committee is aware of the great debt which the American people owe to our men of science who are responsible for our world leadership in the atomic field. (p. 161)

My colleagues, I have just one question to ask: How could anyone interpret these words as an indictment of atomic scientists as a body? It was a clear expression to the contrary—a deliberate, careful effort by the committee, in issuing its report, to make it clear that it had no intention of casting aspersions on atomic scientists as a group.

Allegation No. 5: In public hearings, in a highly emotional climate, with no protections of law, the committee wrongfully did irreparable injury to the most innocent people.

The facts, as already indicated, are that the committee held no public hearings. Whether or not a highly emotional climate existed in the United States at the time is a question that, at best, is certainly open to debate. No evidence has been placed in the record to substantiate this claim.

As regards the "no protections of law" claim, I would point out that the committee hearings were held in conformity with the rules of the House and of the committee and that, when the committee issued its report naming the three persons I have previously mentioned, it did so only after they had been given the chance to testify. And to make certain that a fair picture was presented. It released their testimony at that time. I do not know what other protections it could have provided without completely suppressing information vitally affecting the security of the United States.

Did the committee do irreparable injury to "the most innocent people"?

I am sure the gentleman from Illinois, when he made this allegation, had no intention of describing Soviet espionage agent Arthur Alexandrovich Adams and his New York contacts as "most innocent" people.

As regards the other three people, there is no justification for the charge.

Clarence Hiskey could not be called a "most innocent" person by any stretch of the imagination. Whether or not the military intelligence report that he was a Communist was true, the undoubted fact is that high security officials who were charged with keeping safe the secrets of the A-bomb were convinced that he was a subversive agent and therefore, in an effort to protect the security of the United States, had him removed from the project, called to active duty in the Army and isolated in the Yukon territory of Canada. The fact that Hiskey had contacts with Arthur Adams while working at the Metallurgical Laboratory is not open to question. When he was given the opportunity to deny this and to deny that he had given

secret information to Adams, he invoked the fifth amendment.

Did the committee do irreparable injury to "most innocent" John Chapin?

Chapin testified that he felt strongly that the United States should share its atomic bomb secrets with the Allied Nations. He also admitted that, after being approached by Hiskey, he met with Arthur Adams, but testified that he never gave Adams any classified information. As already indicated, he admitted that his meeting with Adams was "pretty stupid."

What did the committee actually say about Chapin in its report?

Let me quote from page 174:

In the opinion of the committee, although John Hitchcock Chapin committed an indictable offense as a coconspirator in matters effecting the security of the United States, it is felt that his participation in the conspiracy is mitigated by the fact that when he appeared before the committee he was cooperative and apparently sincere in his answers to pertinent questions directed to him. . . . Chapin impressed the committee as a person of deep sincerity who, in a moment of weakness, had made a vital mistake.

And what about the last person we must consider, Martin Kamen?

The fact of the matter is that while working on the A-bomb project, he, on July 1, 1944, met Gregory Kheifets, the Soviet vice consul in San Francisco and Kheifets' successor, Gregory Kasperov, in a San Francisco restaurant. This meeting between Kamen and the two Soviet officials was observed by a number of intelligence officers who could actually overhear the conversation. In that meeting, Kamen, who was working at the University of California Radiation Laboratories, actually revealed in his conversation classified information about the uranium pile in Chicago and information about Manhattan Engineering District activities in other parts of the United States.

He admitted in his testimony before the committee that what he had done constituted a gross indiscretion.

What did the committee report say about Kamen?

It said that there appeared to be little, if any, evidence that Kamen's revelations of classified information were willful and deliberate.

In its annual report for that year issued, by the way, after the time of the election referred to by the gentleman from Illinois, the committee stated:

Based upon the evidence presented to the committee, the committee is inclined to believe that Kamen committed a serious act of indiscretion rather than an act of espionage. The Kamen matter is being included in this report because of the involvement of a Soviet official, Gregory Kheifets, with persons known to be engaged in espionage on behalf of the Soviet Government.

In summary then, the committee did not do irreparable injury to any innocent person. It commented fairly, accurately, and with reserve on the actions of Chapin and Kamen, giving them the benefit of every doubt in spite of their serious indiscretions and the evil consequences they might have brought on the United States.

Now the final allegation:

Allegation No. 6: The committee had become wild, reckless, and irresponsible.

I believe the facts I have already cited answer this charge. The committee had made a careful investigation. It had received the testimony of top-ranking security officials of the A-bomb project and also the testimony of persons known to be contacts of Arthur Adams and other Soviet officials. Before publishing the report, it gave the persons who might be considered "accused" an opportunity to answer all allegations made against them. It would seem to me that, from the beginning to the end of this matter, the committee was just the opposite of wild, reckless, and irresponsible.

I regret to say, Mr. Speaker, that I do not believe the same can be said about the charges so frequently raised against this committee. In the brief time it has been my privilege to serve as a member I have witnessed no act by this committee which would justify the intemperate allegations of its critics.

The unfortunate fact of the matter is that 20, 50, and 100 years from now, historians will be studying the record of this House to find out the truth about what happened in this country and in the Congress in years gone by. If the remarks to which I have herein responded were not challenged and corrected, Americans of the future would have a most distorted and unrealistic picture of their country's past and of the past record of this House in representing the people. It is primarily for this reason that I felt the record had to be corrected.

Mr. WILLIS. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, with reference to the last remarks which were made by my friend, the gentleman from Illinois [Mr. O'HARA], I would say this concerning the pendency of that lawsuit:

That lawsuit was first brought against the committee several days before the hearings, on May 22, 1965.

Mr. Speaker, the court considered that and the judge threw out the injunction. Then these witnesses had to have something in order to reflect respectability for their planned action; they had to have some basis for walking out and making it appear to have an air of legality, and so on and so forth. As a part of the plan of walking out, they announced that they would make an appeal. Therefore, that was one of the alleged justifications for walking out.

Now, Mr. Speaker, they did make their appeal and they walked out.

Now, gentlemen, let us be fair about it. I suppose every Member of this House has received a letter or many letters imploring them to vote against these citations because an appeal is pending from that suit, which was dismissed. Well, what would happen then, after the appeals court decision? From the court of appeals the case is going, its filers have said, to the Supreme Court.

Let me caution you, gentlemen, this is deadly important, I assure you. The House of Representatives, unlike the Senate, is not a continuing body. For that reason a contemptuous action against the House dies with that Congress before which it was committed. This action which we say is contemptuous was committed last year, in 1965. This Congress is going to die this coming Saturday, as we all know, or we all hope. So it is now or never. Why? Because if you want to wait until the court of appeals decides the case it is not going to be between now and Saturday. If we do not act now, we cannot act when we come back in January because citations die with this Congress.

But then, suppose you continue it—until when? Until the court of appeals decides? Then undoubtedly it will go to the Supreme Court. Then what will the next plea be? Well, wait until the Supreme Court decides. Then what? Well, wait, because they might want to file another suit; we might want to revise the rules of this House; we might want to abolish the committee; we might want to introduce a bill to dilute the rules of the House in cases of this kind.

If we were to do that it would develop into an unbearable and unending situation.

Therefore I say it is now or never.

Mr. Speaker, I move the previous question.

Mr. CONTE. Mr. Speaker, will the chairman yield for an explanation?

Mr. WILLIS. I yield to the gentleman 2 minutes.

The SPEAKER. The gentleman is recognized for 2 minutes.

Mr. CONTE. Mr. Speaker, once again this body finds itself in the throes of consideration of resolutions from the Committee on Un-American Activities, recommending that we vote contempt citations for witnesses subpenaed to appear before that committee.

Once again, the intent of this body can best be likened to that of the pitiful lemming—rushing to the sea in its devastating migration to self-destruction. The mere repetition of the debates of the past, the unheeded call for an amendment in this procedure, and the headlong rush to dispose of these resolutions can serve no other purpose than the eventual complete destruction of the efficacy of the very procedure we are invoking by our votes here today.

My concern today is one for the procedure of this body in citing individuals for contempt and the continuing validity of that procedure and the sanction it imposes.

I have expressed this concern before this body before. I reiterate my position and my remarks of February 2 of this year, at which time this body was engaged in citing other witnesses who had appeared before this committee, and of February 9, at which time I introduced legislation to amend this procedure. I again call the attention of this body to the legislation that has been filed to amend this procedure; that of the gentleman from Missouri [Mr. CURTIS], of the gentleman from Illinois [Mr. RUMSFELD], of myself, of a total of 16 Members of this body—all of which has been languishing without consideration before the Judiciary Committee, in some instances since the first days of this Congress.

I am concerned by the fact that our hands have been slapped by the courts repeatedly, but the habit of this body in continuing to send these citations to the courts—without due and proper consideration—has not been broken.

Today, as in February, the resolutions come before this body with a shadow on their ultimate enforceability. Our action may be thrown back in our faces as ill timed, ill considered, and fruitless.

In February, we were called upon to vote to approve resolutions of this committee and to initiate a serious Federal proceeding without having the benefit of the complete record—on which our decisions were to be based—before us in sufficient time for careful study and consideration.

Today, the question we are debating may well be judicially determined to be moot by a Federal court after our determination has become one of record.

There has also be a serious challenge made to the legal sufficiency of the proposed contempt citations. This challenge is based on alleged violations by the committee, during its hearings in Chicago, of the rules of the committee and the denial of the protection of these rules to the witnesses, subpenaed to appear before the committee and now cited in these resolutions for contempt of this body.

This challenge is a perfect example of the need for a new procedure that will allow for the serious study and deliberation of the arguments made to support it—in the context of relevant judicial decisions, the legislative intent of this body in adopting the rules for the committee, and the sufficiency of these resolutions when weighed against these considerations.

That the committee, designated in the legislation to which I have referred, could better serve the interests of the individuals named and the interests of this body than this forum, seems obvious to me. The very timing of today's consideration is a factor in support of this change in procedure.

However, because there has been no action taken on the legislation that would establish this committee procedure and we must work within the framework of the existing procedure, I believe we must insure, through our actions here today that the committee's right to hear from witnesses, subpenaed to appear before it, and those witnesses' right to the protection of the rules of the committee, are preserved without prejudice to either.

Mr. Speaker, I will offer the following motion to recommit:

Mr. CONTE moves to recommit the resolution of the Committee on Un-American Activities to a select committee of seven Members to be appointed by the Speaker with instructions to examine the sufficiency of the contempt citations under existing rules of law and relevant judicial decisions and thereafter to report it back to the House, while Congress is in session, or, when Congress is not in session, to the Speaker of the House, with a statement to its findings.

By such procedure, we can preclude action that could merely add to the roster of unenforceable citations for the contempt of this body. With each of these contempt citations that goes sour in the courts, we chip away at the foundation supporting the veracity of this body in taking these actions. Not only are the rights and privileges of the individuals named in these resolutions at stake here today; so, too, are the rights and privileges of the House, as a body. We cannot continue to undermine the authority of these citations without undermining the ability of our committees to carry out their legislative functions. We will be left with an empty franchise, at which no obstinate witness will hesitate to thumb his nose if we merely continue the past precedent of this body. By supporting this motion to recommit, the dual purpose we seek to serve will be met.

Dr. Paul Dudley White, of Boston, made public today an appeal to Congress to defeat any contempt action against Dr. Jeremiah Stamler, Mrs. Yolanda Hall, and Mr. Milton Cohen. The contempt citations are scheduled for House action on Tuesday, October 18. These three Chicagoans are involved in a civil suit testing the constitutionality and legality of the House Committee on Un-American Activities. The appeal, initiated by several law professors from Boston, was joined by 400 others in that field, as well as 1,000 political scientists, 700 physicians and biomedical workers, 250 professors of history, and 400 religious leaders.

They urged defeat of the contempt citations "because of the committee's disregard of its own rules, because the entire matter may be rendered moot by pending litigation, and because this is merely one more instance of this committee's continuing abuse of its powers to no apparent legitimate legislative purpose."

Dr. White, in commenting on the large numbers of distinguished Americans who had joined in this appeal to Congress, stated:

Such a consensus among physicians, scientists, authorities on the law, experts in government and history, is quite unprecedented in our country. It reflects our deep concern with the issues in Dr. Stamler's case. We feel that Dr. Stamler, Mrs. Hall and Mr. Cohen have taken a responsible course of action by bringing before the civil courts some important problems that have been troubling many of us for a long while. The constitutional issues involved merit their day in the civil courts and should be permitted to reach these courts without prejudice. Any effort at this time to institute additional proceedings—especially criminal proceedings—can only be considered harassment of these three persons.

The House committee is seeking these contempt citations in the last week of the congressional session, 17 months after the hearings in Chicago. Albert E. Jenner, Jr., a senior counsel to the Warren Commission and past president of the Illinois Bar Association, representing Dr. Stamler and Mrs. Hall, filed the civil suit in their behalf, to test the House committee's constitutionality. Dr. Stamler, Mrs. Hall, and Mr. Cohen declined to testify before the committee on the grounds that testifying would nullify their suit, as well as on the charge that the committee had violated its own rules. Their civil suit is now awaiting decision by the U.S. Court of Appeals in Chicago.

Dr. Stamler has earned a national and international reputation as a research specialist on the prevention of heart diseases, and is currently director of the Division of Adult Health and Aging of the Chicago Board of Health.

DEAR CONGRESSMAN: The Committee on Un-American Activities has recommended that the House vote contempt citations for Dr. Jeremiah Stamler, Director of the Heart Disease Control Program of the Chicago Board of Health, his research assistant, Mrs. Yolanda Hall, and social worker Milton Cohen.

Dr. Stamler, Mrs. Hall, and Mr. Cohen were subpoenaed to appear before the Committee in Chicago on May 25, 1965. Despite Rule 16 of the Committee, forbidding any member of the Committee or its staff to make public in advance the name of any person subpoenaed, the fact that Dr. Stamler, Mrs. Hall, Mr. Cohen, and others, had been subpoenaed in a "Red Probe" was publicized in the Chicago press twelve days before the Committee's hearings began. On May 24, Dr. Stamler and Mrs. Hall, represented by Albert E. Jenner, Jr., former President of the Illinois Bar Association, initiated an action in the Federal District Court in Chicago to enjoin enforcement of the subpoenas. Injunction was denied and an appeal is now pending in the United States Court of Appeals for the Seventh Circuit. Mr. Jenner has requested that action on the contempt citation be postponed until the appeal is determined.

On May 27, after request pursuant to Committee Rule 26(m) for an executive hearing for themselves and any others who might testify concerning them had been denied, Dr. Stamler, Mrs. Hall, and Mr. Cohen, on advice of counsel and without reliance upon the privilege against self-incrimination, refused to testify before the Committee.

Almost eight months later, on January 13, 1966, the Committee voted to seek citations against these three persons—along with seven members of the Ku Klux Klan who have only recently refused to answer the Committee's questions.

Because of the Committee's disregard of its own rules, because the entire matter may be rendered moot by pending litigation, and because this is merely one more instance of this Committee's continuing abuse of its powers to no apparent legitimate legislative purpose, we urge you to vote against all the contempt citations.

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ENDORSERS OF THE PETITION PROTESTING THE CONTEMPT OF CONGRESS CITATIONS RECOMMENDED BY THE HOUSE COMMITTEE ON UN-AMERICAN ACTIVITIES AGAINST DR. JEREMIAH STAMLER, MRS. YOLANDA HALL, AND MR. MILTON COHEN

Prof. Laymen E. Allen, Yale Law School, New Haven, Connecticut.

Prof. Richard C. Allen, George Washington University, Graduate School of Law, Washington, D.C.

Prof. Anthony G. Amsterdam, University of Pennsylvania Law School, Philadelphia.

Prof. Robert M. Anderson, Syracuse University College of Law, Syracuse, New York.

Prof. Richard Arens, Catholic University of America, School of Law, Washington, D.C.

Prof. Albert E. Arent, Georgetown University Law Center, Washington, D.C.

Prof. Charles E. Ares, New York University School of Law, New York.

Prof. Dennis S. Aronowitz, Washington University School of Law, St. Louis, Missouri.

Prof. Lewis D. Asper, University of Maryland School of Law, Baltimore.

Prof. James B. Atleson, State University of New York at Buffalo School of Law, Buffalo.

Prof. Carl A. Auerbach, University of Minnesota Law School, Minneapolis.

Prof. Fletcher N. Baldwin, Jr., University of Florida College of Law, Gainesville.

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

Dean Louis F. Bartelt, Valparaiso University School of Law, Valparaiso, Indiana.

Florian Bartosic, Catholic University of America School of Law, Washington, D.C.

Prof. Paul M. Bator, University of California School of Law, Berkeley.

Prof. David C. Baum, University of Illinois College of Law, Champaign.

Prof. R. R. Baxter, Harvard Law School, Cambridge, Massachusetts.

David T. Bazelon, Esq., Attorney, New York, New York.

Prof. Samuel A. Beatty, University of Alabama School of Law, University.

Prof. Albert R. Beisel, Jr., Boston University School of Law, Boston, Massachusetts.

Prof. Eric E. Bergsten, University of Iowa College of Law, Iowa City.

Gerald A. Berlin, Esq., Attorney, Boston, Massachusetts.

Prof. Arthur L. Berney, Boston College Law School, Brighton, Massachusetts.

Prof. Merton C. Bernstein, Ohio State University College of Law, Columbus.

Prof. Robert C. Berry, University of Florida College of Law, Gainesville.

Prof. Joseph W. Bishop, Jr., Yale Law School, New Haven, Connecticut.

Prof. Boris I. Bittker, Yale Law School, New Haven, Connecticut.

Prof. Harlan M. Blake, Columbia University School of Law, New York, New York.

Prof. G. Robert Blakey, Notre Dame Law School, Notre Dame, Indiana.

Prof. Albert P. Blaustein, Rutgers University School of Law, Camden, New Jersey.

William W. Brackett, Esq., Attorney, Chicago, Illnois.

Prof. Edwin J. Bradley, Georgetown University Law Center, Washington, D.C.

Prof. Lester Brickman, University of Toledo College of Law, Toledo, Ohio.

Prof. Abner Brodie, University of Wisconsin Law School, Madison.

Prof. Ralph S. Brown, Jr., Yale Law School, New Haven, Connecticut.

Prof. Victor Brudney, Rutgers University School of Law, Newark, New Jersey.

Prof. John M. Brumbaugh, University of Maryland School of Law, Baltimore.

Prof. Paul W. Bruton, University of Pennsylvania Law School, Philadelphia.

Prof. William T. Burke, Ohio State University College of Law, Columbus.

Prof. Robert Emmett Burns, De Paul University College of Law, Chicago, Illinois.

Prof. Riley P. Burton, University of Southern California School of Law, Los Angeles.

Prof. Julian S. Bush, Columbia University School of Law, New York, New York.

Prof. Clark Byse, Harvard Law School, Cambridge, Massachusetts.

Prof. Benjamin Carlin, Wayne State University Law School, Detroit, Michigan.

Prof. James W. Carpenter, Ohio State University College of Law, Columbus.

Prof. Jim R. Carrigan, University of Colorado School of Law, Boulder.

Prof. David F. Cavers, Harvard Law School, Cambridge, Massachusetts.

Prof. Jonathan B. Chase, Boston University School of Law, Boston, Massachusetts.

Prof. Marvin Chirelstein, Yale Law School, New Haven, Connecticut.

Prof. John C. Chommie, University of Miami School of Law, Coral Gables, Florida.

Prof. Jesse Choper, University of California School of Law, Berkeley.

Prof. T. G. S. Christensen, New York University School of Law, New York, New York.

Prof. Arlen C. Christenson, University of Wisconsin Law School, Madison.

Prof. Homer H. Clark, Jr., University of Colorado School of Law, Boulder.

Prof. Robert Emmet Clark, University of Arizona College of Law School, Tucson.

Prof. David M. Cohen, University of Pittsburgh School of Law, Pittsburgh, Pennsylvania.

Prof. Fred Cohen, University of Texas School of Law, Austin.

Prof. Morris L. Cohen, University of Pennsylvania Law School, Philadelphia.

Prof. Rubin G. Cohn, University of Illinois College of Law, Champaign.

Prof. Robert H. Cole, University of California School of Law, Berkeley.

Prof. Daniel G. Collins, New York University School of Law, New York.

Prof. Alfred F. Conard, University of Michigan Law School, Ann Arbor.

Prof. Thomas M. Cooley II, University of Illinois College of Law, Champaign.

Prof. John E. Coons, Northwestern University School of Law, Chicago, Illinois.

Prof. Charles E. Corker, University of Washington School of Law, Seattle.

Prof. Vern Countryman, Harvard Law School, Cambridge, Massachusetts.

Prof. Robert N. Covington, Vanderbilt University School of Law, Nashville, Tennessee.

Prof. Roger C. Cramton, University of Michigan Law School, Ann Arbor.

Prof. Normal A. Crandell, University of Georgia School of Law, Athens.

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

Prof. Gardner Cromwell, University of Montana School of Law, Missoula.

Prof. William C. Cunningham, S.J., Loyola University School of Law, Chicago, Illinois.

Prof. Thomas S. Currier, University of Virginia School of Law, Charlottesville.

Prof. Frederick Davis, Emory University School of Law, Atlanta, Georgia.

Prof. Harvey L. Davis, Southern Methodist University School of Law, Dallas, Texas.

Prof. John P. Dawson, Harvard Law School, Cambridge, Massachusetts.

Prof. Robert O. Dawson, Washington University School of Law, St. Louis, Missouri.

Prof. LeMarquis DeJarmon, North Carolina College Law School, Durham.

Prof. Louis A. Del Cotto, State University of New York at Buffalo, School of Law, Buffalo.

Prof. Michael D. DeVito, Emory University School of Law, Atlanta, Georgia.

Earl B. Dickerson, Esq., Attorney, Chicago, Illinois.

Prof. Richard F. Dole, University of Iowa College of Law, Iowa City.

Prof. Norman Dorsen, New York University School of Law, New York.

Prof. Gray L. Dorsey, Washington University School of Law, St. Louis, Missouri.

Benjamin Dreyfus, Esq., Attorney, San Francisco, California.

Dean Robert F. Drinan, S.J., Boston College Law School, Brighton, Massachusetts.

Prof. Steven Duke, Yale Law School, New Haven, Connecticut.

Prof. Jesse J. Dukeminier, Jr., University of California School of Law, Los Angeles.

Prof. Daniel J. Dykstra, University of California at Davis, Davis.

Prof. Richard B. Dyson, Boston University School of Law, Boston, Massachusetts.

Peter D. Ehrenhaft, Esq., Attorney, Washington. D.C.

Prof. Larry M. Elison, University of Montana School of Law, Missoula.

Prof. Raymond Ellinwood, Jr., University of Chicago Law School, Chicago, Illinois.

Prof. Willis H. Ellis, University of New Mexico School of Law, Albuquerque.

Alex Elson, Esq., Attorney, Chicago, Illinois.

Prof. Thomas I. Emerson, Yale Law School, New Haven, Connecticut.

Prof. Mary B. Emery, University of Santa Clara School of Law, Santa Clara, California.

Prof. Donald S. Engel, Rutgers University School of Law, Camden, New Jersey.

Prof. Arnold N. Enker, University of Minnesota Law School, Minneapolis.

Seymour Farber, Esq., Attorney, San Francisco, California.

Asst. Dean George E. Fee, University of Chicago Law School, Chicago, Illinois.

Prof. David Meade Feild, University of Georgia School of Law, Athens.

Prof. M. Carr Ferguson, Jr., New York University School of Law, New York.

Prof. Samuel M. Fetters, University of Arkansas School of Law, Fayetteville.

Prof. Parker C. Fielder, University of Texas School of Law, Austin.

Prof. John P. Finan, Loyola University School of Law, Chicago, Illinois.

Prof. Joel Jay Finer, University of Texas School of Law, Austin.

Prof. Myron Fink, University of New Mexico School of Law, Albuquerque.

Prof. Ted Finman, University of Wisconsin Law School, Madison.

Prof. Vincent E. Fiordalisi, Rutgers University School of Law, Newark, New Jersey.

Prof. W. Garrett Flickinger, University of Kentucky College of Law, Lexington.

Prof. John J. Flynn, University of Utah College of Law, Salt Lake City.

Prof. Ernest L. Folk III, University of North Carolina School of Law, Chapel Hill.

Prof. Caleb Foote, University of California School of Law, Berkeley.

Prof. Morris D. Forkosch, Brooklyn Law School, Brooklyn, New York.

Prof. Henry H. Foster, New York University School of Law, New York.

Prof. Talbert B. Fowler, Jr., University of Alabama School of Law, University.

Prof. Sanford J. Fox, Boston College Law School, Brighton, Massachusetts.

Osmond K. Fraenkel, Esq., Attorney, New York, New York.

Prof. George T. Frampton, University of Illinois College of Law, Champaign.

Prof. Steven P. Frankino, Villanova University School of Law, Villanova, Pennsylvania.

Prof. Mitchell Franklin, Tulane University School of Law, New Orleans, Louisiana.

Prof. Monroe H. Freedman, George Washington University Law School, Washington, D.C.

Prof. Harrop A. Freeman, Cornell Law School, Ithaca, N.Y.

Prof. Alexander H. Frey, University of Pennsylvania Law School, Philadelphia, Pa.

Prof. Lawrence M. Friedman, University of Wisconsin Law School, Madison, Wisc.

Prof. Ralph F. Fuchs, Indiana University School of Law, Bloomington, Ind.

Mrs. Nina Moore Galston, Parker School of Foreign and Comparative Law, Columbia University School of Law, New York, N.Y.

Prof. George C. Garbesi, Loyola University School of Law, Los Angeles, Calif.

Prof. Albert H. Garretson, New York University School of Law, New York, N.Y.

Prof. Jules B. Gerard, Washington University School of Law, St. Louis, Mo.

Prof. Grant Gilmore, University of Chicago Law School, Chicago, Ill.

Prof. Morton Gitelman, University of Arkansas School of Law, Fayetteville, Ark.

Prof. L. F. E. Goldie, Loyola University School of Law, Los Angeles, Calif.

Prof. Alvin L. Goldman, University of Kentucky College of Law, Lexington, Ky.

Prof. Abraham S. Goldstein, Yale Law School, New Haven, Conn.

Carol C. Gordon, Law Librarian, William Mitchell College of Law, St. Paul, Minn.

Prof. Robert A. Gorman, University of Pennsylvania Law School, Philadelphia.

Prof, Nathaniel E. Gozansky, Vanderbilt University School of Law, Nashville, Tennessee.

Prof. Kenneth W. Graham, Jr., University of California School of Law, Los Angeles.

Prof. R. Kent Greenawalt, Columbia University School of Law, New York, New York.

Prof. Robert S. Greenspan, University of Pittsburgh School of Law, Pittsburgh, Pennsylvania.

Prof. David Haber, Rutgers University School of Law, Newark, New Jersey.

Prof. Robert H. Habl, Brooklyn Law School, Brooklyn, New York.

Prof. Donald G. Hagman, University of California School of Law, Los Angeles.

Prof. B. J. Halevy, State University of New York at Buffalo School of Law, Buffalo.

Prof. William G. Hall, Jr., University of Maryland School of Law, Baltimore.

Prof. J. Reid Hambrick, George Washington University Law School, Washington, D.C.

Prof. Robert W. Hamilton, University of Texas School of Law, Austin.

Prof. Joel F. Handler, University of Wisconsin Law School, Madison.

Robert F. Hanely, Northwestern University School of Law, Chicago, Illinois.

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

Prof. Robert J. Harris, University of Michigan Law School, Ann Arbor.

Prof. Frederick M. Hart, Boston College Law School, Brighton, Massachusetts.

Prof. William B. Harvey, University of Michigan Law School, Ann Arbor.

Dean Willard Heckel, Rutgers University School of Law, Newark, New Jersey.

Prof. John P. Heinz, Northwestern University School of Law, Chicago, Illinois.

Prof. Jerome R. Hellerstein, New York University School of Law, New York.

Robert Henigson, Esq., Attorney, Los Angeles, California.

Prof. Lawrence Herman, Ohio State University College of Law, Columbus.

Prof. Ira M. Heyman, University of California School of Law, Berkeley.

Prof. Jack A. Hiller, Valparaiso University School of Law, Valparaiso, Indiana.

Prof. Norman William Hines, University of Iowa College of Law, Iowa City.

Prof. Roland L. Hjorth, University of Washington School of Law, Seattle.

Prof. William E. Hogan, Cornell Law School, Ithaca, New York.

Prof. Francis E. Holahan, University of Pittsburgh School of Law, Pittsburgh, Pennsylvania.

Prof. William E. Holder, University of Mississippi School of Law, University.

William P. Homans, Jr., Esq., Attorney, Boston, Massachusetts.

Prof. James L. Houghteling, Jr., Boston College Law School, Brighton, Massachusetts.

Prof. Mark de Wolfe Howe, Harvard Law School, Cambridge, Massachusetts.

Prof. Richard G. Huber, Boston College Law School, Brighton, Massachusetts.

Prof. William S. Huff, University of Denver College of Law, Denver, Colorado.

Prof. J. Willard Hurst, University of Wisconsin Law School, Madison.

Prof. Jacob D. Hyman, State University of New York at Buffalo School of Law, Buffalo.

Prof. J. Dennis Hynes, University of Colorado School of Law, Boulder.

Prof. Jerold H. Israel, University of Michigan Law School, Ann Arbor.

Prof. Bernard E. Jacob, University of California School of Law, Los Angeles.

Prof. Louis L. Jaffe, Harvard Law School, Cambridge, Massachusetts.

Prof. Fleming James, Jr., Yale Law School, New Haven, Connecticut.

Prof. David C. Johnson, Emory University School of Law, Atlanta, Georgia.

Prof. John D. Johnston, Jr., Duke University School of Law, Durham, North Carolina.

Prof. Edgar A. Jones, Jr., University of California School of Law, Los Angeles.

Prof. Ernest M. Jones, University of Florida College of Law, Gainesville.

Lawrence H. Jones, Esq., Attorney, San Francisco, California.

Prof. Thomas L. Jones, University of Alabama School of Law, University.

Prof. John M. Junker, University of Washington School of Law, Seattle.

Prof. Sanford H. Kadish, University of California School of Law, Berkeley.

Prof. Douglas A. Kahn, University of Michigan Law School, Ann Arbor.

Prof. Harry Kalven, Jr., University of Chicago Law School, Chicago, Illinois.

Prof. Yale Kamisar, University of Michigan Law School, Ann Arbor.

Prof. Milton Kaplan, State University of New York at Buffalo School of Law, Buffalo.

Prof. Stanley A. Kaplan, University of Chicago Law School, Chicago, Illinois.

Prof. Sanford N. Katz, University of Florida College of Law, Gainesville.

Prof. Wilber G. Katz, University of Wisconsin Law School, Madison.

Arthur J. Keeffe, Catholic University of America School of Law, Washington, D.C.

Prof. William J. Kenealy, S.J., Boston College Law School, Brighton, Massachusetts.

Prof. Frank R. Kennedy, University of Michigan Law School, Ann Arbor.

Prof. John E. Kennedy, University of Kentucky College of Law, Lexington.

Prof. Robert B. Kent, Boston University School of Law, Boston, Massachusetts.

Prof. Friedrich Kessler, Yale Law School, New Haven, Connecticut.

Prof. Arthur Kinoy, Rutgers University School of Law, Newark, New Jersey.

Prof. James C. Kirby, Jr., Northwestern University School of Law, Chicago, Illinois.

Robert A. Klayman, Esq., Attorney, Washington, D.C.

Prof. William A. Klein, University of Wisconsin Law School, Madison.

Prof. Robert L. Knauss, University of Michigan Law School, Ann Arbor.

Prof. Lawrence W. Knowles, University of Louisville School of Law, Louisville, Kentucky.

Prof. David R. Kochery, State University of New York at Buffalo, School of Law, Buffalo.

Prof. Milton R. Konvitz, Cornell Law School, Ithaca, New York.

Prof. Harold L. Korn, State University of New York at Buffalo, School of Law, Buffalo.

Prof. Harry D. Krause, University of Illinois College of Law, Champaign.

Robert L. Krechevsky, University of Connecticut School of Law, West Hartford.

Prof. Richard O. Kummert, University of Washington School of Law, Seattle.

Prof. Forrest W. Lacey, University of Tennessee College of Law, Knoxville.

Prof. Wayne R. La Fave, University of Illinois College of Law, Champaign.

Prof. Leroy L. Lamborn, University of Florida College of Law, Gainesville.

Prof. Joseph A. La Plante, University of Connecticut School of Law, West Hartford.

Prof. Joseph Laufer, State University of New York at Buffalo, School of Law, Buffalo.

Prof. Stanley K. Laughlin, Jr., University of Florida College of Law, Gainesville.

Prof. Arthur A. Leff, Washington University School of Law, St. Louis, Missouri.

Prof. Warren Lehman, Washington University School of Law, St. Louis, Missouri.

Prof. Leon Letwin, University of California School of Law, Los Angeles.

Prof. William M. Lewers, C.S.C. Notre Dame Law School, Notre Dame, Indiana.

Prof. Alan Liker, University of New Mexico School of Law, Albuquerque.

Prof. Richard B. Lillich, Syracuse University College of Law, Syracuse, New York.

Prof. Pierre Loiseaux, University of Texas School of Law, Austin.

Arthur J. Lombard, Harvard Law School, Cambridge, Massachusetts.

Prof. Willard D. Lorenson, West Virginia University College of Law, Morgantown.

Prof. Louis Loss, Harvard Law School, Cambridge, Massachusetts.

Prof. Martin B. Louis, University of North Carolina School of Law, Chapel Hill.

Prof. John Lowenthal, Rutgers University School of Law, Camden, New Jersey.

Prof. Louis Lusky, Columbia University School of Law, New York, New York.

Prof. Stewart Macauley, University of Wisconsin Law School, Madison.

Prof. Peter B. Maggs, University of Illinois College of Law, Champaign.

Prof. Alfred I. Maleson, Suffolk University Law School, Boston, Massachusetts.

Prof. Daniel R. Mandelker, Washington University School of Law, St. Louis, Missouri.

Prof. M. Minnette Massey, University of Miami School of Law, Coral Gables, Florida.

Prof. Robert Mathews, Emeritus, Ohio State University College of Law, Columbus.

Prof. Clara L. Mattern, University of Pittsburgh School of Law, Pittsburgh, Pennsylvania.

Prof. Jaro Mayda, University of Puerto Rico School of Law, Rio Piedras.

Prof. Lester J. Mazor, University of Utah College of Law, Salt Lake City.

Prof. John H. McCord, University of Illinois College of Law, Champaign.

Prof. J. Norman McDonough, St. Louis University School of Law, St. Louis, Missouri.

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

Prof. Robert A. McKenna, University of Miami School of Law, Coral Gables, Florida.

Prof. Francis P. McQuade, Seton Hall University School of Law, Newark, New Jersey.

Prof. James E. Meeks, University of Iowa College of Law, Iowa City.

Prof. Samuel Mermin, University of Wisconsin Law School, Madison.

Prof. Roy M. Mersky, University of Texas School of Law, Austin.

Prof. Frank I. Michelman, Harvard Law School, Cambridge, Massachusetts.

Prof. Arthur R. Miller, University of Michigan Law School, Ann Arbor.

Prof. Frank W. Miller, Washington University School of Law, St. Louis, Missouri.

Asst. Dean Norman L. Miller, University of Detroit School of Law, Detroit, Michigan.

Richard I. Miller, Esq., Attorney, Boston, Massachusetts.

Prof. Richard S. Miller, Ohio State University College of Law, Columbus.

Prof. Eugene F. Mooney, University of Kentucky College of Law, Lexington.

Prof. Gerard R. Moran, Rutgers University School of Law, Newark, New Jersey.

Prof. Edward Dwight Morgan, University of Alabama School of Law, University.

Prof. Herbert Morris, University of California School of Law, Los Angeles.

Prof. Addison Mueller, University of California School of Law, Los Angeles.

Prof. James Munro, University of South Dakota School of Law, Vermillion.

Prof. Jay W. Murphy, University of Alabama School of Law, University.

Prof. William P. Murphy, University of Missouri School of Law, Columbia.

Prof. John E. Murray, Jr., Duquesne University School of Law, Pittsburgh, Pennsylvania.

Prof. Nathaniel L. Nathanson, Northwestern University School of Law, Chicago, Illinois.

Spencer Neth, Harvard Law School, Cambridge, Mass.

Prof. Wade J. Newhouse, Jr., State University of New York at Buffalo, School of Law, Buffalo.

Dean Frank C. Newman, University of California School of Law, Berkeley.

James E. Newman, Esq., Attorney, Chevy Chase, Maryland.

Prof. Eric Nightingale, Brooklyn Law School, Brooklyn, N.Y.

Prof. Walter E. Oberer, Cornell Law School, Ithaca, N.Y.

Prof. John C. O'Byrne, University of Iowa College of Law, Iowa City.

Prof. Robert J. O'Connell, Marquette University Law School, Milwaukee, Wis.

Prof. Charles H. Oldfather, Jr., University of Kansas School of Law, Lawrence.

Prof. William Oliver, Indiana University School of Law, Bloomington.

Prof. John Corbett O'Meara, University of Detroit School of Law, Detroit, Mich.

Prof. Robert M. O'Neil, University of California School of Law, Berkeley.

Prof. John D. O'Reilly, Jr., Boston College Law School, Brighton, Mass.

Prof. Herbert L. Packer, Stanford University School of Law, Stanford, Calif.

Prof. Joseph A. Page, University of Denver College of Law, Denver, Colo.

Prof. George E. Palmer, University of Michigan Law School, Ann Arbor.

Charles D. Parke, Esq., Attorney, Akron, Ohio.

Prof. Daniel G. Partan, Boston University School of Law, Boston, Mass.

Prof. Cornelius J. Peck, University of Washington School of Law, Seattle.

Prof. Williard H. Pedrick, Northwestern University School of Law, Chicago, Ill.

Prof. Kenneth L. Penegar, University of North Carolina School of Law, Chapel Hill.

Prof. Ellen A. Peters, Yale Law School, New Haven, Conn.

Prof. Courtland H. Peterson, University of Colorado School of Law, Boulder.

Prof. Leo Pfeffer, Long Island University, New York.

Prof. George H. Pickar, University of Miami School of Law, Coral Gables, Fla.

Prof. Robert Pitofsky, New York University School of Law, New York.

Prof. Sheldon J. Plager, University of Illinois College of Law, Champaign.

Prof. Alan N. Polasky, University of Michigan Law School, Ann Arbor.

Alexander Polikoff, Esq., attorney, Chicago, Ill.

Dean Louis H. Pollak, Yale Law School, New Haven, Conn.

Prof. Daniel H. Pollitt, University of North Carolina School of Law, Chapel Hill.

Prof. Beverley J. Pooley, University of Michigan Law School, Ann Arbor.

Prof. Richard W. Power, St. Louis University School of Law, St. Louis, Missouri.

Prof. Walter Probert, University of Florida College of Law, Gainesville.

Prof. Charles W. Quick, Wayne State University Law School, Detroit, Michigan.

Prof. James A. Rahl, Northwestern University School of Law, Chicago, Illinois.

Prof. Jack J. Rappeport, University of Arizona College of Law, Tucson.

Prof. Leo J. Raskind, Ohio State University College of Law, Columbus.

Prof. David L. Ratner, Cornell Law School, Ithaca, New York.

Prof. Walter B. Raushenbush, University of Wisconsin Law School, Madison.

Prof. Donald R. Ravenscroft, University of Toledo Law School, Toledo, Ohio.

Prof. G. Kenneth Reiblich, University of Arizona College of Law, Tucson.

Prof. Charles A. Reich, Yale Law School, New Haven, Connecticut.

Prof. Ralph Reisner, University of Illinois College of Law, Champaign.

Prof. Curtis R. Reitz, University of Pennsylvania Law School, Philadelphia.

Prof. Arnold W. Reitze, Jr., Western Reserve University Law School, Cleveland, Ohio.

Dean Harold G. Reuschlein, Villanova University School of Law, Villanova, Pennsylvania.

Prof. Max Rheinstein, University of Chicago Law School, Chicago, Illinois.

Prof. Ralph S. Rice, University of California School of Law, Los Angeles.

Prof. Fred Rodell, Yale Law School, New Haven, Connecticut.

Prof. Eugene Roemele, Boston University School of Law, Boston, Massachusetts.

Prof. Yosal Rogat, Stanford University School of Law, Stanford, California.

Prof. S. J. Kenneth Rogers, Florida A & M College of Law, Tallahassee.

Prof. Sanford Jay Rosen, University of Maryland School of Law, Baltimore.

Prof. Albert J. Rosenthal, Columbia University School of Law, New York, New York.

Prof. Hugh A. Ross, Western Reserve University Law School, Cleveland, Ohio.

Prof. Daniel L. Rotenberg, University of Houston College of Law, Houston, Texas.

Prof. Millard H. Ruud, University of Texas School of Law, Austin.

Prof. William E. Ryckman, Jr., Boston University School of Law, Boston, Massachusetts.

Prof. Albert M. Sacks, Harvard Law School, Cambridge, Massachusetts.

Prof. Howard R. Sacks, Northwestern University School of Law, Chicago, Ill.

Prof. Theodore J. St. Antoine, University of Michigan Law School, Ann Arbor.

Prof. Frank E. A. Sander, Harvard Law School, Cambridge, Massachusetts.

Prof. C. Dallas Sands, University of Alabama School of Law, University.

Prof. George Schatzki, University of Texas School of Law, Austin.

Prof. A. Arthur Schiller, Columbia University Law School, New York, New York.

Prof. William F. Schulz, Jr., University of Pittsburgh School of Law, Pittsburgh, Pennsylvania.

Prof. Herbert E. Schwartz, University of California School of Law, Los Angeles.

Prof. Richard D. Schwartz, Northwestern University School of Law, Chicago, Illinois.

Prof. Eugene F. Scoles, University of Illinois College of Law, Champaign.

Prof. Richard H. Seeburger, University of Pittsburgh School of Law, Pittsburgh, Pennsylvania.

Prof. Carl M. Selinger, University of New Mexico School of Law, Albuquerque.

Prof. Herbert Semmel, University of Illinois College of Law, Champaign.

Prof. Thomas L. Shaffer, Notre Dame Law School, Notre Dame, Indiana.

Prof. Malcolm P. Sharp, University of New Mexico School of Law, Albuquerque.

Prof. Byron D. Sher, Stanford University School of Law, Stanford, California.

Prof. Melvin G. Shimm, Duke University School of Law, Durham, North Carolina.

Prof. Philip Shuchman, University of Arkansas School of Law, Fayetteville.

Prof. William Siegel, Brooklyn Law School, Brooklyn, New York.

Prof. Peter Simmons, State University of New York at Buffalo School of Law, Buffalo.

Prof. Jerome S. Sloan, West Virginia University College of Law, Morgantown.

Prof. Ralph Slovenko, University of Kansas School of Law, Lawrence.

Prof. Allen E. Smith, University of Texas School of Law, Austin.

Prof. Hal M. Smith, University of Maryland School of Law Baltimore.

Prof. Jeanette O. Smith, University of Miami School of Law, Coral Gables, Florida.

Prof. Joseph M. Snee, S.J., Georgetown University Law School, Washington, D.C.

Prof. Francis O. Spalding, Northwestern University School of Law, Chicago, Illinois.

Prof. Eli M. Spark, Catholic University of America School of Law, Washington, D.C.

Prof. John C. Stedman, University of Wisconsin Law School, Madison.

Prof. Roscoe T. Steffen, University of California Hastings College of Law, San Francisco.

Prof. Henry J. Steiner, Harvard Law School, Cambridge, Massachusetts.

Prof. Robert B. Stevens, Yale Law School, New Haven, Connecticut.

Prof. Albert W. Stone, University of Montana School of Law, Missoula.

Prof. R. Dale Swihart, Washington University School of Law, St. Louis, Missouri.

Prof. Clyde W. Summers, Yale Law School, New Haven, Connecticut.

Prof. Louis H. Swartz, State University of New York at Buffalo, School of Law, Buffalo.

Prof. Gresham M. Sykes, University of Denver College of Law, Denver, Colorado.

John M. Teevan, Esq., Attorney, Chicago, Illinois.

Prof. Charles W. Tenney, Jr., University of Nebraska College of Law, Lincoln.

Prof. E. Wayne Thode, University of Texas School of Law, Austin.

Prof. James C. Thomas, University of Tulsa School of Law, Tulsa, Oklahoma.

Prof. Joseph R. Thome, University of Wisconsin Law School, Madison.

Prof. Herbert W. Titus, University of Oklahoma College of Law, Norman.

Prof. Edward A. Tomlinson, University of Maryland School of Law, Baltimore.

Prof. Saul Touster, State University of New York at Buffalo School of Law, Buffalo.

Prof. Donald T. Trautman, Harvard Law School, Cambridge, Massachusetts.

Prof. Arthur H. Travers, Jr., University of Kansas School of Law, Lawrence.

Prof. James M. Treece, Rutgers University School of Law, Camden, New Jersey.

Prof. Dennis J. Tuchler, St. Louis University School of Law, St. Louis, Missouri.

Prof. Clarence M. Updegraff, University of California Hastings College of the Law, San Francisco.

Prof. Albert E. Utton, University of New Mexico School of Law, Albuquerque.

Prof. William W. Van Alstyne, Duke University School of Law, Durham, North Carolina.

Prof. David H. Vernon, University of Washington School of Law, Seattle.

Prof. Robert M. Viles, University of Kentucky College of Law, Lexington.

Prof. Kenneth Vinson, University of Mississippi School of Law, University.

Ernest N. Votaw, Esq., Attorney, Chambersberg, Pennsylvania.

Prof. R. Wayne Walker, University of Maryland School of Law, Baltimore.

Prof. Lawrence G. Wallace, Duke University School of Law, Durham, North Carolina.

Prof. Jon R. Waltz, Northwestern University School of Law, Chicago, Illinois.

Prof. Andrew S. Watson, University of Michigan Law School, Ann Arbor.

Burton D. Wechsler, Valparaiso University School of Law, Valparaiso, Indiana.

Prof. Cyril H. Wecht, Duquesne University School of Law, Pittsburgh, Pennsylvania.

Prof. Donald T. Weckstein, University of Tennessee College of Law, Knoxville.

Prof. Henry Weihofen, University of New Mexico School of Law, Albuquerque.

Bernard Weisberg, Esq., Attorney, Chicago, Illinois.

Martin Wekselman, Esq., Attorney, Pittsburgh, Pennsylvania.

Prof. Richard V. Wellman, University of Michigan Law School, Ann Arbor.

Prof. A. A. White, University of Houston College of Law, Houston, Texas.

Howard S. Whiteside, Esq., Attorney, Boston, Massachusetts.

Prof. Alan I. Widiss, University of Iowa College of Law, Iowa City.

Prof. William F. Willier, Boston College Law School, Brighton, Massachusetts.

Prof. Thomas A. Wills, University of Miami School of Law, Coral Gables, Florida.

Asst. Dean John P. Wilson, Harvard Law School, Cambridge, Massachusetts.

Prof. Paul E. Wilson, University of Kentucky School of Law, Lexington.

Prof. Peter A. Winograd, New York University School of Law, New York.

Ernest Winsor, Esq., Attorney, Cambridge, Massachusetts.

Prof. John Winters, University of San Diego School of Law, San Diego, California.

Prof. A. M. Witte, Emory University School of Law, Atlanta, Georgia.

Prof. T. Phillip Wolf, University of New Mexico School of Law, Albuquerque.

Prof. Bernard Wolfman, University of Pennsylvania Law School, Philadelphia.

Prof. Charles W. Wolfram, University of Minnesota Law School, Minneapolis.

Prof. J. Nelson Young, University of Illinois College of Law, Champaign.

Prof. Irving Younger, New York University School of Law, New York.

Prof. Shirley C. Zabel, University of Idaho College of Law, Moscow, Idaho.

The undersigned American political scientists, endorse the petition of the law professors. We join the historians, physicians,

and bio-medical scientists to support the request to Congress to refrain from any contempt action against Dr. Jeremiah Stamler, Mrs. Yolanda Hall and Mr. Milton Cohen:

Prof. David W. Abbott, Dept. of Political Science, Brooklyn College of the City University of New York.

Gilbert Abcarian, Political Science Department, Bowling Green State University, Ohio.

Gordon M. Adams, Columbia University, N.Y.

Robert W. Adams, Instructor in Government, Wright State College, Ohio.

Thomas R. Adams, Professor of Political Science, New York University.

William W. Adams, Jr., Assoc. Prof. of Political Science, William Jewell College, Mo.

Richard P. Adinaro, Department of History & Political Science, Seton Hall University, N.J.

Yoji Akashi, Asst. Prof. of Political Science, Geneva College, Pa.

Jon Alexander, Ph. D. Visiting Scholar, Center for the Study of Democratic Institutions, Calif.

Dr. Milnor Alexander, formerly Asst. Prof. of Political Science, Penn State University.

Chadwick F. Alger, Assoc. Prof. of Political Science, Northwestern University, Illinois.

Alan Altshuler, Department of Government, Cornell University, N.Y.

David E. Anderson, University of Pennsylvania.

Ollie P. Anderson, Jr., Massachusetts.

Raymond V. Anderson, Professor of Political Science, Wisconsin State University, River Falls.

Stanley V. Anderson, Asst. Prof. of Political Science, University of California, Santa Barbara.

Thornton Anderson, Professor of Government and Politics, University of Maryland.

Ralph Andrew, Syracuse University, N.Y.

Bruce R. Andrews, Assoc. Prof. of Political Science, Dickinson College, Pa.

Berndt G. Angman, Northwest Missouri State College.

Sheldon Appleton, Assoc. Prof. of Political Science, Oakland University, Mich.

David E. Apton, Professor of Political Science and Director, Institute of International Studies, University of California, Berkeley.

Roy A. Archibald, West Coast Representative, National Education Association.

Gerrit H. Argento, Instructor in Political Science, Potomac State College, W. Va.

Alan Arian, Asst. Prof., Dept. of Political Science, Western Reserve University, Ohio.

Hadley Arkes, Dept. of Political Science, Amherst College, Mass.

Michael H. Armacost, Asst. Prof. of Government, Pomona College, Calif.

Charles S. Ascher, Professor of Political Science, Brooklyn College of the City, University of New York.

Prof. Douglas E. Ashford, Cornell University, N.Y.

Robert Axelrod, Yale University, Conn.

Prof. Morley Ayearst, Chairman, Dept. of Government, Washington Square College, New York University.

Thomas J. Badger, Asst. Prof., Social Science Dept., Kansas State Teachers College.

Prof. John H. Badgley, Dept. of Government, Miami University, Ohio.

Richard L. Bagnali, Vancouver, Washington.

Terrell W. Bailey, Assistant Professor, Dept. of History and Political Science, Stetson University, Fla.

Richard D. Baker, Asst. Prof. of Political Science, University of Oklahoma, Norman.

David A. Baldwin, Asst. Prof. of Government, Dartmouth College, N.H.

Terence Ball, University of California at Santa Cruz.

Allen B. Ballard, Jr., Asst. Prof. of Political Science, City College of New York.

Hoyt B. Ballard, Asst. Prof. of Political Science, Oregon State University.

Frank K. Bamberger, Data Processing Specialist, National Opinion Research Center, University of Chicago.

Ronald A. Banaszak, Roosevelt University, Ill.

Eugene Bandach, University of California, Berkeley.

Howard Banow, Dept. of Political Science, M.I.T., Mass.

Russell H. Barrett, Professor of Political Science, University of Mississippi.

William Barrows III, Yale University, Conn.

Donald D. Barry, Asst. Prof. of Government, Lehigh University, Pa.

Dr. Weldon V. Barton, Asst. Prof. of Political Science, San Marcos, Texas.

Donald J. Basil, Utah State University.

Prof. Darryl B. Baskin, Co-ordinator, Dept. of Political Science, Stanislaus State College, Cal.

David R. Beam, Northern Illinois University.

William M. Beaney, Professor of Politics, Princeton University, N.J.

Carl Beck, Dept. of Political Science, University of Pittsburgh, Pa.

Norman W. Beck, Mendham, New Jersey.

Paul L. Beckett, Professor of Political Science, Washington State University.

Ross C. Beiler, Professor of Government, University of Miami, Coral Gables, Fla.

James R. Bell, Professor of Government, Sacramento State College, Cal.

Prof. Wendell Bell, Chairman, Dept. of Sociology, Yale University, Conn.

Dennis C. Beller, Instructor, Dept. of Government, Miami University, Ohio.

Jewel Bellush, Assoc. Prof. of Political Science, Hunter College, City University of New York.

Gerald J. Bender, Dept. of Political Science, U.C.L.A.

Prof. A. LeRoy Bennett, Chairman, Political Science Dept., University of Delaware.

Robert O. Berdahl, Assoc. Prof. of Political Science, San Francisco State College, Cal.

Robert L. Berg, Professor of Political Science, Wisconsin State University, River Falls.

Earl De Berge, Dept. of Government, University of Arizona.

Daniel M. Berman, Professor of Government, the American University, Washington, D.C.

Joseph L. Bernd, Professor of Political Science, Virginia Polytechnic Institute.

Irving Bernstein, Professor of Political Science, U.C.L.A.

Edward M. Bershstein, Assoc. Prof. of Political Science, University of Hartford, Conn.

William Biglow, Dept. of Political Science, University of California, Davis.

Peter August Bittlinger, Canisius College, N.Y.

Rev. Wesley E. Bjur, Claremont, California.

Gordon S. Black, Dept. of Political Science, Stanford University, Cal.

Hubert M. Blalock, Jr., Professor of Sociology, University of North Carolina, at Chapel Hill.

Barry M. Blechman, Georgetown University, Washington, D.C.

Prof. Richard Bloss, Political Science Department, Eastern Illinois University.

P. G. Bock, International Encyclopedia of the Social Sciences, N.Y.

C. Webster Boodey, Jr., Instructor, Political Science, Fashion Institute of Technology, N.Y.

David Alan Booth, Asst. Prof. of Political Science, Williams College, Mass.

Wilson T. Boots, Supervisor of World Issues & Practice of Mission, Missionary Orientation Center, Stony Point, N.Y.

Louise Bordeau, Newcomb College, La.

Bernard C. Borning, Professor of Political Science, University of Idaho.

Karl A. Bosworth, Professor of Political Science, University of Connecticut.

A. Stephen Boyan, Jr., Instructor in Political Science, Illinois Institute of Technology.

Donald W. Bray, Assoc. Prof. of Government, California State College at Los Angeles.

Jerald Brekke, Northwest Missouri State College.

Robert J. Bresler, Asst. Prof. of Political Science, University of Delaware.

Dennis Alan Briskin, University of Pittsburgh, Pa.

Brother Norbert Brockman, S.M., Chairman, Dept. of Political Science, University of Dayton, Ohio.

Henry B. Brompton, Asst. Prof., Dept. of Political Science, San Fernando Valley State College, Calif.

Herbert J. Brown, Attorney, Dept. of Government, Columbia College, N.Y.

Kent N. Brown, University of California, Davis.

Prof. Rufus P. Browning, Dept. of Political Science, University of Wisconsin.

Jere W. Bruner, Yale University, Conn.

Barbara L. Bryan, Washington, D.C.

H. R. Bryan, Jr., Teacher, Covina High School, Covina, California.

William R. Bryant, Columbia University, N.Y.

Robert C. Buck, Professor of History & Philosophy of Science, Indiana University.

William T. Bucklin, Asst. Prof. of Social Science, Lansing Community College, Mich.

Ronald F. Bunn, Assoc. Prof., Dept. of Government, Louisiana State University.

Karen Burkhardt, Manhattanville College, N.Y.

Philip M. Burnett, Librarian for Government & Economics, Indiana University.

Stanton H. Burnett, Instructor in Political Science, Hobart and William Smith Colleges, N.Y.

Edward McNall Burns, Professor Emeritus of Political Science, Rutgers University, N.J.

Ronald J. Busch, Dept. of Political Science, Ohio State University.

Edgar W. Butler, Asst. Prof. of Sociology, University of North Carolina, at Chapel Hill.

William A. Butler, Tutor in Government, Harvard University, Mass.

Robert O. Byrd, Professor, Dept. of Political Science, North Park College, Ill.

Wallace F. Caldwell, Asst. Professor of Political Science, Kansas State University.

Prof. M. L. Callahan, Mercy College of Detroit.

Jacques M. Calma, Washington University, Mo.

Robert E. Calvert, Harvard University, Mass.

W. R. Campbell, Dept. of Political Science, University of Rhode Island.

Spiros L. Caramalis, Instructor in Political Science, University of South Carolina.

Thayer H. Carmichael, Chairman, Social Science Dept., Pratt Community College, Kans.

Willard Carpenter, Asst. Professor of Government, California State College at Los Angeles.

William R. Caspary, Asst. Prof., Dept. of Political Science, Washington University, Mo.

Dr. Robert E. Cecile, Asst. Prof. of Political Science, Winona State College, Minn.

Mrs. Jeanette Searles Chamard, Beaverton, Oreg.

Jules S. Chan, Instructor, Social Science Dept., Wisconsin State University, River Falls.

David W. Chang, Professor of Asian Politics, Wisconsin State University, Oshkosh.

Richard Allen Chapman, Dept. of Political Science, University of Montana.

Eugene P. Chase, Emeritus Professor of Civil Rights, Lafayette College, Pa.

Daniel S. Cheever, Professor of Political Science, University of Pittsburgh, Pa.

Herbert Cheever, Jr., Instructor, Kansas State College.

Gene Chenoweth, Asst. Prof. of Politics and Government, Ohio Wesleyan University.

Ron Christenson, Asst. Prof. of Political Science, Luther College, Iowa.

James B. Christoph, Assoc. Prof. of Political Science, Ohio State University.

Dale B. Christophersen, Dept. of Political Science, Sul Ross State College, Tex.

Robert E. Chumbley, Yale University, Conn.

Terry N. Clark, Instructor in Sociology, Columbia University, N.Y.

James W. Clarke, Dept. of Political Science, Pennsylvania State University.

Robert H. Clarke, Cornell College, Iowa.

William L. Clarke, Dept. of City and Regional Planning, M.I.T., Mass.

Leah Claster, Pittsburgh, Pa.

Robert E. Cleary, Assoc. Professor of Government, The American University, Washington, D.C.

Frederic N. Cleaveland, Professor of Political Science, University of North Carolina.

Walter C. Clemens, Jr., Asst. Professor of Political Science, M.I.T., Mass.

F. T. Cloak, Jr., Instructor in Anthropology, University of North Carolina, Chapel Hill.

Charles F. Cnudde, Instructor, Political Science, North Carolina State University.

Leon S. Cohen, Asst. Professor of Political Science, Graduate School of Public Affairs, State University of New York, Albany.

Stephen P. Cohen, Instructor, Dept. of Political Science, University of Illinois, Urbana.

George F. Cole, Instructor, Political Science Allegheny College, Pa.

John F. Coleman, Chairman, History and Political Science Dept., St. Francis College, Pa.

Richard C. Collins, Asst. Prof. of Political Science, Seattle University, Wash.

Ruth A. Columbus, Manhattanville College, N.Y.

Miriam B. Conant, Asst. Professor of Government, Columbia University, N.Y.

Trevor Coombe, Research Associate, Center for Studies in Education & Development, Harvard University, Mass.

F. B. Cooper, Duke University, Durham, N.C.

Homer C. Cooper, Assoc. Professor of Sociology and Psychology, University of Georgia.

Edmond Costantini, Acting Assistant Professor, Dept. of Political Science, University of California, Davis.

Charles L. Cotrell, Kingsville, Tex.

Fred Cottrell, Professor of Government, Miami University, Ohio.

Robert E. Craig, Dept. of Political Science, University of New Hampshire.

Prof. Melvin Crain, Political Science Dept., San Diego State College, Cal.

Peter N. Crossland, Lecturer, Politics and Government Dept., Ohio Wesleyan University.

John E. Crow, Assistant Professor, University of Washington.

Beryl L. Crowe, Asst. Professor of Political Science, San Francisco State College, Cal.

Joseph N. Crowley, Dept. of Political Science, University of Nevada.

James Tracy Crown, Assoc. Professor of Political Science, New York University.

Randal L. Cruikshanks, Dept. of Political Science, University of Oregon.

Prof. Wallace W. Culver, Chairman, Dept. of Sociology, Montgomery Junior College, Md.

C. Michael Curtis, Assistant Editor, Atlantic Monthly.

Ione E. Curtis, University of Washington, Seattle.

Robert F. Cushman, Assoc. Professor of Government, New York University.

Neal Evan Cutler, Dept. of Political Science, Northwestern University, Ill.

Paul Czuchra, University of Chicago.

Jane S. Dahlberg, Professor of Government, New York University.

Alexander Dallin, Adlai Stevenson Professor of International Relations, Columbia University, N.Y.

David J. Danelski, Assoc. Professor of Political Science, Yale University, Conn.

Nicholas Danforth, Dept. of Public Law and Government, Columbia University, N.Y.

B. R. Davidson, Jr., Asst. Professor of Government, Indiana University, Kokomo.

Luella Patton Davis, Lecturer on Political Science, University of Cincinnati, Ohio.

Raymond H. Dawson, Assoc. Prof. of Political Science, University of North Carolina.

Dorothy Day, University of Chicago.

Mark Day, University of Chicago.

Herbert A. Deane, Professor of Government, Columbia University, N.Y.

James L. Deghand, University of Nebraska.

William Delany, Dept. of Sociology, University of Pittsburgh, Pa.

Frank DePeri, Baylor University, Tex.

Thomas F. Dernburg, Dept. of Economics, Oberlin College, Ohio.

Karl De Schweinitz, Jr., Professor of Economics, Northwestern University, Ill.

Marilyn Dexheimer, Dept. of Government, Boston University, Mass.

Peter A. Diaconoff, Indiana University.

Alfred Diamant, Professor of Political Science, Haverford College, Pa.

Daniel Di Piazza, Asst. Prof., Dept. of Political Science, Wisconsin State University, Whitewater.

Albert Dixon, Asst. Professor of Political Science, St. Mary's College, Calif.

Alfonso J. Domico, Teaching Assistant, Political Science, Ohio State University.

Dennis G. Donoghue, Instructor of Political Science, Fairmont State College, W. Va.

Dennis D. Dorin, Woodrow Wilson Dept. of Government & Foreign Affairs, University of Virginia.

John T. Dorsey, Jr., Assoc. Professor of Political Science, Vanderbilt University, Tenn.

Eleanor M. Dougherty, Professor of Political Science & History, College of Great Falls, Mont.

Morgan D. Dowd, Asst. Professor of Political Science, State University of New York, at Fredonia.

Charles Drekmeier, Assoc. Professor of Political Science, Stanford University, Cal.

Richard E. Dudley, Political Science, Diablo Valley College, Cal.

Roland E. Dufault, Brown University, R.I.

Alfred E. Duncker, Asst. Professor of Political Science, Hartwick College, N.Y.

Donald Duram, Social Study Dept., Cooley High School, Detroit, Mich.

Thomas R. Dye, Chairman, Dept. of Political Science, University of Georgia.

Paul R. Eberts, Asst. Prof. of Rural Sociology, Cornell University, N.Y.

Bruce K. Eckland, Asst. Prof. of Sociology, University of North Carolina, at Chapel Hill.

Prof. Martin Edelman, Dept. of Political Science, U.C.L.A.

Murray Edelman, Professor of Political Science, University of Illinois, Urbana.

Joel C. Edelstein, Dept. of Political Science, The New School for Social Research, N.Y.

Douglas Edmonds, Dept. of Political Science, State University of Iowa.

Joan Edmonds, Dept. of Political Science, State University of Iowa.

Preston W. Edsall, Professor of Politics, North Carolina State University, at Raleigh.

Jack D. Edwards, Dept. of Political Science, Grinnell College, Iowa.

Henry W. Ehrmann, Joe Parker, Professor at Law and Political Science, Dartmouth College, N.H.

Eugene Eidenberg, Asst. Prof., Dept. of Political Science, University of Minnesota.

Mrs. Andrea Eisenstein, Dept. of Political Science, Purdue University, Ind.

Margery Elfin, Columbia University, N.Y.

Sean M. Elliott, Dept. of Political Science, University of Puget Sound, Wash.

Prof. Frederick E. Ellis, Dept. of Education, Western Washington State College.

Rupert Emerson, Professor of Government, Harvard University, Mass.

Thomas A. Emmens, Dept. of Political Science, University of Oregon.

Michael Engel, Dept. of Political Science, University of Wisconsin.

Hugo O. Engelmann, Professor of Sociology, University of Wisconsin, Milwaukee.

Robert Engler, Professor of Political Science, Queens College of the City, University of New York.

Heinz Eulau, Professor of Political Science, Stanford University, Cal.

Bruce E. Evans, Instructor of Political Science, Crowder College, Mo.

Blair G. Ewing, Instructor in Political Science, State University of New York.

Daryl R. Fair, Asst. Prof. of Political Science, Rider College, N.J.

Prof. Daniel F. Farlow, San Marcos, Tex.

Lee W. Farnsworth, Asst. Prof. of Political Science, Brigham Young University, Utah.

Fariborz S. Fatemi, Wayne State University, Mich.

Robert K. Faulkner, Professor of Politics, Princeton University, N.J.

M. B. Faye, University of Chicago.

Dariush Fazlollahi, Dept. of Political Science, Minot State College, N. Dak.

Oleh S. Fedyshyn, Asst. Professor of Political Science, Rice University, Tex.

Prof. Leonard J. Fein, Dept. of Political Science, M.I.T., Mass.

Eugene Feingold, Asst. Prof. of Political Science, University of Michigan.

John H. Ferguson, Professor of Political Science, The Pennsylvania State University.

Yale H. Ferguson, Columbia University, N.Y.

Robert L. Ferring, Assoc. Professor of Political Science, Loras College, Iowa.

Prof. James W. Fesler, Yale University, Conn.

Linda Festa, Dept. of Political Science, Arizona State University.

Lewis P. Fickett, Jr., Assoc. Professor of Political Science, Mary Washington College of the University of Virginia.

Walter Filley, Professor of Political Science, State University of New York, Binghamton.

Peter G. Fish, Dept. of Government, Oberlin College, Ohio.

H. H. Fisher, Professor of History and Chairman Emeritus, The Hoover Institute and Library, Stanford University, Cal.

Prof. Michael J. Flack, Graduate School of Public and International Affairs, University of Pittsburgh, Pa.

Martin Fleisher, Dept. of Political Science Brooklyn College, N.Y.

D. F. Fleming, Emeritus Professor of International Relations, Vanderbilt University, Tenn.

William G. Fleming, Asst. Prof. of Political Science, University of North Carolina.

Frederic J. Fleron, Jr., Instructor, Political Science, University of Kentucky.

Thomas A. Flinn, Dept. of Government, Oberlin College, Ohio.

Edmund P. Fowler, III, Instructor of Political Science, University of North Carolina.

Winfried Franke, Dept. of Political Science, University of Chicago.

Francine R. Frankel, Asst. Prof., Dept. of Political Science, University of Pennsylvania.

Donald M. Freeman, Assistant Professor, Institute of Government Research, University of Arizona.

Ralph E. Fretty, Asst. Professor of Political Science, Saint Olaf College, Minn.

Cynthia W. Frey, Dept. of Political Science, University of California, Berkeley.

Gerald Friedberg, Asst. Prof., Dept. of Political Science, University of California, Davis.

Lawrence H. Fuchs, Professor of American Civilization and Politics, Brandeis University, Mass.

Richard W. Gable, School of Public Administration, University of Southern California.

Victor N. Gagnon, Professor of Law, Portia Law School, Mass.

John F. Gallagher, Asst. Prof., Dept. of Political Science, University of California, Davis.

Jonathan F. Galloway, Instructor, Dept. of Government, Lake Forest College, Ill.

Milton B. Garber, University of Missouri.

John A. Gardiner, Dept. of Government, University of Wisconsin.

G. David Garson, Dept. of Government, Harvard University, Mass.

Richard D. Gatewood, U.S. Foreign Service (retired).

Douglas S. Gatlin, Asst. Professor of Political Science, Florida Atlantic University.

Neil J. George, Instructor of Government, King's College, Pa.

Donald R. Gerth, Professor of Political Science & Dean of Students, Chico State College, Cal.

Robert S. Getz, Asst. Professor of Political Science, Kent State University, Ohio.

Alan Gewirth, Professor of Philosophy, University of Chicago.

David S. Gibbons, Dept. of Politics, Princeton University, N.J.

Eggert W. Giere, Professor of Political Science, Chairman of the Department, North Central College, Ill.

Renee L. Giere, Cornell University, N.Y.

Ernest David Giglio, Asst. Professor of Political Science, Villanova University, Pa.

Jerome M. Gilison, Assistant Professor of Political Science, The Johns Hopkins University, Md.

R. William Gilmore, Instructor of Political Science, University of Toledo, Ohio.

Thomas V. Gilpatrick, Associate Professor, Chairman, Division of Social Studies, Sweet Briar College, Va.

Betty Glad, Assistant Professor of Political Science, University of Illinois, Urbana.

Prof. Harvey Glickman, Dept. of Political Science, Haverford College, Pa.

Charles D. Goff, Professor of Municipal Government, Wisconsin State University, Oshkosh.

Louis H. Gold, Dept. of Government, Oberlin College, Ohio.

Edward M. Goldberg, Associate Professor of Government, California State College at Los Angeles.

Prof. Sheldon Goldman, Government Dept., University of Massachusetts.

Maure L. Goldschmidt, Professor of Political Science, Reed College, Ore.

Maurice M. Goldsmith, Asst. Professor of Government, Columbia University, N.Y.

Howard A. Gordon, Instructor, Political Science, Chicago City Junior College.

Peter Paul Gorham, Bronx, N.Y.

Prof. Albert Gorvine, Dept. of Political Science, Brooklyn College, N.Y.

Harvey R. Goslee, Vice-President, The Ronald Press Co., Publishers, New York City.

Alex Gottfried, Associate Professor, University of Washington, Seattle.

Doris A. Graber, Asst. Prof., Dept. of Political Science, University of Illinois, Chicago.

Mark W. Graesser, Dept. of Political Science, M.I.T., Mass.

Rebecca Grajower, Dept. of Political Science, State University of New York, Binghamton.

Joseph G. Grassi, Assoc. Professor of Philosophy, Fairfield University, Conn.

Gibson H. Gray, Harrisburg, Pa.

Prof. Charles R. Green, Dept. of Political Science, Macalester College, Minn.

George Douglas Greenberg, Department of Government, Harvard University, Mass.

Prof. Thomas H. Greene, Dept. of Political Science, Bucknell University, Pa.

Helen Ann Gregory, Dept. of Public Law and Government, Columbia University, N.Y.

Kathryn Griffith, Assoc. Professor of Political Science, Wichita State University, Kan.

Richard C. Gripp, Assoc. Prof. of Political Science, San Diego State College, Calif.

Prof. Sven Groennings, Dept. of Government, Indiana University.

Bertram M. Gross, Professor of Political Science, Syracuse University, N.Y.

Joel B. Grossman, Asst. Professor of Political Science, University of Wisconsin.

Martin Gruberg, Professor of Constitutional Law, Wisconsin State University, Oshkosh.

Paul Guinn, Assoc. Professional Lecturer, the George Washington University, Washington, D.C.

John Gulick, Professor of Anthropology, University of North Carolina at Chapel Hill.

M. Gunther, Dept. of Political Science, University of North Carolina.

Dorothy Guyot, Lecturer in Political Science, California Institute of Technology.

James F. Guyot, Asst. Professor of Political Science, U.C.L.A.

W. B. Gwyn, Assoc. Professor of Political Science, Tulane University, La.

John P. Haithcox, Asst. Professor of Political Science, University of Michigan, Dearborn Campus.

Nathan Hakman, Asst. Prof. of Political Science, State University of New York at Binghamton.

Robert L. Hale, Emeritus Professor of Law, Columbia University, N.Y.

Harry S. Hall, Asst. Professor of Government, California State College at Los Angeles.

Leland E. Hall, Asst. Prof., Dept. of Political Science, Eastern Illinois University.

Paul Halpern, Dept. of Government, Harvard University, Mass.

Howard D. Hamilton, Professor of Political Science, Bowling Green State University, Ohio.

Mrs. Maryellen Handel, Instructor, Political Science, San Fernando Valley State College, Cal.

Gerald Hansen, Assoc. Professor of Political Science, Wayne State College, Neb.

Roger Hanson, Instructor, Political Science, Northern State College, S. Dak.

Jerome J. Hanus, Asst. Prof., Dept. of Political Science, Mankato State College, Minn.

William S. Hardenbergh, Asst. Professor of Government, Southern Illinois University.

Marvin A. Harder, Professor of Political Science, Wichita State University, Kan.

Charles M. Hardin, Prof. of Political Science, University of California, Davis.

Peter B. Harkins, Dept. of Political Science, University of North Carolina.

M. Judd Harmon, Professor of Political Science, Utah State University.

Allen G. Harris, Dept. of Political Science, Henry Ford Community College, Mich.

Frederick H. Hartmann, Professor of Political Science, University of Florida, Gainesville.

Barbara G. Haskel, Dept. of Government, Harvard University, Mass.

Rudolph C. Hasl, Jr., St. Louis University Law School, Mo.

Charles F. Hatcher, University of Georgia.

William L. Hathaway, Assistant Professor, The General College, University of Minnesota.

Dr. Brett W. Hawkins, Asst. Professor of Political Science, University of Georgia.

Louis D. Hayes, Teaching Association in Government, University of Arizona.

Joan B. Healy, the Florida State University, Tallahassee.

G. D. Heath, III, History Dept., Lafayette College, Pa.

Klaus H. Heberle, Assoc. Professor of Political Science, Oklahoma State University.

Mendel S. Heilig, Asst. Professor of History, Hampton Institute, Va.

Robert Heineman, Political Science Department, Eastern Washington State College.

Dr. Hugo Heins, Evanston, Ill.

John Heintz, Asst. Prof., Dept of Philosophy, University of North Carolina at Chapel Hill.

Martin O. Heisler, Dept. of Political Science, University of Illinois, Urbana.

Charles Helm, Graduate School, University of Maryland.

David R. Henderson, Dept. of Government and Politics, University of Maryland.

John Henderson, Instructor, Dept. of Political Science, Incarnate Word College, Tex.

Richard B. Henderson, Professor of Government, San Marcos, Tex.

Peter J. Henriot, S.J., Dept of Political Science, University of Chicago.

Richard G. Herman, U.C.L.A.

Charles F. Hermann, Asst. Professor of Politics, Princeton University, N.J.

John H. Herz, Professor of Political Science, City College of the City University of New York.

Ronald S. Hikel, Instructor in Government, Dept. of Social Sciences, Clarkson College of Technology, N.Y.

Kenneth L. Hill, Asst. Prof. Dept. of Political Science, La Salle College, Pa.

Barbara Hinckley, Cornell University, N.Y.

Prof. John T. Hinckley, Head, Division of Social Science, Northwest Community College, Wyo.

Herber Hirsch, Dept. of Political Science, University of Kentucky.

Jane B. Hoerrner, Dept. of Political Science, Tulane University, La.

Stanley Hoffman, Professor of Government, Harvard University, Mass.

James Y. Holloway, Associate Professor, Dept. of Philosophy and Religion, Berea College, Ky.

Myron R. Holmgren, Dept. of Social Science, Joliet Junior College, Ill.

Prof. Ole R. Holsti, Dept. of Political Science, Stanford University, Cal.

N. Gray Holten, Instructor in Government, Windham College, Vt.

James E. Holton, Asst. Prof., Dept. of Political Science, Washington State University.

Abraham Holtzman, Professor of Politics, North Carolina State University.

Lois Ann Holzman, Dept. of Political Science, University of Rochester, N.Y.

John C. Honey, Professor of Political Science, Syracuse University, N.Y.

John J. Honigmann, Professor of Anthropology, University of North Carolina, at Chapel Hill.

Jack W. Hopkins, Asst. Professor of Political Science, Georgia Institute of Technology.

Stanley D. Hopper, Asst. Professor of Government, California State College at Los Angeles.

Dr. Robert J. Horgan, Assoc. Professor of Political Science, Clarke, College, Iowa.

Gary W. Hoskin, Lecturer, Dept. of Political Science, State University of New York, Buffalo.

H. K. Hossom, Political Science Dept., Eastern Washington State College.

Michael C. Hudson, Asst. Professor of Political Science, Brooklyn College of the City University of New York.

Prof. Charles F. Hughes, Asst. Dir., Bureau of Government Research, Asst. Prof. of Political Science, University of Rhode Island.

Prof. Karel Hulicka, Department of History, State University of New York at Buffalo.

Ramon H. Hulsey, Dept. of Public Law & Government, Columbia University, N.Y.

Richard D. Humphrey, Instructor, Political Science, Illinois Institute of Technology.

Mary B. Humphreys, Chicago, Ill.

William H. Hunt, Instructor, University of Kentucky.

Samuel P. Huntington, Professor of Government, Harvard University, Mass.

Mrs. Joyce Miller Huntley, Duke University, N.C.

J. C. Hurewitz, Professor of Government, Columbia University, N.Y.

David E. Ingersoll, Asst. Professor of Political Science, University of Delaware.

Ronald F. Inglehart, Asst. Prof., Dept. of Political Science, University of Michigan.

Dr. James W. Irwin, Washington, D.C.

William P. Irwin, Professor of Political Science, Western Reserve University, Ohio.

Edward Jackamonis, University of Wisconsin.

David H. Jackson, University of Oregon.

Hoyt M. Jackson, Professor of Political Science, State University College, Oneonta, N.Y.

Karl D. Jackson, Dept. of Political Science, M.I.T., Mass.

William E. Jackson, Jr., Columbia University, N.Y.

Clyde E. Jacobs, Professor of Political Science, University of California, Davis.

John A. Jacobsohn, Asst. Professor of Political Science, West Virginia University.

Dr. Stanley S. Jados, Professor of Political Science, De Paul University, Chicago.

Chester E. Jarvis, Professor of Political Science, Gettysburg College, Pa.

Clyde E. Jarvlis, Assoc. Professor of Political Science, University of California, Davis.

Sheridan W. Johns, III, Asst. Prof., Dept. of Politics, Brandeis University, Mass.

Alan E. Johnson, University of Chicago.

Guy B. Johnson, Professor of Sociology and Anthropology, University of North Carolina, at Chapel Hill.

Tobe Johnson, Visiting Associate Professor, Graduate School of Public & International Affairs, University of Pittsburgh, Pa.

Wayne E. Johnson, Asst. Professor of Government, Texas A & I College.

Willard R. Johnson, Asst. Professor of Political Science, M.I.T., Mass.

William C. Johnson, Asst. Professor of Political Science, Northern Illinois University.

Richard E. Johnston, Asst. Professor of Government, Louisiana State University.

Eugene W. Jones, Professor of Political Science, Wayland Baptist College, Tex.

J. P. Jones, Lecturer in Political Science, State University of New York at Buffalo.

Richard H. Jones, Asst. Professor of Government, University of Maine.

Rodney W. Jones, Dept. of Political Science, Juniata College, Pa.

Gerald Jordan, Professor of Public Law, Claremont Graduate School, Cal.

Prof. Sungjook Junn, Grand Valley State College, Mich.

Peter H. Juviler, Assoc. Professor of Government, Barnard College, Columbia University, N.Y.

Raymond H. Kaaret, Chairman, Dept. of Political Science, Ithaca College, N.Y.

Carl Kalvelage, Assistant Professor, Minot State College, N. Dak.

Gladys M. Kammerer, Dept. of Political Science, University of Florida, Gainesville.

H. W. Kamp, Professor of Government, North Texas State University.

Prof. John R. Kapp, Head, Dept. of History and Political Science, Iowa Wesleyan College.

Henry S. Kariel, Dept. of Political Science, University of Hawaii.

Thomas Karis, Assoc. Professor of Political Science, City College of New York.

Marc Karson, Professor of Political Science, North Central College, Ill.

Hirschel Kasper, Dept. of Economics, Oberlin College, Ohio.

Henry P. Kass, Political Science Dept., Eastern Washington State College.

Tetsuya Kataoka, Instructor, Dept. of Political Science, Vassar College, N.Y.

Bernard Katz, University of Louisville, Ky.

Robert N. Kearney, Asst. Professor of Political Science, Duke University, N.C.

Harvey G. Kebschull, Assistant Professor, University of Montana.

William R. Keech, Asst. Prof. of Political Science, University of North Carolina.

Willard D. Keim, Dept. of Political Science, University of Hawaii.

Frank J. Kendrick, Assoc. Professor of Political Science, Moorhead State College, Minn.

Melville T. Kennedy, Jr., Assoc. Professor of Political Science, Bryn Mawr College, Pa.

Cecelia M. Kenyon, Professor of Government, Smith College, Mass.

Sandra J. Kenyon, Former Instructor, M.I.T., Mass.

Charles W. Kerr, Assoc. Professor of Political Science, Westminster College, Mo.

James Kerr, Southern Illinois University, Edwardsville.

Onnik Keshishian, Claremont Graduate School, Cal.

John H. Kessel, Arthur E. Braun Professor of Political Science, Allegheny College, Pa.

Richard J. Kestler, Asst. Professor of Political Science, University of North Dakota.

Chase Kimball, Assoc. Professor of Government and Economics, Suffolk University, Mass.

Aubrey C. King, Johns Hopkins University, Md.

Daniel P. King, Dept. of Political Science, Marquette University, Wisc.

Jerome B. King, Harvard Law School, Mass.

Lauriston R. King, University of Connecticut.

James R. Klonoski, Assoc. Professor of Political Science, University of Oregon.

Ray B. Knapp, University of Southern California.

Eric C. Kollman, Professor of History, Cornell College, Iowa.

Prof. Donald P. Kommers, Dept. of Government and International Studies, University of Notre Dame, Ind.

Karen Lee Koning, Roosevelt University, Ill.

Milton R. Konvitz, Professor of Law, and Industrial and Labor Relations, Cornell University, N.Y.

Christopher N. Kornaros, Asst. Professor of Political Science, Hartwick College, N.Y.

Allan Kornberg, Asst. Professor, Duke University, N.C.

John F. Kramer, Dept. of Political Science, M.I.T., Mass.

Walter P. Kremm, Ph. D., Gates Mills, Ohio.

Paul F Kress, Asst. Professor of Political Science, Northwestern University, Ill.

Henry Krisch, Instructor, Dept. of Government, Columbia College, N.Y.

Ladis K. D. Kristof, Research Associate, Hoover Institute, Stanford University, Cal.

Arnold J. Kuhn, Dept. of Political Science, Wright Jr. College, Ill.

C. Barclay Kuhn, Instructor in Political Science, University of Montana.

Roger A. Kvam, Professor of Political Science, University of Akron, Ohio.

H. Lackman, Assoc. Prof. of History, Arlington State College of the University of Texas.

Sanford A. Lakoff, Assoc. Prof. of Political Science, State University of New York at Stony Brook.

Betty Goetz Lall, Research Associate, School of Industrial & Labor Relations, Cornell University, N.Y.

Carolyn C. Landau, Assoc. Prof. of Political Science, Dutchess Community College, State University of New York.

Kenneth P. Langton, Asst. Prof. of Political Science, University of Michigan.

Eldon W. Lanning, Asst. Prof. of Political Science, Bowling Green State University, O.

Clement H. Lansberg, Government Instructor, St. Petersburg Jr. College, Clearwater Campus, Fla.

George A. Lanyl, Department of Government, Oberlin College, Ohio.

Joseph G. LaPalombara, Professor of Political Science, Yale University, Conn.

Robert La Porte, Jr., The Maxwell Grad. School, Syracuse University, N.Y.

John Day Larkin, Emeritus Prof. of Political Science, Illinois Institute of Technology.

Elizabeth Stanton Lay, San Bruno, California.

Pamela R. Lee, Dept. of Government and Politics, University of Maryland.

Stewart S. Lee, Instructor in Political Science, Muhlenberg College, Pa.

Robert G. Lehnen, University of Iowa, Davenport.

Avery Leiserson, Professor of Political Science, Vanderbilt University, Tenn.

Howard H. Lentner, Asst. Prof. of Political Science, Western Reserve University, Ohio.

L. Larry Leonard, Professor of Political Science, Wisconsin State University, Oshkosh.

Prof. Mary K. Lepper, Dept. of Political Science, California State College at Fullerton.

Martin A. Levin, Dept. of Government, Harvard University, Mass.

Charles F. Levine, Instructor, Political Science, Stanford University, Cal.

Sandra Levinson, Dept. of Political Science, City College of New York.

David M. Levitan, Attorney at Law, New York City.

Mrs. Karen Levitan, Dept. of Political Science, U.C.L.A.

Naphtaly Levy, Assoc. Prof. of Political Science, New York City University, Queensborough Community College.

Benjamin W. Lewis, Department of Economics Oberlin College, Ohio.

Frank M. Lewis, Prof. of Political Science, University of Toledo, Ohio.

John D. Lewis, Department of Government, Oberlin College, Ohio.

Paul H. Lewis, Asst. Prof. of Government, Louisiana State University.

Philip E. Lewis, Yale University, Conn.

Guenter Lewy, Assoc. Prof. of Government University of Massachusetts.

R. William Liddle, Instructor in Political Science, The Ohio State University.

Harvey Lieber, Political Science Department, City College of New York.

Charles S. Liebman, Asst. Prof. of Political Science, Yeshiva University, N.Y.

Chan Lien, Asst. Prof., Dept. of Political Science, Wisconsin State University, River Falls.

A. E. Lind, Asst. Prof. of Political Science, University of North Carolina.

Leon N. Lindberg, Assoc. Prof. of Political Science, University of Wisconsin.

Charles E. Lindblom, Prof. of Political Science & Economics, Yale University, Conn.

David S. Lindsay, Instructor, Dept of Political Science, University of Southern Mississippi, Hattiesburg.

Robert L. Lineberry, University of North Carolina at Chapel Hill.

Eugene W. Linse, Jr., Assoc. Prof. of Government, Concordia College, Minn.

Lewis Lipsitz, Asst. Prof. of Political Science, University of North Carolina.

Michael Lipsky, Research Fellow, Washington, D.C.

Prof. Edgar Litt, Political Science Department, University of Wisconsin, Milwaukee.

John C. Livingston, Professor of Government, Sacramento State College, Cal.

Kent M. Lloyd, Asst. Prof. of Public Administration, University of Southern California.

Louis S. Loeb, Associate Professor, The American University, Washington, D.C.

Norton E. Long, Chairman, Dept. of Politics, Brandeis University, Mass.

J. George Longworth, Instructor in Political Science, University of South Carolina.

R. E. Lorish, Professor of Politics and Government, Ohio Wesleyan University.

John P. Lovell, Asst. Prof. of Government, Indiana University.

Dr. Alfred D. Low, Prof. of History, Marquette University, Wis.

Theodore Lowi, Assoc. Prof. of Political Science, University of Chicago.

John H. Lunde, Instructor, Dept. of Government, Valparaiso University, Ind.

Norman R. Luttbeg, Asst. Prof. of Government, Southern Illinois University.

Paul Lutzker, The Johns Hopkins University, Md.

James J. Lynskey, Instructor, Political Science Dept., Hamline University, Minn.

Clifford M. Lytle, Asst. Prof. of Government, University of Arizona.

Ellis R. Maas, Prof. of Political Science, Atlantic Union College, Mass.

George Mace, Asst. Prof. of Government and Public Affairs, Southern Illinois University, Edwardsville.

James S. Magee, Asst. Prof. of Political Science, Grinnell College, Iowa.

Alvin Magid, Assistant Professor, Department of Political Science, University of Kentucky.

Leo J. Mahoney, Instructor, Dept. of Political Science, Mount St. Scholastica College, Kan.

Roger R. Majak, Woodrow Wilson Fellow, Dept. of Political Science, The Ohio State University.

Randolph T. Major, Jr., Director, Evaluation and Research, Experiment in Internation Living, Vermont.

Evert Makinen, Instructor in Government, Colby College, Maine.

Edward S. Malecki, Attorney, Champaign, Ill.

Linden A. Mander, Prof. of Political Science, University of Washington, Seattle.

Justine S. Mann, Asst. Prof. of Political Science, Arkansas State College.

Seymour Z. Mann, Prof. of Goverment and Dir., Public Administration Program, Southern Illinois University, Edwardsville.

Harvey C. Mansfield, Professor of Government, Columbia University, N.Y.

Herbert Marcuse, Professor of Philosophy, University of California, San Diego, La Jolla.

Gary L. Maris, Asst. Prof. Dept. of History and Political Science, Stetson University, Fla.

Irving L. Markovitz, Bayside, N.Y.

Theodore R. Marmor, Instructor in Social Studies, Harvard University, Mass.

Prof. Hubert Marshall, Dept. of Political Science, Stanford University, Cal.

Penny Gill Martin, Yale University, Conn.

Phillip L. Martin, Editor, New York City.

Thomas V. Martin, Teacher, Social Science, Santa Barbara High School, Cal.

Sister Mary Jean, Asst. Prof. Political Science, Immaculate Heart College, Cal.

Roger H. Marz, Assoc. Prof. of Political Science, Oakland University, Mich.

George S. Masannat, Asst. Prof. of Political Science, Bowling Green State University, O.

Gene L. Mason, Asst. Instructor, Political Science, University of Kansas.

Donald R. Matthews, Professor of Political Science, University of North Carolina.

Gary A. Mauser, Long Beach State College, Calif.

John Dickinson May, Asst. Prof. of Political Science, University of Chicago.

Peter B. Mayer, University of Wisconsin.

David R. Mayhew, Asst. Prof., Dept. of Government, University of Massachusetts.

Edward J. McBride, Asst. Prof. Political Science, St. Francis College, Pa.

James L. McCamy, Prof. of Political Science, University of Wisconsin.

Steven R. McCarl, University of California, Santa Barbara, Calif.

Clifton McCleskey, Assoc. Prof. of Political Science, University of Houston, Tex.

Robert G. McCloskey, Professor of Government, Harvard University, Mass.

Donald J. McCormack, Instructor of Political Science, Washington & Jefferson College, Pa.

Prof. David W. McCormick, Arlington State College, Tex.

John L. McCully, Jr., Instructor in Political Science, Oakland, Calif.

Prof. Gerald R. McDaniel, Department of Government, Sacramento State College, Calif.

Earl McElwee, Asst. Prof. of Political Science, William Jewell College, Mo.

Thomas McEnroe, Assoc. Prof. of Government, California State College at Los Angeles.

Andrew McFarland, Acting Asst. Prof. of Political Science, University of California, Berkeley, Calif.

Robert McGeehan, Attorney and Instructor in Political Science, Kingsborough Community College, City University of New York.

Sandy R. McKenzie, Johns Hopkins School of Advanced International Studies, Washington, D.C.

Matthew M. McMahon, Professor of Political Science, St. Ambrose College, Iowa.

Timothy D. Mead, Instructor in Political Science, Moravian College, Pa.

Prof. Martin Meadows, School of Government and Public Administration, The American University, Washington, D.C.

Edward N. Megay, Assoc. Prof. of Political Science, University of Nebraska.

Sally L. Meiklejohn, Harvard University, Mass.

Leonard Meizlish, Instructor of Political Science, Flint Community Junior College, Mich.

Matthew Melko, Department of History, Bradford Junior College, Mass.

Norman Meller, Professor of Political Science, University of Hawaii.

Robert Melson, M. I. T., Mass.

Robert I. Mendelsohn, Asst. Prof., Dept. of Political Science, Wayne State University, Mich.

Prof. Richard M. Merelman, Dept. of Government, Wesleyan University, Conn.

Richard L. Merritt, Asst. Prof. of Political Science, Yale University, Conn.

David Mervin, Government Department, Cornell University, N.Y.

Howard Karl Metz, Consultant, U.S. Dept. of State (retired).

David H. Meyer, Johns Hopkins University, Md.

Jane K. Meyer, Johns Hopkins University, Md.

William J. Meyer, Department of Political Science, Pennsylvania State University.

Lester W. Milbrath, Associate Prof., Political Science, Northwestern University, Ill.

Warren E. Miller, Professor of Political Science, University of Michigan.

John H. Millett, Professor of Political Science, Wichita State University, Kan.

A. N. Minton, Brown University, R.I.

Dr. Linda S. Mirin, Economist, Washington, D.C.

Stephen R. Mitchell, Assoc. Prof. of Political Science, Washington State University.

Lawrence B. Mohr, Research Associate, University of Michigan.

Dr. Barrington Moore, Jr., Harvard University, Mass.

Prof. John E. Moore, Department of Political Science, University of California, Santa Barbara.

Ward Morehouse, University of the State of New York.

Richard E. Morgan, Instructor in Government, Columbia University, N.Y.

Hans Morgenthau, Albert A. Michelson Distinguished Science Professor of Political Science and Modern History, University of Chicago.

Robert L. Morlan, Professor of Government, University of Redlands, Cal.

Clovis C. Morrison, Jr., Asst. Prof. of Government, North Texas State University.

Robert A. Mortimer, Assistant Professor, Woodrow Wilson Teaching Intern, Prairie View A. & M. College, Tex.

Frederick C. Mosher, Professor of Political Science, University of California, Berkeley.

Prafulla C. Mukerji, Brooklyn, N.Y.

Prof. Herbert J. Muller, University of Indiana.

Richard B. Muller, Lecturer in Government, Indiana University.

Michael Munk, Political Editor, National Guardian.

Frank E. Myers, Assistant Prof. of Political Science, State University of New York, Stony Brook.

Lynn K. Mytelka, Johns Hopkins School of Advanced International Studies, Washington, D.C.

Larry David Nachman, Asst. Prof. of Political Science, Rutgers University, N.J.

Martin C. Needler, Center for International Affairs, Harvard University, Mass.

Howard D. Neighbor, Asst. Prof. of Political Science, Park College, Mo.

Dalmas Nelson, Assoc. Prof. of Political Science, San Fernando Valley State College, Cal.

Jack L. Nelson, Assoc. Prof. of Social Science Education, State University of New York at Buffalo.

Deane E. Neubauer, Asst. Prof. of Political Science, University of California, Irvine.

John F. Newman, Assoc. Prof. of Political Science and History, Armstrong State College, Ga.

M. A. Nezami, Instructor of Sociology, Roosevelt University, Ill.

Lawrence H. Nitz, Michigan State University.

Jack L. Noragon, Dept. of Political Science, The Ohio State University.

Richard D. Norling, Ohio State University.

John Norman, Professor of History and Government, Fairfield University, Conn.

T. M. Norton, Assoc. Prof. Dept. of Political Science, San Jose State College, Cal.

Samuel J. Noumoff, Lecturer, Dept. of Political Science, Hunter College, N.Y.

Joseph P. Nyitray, Dept. of Political Science, Ohio State University.

Margot S. Nyitray, Dept. of Political Science, Ohio State University.

Marian Dee Oberfest, Syracuse University, N.Y.

Michael O'Connor, Professor of Economics, Central Michigan University.

Frederic D. Ogden, Dean, School of Arts and Sciences, Professor of Political Science, Eastern Kentucky State College.

Karl O'Lessker, Assoc. Prof. of Political Science, Wabash College, Ind.

Jack O'Neill, Political Science Dept., University of Iowa.

Gary Orfield, University of Chicago.

Robert J. Osborn, Asst. Prof. of Political Science, University of Pennsylvania.

George R. Osborne, Rutgers, The State University, N.J.

Louise Overacker, Emeritus Prof. of Political Science, Wellesley College, Mass.

John R. Owens, Assoc. Prof. of Political Science, University of California, Davis.

Saul K. Padover, Professor of Political Science, Graduate Faculty, New School for Social Research, N.Y.

Barbara Page, Pacific Palisades, Cal.

Thomas Page, Assoc. Prof. of Political Science, University of Illinois, Urbana.

Norman D. Palmer, Professor of Political Science, University of Pennsylvania.

Michael Parenti, Political Science, Sarah Lawrence College, N.Y.

Richard L. Park, Dean, Division of the Social Sciences, University of Pittsburgh, Pa.

Alan Patterson, University of North Carolina at Chapel Hill.

Prof. Julius Paul, Rockville, Md.

Philip M. Pavlik, Instructor of Political Science, University of North Carolina at Chapel Hill.

Kenneth A. Payne, Social Science Dept., Fullerton Jr. College, Cal.

Neale J. Pearson, Dept. of Political Science, Miami University, Ohio.

Robert S. Peckham, Dept. of Political Science, Syracuse University, N.Y.

John A. Peeler, Instructor in Political Science, University of North Carolina at Chapel Hill.

Prof. J. Roland Pennock, Dept. of Political Science, Swarthmore College, Pa.

Craig Peper, Political Analyst, Washington, D.C.

Stefan L. Perry, California State College at Fullerton.

Joseph A. Peters, Professor of Political Science, Kutztown State College, Pa.

Keith S. Petersen, Assoc. Prof. of Government, University of Arkansas.

Prof. David G. Pfeiffer, Keuka College, N.Y.

Philip M. Phibbs, Asst. Prof. of Political Science, Wellesley College, Mass.

Claude S. Phillips, Jr., Professor of Political Science, Western Michigan University.

Paul J. Piccard, Professor of Government, Florida State University, Tallahassee.

Jaroslaw A. Piekalkiewicz, Asst. Prof. of Political Science, University of Kansas.

Rick S. Piltz, Dept. of Political Science, University of Michigan.

Hanna Pitkin, Asst. Prof. of Political Science, University of Wisconsin.

Frances Piven, Research Associate, School of Social Work, Columbia University, N.Y.

Lawrence Platt, The American University, Washington, D.C.

Rev. Thomas E. Ploude, Vice President, New Jersey Association of Secondary Schools for Political Science Education.

Franklin S. Pollak, Attorney, Chicago, Ill.

Hallowell Pope, Asst. Prof. of Sociology, University of North Carolina at Chapel Hill.

Mary Catherine Porter, Instructor, University at Hartford, Conn.

Mrs. Mary Cornelia Porter, Instructor of Political Science, Loyola University, Ill.

Mrs. Jeanne Posada, University of California, Berkeley.

Richard J. Powers, Claremont Graduate School and Instructor, Pomona College, Cal.

Joel Prager, Dept. of Politics, Princeton University, N.J.

Alfred E. Prettyman, Editor, New York, N.Y.

David E. Price, Dept. of Political Science, Yale University, Conn.

C. Herman Pritchett, Professor of Political Science, University of Chicago.

James W. Prothro, Professor of Political Science, University of North Carolina.

Jeffrey Allan Prussin, The Johns Hopkins University, Md.

Allan G. Pulsiphev, Asst. Prof. of Economics, Texas A. & M. University.

John F. H. Purcell, Dept. of Political Science, University of California at Los Angeles.

Theodore L. Putterman, Assistant Professor, University of Washington, Seattle.

Christopher H. Pyle, Columbia University, N.Y.

Dr. Willis H. Raff, Professor of Political Science, State University College, New Platz, N.Y.

Faith B. Rafkind, University of California, Berkeley.

Prof. John Ramsey, Old Dominion College, Norfolk, Va.

Peter Ranis, Visiting Asst. Professor, Dept. of Government, University of New Mexico.

Austin Ranney, Professor of Political Science, University of Wisconsin.

Prof. Knud Rasmussen, Dept. of Political Science, Colgate University, N.Y.

Dick Ratliff, Asst. Prof. of Government, Central Missouri State College.

John M. Redmond, Notre Dame University, Ind.

Donald B. Reed, Syracuse University, N.Y.

John E. Reeves, Assoc. Prof., Political Science, University of Kentucky.

William O. Reichert, Professor of Political Science, Wisconsin State University, Whitewater.

Mrs. Robert N. Reid, Art Commander, Bloomfield, N.J.

Lewis Reimer, Esq., Editor, New York City.

Peter P. Remec, Assoc. Prof. of International Relations, Fordham University, N.Y.

Robert H. Resnick, University of Chicago.

Allan R. Richards, Professor of Government, Louisiana State University.

Abraham Ringell, Glen Echo, Md.

Randall B. Ripley, Arlington, Va.

Leonard G. Ritt, Instructor, Dept. of Political Science, University of Tennessee.

Alan Ritter, Asst. Prof. of Government and Foreign Affairs, University of Virginia.

Robert R. Robbins, Jackson Professor of Political Science, Tufts University, Mass.

Higdon C. Roberts, Jr., Labor Education and Research, College of Commerce, Ohio State University.

Warren Roberts, Assoc. Prof. of Political Science, Tulane University, La.

J. Eliseo Rocamora, Cornell University, N.Y.

Bert A. Rockman, Dept. of Political Science, University of Michigan.

Landon G. Rockwell, Professor of Government, Hamilton College, N.Y.

John R. Rodman, Asst. Prof. of Political Studies, Pitzer College, Cal.

Chester B. Rogers, Instructor, Political Science, Northwestern University, Ill.

Constance M. Rogler, Manlius, Ill.

Arnold A. Rogow, Stanford University, Cal.

Earl L. Rohrbaugh, Asst. Professor, Division of Social Science, Kansas State Teachers College.

Armin Rosencranz, Fellow, American Political Science Association, Washington, D.C.

Alan Rosenthal, Hunter College, City University of New York.

Joan A. Rothschild, Dept. of Government and International Relations, New York University.

Robert L. Rothweiler, Asst. Prof. of Political Science, Colorado State College.

Alwyn R. Rouyer, Georgetown University, Washington, D.C.

Edward T. Rowe, Instructor in Political Science, University of Connecticut.

Leonard Rowe, Bennington College, Vt.

Peter N. Rowe, Assoc. Prof., Dept. of Government, Smith College, Mass.

George Rozos, Assoc. Prof. of Politics, Pratt Institute, N.Y.

Joan Rubin, Asst. Prof. of Anthropology, University of North Carolina at Chapel Hill.

Prof. Leonard Ruchelman, Political Science, Alfred University, N.Y.

John E. Rue, Dept. of Political Science, Stanford University, Cal.

Robert Runo, Assoc. Prof. of Political Science, Roosevelt University, Ill.

Thomas A. Rusch, Assoc. Prof. of Government, California State College, Los Angeles.

Myron Rush, Professor of Government, Cornell University, N.Y.

Leonard H. Rushfield, Dept. of Public Law and Government, Columbia University, N.Y.

Robert W. Russell, Instructor in Government, Bowdoin College, Mass.

Bruce M. Russett, Political Science Dept., Yale University, Conn.

Gerard F. Rutan, Asst. Prof. Political Science, Seattle University, Wash.

Conrad P. Rutkowski, Lecturer in American Government, Fordham University, N.Y.

Edwin H. Rutkowski, Assoc. Prof. of Political Science, University of Detroit, Mich.

Leon I. Salomon, Dept. of Political Science, University of Connecticut.

John Salzberg, Dept. of Political Science, New York University.

Dr. Bernard L. Samoff, Lecturer, Political Science, University of Pennsylvania.

Walter E. Sandelins, Professor of Political Science, University of Kansas.

Prof. Lyman Tower Sargent, Dept. of Political Science, University of Missouri, St. Louis.

Robert L. Savage, Dept. of Political Science, University of Houston, Tex.

Helen M. Sawyer, Asst. Prof. of Political Science, Memphis State University, Tenn.

Howard A. Scarrow, Dept. of Political Science, State University of New York, or Stony Brook.

John H. Schaar, Assoc. Prof. Dept. of Political Science, University of California, Berkeley.

Martin A. Schain, Cornell University, N.Y.

Richard K. Scharf, Instructor, Dept. of Political and Social Science, Illinois Institute of Technology.

Paul E. Scheele, State University College, Oneonta, N.Y.

Allen Schick, Dept. of Political Science, Tufts University, Mass.

Marvin Schick, Hunter College, N.Y.

Carl V. Schieren, Jr., Columbia University, N.Y.

Warner R. Schilling, Assoc. Prof. of Government, Columbia University, N.Y.

Charles P. Schleicher, Professor of Political Science, University of Oregon.

Karl M. Schmidt, Assoc. Prof. of Political Science, Maxwell Graduate School of Citizenship and Public Affairs, Syracuse University, N.Y.

Jerrold Schneider, New York University.

Edward Schneier, Asst. Prof. of Politics, Princeton University, N.J.

Walter S. Schoenberger, Assoc. Prof. of Government, University of Maine.

John R. Schott, Instructor in Political Science, Wellesley College, Mass.

Joel J. Schwartz, Asst. Prof. of Political Science, University of North Carolina.

Thomas E. Scism, Asst. Prof. of Political Science, Wilmington College, N.C.

Harry M. Scoble, Asst. Prof., Dept. of Political Science, University of California, Los Angeles, Calif.

Howard R. Scriven, Jr., Professor of Political Science, Mt. San Antonio College, Calif.

Peter C. Sederberg, Dept. of Political Science, Johns Hopkins University, Md.

Hans E. Segal, Assistant Professor, Cleveland State University, Ohio.

Aaron Seidman, Dept. of Political Science, M.I.T., Mass.

James Patrick Sewell, Asst. Prof. of Political Science, Yale University, Conn.

W. Wayne Shannon, Asst. Prof. of Government, Louisiana State University.

Otis H. Shao, Professor of Political Science, Florida Presbyterian College, St. Petersburg.

Mrs. Jane P. Shapiro, Dept. of Political Science, Manhattanville College, N.Y.

Martin M. Shapiro, Div. of Social Sciences, University of California, Irvine, Calif.

William M. Shear, Asst. Prof. of Political Science, Armstrong College, Calif.

Martin Shefter, Dept. of Government, Harvard University, Mass.

Kurt L. Shell, Assoc. Prof. of Political Science, State University of New York, Binghamton, N.Y.

Kenneth S. Sherrill, Dept. of Government, Oberlin College, Ohio.

James C. Shields, University of Florida, Gainesville, Fla.

Miss Michele Shover, Dept. of Political Science, Tulane University, La.

Edward M. Sibley, Maxwell School of Citizenship and Public Affairs, Syracuse, N.Y.

Philip Siegelman, Assoc. Prof. of Humanities, University of Minnesota.

Roberta S. Sigel, Asst. Prof. of Political Science, Wayne State University, Mich.

Prof. Allan Silver, Dept. of Sociology, Columbia University, N.Y.

Jacob Silver, Dept. of Political Science Ohio State University.

Jerry Silverman, Dept. of Political Science Central Washington State College.

K. H. Silvert, Professor of Government Dartmouth College, N.H.

C. Allen Silverthorne, Instructor in Political Science, Chabot College, Cal.

Robert H. Simmons, Assoc. Prof. of Government, California State College at Los Angeles.

Richard L. Simpson, Professor of Sociology, University of North Carolina, at Chapel Hill.

T. C. Sinclair, Professor of Political Science, University of Houston, Tex.

David J. Singer, Professor of Political Science, University of Michigan.

Max J. Skidmore, Director of American Studies, Assoc. Prof. of Political Science, University of Alabama.

Jerome Slater, Asst. Prof., Dept. of Political Science, Ohio State University.

Morris Slavin, Assoc. Prof. of History, Youngstown University, Ohio.

Seymour Slessinger, Asst. Prof. of Political Science, The University of Connecticut.

Benjamin W. Smith, Asst. Prof. of Government, California State College at Los Angeles.

Bruce Lannes Smith, Professor of Political Science, Michigan State University.

Dr. Kenneth R. Smith, Asst. Prof., Political Science, Willamette University, Ohio.

Nathan Smith, Professor of History and Chairman, Dept. of History and Political Science, Washington College, Md.

Paul A. Smith, Assoc. Prof. of Political Science, State University of New York, at Binghamton.

Dr. Reed M. Smith, Head, Dept. of Political Science, Bradley University, Ill.

Dean Rhoten A. Smith, College of Liberal Arts, Temple University, Pa.

Walter L. Smith, III, Dept. of Political Science, University of Pittsburgh, Pa.

Roger W. Snow, Jr., Assoc. Prof. of Political Science, Eastern Montana College.

Margaret Soderberg, Assistant Professor, Dept. of Political Science, Eastern Illinois University.

Alvin D. Sokolow, Asst. Professor, Dept. of Political Science, University of California, Davis.

Herman M. Somers, Prof. of Politics and Public Affairs, Princeton University, N.J.

Herbert Sonthoff, Littleton, Mass.

Margaret Spahr, Professor Emeritus of Political Science, Hunter College, N.Y.

Richard C. Spencer, Professor Political Science, Coe College, Iowa.

Robert C. Spencer, Chairman, Dept. of Political Science, University of Rhode Island.

Richard D. Spero, Lecturer, Dept. of Political Science, Brooklyn College, N.Y.

Allan A. Spitz, Asst. Prof. of Political Science, Washington State University.

David Spitz, Professor of Political Science, Ohio State University.

Donald P. Sprengel, Dept. of Political Science, University of Iowa.

John R. Stanek, Director, Survey Programs, Industrial Relations Center, University of Chicago.

John L. Stanley, Acting Assistant Professor, Dept. of Political Science, University of California at Riverside.

Thomas H. Stanton, Yale University, Conn.

Prof. Isidore Starr, Queens College, N.Y.

Charles Stastny, Dept. of Political Science, Central Washington State College.

Henry Steck, State University of New York, College at Cortland.

Harold Stein, Professor of Public and International Affairs, Woodrow Wilson School, Princeton University, N.J.

David Steinberg, Dept. of Politics, Princeton University, N.J.

Kurt Steiner, Professor of Political Science, Stanford University, Cal.

George Steinsberger, Indiana University.

Otis H. Stephens, Professor of Political Science, Georgia Southern College.

Stephen Stephens, Lecturer in Political Science, Yale University, Conn.

Elizabeth Sterenberg, Assoc. Prof. of Political Science, Youngstown University, Ohio.

Richard W. Sterling, Professor of Government, Dartmouth College, N.H.

David J. Stern, Asst. Prof. of Political Science, Colgate University, N.Y.

Robert W. Stern, Asst. Prof. of Government, Wells College, N.Y.

Edwin L. Sterne, Attorney at Law, Instructor in Political Science, University of Georgia, Albany Center.

Stephen Sternheimer, University of Chicago.

Sue Zager Sternheimer, Roosevelt University, Ill.

Donald C. Stone, Dean, Graduate School of Public and International Affairs, University of Pittsburgh, Pa.

John E. Stoner, Indiana University.

John A. Straayer, Dept. of Government, University of Arizona.

John H. Strange, Princeton, N.J.

Ronald G. Strickland, The Graduate School, Georgetown University, Washington, D.C.

Philippa Strum, Asst. Prof. of Political Science, Rutgers University, Newark, N.J.

Douglas Sturm, Associate Professor, Bucknell University, Pa.

William F. Sturner, Asst. Professor of Political Science, Oakland University, Mich.

Robert S. Sullivant, Professor of Political Science, University of Missouri at St. Louis.

Sandra Sutphen, Instructor, Dept. of Political Science, Douglas College and University College, Rutgers University, N.J.

David H. Tabb, Dept. of Political Science, University of North Carolina at Chapel Hill.

Donald G. Tannenbaum, Assistant Professor, Dept. of Political Science, Northern Michigan University.

Prof. Raymond Tanter, Political Science, Northwestern University, Ill.

Stephen Tatarsky, Public Affairs Reporter, Metro-East Journal (newspaper), East St. Louis, Ill.

Howard Taubenfeld, Professor of Law, Southern Methodist University, School of Law, Tex.

Charles L. Taylor, The College of William and Mary, Williamsburg, Va.

Morton J. Tenzer, Institute of Public Administration, New York City.

David D. Theall, McLean, Va.

Athan Thecaris, Asst. Professor of History, Wayne State University, Mich.

William Thomas, Asst. Prof. of Public Health Practice, Columbia University, N.Y.

Arthur B. Thompson, Jr., Asst. Prof. of Political Science, Wisconsin State University, Platteville.

Frank W. Thompson, Dept. of Philosophy, Harvard University, Mass.

Kenneth H. Thompson, Jr., Dept. of Political Science, University of Wisconsin.

Kirk Thompson, Asst. Prof. of Political Science, Reed College, Oreg.

James Threlkeld, Bethesda, Md.

Richard Thurman, Vanderbilt University, Tenn.

Prof. Paul Tillett, Eagleton Institute of Politics, Rutgers University, N.J.

Irene Tinker, Asst. Prof. of Government, Howard University, Washington, D.C.

Mrs. Susan Goldsmith Tolchin, lecturer, Brooklyn College, N.Y.

Maurice K. Townsend, Professor of Political Science, Academic Dean, Moorhead State College, Minn.

David B. Truman, Professor of Public Law and Government, Dean, Columbia College, N.Y.

William R. Tucker, Professor of Government, Lamar State College of Technology, Tex.

Robert W. Tufts, Dept. of Economics, Oberlin College, Ohio.

Richard Ullman, Assoc. Prof. of Politics and International Affairs, Princeton University, N.J.

A. D. Urquhart, Professor, Political Science Dept., California State College, Long Beach.

Dr. Manoucher Vahdat, Professor of Political Science, Northwestern State College, Okla.

Richard G. Vance, Instructor of Political Science, University of North Carolina at Chapel Hill.

Carl R. Vann, Assoc. Prof. of Political Science, Oakland University, Mich.

Corey B. Venning, Instructor in Political Science, Loyola University, Ill.

Sidney Verba, Professor of Political Science, Stanford University, Cal.

Prof. Leo D. Vichules, Arizona State University.

John A. Vieg, Professor of Government, Pomona College, Cal.

Douglas K. Vincent, University of Washington, Seattle.

Prof. Kenneth N. Vines, Dept. of Political Science, Tulane University, La.

John P. Vloyantes, Assoc. Prof. of Political Science, Colorado State University.

Walter E. Volkomer, Asst. Prof. of Political Science, Hunter College of the City University of N.Y.

Eric Armin Wagner, University of Florida, Gainesville.

Eric Waldman, Professor of Political Science, Marquette University, Wisc.

Loren K. Waldman, Dept. of Political Science, University of Chicago.

Marilyn Robinson Waldman, Dept. of History, University of Chicago.

Elliot H. Wales, Attorney, Adjunct Faculty, Long Island University, N.Y.

Alexander J. Walker, Professor of Government, Morgan State College, Md.

Fred Walker, Jr., Asst. Professor of Journalism and Government, Vincennes University, Ind.

Jack L. Walker, Dept. of Political Science, University of Michigan.

Millidge P. Walker, Assoc. Prof. of Southeast Asian Studies, School of International Service, The American University, Washington, D.C.

Paul Wallace, Professor of Political Science, University of Missouri.

Harold M. Waller, Dept. of Government, Georgetown University, Washington, D.C.

James R. Wallihan, Government Dept., Indiana University.

Michael Walzer, Professor of Politics, Princeton University, N.J.

Dr. Stephen L. Wasby, Asst. Prof. of Political Science, Southern Illinois University.

Louis Wasserman, Professor of Political Science, San Francisco State College.

Harvey Waterman, Instructor, School of International Relations, University of Southern California, Los Angeles.

Meredith W. Watts, Jr., Instructor, Dept. of Political Science, Northwestern University, Ill.

Leon Weaver, Professor, School of Police Administration, College of Social Science, Michigan State University.

Dr. Frederic A. Weed, Professor of Political Science, San Jose State College, Cal.

Paul A. Weidner, Professor of Political Science, University of Akron, Ohio.

Hans W. Weigert, Emeritus Research Professor of Political Geography, Georgetown University, Washington, D.C.

Prof. Bernard Weiner, Dept. of Political Science, San Diego State College, Cal.

Myron Weiner, Dept. of Political Science, M.I.T., Mass.

Brian Weinstein, Asst. Prof. of Political Science, Tuskegee Institute, Ala.

Herbert F. Weiss, Asst. Prof., Dept. of Government and International Relations, New York University.

Jurgen Wekerle, Dept. of Political Science, University of Florida, Gainesville.

David Welborn, Assist. Prof., Political Science, Northern Illinois University.

Richard S. Wells, Asst. Professor of Political Science, University of Oklahoma.

Roger H. Wells, Emeritus Professor of Political Science, Bryn Mawr College, Pa.

Byron S. Weng, Instructor in Government, Wright State College, Ohio.

Thomas J. Werner, Evansville College, Ind.

Arnold R. Wertheimer, Albany, N.Y.

Louis F. Weschler, Assistant Professor, Dept. of Political Science, University of California, Davis.

Alan F. Westin, Assoc. Prof of Public Law and Government, Columbia University, N.Y.

Christopher W. Wheeler, Public Law and Government Dept., Columbia University, N.Y.

Leland R. White, Dept. of History and Political Science, Alice Lloyd College, Ky.

Orion F. White, Jr., Asst. Prof. of Government, The University of Texas.

Marshall H. Whithed, Dept. of History and Government, Wheelock College, Mass.

John W. Whitten, Assoc. Prof. of Political Science, Pasadena City College, Cal.

Thomas L. Wilborn, Asst. Prof. of Political Science, Central Missouri State College.

Francis O. Wilcox, Dean, Johns Hopkins School of Advanced International Studies, Washington, D.C.

Herbert G. Wilcox, Instructor, St. John's University, N.Y.

Norbert Wiley, Dept. of Sociology and Anthropology, Wayne State University, Michigan.

Charles John Wilhelm, Ohio State University.

Francis M. Wilhoit, Assoc. Prof. of Political Science, Drake University, Iowa.

Loree A. Wilkerson, University of Florida.

George F. Will, Politics Department, Princeton University, N.J.

Richard J. Willey, Asst. Prof. of Political Science, Vassar College, N.Y.

Fred H. Willhoite, Jr., Assoc. Prof. of Government, Louisiana State University.

Timothy Alden William, Professor of Political Science, Columbus, Ohio.

Dr. Edward J. Williams, Professor, Dept. of Political Science, Marquette University, Wisc.

Rene de Visme Williamson, Professor of Government, Louisiana State University.

Donna L. Wilson, School of International Affairs, Columbia University, N.Y.

Glenn G. Wiltsey, Professor of Political Science, University of Rochester, N.Y.

Prof. Herbert R. Winter, Political Science, Rhode Island College.

Henry J. Wise, Instructor, Political Science, University of North Carolina, Charlotte.

Paul A. Woelfl, S.J., Professor and Chairman, Political Science Dept., John Carroll University, Ohio.

A. J. Wojcik, Asst. Prof. of Political Science, Philadelphia, Pa.

Thomas R. Wolanin, Harvard University, Mass.

Alan Wolfe, Instructor of Political Science, Douglass College, Rutgers University, N.J.

Arthur C. Wolfe, Asst. Study Director, Survey Research Center, University of Michigan.

Prof. E. Victor Wolfenstein, Dept. of Political Science, University of California, Los Angeles.

Steven B. Wolinetz, Dept. of Political Science, Yale University, Conn.

Peter Woll, Assoc. Professor of Politics, Brandeis University, Mass.

Harold Wolman, University of Michigan.

David M. Wood, Assoc. Prof. of Political Science, University of Missouri.

Robert E. Wood, Asst. Professor of History, Augusta College, Ga.

Stephen B. Wood, Assoc. Professor of Government, Connecticut College.

Richard Worthen, Illinois State University at Normal.

Arthur W. Wright, Department of Economics, Oberlin College, Ohio.

Deil S. Wright, Associate Professor, Department of Political Science, University of Iowa.

Quincy Wright, Emeritus Professor of Internal Law, University of Chicago.

Alan J. Wyner, Ohio State University.

Robert Yee, Dept. of Political Science, Central Washington State College.

Jerry L. Yeric, Instructor of Political Science, Indiana State University.

Prof. Abe Yeselson, Chairman, Political Science Section, Rutgers State University, N.J.

William W. Young, Assoc. Prof. of Political Science, Sonoma State College, Calif.

I. William Zartman, Associate Professor, Dept. of Government and International Relations, New York University.

Harmon Zeigler, Associate Professor, Dept. of Political Science, University of Oregon.

Edward A. Ziegenhagen, Asst. Professor of Political Science, Wayne State University, Mich.

Victor Zitta, Seabrook, Md.

Aristide R. Zolberg, Assoc. Prof. of Political Science, University of Chicago.

Marvin Zonis, Instructor, Dept. of Political Science, M.I.T., Mass.

Prof. Norman L. Zucker, Tufts University, Mass.

The undersigned physicians and bio-medical scientists, join in support of the law professors' letter to Congress. We request that Congress refrain from contempt action against Dr. Jeremiah Stamler, Mrs. Yolanda Hall and Mr. Milton Cohen, who are engaged in a civil suit testing the legality of the House Committee on Un-American Activities:

Robert S. Abernathy, M.D., Assoc. Prof. of Medicine, University of Arkansas Medical Center.

Solomon Adelman, M.D., Forest Hills, New York.

Francisco Aguilo, Jr., M.D., University of Puerto Rico School of Medicine.

Professor E. H. Ahrens, Jr., M.D., the Rockefeller University.

Alan C. Aisenberg, M.D., Assistant Prof. of Medicine, Harvard Medical School.

Henry F. Albronda, M.D., San Francisco, California.

Benjamin Alexander, M.D., Assoc. Prof. of Medicine, Harvard University.

Harry L. Alexander, M.D., Emeritus Professor of Clinical Medicine, Washington University School of Medicine, St. Louis, Missouri.

Robert S. Alexander, PH.D., Professor of Physiology, Albany Medical College of Union University.

Professor Norman R. Alpert, University of Illinois College of Medicine.

Charles Altshuler, M.D., Milwaukee, Wisconsin.

Edward Anders, PH.D., Professor of Chemistry, University of Chicago.

Joseph T. Anderson, PH.D., University of Minnesota.

George Andros, M.D., Assoc. Prof., Dept. of Obstetrics and Gynecology, Temple University Medical School.

Harry Apfel, Md., Consultant, Pediatrics, Brooklyn, New York.

Professor Aaron Arkin, University of Illinois School of Medicine.

Mark L. Armstrong, M.D., Associate Professor of Medicine, University of Iowa.

John H. Arnett, M.D., Philadelphia, Pennsylvania.

Walter L. Arons, M.D., Clinical Assoc. Prof. of Medicine, Stanford University School of Medicine.

Stanley M. Aronson, M.D., State University of New York, Downstate Medical Center.

Rachel Ash, M.D., Consultant Cardiologist, Childrens Hospital of Philadelphia.

Nicholas S. Assali, M.D., Professor of Obstetrics & Gynecology, and Physiology, U.C.L.A. School of Medicine.

John W. Athens, M.D., Associate Professor of Medicine, University of Utah School of Medicine.

Elisha Atkins, M.D., Dept. of Medicine, Yale University School of Medicine.

Leland L. Atkins, M.D., Internal Medicine—Cardiology, Memphis, Tennessee.

J. Howland Auchincloss, M.D., Dept. of Medicine, State University Hospital, Syracuse, New York.

Samuel Bachrach, M.D., Worcester, Massachusetts.

Estelle Baer, M.D., Permanente Medical Group, Richmond, California.

Professor James A. Bain, Emory University.

Benjamin M. Baker, M.D., Baltimore, Maryland.

Dr. Philip Bard, Professor Emeritus of Physiology, The Johns Hopkins University.

A. Clifford Barger, M.D., Professor of Physiology, Harvard Medical School.

Roy N. Barnett, M.D., Westport, Connecticut.

David R. Basset, M.D., Hawaii Cardiovascular Study, Queen's Hospital, Honolulu.

Gaylord S. Bates, M.D., Assoc. Clinical Prof. of Surgery, Wayne State University College of Medicine.

Leona Baumgartner, M.D., Professor of Public Health, Cornell Medical College.

Rodney R. Beard, M.D., Stanford University.

Aaron A. Bechtel, Research Asst. Prof. of Physiology, Hahnemann Medical College.

Ellen C. Bell, M.D., Littleton, Massachusetts.

Harry E. Beller, M.D., Orthopedic Surgeon, Miami, Florida.

Thomas G. Benedek, M.D., University of Pittsburgh.

John E. Bennett, M.D., Kensington, Maryland.

Ellis S. Benson, M.D., Professor, Medical School, University of Minnesota.

Reuben Berman, M.D., Clinical Professor of Medicine, University of Minnesota.

Leon Bernstein, M.D., Psychoanalyst, Los Angeles, California.

George Packer Berry, M.D., Former Dean of the Faculty of Medicine, and Professor of Bacteriology Emeritus, Harvard University.

Marvin L. Bierenbaum, M.D., Director, Atherosclerosis Research Center, Montclair, New Jersey.

Edwin L. Bierman, M.D., University of Washington School of Medicine, Seattle, Washington.

Sydney G. Bild, M.D., Chicago, Illinois.

Bennett W. Billow, M.D., New York, New York.

Carl A. L. Binger, M.D., Honorary Psychiatric Consultant, Harvard University Health Services.

George H. Bishop, Ph. D., Professor of Neurophysiology, Emeritus, Washington University Medical School, St. Louis, Missouri.

Ronald C. Bishop, M.D., Ann Arbor, Michigan.

Arnold Black, M.D., Chicago, Illinois.

John H. Bland, M.D., Associate Professor of Medicine, University of Vermont College of Medicine.

Michael E. Blaw, M.D., Assoc. Prof. of Neurology and Pediatrics, University of Minnesota.

Ruth Bleier, M.D., Johns Hopkins University School of Medicine.

Matthew Block, Ph. D., M.D., Professor of Medicine, University of Colorado Medical Center.

D. W. Boardman, M.D., Instructor, Boston University School of Medicine.

Morton D. Bogdonoff, M.D., Duke University Medical Center.

Professor Lawrence Bogorad, University of Chicago.

Walter Bonime, M.D., New York, New York.

Joseph H. Bragdon, M.D., McLean, Virginia.

Lloyd L. Brandberg, M.D., Asst. Clinical Prof. of Medicine, University of California, San Francisco.

Lester Breslow, M.D., Berkeley, California.

Dr. R. A. Bridges, University of Minnesota Medical School.

Professor F. Norman Briggs, University of Pittsburgh School of Medicine.

Peter F. Briggs, Ph. D., Associate Professor, Medical School, University of Minnesota.

S. Bronstein, M.D., Cincinnati, Ohio.

Henry Brown, M.D., New Rochelle, New York.

Howard J. Brown, M.D., Medical Director, Gouverneur Ambulatory Care Unit, Beth Israel Medical Center, Assoc. Prof. of Community Medicine, Mt. Sinai Medical School.

Janet L. Brown, M.D., Psychologist, Putnam Children's Center, Boston, Massachusetts.

Thomas B. Browning, M.D., Scarsdale, New York.

Howard G. Bruenn, M.D., Clinical Assoc. Prof. of Medicine, Columbia University.

N. M. Buckley, M.D., Albert Einstein College of Medicine.

Samuel C. Bukantz, M.D., South Orange, New Jersey.

E. R. Buskirk, Ph. D., Laboratory for Human Performance Research, Pennsylvania State University.

John Butler, M.D., Seattle, Washington.

Gustav Bychowski, M.D., Clinical Prof. of Psychiatry, State University of New York, Downstate Medical Center.

Gordon Cader, M.D., Baltimore, Maryland.

John R. Caldwell, M.D., Division of Hypertension Henry Ford Hospital, Detroit, Michigan.

Victor Calef, M.D., San Francisco Psychoanalytic Institute.

Martin M. Calodney, M.D., University City, Missouri.

Edwin S. Campbell, Associate Professor of Chemistry, New York University.

Bertram W. Carnow, M.D., Asst. Clin. Prof. of Preventive Medicine, University of Illinois, College of Medicine.

Robert R. Carpenter, M.D., Baylor University College of Medicine, Texas Medical Center.

Douglas Carroll, M.D., Chief of Physical Medicine and Rehabilitation, Baltimore City Hospitals, Associate Professor of Medicine, Johns Hopkins University.

Professor Edward S. Castle, Harvard University.

Benjamin Castleman, M.D., Harvard Medical School.

Erwin Chargaff, Ph. D., Columbia University.

H. W. Chaukley, Ph. D., United States Pub lic Health Service (retired), Bethesda, Mary land.

Paul W. Clough, M.D., Johns Hopkins University, School of Medicine (Emeritus), Johns Hopkins Hospital.

Sidney Cobb, M.D., University of Michigan.

Stanley Cobb, M.D., Bullard Professor of Neuropathology, Harvard University, Emeritus.

Dr. Cecil H. Coggins, Clinical and Research Fellow, Dept. of Medicine, Massachusetts General Hospital & Harvard Medical School.

Professor Edward M. Cohart, Yale Medical School.

David J. Cohen, M.D., Philadelphia, Pennsylvania.

Louis Cohen, M.D., Chicago, Illinois.

Sidney Cohn, M.D., Director, Dept. of Microbiology, Michael Reese Hospital and Medical Center, Chicago, Illinois.

Clarence Cohn, M.D., Winnetka, Illinois.

Jerome E. Cohn, M.D., Associate Professor of Medicine, University of Kentucky Medical Center.

Herbert Constantine, M.D., Boston University Medical School.

Charles D. Cook, M.D., Professor of Pediatrics, Yale University.

Thomas B. Coolidge, Professor of Biochemistry, University of Chicago.

Albert H. Coons, M.D., Harvard Medical School.

N. H. Cooper, M.D., Merrick, New York.

Leslie Corsa, Jr., M.D., University of Michigan.

Samuel A. Corson, Ph. D., Ohio State University.

Albert B. Craig, Jr., M.D., Rochester, New York.

Irving J. Crain, M.D., Great Neck, New York.

David Crocker, M.D., Cleveland, Ohio.

Pedro Cuatrecasas, M.D., Bethesda, Maryland.

David W. Cugell, M.D., Northwestern University Medical School.

William Dameshek, M.D., Professor of Medicine, Tufts University School of Medicine.

Albert Damon, Ph. D., M.D., Dept. of Anthropology, Harvard University.

Dean F. Davies, M.D., New York, New York.

Professor Bernard D. Davis, Harvard Medical School.

Professor Hallowell Davis, Washington University (Emeritus), St. Louis, Missouri.

Seymour Dayton, M.D., Los Angeles, California.

William C. Deamer, M.D., Professor of Pediatrics, University of California School of Medicine, San Francisco, California.

Elmer L. DeGovin, M.D., Professor of Internal Medicine, University of Iowa.

Jessie P. Delprat, M.D., San Francisco, California.

Quentin B. Deming, M.D., New York, New York.

Professor Warren H. Dennis, University of Wisconsin Medical School.

Vernon R. DeYoung, M.D., Assistant Professor of Clinical Pediatrics, University of Illinois, Chicago.

E. Grey Dimond, M.D., Scripps Clinic and Research Foundation, La Jolla, California.

David L. Di Pietro, Ph. D., Fels Research Institute, Temple University School of Medicine.

Virginia H. Donaldson, M.D., St. Vincent Charity Hospital, Cleveland, Ohio.

Albert Dorfman, M.D., Richard T. Crane, Professor of Pediatrics, University of Chicago.

Professor Robert N. Dowben, Professor of Biology, Massachusetts Institute of Technology.

H. H. Draper, Ph. D., Professor, University of Illinois, Urbana, Illinois.

R. L. Dreifuss, M.D., Forest Hills, New York.

Paul Dreizen, M.D., Assistant Professor of Medicine, State University of New York, Downstate Medical Center.

William D. Drucker, M.D., Assistant Professor of Medicine, New York University School of Medicine.

L. C. Dunn, Professor of Zoology, Emeritus, Columbia University.

Richard P. Durbin, Research Biophysicist, University of California, School of Medicine, San Francisco, California.

Harriet P. Dustan, M.D., Cleveland, Ohio.

Martin Dworkin, Associate Professor of Microbiology, University of Minnesota School of Medicine.

Mary H. Easby, M.D., Burlington, Vermont.

Robert Ebert, M.D., Dean, Harvard Medical School.

Robert Edelman, M.D., School of Medicine, Western Reserve University.

Chester M. Edelmann, Jr., M.D., Dept. of Pediatrics, Albert Einstein College of Medicine.

Philip Edlin, M.D., Cincinnati, Ohio.

John T. Edsall, Professor of Biological Chemistry, Harvard University.

Albert Ehrlich, M.D., Fort Lee, New Jersey.

Robert Eisenberg, M.D., Asst. Prof. of Clinical Pediatrics, Albert Einstein College of Medicine, Yeshiva University.

Gilbert M. Eisener, M.D., Instructor, Georgetown University Hospital.

Frederick Elias, M.D., Kingston, New York.

Leonard P. Eliel, M.D., Vice-President—Director of Research, Oklahoma Medical Research Foundation.

Laurence B. Ellis, M.D., Clinical Professor of Medicine, Harvard Medical School.

Peter Elsbach, M.D., New York University, School of Medicine.

David H. Elwyn, Ph. D., University of Illinois, School of Medicine.

Eugene Emerson, M.D., Ophthalmologist, Rochester, New York.

John Emmett, M.D., El Paso, Texas.

Cecil Entenman, Ph. D., Biochemist, Berkeley, California.

Frederick H. Epstein, M.D., Professor of Epidemiology, School of Public Health, University of Michigan.

Allan J. Erslev, M.D., Cardeza Research, Professor of Medicine, Jefferson Medical College.

John W. Farquhar, M.D., Stanford University School of Medicine.

Gerald D. Fasman, Ph. D., Graduate Dept. of Biochemistry, Brandeis University.

James M. Faulkner, M.D., Boston, Massachusetts.

Daniel D. Federman, M.D., Boston, Massachusetts.

Murray Fenichel, M.D., Vineland, New Jersey.

John Ferger, M.D., Dryden, New York.

Martha F. Ferger, Research Associate, Cornell University.

Ferdinand Fetter, M.D., Asst. Prof. of Clinical Medicine, University of Pennsylvania School of Medicine.

Michael M. Field, M.D., Research Fellow in Biophysics, Harvard Medical School.

John W. Findley, Jr., M.D., Assistant Clinical Professor, Dept. of Medicine, Stanford University.

Archie Fine, M.D., Cincinnati, Ohio.

Jacob Fine, M.D., Professor of Surgery, Harvard Medical School.

Richard A. Fineberg, M.D., Assoc. Prof. of Biochemistry, University of California, San Francisco Medical Center.

Frank A. Finnerty, Jr., M.D., Assoc. Clinical Professor of Medicine, Georgetown University Medical School.

William N. Fishbein, M.D., Ph. D., Washington, D.C.

Dr. Hans Fisher, Professor, Rutgers University, New Brunswick, New Jersey.

Joseph N. Fisher, M.D., Dept. of Pediatrics, Harvard Medical School.

June M. Fisher, M.D., Stanford University School of Medicine.

Daniel S. Fleisher, M.D., Temple University School of Medicine.

Piero P. Foa, M.D., Ph. D., Chief, Division of Research, Sinai Hospital, Prof. of Physiology, Wayne State University Medical School.

Anne P. Forbes, M.D., Associate Physician, Massachusetts General Hospital.

Harry Foreman, M.D., Associate Professor, School of Public Health, University of Minnesota.

Irwin J. Fox, M.D., Ph. D., Associate Professor of Physiology, University of Minnesota.

Jerome D. Frank, M.D., Johns Hopkins University Medical School.

Howard S. Frazier, M.D., Assistant Professor of Medicine, Harvard Medical School.

Lawrence R. Freedman, M.D., Woodbridge, Connecticut.

Richard B. Freeman, M.D., Instructor in Medicine, Georgetown University School of Medicine.

Dr. Norbert Freinkel, Assistant Professor of Medicine, Harvard Medical School.

Dr. Gilbert Friedell, Pathologist, West Newton, Massachusetts.

Dr. Ephraim Friedman, Professor, University Hospital, Boston University Medical School.

Irving A. Friedman, M.D., Assoc. Director, Dept. of Hematology, Hektoen Institute for Medical Research, Clinical Assoc. Prof. of Medicine, Chicago Medical School.

Julius J. Friedman, Ph. D., Indiana University School of Medicine.

Irving B. Fritz, Professor, Dept. of Physiology, University of Michigan.

Douglas V. Frost, Ph. D., Research Specialist in Nutrition, Abbott Laboratories, North Chicago, Illinois.

Robert K. Funkhouser, M.D., Cambridge, Massachusetts.

Robert H. Furman, M.D., Associate Director of Research, Head of Cardiovascular Section, Oklahoma Medical Research Foundation, Assoc. Prof. of Research Medicine, University of Oklahoma School of Medicine.

Arthur W. Galston, Dept. of Biology, Yale University.

Joseph T. Gault, M.D., Chicago Medical School.

Clifford Geertz, Professor of Anthropology, University of Chicago.

Dr. Eileen S. Gersh, University of Pennsylvania School of Veterinary Medicine.

Professor Isadore Gersh, University of Pennsylvania.

Norman R. Gevirtz, M.D., New York, New York.

Frederick A. Gibbs, M.D., University of Illinois, Chicago, Illinois.

Robert P. Gilbert, M.D., Jefferson Medical College.

Betty S. Gilson, M.D., Great Falls, Montana.

John S. Gilson, M.D., Great Falls, Montana.

Sol Glassman, M.D., Instructor in Medicine, Hahnemann Medical College.

Seymour Glick, M.D., Brooklyn, New York.

Dr. Gabriel C. Godman, Assoc. Prof. of Microbiology, Columbia University.

Frederick C. Goetz, M.D., University of Minnesota Medical School.

Dr. & Mrs. Leon I. Goldberg, Emory University and Morehouse College.

Benjamin Golden, M.D., Washington, D.C.

Carl Goldsmith, M.D., Assistant Professor of Medicine, Georgetown University.

Irwin J. Goldstein, Ph. D., Assoc. Prof. of Biological Chemistry, University of Michigan.

Seymour Gollub, Ph. D., M.D., St. Barnabas Hospital, New York, New York.

C. J. Goodner, M.D., Assistant Professor of Medicine, University of Washington, Seattle, Washington.

Edwin E. Gordon, M.D., Assistant Professor of Medicine, Albert Einstein College of Medicine.

Roderic Gorney, M.D., Asst. Prof. of Psychiatry, U.C.L.A. School of Medicine.

Eugene L. Gottfried, M.D., Albert Einstein College of Medicine.

Alexander Gotz, M.D., Ann Arbor, Michigan.

John S. Graettinger, M.D., Professor of Medicine, University of Illinois College of Medicine.

Frank D. Gray, Jr., M.D., Associate Professor of Medicine, Yale University.

Frieda G. Gray, M.D., Assistant Professor of Medicine, Yale University School of Medicine.

Professor Joseph Grayzel, M.D., Columbia University.

Gerald Allen Green, M.D., Asst. Dean, School of Medicine, University of Southern California.

Jack Peter Green, M.D., Ph. D., Cornell University Medical College.

William L. Green, M.D., Assistant Professor of Medicine, Washington University, School of Medicine, St. Louis, Missouri.

Professor Bernard G. Greenberg, University of North Carolina.

Herbert J. Grossman, M.D., Professor of Pediatrics, University of Illinois, College of Medicine.

Jacob Grossman, M.D., Director of Medicine, Hospital for Joint Diseases, New York, New York.

Wilson Grubb, M.D., Baltimore, Maryland.

Ernest M. Gruenberg, M.D., Dr. P.H., Professor of Psychiatry, Columbia University.

Warren R. Guild, M.D., Harvard Medical School, Peter Bent Brigham Hospital.

Warren G. Guntheroth, M.D., University of Washington School of Medicine, Seattle, Washington.

Charles Guzzetta, Assoc. Prof. of Social Work, San Diego State College.

Merrill P. Haas, M.D., Pediatrician, Peekskill, New York.

Edward H. Hale, M.D., Chest Physician and Internist, Western Pennsylvania Hospital, Pittsburgh, Pennsylvania.

Jack H. Hall, M.D., Director of Medical Education, Methodist Hospital Graduate Medical Center, Indianapolis, Indiana.

Salmon R. Halpern, M.D., Ph. D., Dallas, Texas.

Henry E. Hamilton, M.D., Professor, Dept. of Medicine, University Hospitals, Iowa City, Iowa.

Carolyn W. Hammond, Ph. D., Associate Professor, Dept. of Microbiology, University of Illinois.

William R. Harlan, Jr., M.D., Medical College of Virginia.

Timothy S. Harrison, M.D., Professor, University of Michigan, Medical School.

H. I. Harvey, M.D., Berkeley, California.

William S. Haubrich, M.D., The Henry Ford Hospital, Detroit, Michigan.

Richard J. Havel, M.D., Professor of Medicine, University of California, San Francisco, California.

Clark W. Heath, M.D., Professor of Hygiene, Tufts University.

Frederick Hecht, M.D., University of Oregon, Medical School.

Professor Michael Heidelberger, New York University, School of Medicine.

Donald F. Heiman, M.D., Elkins Park, Pennsylvania.

Keith S. Henley, M.D., Dept. of Internal Medicine, University of Michigan.

Victor Herbert, M.D., Professor of Medicine, The Mount Sinai School of Medicine, New York, New York.

Jacob I. Hirsch, M.D., New York University, School of Medicine.

Kurt Hirschhorn, M.D., New York University, School of Medicine.

Hudson Hoagland, Ph.D., Sc.D., Executive Director, Worcester Foundation for Experimental Biology.

M. E. Hodes, M.D., Ph.D., Assoc. Prof. of Medicine & Biochemistry, Indiana University Medical Center

Myron A. Hofer, M.D., New York, New York.

Joel Hoffman, M.D., Dept. of Pharmacology, University of Michigan.

Julien I. E. Hoffman, M.D., Asst. Prof. of Pediatrics & Medicine, Albert Einstein College of Medicine.

Lee Hoffman, M.D., Albert Einstein College of Medicine.

Richard Hoffmann, M.D., Consultant in Dermatology, Beth Israel Hospital, Boston, Massachusetts.

Alan F. Hofmann, M.D., The Rockefeller University.

William Hollander, M.D., Boston, Massachusetts.

Malcolm A. Holliday, M.D., Professor of Pediatrics, University of California Medical Center, San Francisco, California.

J. W. Hollingsworth, M.D., Associate Professor of Medicine, Yale University.

L. Emmett Holt, Jr., M.D., Professor of Pediatrics, New York University, School of Medicine.

R. Thomas Holzbach, M.D., Clin. Instructor in Medicine, Western Reserve University.

Dorothy M. Horstmann, M.D., Professor of Epidemiology and Pediatrics, Yale University School of Medicine.

Robert R. Huntley, M.D., School of Medicine, University of North Carolina.

Milton M. Hurwitz, M.D., Assoc. Prof. of Medicine, University of Minnesota.

John H. Huston, M.D., Practicing Cardiologist and Associate Professor of Medicine, Marquette University School of Medicine.

Robert E. Hyatt, M.D., Section of Physiology, Mayo Clinic.

Frank L. Iber, M.D., Associate Professor of Medicine, Johns Hopkins University.

Harry S. Jacob, M.D., Professor, Tufts University, School of Medicine.

Dr. Earl E. Jacobs, Research Biophysicist & Lecturer, Biophysics Laboratory, Stanford University.

Nathan Jacobs, M.D., Sierra Madre, California.

Ernest R. Jaffe, M.D., Associate Professor of Medicine, Albert Einstein College of Medicine.

Lewis E. January, M.D., Professor of Medicine, University of Iowa.

William P. Jencks, Professor of Biochemistry, Brandeis University.

Professor Robert B. Jennings, M.D., Northwestern University Medical School.

Dr. E. Roy John, Research Professor, Director, Research Laboratories, Dept. of Psychiatry, New York Medical College.

Anne B. Johnson, M.D., Albert Einstein College of Medicine.

B. Connor Johnson, Ph. D., Chairman, Dept. of Biochemistry, University of Oklahoma, School of Medicine.

John B. Johnson, M.D., Professor of Medicine, Howard University.

Dr. Paul C. Johnson, Assoc. Prof., of Physiology, Indiana University School of Medicine.

Robert L. Johnson, Jr., M.D., Associate Professor of Medicine, University of Texas, Southwestern Medical School.

Franklin D. Johnston, M.D., Professor of Internal Medicine, University of Michigan Medical School.

Chester M. Jones, M.D., Clin. Prof. of Medicine, Emeritus and Special Consultant to the Dean, Harvard University School of Medicine.

Richard J. Jones, M.D., Associate Professor of Medicine, University of Chicago.

Hugh W. Josephs, M.D., Associate Professor of Pediatrics, Johns Hopkins University.

Dr. J. B. Kahn, Jr., Professor of Pharmacology, Northwestern University Medical School.

Sigmund B. Kahn, M.D., Hahnemann Medical College.

H. M. Kalckar, M.D., Ph. D., Professor of Biological Chemistry, Massachusetts General Hospital.

Sumner M. Kalman, M.D., Stanford University, School of Medicine.

Henry Kaminer, M.D., Physician, New York, New York.

Henry S. Kaplan, M.D., Professor of Radiology, Stanford University School of Medicine.

E. Martin Kaufman, M.D., Chicago, Illinois.

Andrew Kerr, Jr., M.D., Wyoming, New York.

Seymour S. Kety, M.D., D.SC., Chevy Chase, Maryland.

Ancel Keys, Ph. D., Director, Laboratory of Physiological Hygiene, University of Minnesota.

Kaye H. Kilburn, M.D., Associate Professor of Medicine, Duke University Medical Center.

Benedict B. Kimmelman, D.D.S., Albert Einstein Medical Center, Hahnemann Medical College & Hospital.

J. Murray Kinsman, M.D., Vice-President and Dean-Emeritus of the School of Medicine, University of Louisville.

Walter M. Kirkendall, M.D., Professor of Medicine, University of Iowa.

Kenneth D. Kittleson, M.D., Internist, Associate in Medicine, Northwestern University Medical School.

Raymond M. Kivel, M.D., Stanford University School of Medicine.

Robert M. Kohn, M.D., Asst. Clin. Prof. of Medicine, State University of New York at Buffalo.

I. M. Kolthoff, Professor Emeritus of Chemistry, University of Minnesota.

Edward D. Korn, Ph. D., Bethesda, Maryland.

Irvin M. Korr, Ph. D., Professor of Physiology, Kirksville College of Osteopathy and Surgery, Kirksville, Missouri.

Charles H. Kosmaler, M.D., Elmira, New York.

Frederic J. Kottke, M.D., Professor and Head, Dept. of Physical Medicine & Rehabilitation, University of Minnesota Medical School.

Sumner C. Kraft, M.D., Assistant Professor of Medicine, University of Chicago.

Stanford Krantz, M.D., University of Chicago.

George Kraus, M.D., Poughkeepsie, New York.

David Kritchevsky, Ph. D., Member, The Wistar Institute, Philadelphia, Pennsylvania.

Marcus A. Krupp, M.D., Palo Alto, California.

Stephen W. Kuffler, Robert Winthrop Professor of Neurophysiology & Neuropharmacology, Harvard Medical School.

John C. Kukral, M.D., Ph. D., University of Illinois College of Medicine.

F. A. Kummerow, Ph. D., The Burnsides Research Laboratory, University of Illinois, Urbana, Illinois.

Irving Kushner, M.D., Assistant Professor of Medicine, Western Reserve University, School of Medicine.

Richard Langendorf, M.D., Chicago, Illinois.

H. G. Langford, M.D., Professor of Medicine, University of Mississippi.

Professor Joseph Larner, Biochemistry Department, College of Medical Sciences, University of Minnesota.

Louis Lasagna, M.D., Johns Hopkins University Medical School.

Joyce C. Lashof, M.D., Presbyterian-St. Luke's Hospital, Dept. of Preventive Medicine, University of Illinois College of Medicine.

James E. Lasry, M.D., San Diego, California.

Paul H. Lavietes, M.D., Assoc. Clin. Prof. of Medicine, Yale University School of Medicine.

A. M. Lawrence, M.D., Assistant Professor of Medicine, University of Chicago School of Medicine.

Donald B. Lawrence, Ph. D., Minneapolis, Minnesota.

Alexander Leaf, M.D., Massachusetts General Hospital, Harvard Medical School.

Philip M. Le Compte, M.D., Clin. Assoc. Prof. of Pathology, Harvard Medical School.

Aaron M. Lefkovits, M.D., Assistant Professor of Medicine, University of Tennessee Medical School.

Nathaniel S. Lehrman, M.D., Albert Einstein College of Medicine.

Sanford Leikin, M.D., Asst. Prof. of Pediatrics, George Washington University, School of Medicine.

Herman Lerner, M.D., Chicago, Illinois.

Rachmiel Levine, M.D., New York Medical College.

Robert A. Levine, M.D., Assistant Professor of Medicine, State University of New York, Downstate Medical Center.

Gilbert E. Levinson, M.D., Associate Professor of Medicine, New Jersey College of Medicine.

Monte J. Levinson, M.D., Chicago, Illinois.

Dr. Herbert Levitan, Dept. of Anatomy, U.C.L.A.

Matthew N. Levy, M.D., Associate Professor of Physiology, Western Reserve University and Case Institute of Technology.

Jacob Lichstein, M.D., Asst. Prof. of Clin. Medicine, U.C.L.A. College of Medicine.

M. D. Lidman, M.D., Former Chief of Staff, Consultant in Medicine, Norfolk General Hospital.

Arnold Lieber, M.D., New York, New York.

E. James Lieberman, M.D., Washington, D.C.

Jerrold S. Lieberman, M.D., Clin. Asst. Prof. of Medicine, Cornell University Medical College.

Jerome Liebman, M.D., Assistant Professor of Pediatrics, Western Reserve University, School of Medicine.

Averill A. Liebow, M.D., Professor of Pathology, Yale University.

Irving M. Liebow, M.D., Cleveland, Ohio.

Daniel Liebowitz, M.D., Redwood City, California.

Florence S. Lief, Ph. D., University of Pennsylvania.

Abraham Lilienfeld, M.D., Baltimore, Maryland.

Warren Lindau, M.D., Clin. Assoc. Prof. of Pharmacology, University of Miami School of Medicine, Miami, Florida.

Arthur Lindenbaum, Ph. D., Associate Biochemist, Argonne National Laboratory, Argonne, Illinois.

Daniel M. Lipschultz, M.D., Psychiatrist, New York, New York.

Charles W. Lloyd, M.D., The Worcester Foundation for Experimental Biology, Shrewsbury, Massachusetts.

Charles C. Lobeck, M.D., Dept. of Pediatrics, University of Wisconsin Medical Center.

Louise S. Lombard, D.V.M., Ph. D., Stritch School of Medicine, Loyola University, Hines, Illinois.

Sol Londe, M.D., Clin. Instructor in Pediatrics, Washington University Medical School, St. Louis, Missouri.

Professor James B. Longley, University of Louisville School of Medicine.

Victor Lorber, M.D., University of Minnesota.

Myron Lotz, M.D., Assistant Professor of Medicine, Georgetown Medical School.

Harris Lovice, M.D., Baltimore, Maryland.

Francis C. Lowell, M.D., Harvard Medical School.

Edward W. Lowman, M.D., Professor of Physical Medicine and Rehabilitation, New York University School of Medicine.

Bernard Lown, M.D., Harvard School of Public Health.

David L. Lubell, M.D., Great Neck, New York.

Herbert Lubowitz, M.D., Washington University School of Medicine, St. Louis, Missouri.

Myron H. Luria, M.D., Cardiovascular Institute, Michael Reese Hospital and Medical Center, Chicago, Illinois.

S. E. Luria, Sedgwick Professor of Biology, Massachusetts Institute of Technology.

Professor David T. Lykken, Dept. of Psychiatry and Neurology, University of Minnesota Medical School.

Richard A. MacDonald, M.D., Professor of Pathology, University of Colorado School of Medicine.

Roland P. MacKay, M.D., Professor of Neurology, Northwestern University Medical School.

Professor Bruce Mackler, University of Washington, Seattle, Washington.

Professor Brian MacMahon, Harvard School of Public Health.

Roy H. Maffly, M.D., Stanford University School of Medicine.

Gordon B. Magill, M.D., Chief of Staff, St. John's Hospital, Fargo, North Dakota.

Jane W. Magill, M.D., Physician, Internal Medicine, Fargo, North Dakota.

Robert Mallory, III, M.D., Rye, New York.

Francis R. Manlove, M.D., Professor of Medicine, Temple University.

Robert T. Manning, M.D., Kansas University School of Medicine.

Frank I. Marcus, M.D., Assistant Professor of Medicine, Georgetown University Medical School.

Dr. Stanley Marcus, University of Utah College of Medicine.

Professor Sheldon Margen, Dept. of Nutritional Sciences, University of California, Berkeley, California.

Robert J. Marshall, M.D., Professor of Medicine, West Virginia University.

Theodore B. Massell, M.D., Los Angeles, California.

Martin B. Mathews, Ph. D., University of Chicago.

Robert H. McCarter, M.D., Harvard Medical School.

Maclyn McCarty, M.D., Vice-President and Physician-in-Chief, Rockefeller University.

Wallace W. McCrory, M.D., Professor and Chairman, Dept. of Pediatrics, New York Hospital, Cornell Medical Center.

James W. McCubbin, M.D., Research Division, Cleveland Clinic.

John B. McDevitt, M.D., New York, New York.

Floyd C. McIntire, Ph. D., North Chicago, Illinois.

Rustin McIntosh, M.D., Professor Emeritus of Pediatrics, Columbia University.

Charles M. McLane, M.D., Clin. Prof. of Obstetrics & Gynecology, Cornell University Medical College.

Robert L. Mecklenburg, M.D., Wilmington, Delaware.

Paul Meier, Ph. D., Statistician, University of Chicago.

Leonard E. Meiselas, M.D., Attending Physician, Maimonides Hospital, Brooklyn, New York.

Lester Meister, M.D., Assoc. Professor of Clin. Medicine, University of California, Medical Center, Los Angeles.

Robert B. Mellins, M.D., Columbia University.

Gerald A. Mender, M.D., University of Chicago, School of Medicine.

Albert L. Merlis, M.D., Yonkers, New York.

Joseph V. Messer, M.D., Assistant Professor of Medicine, Tufts University School of Medicine.

James Metcalfe, M.D., Professor of Medicine, University of Oregon Medical School.

Jack Metcoff, M.D., Professor and Chairman, Dept. of Pediatrics, Chicago Medical School.

Bernard C. Meyer, M.D., Attending Psychiatrist, Mount Sinai Hospital, New York, New York.

David D. Michie, Ph. D., Senior Research Physiologist, Technology, Inc., San Antonio, Texas.

Sherwood P. Miller, M.D., University of New York, Downstate Medical Center.

Roger S. Mitchell, M.D., Director, Webb-Waring, Institute for Medical Research, University of Colorado Medical Center.

David C. Mock, Jr., M.D., University of Oklahoma.

Herbert C. Modlin, M.D., Menninger Foundation, Topeka, Kansas.

Marc Moldawer, M.D., Associate Professor of Medicine, Baylor University College of Medicine.

Carl V. Moore, M.D., University City, Missouri.

E. Neil Moore, D.V.M., Ph. D., Research Asst. Prof. of Physiology, University of Pennsylvania.

Robert A. Moore, M.D., Director, Dept. of Psychiatry, Swedish-American Hospital, Rockford, Illinois.

Roger M. Morrell, M.D., University of Miami School of Medicine, Miami, Florida.

Wilhelm J. A. Moser, M.D., Physician—General Practitioner, Central Bridge, New York.

Lincoln E. Moses, Professor of Statistics, School of Medicine, Stanford University.

Peter D. Mott, M.D., Concord, Massachusetts.

John F. Mueller, M.D., Professor of Medicine, State University of New York, Downstate Medical Center.

Gardner Murphy, Henry March Pfeiffer Professor, Menninger Foundation, Topeka, Kansas.

J. L. Naiman, M.D., Asst. Prof. of Pediatrics, Temple University School of Medicine.

George L. Nardi, M.D., Massachusetts General Hospital.

John P. Nasou, M.D., Medical Director District of Columbia General Hospital.

H. Necheles, M.D., Dept. of Gastro-Enterology, Michael Reese Hospital, Chicago, Illinois.

Sam Nelken, M.D., Assistant Clinical Professor, University of California Medical School, San Francisco, California.

William P. Nelson, III, M.D., Professor of Postgraduate Medicine, Albany Medical College.

Maria I. New, M.D., New York, New York.

Professor R. W. Newburgh, Dept. of Chemistry, Science Research Institute, Oregon State University.

Albert H. Niden, M.D., University of Chicago, School of Medicine.

Norman Nomof, M.D., San Jose, California.

Donald O. Nutter, M.D., Resident in Medicine, Grady Memorial Hospital, Atlanta, Georgia.

William Obrinsky, M.D., Montefiore Hospital, Bronx, New York.

Dr. Robert E. Olson, Professor of Biochemistry, St. Louis University School of Medicine.

Dr. Akira Omachi, University of Illinois, College of Medicine.

Robert M. O'Neal, M.D., Professor of Pathology, Baylor University School of Medicine, Texas Medical Center.

Nelson K. Ordway, M.D., Professor of Pediatrics, Yale University School of Medicine.

Leo L. Orenstein, M.D., Assoc. Clin. Prof. of Psychiatry, New York University School of Medicine.

William J. Osher, M.D., Director, Heart Station, Utica on the Park, Tulsa, Oklahoma.

John A. Owen, Jr., M.D., Assoc. Prof. of Internal Medicine, University of Virginia, School of Medicine.

Francis J. Owens, M.D., Cleveland, Ohio.

Jacques Padawer, Ph. D., Assoc. Professor of Anatomy, Albert Einstein College of Medicine.

Walter N. Pahnke, M.D., Ph. D., Teaching Fellow in Psychiatry, Harvard Medical School.

Robert H. Palmer, M.D., University of Chicago.

John R. Pappenheimer, Visiting Prof. of Physiology, Harvard Medical School.

Jack L. Paradise, M.D., Physician, Bellaire, Ohio.

E. A. Park, M.D., Professor Emeritus of Pediatrics, John Hopkins University, School of Medicine.

Robert F. Parker, M.D., Leo R. Parnes, M.D., Waban, Mass.

William B. Persons, Jr., M.D., Director of Research, The Jackson Foundation, Madison, Wis.

Eleanor Pavenstedt, M.D., Research Prof. of Psychiatry, Boston University School of Medicine.

Morton Lee Pearce, M.D., Professor of Medicine, U.C.L.A.

James J. Peifer, Ph. D., Established Investigator of the American Heart Association, Hormel Institute, University of Minnesota.

John F. Perkins, Jr., M.D., Professor of Physiology, University of Chicago.

Gerald T. Perkoff, M.D., St. Louis, Missouri.

Joseph K. Perloff, M.D., Washington, D.C.

Ellis A. Perlswig, M.D., Asst. Prof. of Child Psychiatry, Yale University.

A. Robert Peskin, M.D., New York, N.Y.

Malcolm L. Peterson, M.D., Ph. D., St. Louis, Mo.

Edward Phillips, M.D., Assoc. Clin. Prof. of Medicine, University of Southern California.

James Pierce, M.D., Medical Fellow, University of Minnesota.

Hubert V. Pipberger, M.D., Assoc. Professor of Medicine, Georgetown University.

Conrad L. Pirani, M.D., Chairman, Dept. of Pathology, Michael Reese Hospital, Chicago, Illinois.

Hubert Pirkle, M.D., Assoc. Professor of Pathology, University of Louisville.

James A. Pittman, M.D., Professor of Medicine, University of Alabama Medical School.

G. W. E. Plant, Ph. D., University of Utah, College of Medicine.

Andrew G. Plaut, M.D., Boston, Massachusetts.

Thomas F. Plaut, M.D., Whitesburg, Kentucky.

Robert K. Plumb, Director of Nutrition Education, Nutrition Foundation, Inc., New York, New York.

Irving J. Poliner, M.D., Portland, Maine.

Victor E. Pollak, M.D., Michael Reese Hospital & Medical Center, Chicago, Illinois.

J. Lawrence Pool, M.D., Alpine, New Jersey.

Robert W. Popper, M.D., Presbyterian Medical Center, San Francisco, California.

Robert E. Priest, M.D., University of Colorado Medical Center.

William F. Putnam, M.D., Lyme, New Hampshire.

Lawrence Rabinowitz, Ph. D., Asst. Professor of Physiology, University of North Carolina Medical School.

R. L. Rainey, M.D., Assistant Professor of Medicine, Medical College of Georgia.

Samuel I. Rapaport, M.D., Los Angeles, California.

Professor Ernest A. Rappaport, Chicago Medical School.

L. J. Rather, M.D., Professor of Pathology, Stanford Medical Center.

George G. Reader, M.D., Cornell University Medical College.

Leonard W. Reaves, III, North Carolina.

Elizabeth B. Reed, M.D., San Francisco, California.

Richard Reeve, M.D., Cardiologist, Mt. Zion Hospital, San Francisco, California.

Attilio D. Renzetti, Jr., M.D., Associate Professor of Medicine, University of Utah College of Medicine.

J. Walden Retan, M.D., Assistant Professor of Medicine, University of Alabama, College of Medicine.

David W. Richardson, M.D., Richmond, Virginia.

Dr. Stanley L. Robbins, Director, Mallory Institute of Pathology, Boston City Hospital.

Norman B. Roberg, M.D., Professor of Medicine, University of Illinois, College of Medicine.

Alan H. Roberts, Ph. D., Associate Professor University of Minnesota, Medical School.

Abel L. Robertson, Jr., M.D., Ph. D., Shaker Heights, Ohio.

David S. Rockoff, M.D., Assistant Professor, Yale University School of Medicine.

Lennart Roden, M.D., University of Chicago.

Dan Christian Roehm, M.D., Ft. Lauderdale, Florida.

K. D. Rogers, M.D., Pittsburgh, Pennsylvania.

Ellis L. Rolett, M.D., Assistant Professor of Medicine, University of North Carolina School of Medicine.

Herbert G. Rose, M.D., New York, New York.

Francis F. Rosenbaum, M.D., Assoc. Clin. Professor, Marquette University School of Medicine, Milwaukee, Wisconsin.

Leon E. Rosenberg, M.D., Yale University School of Medicine.

Arlan L. Rosenbloom, M.D., Dept. of Pediatrics, University of Wisconsin Medical Center.

Harold Rosenblum, M.D., Clin. Professor of Medicine, University of California, San Francisco, California.

Robert Rosenblum, M.D., New York, New York.

Morris Rosenthal, M.D., West Tisbury, Massachusetts.

Pauline Rosenthal, M.D., West Tisbury, Massachusetts.

Stuart Warren Rosner, M.D., Clin. Instructor of Medicine, George Washington University Hospital.

Nathaniel Ross, M.D., Clin. Prof. of Psychiatry, State University of New York.

Jesse Roth, M.D., Bethesda, Maryland.

Professor Irving Rothchild, Western Reserve University School of Medicine.

Carl A. Rothe, Assoc. Prof. of Physiology, Indiana University, Established Investigator, American Heart Association.

Michael B. Rothenberg, M.D., Asst. Clin. Prof. of Psychiatry and Pediatrics, Albert Einstein College of Medicine.

Sheldon P. Rothenberg, M.D., Assistant Professor of Medicine, New York Medical College.

David R. Rovner, M.D., Dept. of Internal Medicine, University of Michigan.

Lewis P. Rowland, M.D., New York, New York.

Donald A. Rowley, M.D., Dept. of Pathology, University of Chicago.

Janet D. Rowley, M.D., Dept. of Medicine, University of Chicago.

Theodore C. Ruch, Ph. D., University of Washington, School of Medicine, Regional Primate Research Center, Seattle, Washington.

George E. Ruff, M.D., Assoc. Professor of Psychiatry, University of Pennsylvania.

H. D. Ruskin, M.D., Clin. Assoc. Prof. of Medicine, State University of New York, Downstate Medical Center.

William J. Rutter, Prof. of Biochemistry & Genetics, University of Washington, Seattle, Washington.

Marvin L. Sachs, M.D., Philadelphia, Pennsylvania.

Sami I. Said, M.D., Assoc. Professor of Medicine, Medical College of Virginia.

Itamar Salamon, M.D., Instructor in Psychiatry, Albert Einstein College of Medicine.

Lester B. Salans, M.D., The Rockefeller University.

Edwin W. Salzman, M.D., Clin. Assoc. in Surgery, Harvard Medical School.

W. M. Sams, Jr., M.D., San Francisco, California.

Dr. Leo T. Samuels, Dept. of Biochemistry, University of Utah College of Medicine.

Samuel O. Sapin, M.D., Assoc. Clin. Prof. of Pediatrics, University of California, Los Angeles.

Arthur Sawitsky, M.D., Hematology Research Laboratory, The Long Island Jewish Hospital, New Hyde Park, New York.

Dr. Lawrence Saxon, Newton Centre, Massachusetts.

George Sayers, Professor and Director, Dept. of Physiology, School, of Medicine, Western Reserve University.

William R. Scarborough, M.D., Assistant Professor of Medicine, Georgetown University Medical Center.

Professor Howard R. Schachman, Dept. of Molecular Biology, University of California, Berkeley.

Joseph Schachter, M.D., Ph. D., College of Physicians & Surgeons, Columbia University.

Judith S. Schachter, M.D., College of Physicians & Surgeons, Columbia University.

Irwin J. Schatz, M.D., Detroit, Michigan.

Howard Schein, Fels Research Institute, Temple University School of Medicine.

I. Herbert Scheinberg, M.D., Professor of Medicine, Albert Einstein College of Medicine.

J. R. Schenck, Ph. D., Abbott Laboratories, North Chicago, Illinois.

Eric A. Schenk, M.D., University of Rochester Medical Center.

Professor Robert F. Schilling, University of Wisconsin Medical School.

Robert C. Schlant, M.D., Emory University School of Medicine.

Frank R. Schmid, M.D., Associate Professor of Medicine, Northwestern University Medical School.

E. L. Schmidt, Professor of Microbiology, University of Minnesota.

J. J. Schneider, M.D., Brooklyn, New York.

Monroe Schneider, M.D., Downstate Medical Center, Brooklyn New York.

William Schofield, Professor of Psychology, University of Minnesota Medical School.

John E. Schowalter, M.D., Monterey, California.

Stanley L. Schrier, M.D., Associate Professor of Medicine, Stanford Medical Center.

Henry A. Schroeder, M.D., Assoc. Professor of Physology, Darthmouth Medical School.

Professor Martin P. Schulman, University of Illinois College of Medicine, Chicago, Illinois.

Irwin Schultz, M.D., Assistant Professor of Medicine, Washington University Medical School, St. Louis, Missouri.

Howard Schurr, Administrative Assistant Director, Fels Research Institute, Temple University Medical School.

Marvin M. Schuster, M.D., Assistant Chief of Medicine, Baltimore City Hospitals.

Alfred S. Schwartz, M.D., Washington University School of Medicine, St. Louis, Missouri.

Maurice A. Schwartz, M.D., Assistant Professor of Medicine, the Chicago Medical School.

Professor Samuel Schwartz, College of Medical Sciences, University of Minnesota.

James L. Scott, M.D., U.C.L.A. School of Medicine.

Benjamin Segal, M.D., Consulting Gynecologist, Lincoln Hospital, New York.

Diego Segre, D.V.M., Ph. D., Professor, College of Veterinary Medicine, University of Illinois, Urbana.

Max Seham, M.D., Emeritus Clin. Prof. of Pediatrics, University of Minnesota, Group Health Medical Center, St. Paul, Minnesota.

Stephen J. Seligman, M.D., Dept. of Medicine, University of California, Los Angeles.

Dr. Ewald E. Selkurt, Professor and Chairman, Dept. of Physiology, Indiana University School of Medicine.

Elmer L. Severinghaus, M.D., Professor of Public Health, Nutrition, Retired, Columbia University.

John W. Severinghaus, M.D., Professor of Anesthesia, University of California Medical School, San Francisco, California.

E. M. Shafarman, M.D., Dept. of Internal Medicine, Hutzel Hospital, Detroit.

Alvin P. Shapiro, M.D., University of Pittsburgh.

Daniel Shapiro, M.D., Chicago, Illinois.

Jay R. Shapiro, M.D., Bethesda, Maryland.

William Shapiro, M.D., Asst. Prof. of Internal Medicine, University of Texas, Southwestern Medical School.

Chaim Felix Shatan, M.D., Adjunct Associate Professor, New York University.

William Sheehy, M.D., Berkeley, California.

Raymond F. Sheets, M.D., Dept. of Internal Medicine, University Hospitals, Iowa City, Iowa.

L. Thomas Sheffield, M.D., Assistant Professor of Medicine, University of Alabama, School of Medicine.

Mindel C. Sheps, M.D., School of Public Health and Administrative Medicine, Columbia University Medical School.

Sol Sherry, M.D., St. Louis, Missouri.

Michael B. Shimkin, M.D., Professor of Medicine, Temple University School of Medicine.

Marcus B. Shook, M.D., Oklahoma City, Oklahoma.

Charles L. Short, M.D., Associate Professor, Harvard Medical School.

Milton Shoshkes, M.D., Millburn, New Jersey.

Dr. Melvin Shoul, Newton, Massachusetts.

Gerald I. Shugoll, M.D., Associate Professor of Medicine, Howard University College of Medicine.

Victor W. Sidel, M.D., Associate in Preventive Medicine, Massachusetts General Hospital.

Jan K. Siemsen, M.D., Asst. Prof. of Medicine & Radiology, University of Southern California School of Medicine.

Miles H. Sigler, M.D., Philadelphia, Pennsylvania.

Robert Silber, M.D., Assistant Professor of Medicine, New York University School of Medicine.

William Silen, M.D., Associate Professor of Surgery, University of California, San Francisco.

S. H. Silver, M.D., Goleta, California.

Daniel H. Simmons, M.D., Ph. D., Director, Cedars-Sinai Medical Research Institute, Prof. of Medicine & Physiology, University of California, Los Angeles.

Ernest R. Simon, M.D., Assistant Professor of Medicine, University of New Mexico, School of Medicine.

Professor S. J. Singer, University of California at San Diego.

Jonas H. Sirota, M.D., Asst. Clin. Professor of Medicine, Stanford Medical School, Practicing Physician, San Jose, California.

F. Miles Skultety, Ph. D., M.D., Professor, Dept. of Surgery, University of Iowa, College of Medicine.

Zachary Slomovitz, M.D., Milwaukee, Wisconsin.

David T. Smith, M.D., James B. Duke Distinguished Professor of Microbiology, Duke University School of Medicine.

Ralph Eugene Smith, M.D., Rochester, Minnesota.

William M. Smith, M.D., San Francisco, California.

Gordon L. Snider, M.D., Professor of Medicine, Chicago Medical School.

Konrad H. Soergel, M.D., Assistant Professor of Medicine, Marquette University School of Medicine.

David H. Solomon, M.D., Associate Professor of Medicine, U.C.L.A. Center for Health Sciences.

Irwin Solomon, M.D., New York, New York.

David A. Sorg, M.D., Bluffton, Indiana.

Benjamin H. Spargo, M.D., Chicago, Illinois.

Robert J. Sperber, M.D., New Rochelle, New York.

Dr. Robert G. Spiro, Dept. of Biological Chemistry, Harvard Medical School.

Richard H. Spitz, M.D., Elkhart, Indiana.

Henry Spitzer, M.D., Palm Springs, California.

Norton Spritz, M.D., Associate Professor of Medicine, Cornell University Medical College.

Malcolm M. Stanley, M.D., Professor of Medicine, University of Illinois, College of Medicine.

Alfred H. Stanton, M.D., Associate Professor of Psychiatry, Harvard Medical School.

Jason L. Starr, M.D., Associate Professor of Medicine, University of Tennessee, College of Medicine.

William W. Stead, M.D., Professor of Medicine, Marquette University School of Medicine.

Jack Steinberg, M.D., Palo Alto, California.

Donald F. Steiner, M.D., Asst. Prof., Dept. of Biochemistry, University of Chicago.

Joseph Stokes, III, M.D., University of California, San Diego School of Medicine.

Clarke Stout, M.D., Assistant Professor of Medicine, University of Oklahoma Medical Center.

Bernard S. Strauss, Professor, Dept. of Microbiology, University of Chicago.

Leon H. Strong, Ph. D., Professor of Anatomy Emeritus and Assoc. Prof. of Cardiovascular Research, the Chicago Medical School.

Jay H. Stubenhaus, M.D., Associate Psychiatrist, Bridgeport Hospital, Bridgeport, Connecticut.

Richard L. Sutherland, M.D., Oakland, California.

Dr. Pearl P. Swanson, Iowa State University, Ames, Iowa.

Harry Swartz, M.D., Chief, Allergy Clinic, New York Polyclinic Hospital.

Albert Szent-Gyorgyi, M.D., Ph. D., Director, Institute for Muscle Research, Woods Hole, Massachusetts.

James T. Taguchi, M.D., Assoc. Clin. Prof. of Medicine, Ohio State University.

Professor David W. Talmage, University of Colorado Medical Center.

Angelo Taranta, M.D., Associate Professor of Medicine, New York University Medical School.

Alyce B. Tarcher, M.D., Asst. Clin. Prof. of Medicine, San Francisco, California Medical Center.

Milton Tarlau, M.D., Kew Gardens, New York.

Henry L. Taylor, Ph. D., Professor, Laboratory of Physiological Hygiene, University of Minnesota.

William David Terry, M.D., Bethesda, Maryland.

James H. Thaidigsman, M.D., Assistant Professor, Dept. of Obstetrics-Gynecology, Temple University Medical School.

Joseph Thaler, M.D., Spokane, Washington.

Lauri D. Thrupp, M.D., Assistant Professor of Medicine, University of Southern California, School of Medicine.

Raymond J. Timmerman, M.D., Asst. Clin. Prof. of Medicine, University of Cincinnati, College of Medicine.

David H. Timrud, M.D., University Psychiatrist, Princeton University.

Bruce L. Titus, M.D., Portland, Oregon.

Frank E. Trobaugh, Jr., M.D., Professor of Medicine, University of Illinois, Chicago.

Philip R. Trommer, M.D., Philadelphia, Pennsylvania.

D. L. Tuffanelli, M.D., San Francisco, California.

Stuart S. Turkel, M.D., Cedars-Sinai Medical Center, Los Angeles, California.

Klaus R. Unna, M.D., University of Illinois, College of Medicine.

Harold C. Urey, La Jolla, California.

Raymond L. Vande Wiele, M.D., Columbia University Medical School.

Donald D. Van Slyke, Member Emeritus, Rockefeller University.

Ralph G. Victor, M.D., Seattle, Washington.

Milton Viederman, M.D., Columbia University.

Maurice B. Visscher, Professor of Physiology, University of Minnesota.

Wade Volwiler, M.D., Professor of Medicine, University of Washington, Seattle, Washington.

Professor Harry A. Waisman, Director of Jos. P. Kennedy, Jr., Laboratory, University of Wisconsin Medical Center.

George Wald, Professor of Biology, Harvard University.

Cornelia B. Walker, M.D., Heart Disease Control Program, New Hampshire Dept. of Health.

John M. Wallace, Associate Professor of Medicine, University of Texas Medical Branch, Galveston, Texas.

David Walterman, M.D., Chief, Diabetes Clinic, Mount Sinai Hospital, Miami Beach, Florida.

W. Dixon Ward, Ph. D., Assoc. Prof., Dept. of Speech, Communications & Theater Arts, University of Minnesota.

Alfred H. Washburn, M.D., Professor Emeritus of Pediatrics, University of Colorado, School of Medicine.

Dennis W. Watson, Professor and Head, Dept. of Microbiology, University of Minnesota Medical School.

Paul L. Watson, M.D., Instructor, Harvard Medical School.

Peter O. Ways, M.D., Dept. of Medicine, University of Washington, Seattle, Washington.

Leslie T. Webster, Jr., M.D., Shaker Heights, Ohio.

E. Richard Weinerman, M.D., Yale University School of Medicine.

Clement Weinstein, M.D., Jamaica, New York.

Allen B. Weisse, M.D., Instructor in Medicine, New Jersey College of Medicine.

Frederick H. Welland, M.D., Chief Resident in Medicine, Stanford University.

Phillip H. Wells, M.D., Arcadia, Califorina.

William Welsh, M.D., Gabbs, Nevada.

Morris Wessel, M.D., New Haven, Connecticut.

Professor Donald B. Wetlaufer, Dept. of Biochemistry, College of Medical Sciences, University of Minnesota.

Robert E. Whalen, M.D., Associate Professor of Medicine, Duke University Medical Center.

James C. White, M.D., Professor of Surgery Emeritus, Harvard Medical School.

Kerr L. White, M.D., The Johns Hopkins University School of Hygiene & Public Health.

Lawrence W. White, M.D., Western Reserve University, School of Medicine.

Paul Dudley White, M.D., Boston, Massachusetts.

Dr. Harold C. Wiggers, Dean, Albany Medical College of Union University.

Allan B. Wilkinson, M.D., Glendale, California.

Martin B. Williamson, Ph. D., Professor of Biochemistry, Loyola University School of Medicine.

Dorothy B. Windhorst, M.D., University of Minnesota, School of Medicine.

Irwin C. Winter, M.D., G. D. Searle & Co., Chicago, Illinois.

William W. Winternitz, M.D., University of Kentucky Medical Center.

Robert I. Wise, M.D., Ph. D., Professor of Medicine, Jefferson Medical College.

Robert W. Wissler, Ph. D., M.D., Professor and Chairman, Dept. of Pathology, University of Chicago.

John G. Wiswell, M.D., Associate Professor of Medicine, University of Maryland, School of Medicine.

Irving N. Wolfson, M.D., Worcester, Massachusetts.

Sidney K. Wolfson, Jr., M.D., Assoc. in Surgical Research, University of Pennsylvania, School of Medicine.

W. Berry Wood, Jr., M.D., Johns Hopkins University, School of Medicine.

Ira G. Wool, M.D., Ph. D., Professor of Physiology & Biochemistry, University of Chicago.

Sewall Wright, Emeritus Professor of Genetics, University of Wisconsin.

B. I. Wulff, M.D., Binghamton, New York.

Edward L. Young, M.D., Brookline, Massachusetts.

Quentin D. Young, M.D., Chicago, Illinois.

Susan Zengerle, Graduate Student, Fels Research Institute, Medical Student, Jefferson Medical College.

Dr. Daniel M. Ziegler, Associate Professor of Chemistry, The University of Texas.

Horace H. Zinneman, M.D., Minneapolis, Minnesota.

Andrew J. Zweifler, M.D., Asst. Prof. of Internal Medicine, University of Michigan.

Alan Ralph Bleich, M.D., Associate Professor, New York Medical College.

Dr. Edward G. Boettiger, Professor of Zoology, University of Connecticut.

June Rosemary Finer, M.D., Chicago, Illinois.

Prof. Jacques R. Fresco, Department of Chemistry, Princeton University.

Alfred Gellhorn, M.D., Professor of Medicine, Columbia University, N.Y.

M. Jay Goodkind, M.D., Asst. Prof. of Medicine, University of Pennsylvania School of Medicine, and Established Investigator, American Heart Association.

J. P. Holt, M.D., Ph. D., University of Louisville.

Albert A. Kattus, M.D., Professor of Medicine (Cardiology), The Center for the Health Sciences, U.C.L.A.

John M. Kinney, M.D., Assoc. Professor of Surgery.

Harold J. Lasky, M.D., Chicago, Ill.

Eli C. Messinger, M.D., Dept. of Psychiatry, Albert Einstein Coll. of Medicine.

Henry J. Montoye, Ph. D., Professor of Physical Education and Research Assoc. in Epidemiology, University of Michigan.

Richard M. Peters, M.D., Chapel Hill, No. Carolina.

Irving J. Rosenbaum, M.D., Assoc. Clin. Professor of Psychiatry, New York Medical College.

Chester M. Southam, M.D., Sloan-Kettering Institute, Memorial Hospital, N.Y.

Joseph Stokes, Jr., M.D., Emeritus Professor of Pediatrics, University of Pennsylvania.

The undersigned clergymen and laymen, endorse the petition of the law professors. We join the historians, political scientists, physicians and biomedical scientists in support of the request to Congress to refrain from any contempt action against Dr. Jeremiah Stamler, Mrs. Yolanda Hall, and Mr. Milton Cohen:

Rabbi A. Nathan Abramowitz, Tifereth Israel Congregation, Washington, D.C.

Rabbi Jerome Abrams, New York.

Rabbi Mendel L. Abrams, Congregation Am Echod, Waukegan, Ill.

Rev. Lyman Achenbach, Unitarian-Universalist Minister, Columbus, Ohio.

Dr. James Luther Adams, Professor of Christian Ethics, Harvard Divinity School.

Rev. Edwin E. Aiken, Goshen, Mass.

Rev. Roger L. Albright, Executive Minister, Vermont Council of Churches, Burlington.

Rev. Hugh H. Annett, Director of Urban Church Work, United Presbyterian Office, Kansas City, Mo.

Rev. Samuel Appel, Campus Minister, Rutgers University, Camden, N.J.

Rev. Khoren Arisian, Jr., Sarasota, Florida.

Rabbi Stephen A. Arnold, Temple Emanu-El, Wichita, Kansas.

Rabbi David Aronson, University of Judaism, Los Angeles.

Rabbi Raphael Arzt, Fairfield, Conn.

Rev. Gilbert S. Avery III, St. John's Episcopal Church, Roxbury, Mass.

Rev. William T. Baird, Chicago, Ill.

Rev. Lee H. Ball, Executive Secretary, Methodist Federation for Social Action, Ardsley, New York.

Rabbi Bernard J. Bamberger, New York.

Rabbi Henry Bamberger, Temple Sinai, Sharon, Mass.

Rabbi Henry E. Barneis, Ithaca, N.Y.

Rev. Harvey H. Bates, Jr., United Campus Christian Fellowship, Syracuse University, N.Y.

Rev. Donald Benedict, Chicago City Missionary Society.

Rabbi Ephraim I. Bennett, Temple Beth El, Lynn, Mass.

Rev. Robert E. Benson, Catholic Chaplain, State Hospital, Jamestown, N. Dak.

Rabbi Samuel H. Berkowitz, Philadelphia.

Rabbi Morrison D. Bial, Temple Sinai, Summit, N.J.

Dr. Martin Hayes Bickham, Church Federation of Greater Chicago.

Rev. Donald H. Birt, Boston University.

Dean Gray M. Blandy, Episcopal Theological Seminary of the Southwest, Austin, Tex.

Rev. Russell R. Bletzer, North Shore Unitarian Church, Deerfield, Ill.

Rabbi Herman J. Blumberg, Temple Beth El, Providence, R.I.

Rabbi David R. Blumenthal, Beth Emeth Synagogue, Larchmont, N.Y.

Rabbi Jerald Bobrow, Monroe Temple of Liberal Judaism, Monroe, N.Y.

Rev. Stanley Bohn, Assoc. Executive Secretary, General Conference Mennonite Church, Newton, Kans.

Rabbi Eli A. Bohnen, Temple Emanu-El, Providence, R.I.

Rev. Raymond T. Bosler, Editor, The Criterion, Indianapolis, Ind.

Father Carroll Bourg, S. J., Institute of Human Sciences, Boston College.

Rev. Theodore R. Bowen, Bethesda Methodist Church, Maryland.

Rev. Robert M. Bowman, Pres., Rocky Mountain Area Unitarian Universalist Conference, Colorado Springs.

Rabbi Stanley Bramnick, Fair Lawn, N.J.

Rev. G. Murray Branch, Interdenominational Theological Center, Atlanta, Ga.

Rev. F. Dale Branum, Presbyterian University Pastor, North Texas State University, Denton.

Rev. Edward F. Breen, St. Mary of the Lake Seminary, Chicago.

Rabbi Balfour Brickner, New York.

Rev. Harry G. Britt, Central Park Methodist Church, Chicago.

Rabbi Herbert Bronstein, Rochester, N.Y.

Dr. Dale W. Brown, Bethany Theological Seminary, Oak Brook, Ill.

Elmer H. Brown, Ph. D., Executive Secretary, Friends Meeting, Cambridge, Mass.

Rev. John Pairman Brown, Church Divinity School of the Pacific, Berkeley, Calif.

Rev. Robert O. Browne, Schenectady, N.Y.

Dr. Don S. Browning, Divinity School, University of Chicago.

Rabbi Gustav Buchdahl, Temple Emanuel, Baltimore, Md.

Rev. Joseph A. Buckles, Hyde Park Methodist Church, Chicago.

Rev. Robert C. Buckley, Executive Director, Nassau Council of Churches, Hempstead, N.Y.

Dr. Edwin T. Buehrer, Third Unitarian Church, Chicago.

Rev. John A. Buerk, Co-Director, Dept. of Campus Ministry, Council of Churches of Buffalo, New York.

Rev. Ralph W. Burhoe, Meadville Theological School, Chicago.

Rev. David Burnight, United Protestant Ministry, University of California at Davis.

Rev. Edward A. Cahill, First Unitarian Church, Pittsburgh, Pa.

Rabbi Ivan Caine, Philadelphia, Pa.

Rev. Raymond Calkins, Belmont, Mass.

Prof. Richard M. Cameron, Prof. Emeritus, Boston University, School of Theology.

Msgr. Daniel M. Cantwell, St. Clotilde Parish, Chicago.

Rev. Fred Cappuccino, Unitarian Universalist Church, Silver Spring, Md.

Rev. A. L. Carter, Director, Dept. of Campus Christian Life, Synod of Ohio, United Presbyterian Church, Columbus.

Father William Van Etten Casey, S.J., College of the Holy Cross, Worcester, Mass.

Rev. Mark A. Chamberlin, Gresham, Oregon.

Richard P. Chambers, General Presbyter, United Presbyterian Synod of Iowa, Indianola.

Rev. Gordon T. Charlton, St. Andrew's Episcopal Church, Wilmington, Delaware.

Rabbi Marim D. Charry, Temple Beth Sholom, Hamden, Conn.

Rev. J. Franklin Chidsey, First Unitarian Church, Columbus, Ohio.

Rabbi Samuel Chiel, Malverne Jewish Center, Malverne, N.Y.

Rev. C. J. Christensen, Lutheran Student Foundation of Metropolitan Chicago.

Rabbi David Clayman, Congregational Ramat El, Philadelphia, Pa.

Rev. Ralph E. Click, Bakersfield, Calif.

Rabbi Henry Cohen, Philadelphia, Pa.

Rabbi Jacob M. Cohen, Brooklyn.

Rabbi Hillel Cohn, San Bernardino, Calif.

Rev. David G. Colwell, First United Church of Christ, Washington, D.C.

Rabbi Eli L. Cooper, Temple Beth Israel, York, Penn.

Rev. Robert O. Cooper, Wesley Foundation, Southern Methodist University, Dallas, Texas.

Rev. J. Raymond Cope, First Unitarian Church, Berkeley, Calif.

Rev. Judson M. Corey, First Baptist Church, Hyde Park, Mass.

Rt. Rev. Daniel Corrigan, Director, Home Department, Executive Council, Protestant Episcopal Church, New York.

Dr. Harvey Cox, Harvard Divinity School.

Rev. Henry Hitt Crane, Minister Emeritus, Central Methodist Church, Detroit.

Rev. John A. Crane, The Unitarian Church, Santa Barbara, Calif.

Rev. John Cummins, First Universalist Church, Minneapolis.

Prof. William C. Cunningham, S.J., Loyola University School of Law, Chicago.

Rev. John W. Cyrus, First Unitarian Church, Milwaukee.

Rev. William H. Daniels, Minister of Metropolitan Mission, United Church of Christ, Louisville, Ky.

Rabbi Jerome K. Davidson, Boston.

Robert B. Davidson, Th.D., Presbyterian Campus Ministry, University of Texas, Austin.

Rev. Gardiner M. Day, Christ Church, Cambridge, Mass.

Rabbi Matthew I. Derby, Temple Judea, Philadelphia, Pa.

Rev. J. Frank Devine, S.J., Boston College.

Dean L. Harold De Wolf, Wesley Theological Seminary, Washington, D.C.

Rabbi Norman H. Diamond, Temple Beth-El, Daytona Beach, Fla.

Rabbi Joel C. Dobin, Sinai Reform Temple, Bay Shore, N.Y.

Fr. Joseph F. Donohue, S.J., College of the Holy Cross, Worcester, Mass.

Bishop Bertram W. Doyle, Nashville, Tenn.

Rabbi Israel S. Dresner, Temple Sharey Shalom, Springfield, N.J.

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

Rev. Edward D. Driscoll, Lombard, Ill.

Rabbi Jason Z. Edelstein, Temple David, Monroeville, Penn.

Prof. George R. Edwards, Louisville Presbyterian Theological Seminary, Kentucky.

Rabbi David Max Eichhorn, National Jewish Welfare Board, New York.

Rev. and Mrs. John D. Elder, Arlington, Mass.

Rev. Henry G. Elkins, Jr., Director, United Campus Christian Ministry, North Carolina College, Durham.

Rev. William L. England, Boston.

Rabbi Harry Essrig, University Synagogue, Los Angeles.

Rev. John E. Evans, Starr King Unitarian Church, Hayward, Calif.

Rabbi Randall M. Falk, The Temple, Nashville, Tenn.

Rev. William R. Faw, Douglas Park Church of the Brethren, Chicago.

Harold E. Fey, Visiting Professor of Christian Social Ethics, Christian Theological Seminary, Indianapolis.

Fr. Joseph H. Fichter, S.J., Harvard Divinity School.

Rabbi Harvey J. Fields, Temple Israel, Boston.

Rev. W. W. Finlator, Pullen Memorial Baptist Church, Raleigh, N.C.

Prof. Robert H. Fischer, Lutheran School of Theology, Maywood, Ill.

Rabbi Irwin H. Fishbein, Temple Beth El, Elizabeth, N.J.

Rev. Robert W. Fisher, Garrett Theological Seminary, Evanston, Ill.

Rabbi Morris Fishman, Congregation B'nai Zion, Chicago.

Rev. Donald C. Flatt, Lutheran School of Theology, Chicago.

Dr. Oscar Fleishaker, Rabbi, Beth Israel Center, Madison, Wis.

Dr. Joseph Fletcher, Episcopal Theological School, Cambridge.

Dr. John Fordon, Emerson College, Boston.

Rabbi Stephen Forstein, Temple Beth Hillel, Richmond, Calif.

Robert Worth Frank, President Emeritus, McCormick Theological Seminary, Chicago.

Rev. Delton Franz, Woodlawn Mennonite Church, Chicago.

Rev. Harold R. Fray, Jr., Eliot Church, Newton, Mass.

Rabbi Martin Freedman, Barnert Temple, Paterson, N.J.

Rabbi Eric Friedland, Beth Am–The People's Synagogue, Chicago.

Rabbi Alfred L. Friedman, Temple Beth Am, Framingham Centre, Mass.

Rabbi Seymour Friedman, Spring Valley, N.Y.

Rev. Max D. Gaebler, First Unitarian Society, Madison, Wis.

Rev. Donald A. Gall, Minister of Christian Education, Nebraska Conference, United Church of Christ, Lincoln.

Francis C. Gamelin, Ph. D., Executive Secretary, Board of College Education, Lutheran Church in America, New York.

Rabbi Hillel Gamoran, Beth Tikvah Congregation, Hoffman Estates, Ill.

Rev. Robert Gardiner, Wellesley, Mass.

Dr. John A. Gardner, Church Federation of Greater Chicago.

Rabbi Stanley J. Garfein, Congregation Temple Israel, Creve Coeur, Mo.

Bishop Edwin R. Garrison, Bishop, Dakota Area, Methodist Church, Aberdeen, S.D.

Rabbi Nathan Gaynor, Director, B'nai B'rith Hillel Foundation, University of Illinois, Champaign.

Rev. Harmon M. Gehr, Throop Memorial Church, Pasadena, Calif.

Rabbi Everett E. Gendler, The Jewish Center, Princeton, N.J.

Rev. J. H. Gerherding, Epiphany Lutheran Church, Denver, Col.

Rev. Donald E. Gibson, United Campus Christian Fellowship, University of Oklahoma

Rev. Gordon D. Gibson, Theodore Parker Unitarian Church, West Roxbury, Mass.

Rev. William E. Gibson, Board for Campus Ministry, Rochester, N.Y.

Rev. Lewis L. Gilbert, Executive Secretary, Board of Pastoral Supply, United Church of Christ, Boston, Mass.

Rev. Bernard E. Gilgun, St. Pius X Church, Leicester, Mass.

Rev. Aron S. Gilmartin, Mount Diablo Unitarian Church, Walnut Creek, Calif.

Rabbi Roland Gittlesohn, Temple Israel, Boston.

Rabbi Joseph B. Glaser, Union of American Hebrew Congregations, San Francisco, Calif.

Rabbi Theodore Gluck, Beth Israel, Derby, Conn.

Rabbi Robert E. Goldburg, Temple Mishkan Israel, Hamden, Conn.

Bishop Charles F. Golden, The Methodist Church, Nashville.

Rabbi Morris Goldfarb, Jewish Chaplain, Cornel United Religious Work, Ithaca.

Rabbi Jerrold Goldstein, Mt. Zion Temple, St. Paul, Minn.

Rev. G. G. Goldthwaite, University Pastor, Eugene, Oregon.

Rabbi Morris S. Goodblatt, Beth Am Israel Congregation, Philadelphia, Pa.

Rev. Shirley B. Goodwin, Executive Secretary, Dept. of Christian Social Relations, Episcopal Diocese of Massachusetts, Boston.

Rabbi Theodore H. Gordon, Main Line Reform Temple, Wynnewood, Pa.

Bishop A. Raymond Grant, Methodist Church, Portland, Oregon.

Father G. G. Grant, S.J., Loyola University, Chicago.

Rabbi David Graubart, Ecclesiastical Court, Chicago.

Rev. Thomas P. Green, Louisville, Ky.

Rabbi Sidney Greenberg, Temple Sinai, Philadelphia, Pa.

Rabbi Simon, Greenberg, Jewish Theological Seminary of America, New York.

Rabbi Howard R. Greenstein, Temple Beth Shalom, Peabody, Mass.

Lois J. Greenwood, Regional Executive for New England, Student Y.W.C.A.

Rabbi Avery J. Grossfield, D.H.L., Joplin, Mo.

Rabbi Herman E. Grossman, Pottstown, Pa.

Fr. William G. Guindon, S.J., College of the Holy Cross, Worcester, Mass.

Rt. Rev. Clarence R. Haden, Jr., Episcopal Bishop, Diocese of Northern California, Sacramento.

Rev. John H. Hager, Superintendent, Chicago Home Missionary and Church Extension Society.

Rabbi Sanford H. Hahn, Congregation Rodeph Sholom, Bridgeport, Conn.

Stanley J. Hallett, Church Federation of Greater Chicago.

Rt. Rev. Donald H. V. Hallock, Episcopal Bishop of Milwaukee, Milwaukee, Wis.

Rabbi Harry Halpern, East Midwood Jewish Center, Brooklyn, N.Y.

Rabbi Peretz Halpern, Swampscott, Mass.

Rev. Huntley Halvorson, Marlow, N.H.

Rev. Robert E. Hanson, Albany Park Lutheran Church, Chicago, Ill.

Rev. J. Archie Hargraves, Director of Mission Development, Urban Training Center for Christian Mission, Chicago.

Rev. Charles H. Harper, Cooperative Metropolitan Ministries, Boston.

Rev. Donald Z. Harrington, The Community Church of New York.

The Very Rev. Charles U. Harris, Evanston, Ill.

James B. Harrison, Presbyterian Ministry, New York University.

Rev. Vladimir E. Hartman, Executive Director, Capital Avenue Council of Churches, Albany, N.Y.

Rev. Edler G. Hawkins, Past Moderator, United Presbyterian Church, New York, N.Y.

Fr. John M. Hayes, St. Carthage Church, Chicago, Ill.

Rev. C. Douglas Hayward, Trinity Methodist Church, Berkeley, Calif.

Rev. Dale M. Heckman, Campus Minister, Colorado State College, Greeley.

Rev. Robert H. Heinze, D.D., General Manager, Presbyterian Life Magazine, Philadelphia.

Rev. Byrd Helligas, Waltham, Mass.

Rev. William H. Henderson, United Presbyterian Church in the U.S.A., Philadelphia.

Rev. Alfred J. N. Henriksen, Pacific Unitarian Church, Palos Verdes Peninsula, Calif.

Rev. Francis W. Hensley, First Baptist Church, Wallingford, Conn.

Rabbi Stanley Herman, Port Jervis, N.Y.

Rabbi Joseph D. Herzog, Temple Beth Israel, Sharon, Penn.

Rev. Robert F. Heskett, Roslindale Baptist Church, Roslindale, Mass.

Dr. A. Henry Hetland, Executive Director, Division of College and University Work, National Lutheran Council, Chicago.

Rt. Rev. Walter M. Higley, Episcopal Bishop of Central New York, Syracuse.

Rev. Edward A. Hofler, C.S.P., Newman Hall, Morgantown, W. Va.

Rev. Frank O. Holmes, First Unitarian Church, Oklahoma City, Okla.

Dr. Frederick Holmgren, North Park Theological Seminary, Chicago.

Dr. John J. Hooker, Head, Dept. of Economics and Acting Head, Dept. of Politics, The Catholic University of America, Washington, D.C.

Rabbi Philip Horowitz, B'rith Emeth Congregation, Cleveland.

Rev. Robert W. Hovda, The Liturgical Conference, Washington, D.C.

Lee A. Howe, Jr., Executive Director, Schenectady Area, Council of Churches, Schenectady.

Rev. Duncan Howlett, All Souls Church, Unitarian, Washington, D.C.

Rev. Jeffrey D. Hoy, Sixth Ave. United Church of Christ, Denver.

Robert G. Hoyt, Editor, *National Catholic Reporter*, Kansas City, Mo.

Rev. Herschel Hughes, Chairman, Commission on Social Action Illinois Conference of United Church of Christ, Danville.

Rev. Kenneth de P. Hughes, St. Bartholomew's Episcopal Church Cambridge, Mass.

Barton Hunter, Executive Secretary, Dept. of Christian Action & Community Service, Disciples of Christ, Indianapolis, Ind.

Rev. John B. Isom, First Unitarian Church, Des Moines, Iowa.

Rev. Richard D. Jackson, Wisconsin State University, Campus Minister, Platteville.

Rev. William E. Jacobs, Director, United Christian Fellowship, Kent State University, Kent, Ohio.

Dr. Samuel M. Jacobson, Cumberland, Md.

Rabbi Philip W. Jaffa, Honorary Rabbi, Temple Beth Israel, Phoenix, Ariz.

Robert L. James, Jr., director, Protestant Advisory Board, Temple University, Philadelphia.

Rev. Arthur B. Jellis, Concord, Mass.

Rabbi Daniel A. Jezer, Temple Beth Sholom, Satellite Beach, Fla.

Rev. Herman C. Johnson, Congregational Church, Cambridge, Mass.

Rev. J. Donald Johnston, First Unitarian Church, Niagara Falls, N.Y.

Rev. James W. Jondrow, Prebyterian Campus Minister, University of Wisconsin.

Rev. James G. Jones, Urban Vicar, Episcopal Diocese of Chicago.

Rev. Laurence S. Jones, Honolulu, Hawaii.

Rabbi Shamai Kanter, Sharon, Mass.

Rabbi Daniel Lee Kaplan, Temple Beth Sholom, Needham, Mass.

Rabbi Samuel E. Karff, Chicago Sinai Congregation.

Rabbi Paul M. Katz, Medford, Mass.

Rabbi Fredric Kazan, Congregation Melrose B'nai Israel, Cheltenham, Pa.

Rev. Martyn D. Keeler, North Presbyterian Church, Williamsville, N.Y.

Dr. Julian J. Keiser, Southern California United Church of Christ Conference, Pasadena, Calif.

Rev. Brian Kelley, St. John's Church, Charlestown, Mass.

Rabbi Wolfe Kelman, executive vice president, Rabbinical Assembly, New York City.

Fr. William J. Kenealy, S.J., Boston College Law School.

Rabbi Samuel S. Kenner, Jewish Community Center, Flemington, N.J.

Rev. Jack A. Kent, First Unitarian Church, Chicago, Ill.

Rabbi Melvin Kieffer, Westbury Hebrew Congregation, Old Westbury, N.Y.

Rev. Donald B. King, Unitarian Church, Geneva, Ill.

Rabbi Ralph P. Kinsley, Garden City Jewish Center, Garden City, N.Y.

Rev. Lester Kinsolving, Vicar, Church of the Holy Spirit (Episcopal), Salinas, Calif.

Rev. Webster L. Kitchell, Eliot Chapel, Kirkwood, Mo.

Dr. Andrew Klein, Temple Keser Israel, New Haven, Conn.

Rabbi Isaac Klein, Temple Emanu-El, Buffalo, N.Y.

Rabbi Gilbert Kollin, Keneseth Israel Synagogue, Spokane, Wash.

Rev. Henry G. Kroehler, Michigan Conference of United Church of Christ, East Lansing, Mich.

Rabbi Charles A. Kroloff, Community Reform Temple, Westbury, N.Y.

Rev. Dennis G. Kuby, The Unitarian Society of Cleveland.

Rabbi Howard K. Kummer, Temple Beth Abraham, Canton, Mass.

Rabbi Harold S. Kushner, Temple Israel, Great Neck, N.Y.

Rabbi Arthur Langenauer, Congregation B'nai Israel, Northampton, Mass.

Rabbi Arnold A. Lasker, Congregation Beth Torah, Orange, N.J.

Rt. Rev. William Appleton Lawrence, Episcopal Bishop of Western Mass. (Ret.).

Mr. Walter Lawton, Chicago, Ill.

Rabbi Robert Layman, Beth Israel Synagogue, Lansdale, Pa.

Rabbi Maurice A. Lazowick, Temple Beth El, Santa Cruz, Calif.

Rev. Canon Ralph E. Leach, Jr., St. Stephen's Episcopal Church, Louisville, Ky.

Rev. Donald E. Leavitt, United Campus Christian Fellowship, University of Arizona, Tucson.

Dr. Paul L. Lehmann, Auburn Professor of Systematic Theology, Union Theology Seminary, New York.

Rabbi Daniel I. Leifer, Hillel Foundation, University of Chicago.

Rabbi Morton M. Leifman, Jewish Theological Seminary, New York.

Rev. Keith LeMay, Presbyterian Appalachian Broadcasting Council, Maryville, Tenn.

Prof. Werner E. Lemke, North Park College Theological Seminary, Chicago.

Rabbi Samuel S. Lerer, Director, B'nai B'rith Hillel Foundation, University of Iowa.

Rev. Harold C. Letts, Teaneck, N.J.

Prof. Octave Levenspiel, Illinois Institute of Technology, Chicago.

Rabbi Etan B. Levine, Conservative Congregation of New Orleans, New Orleans, La.

Rabbi Murray Levine, Temple Sholom of Flatbush, Brooklyn, N.Y.

Rabbi Richard A. Levine, Temple Emanu-El, Willingboro, N.J.

Rabbi Israel H. Levinthal, The Brooklyn Jewish Center, New York.

Rabbi Richard N. Levy, Temple Beth Am, Yorktown Heights, N.Y.

Rabbi Z. David Levy, Parsippany, N.J.

Fr. William M. Lewers, C.S.C., University of Notre Dame Law School, South Bend, Indiana.

Rt. Rev. Arthur Lichtenberger, Past Presiding Bishop of the Episcopal Church, New York.

Rabbi David Lieber, University of Judaism, Los Angeles.

Rabbi Philip L. Lipis, Highland Park, Ill.

Rabbi Eugene J. Lipman, Temple Sinai, Washington, D.C.

Rev. Timothy H. Little, Hyde Park, Mass.

Rev. Edgar Lockwood, Woods Hole, Mass.

Bishop John Lord, Washington, D.C.

Rabbi Ernst M. Lorge, Temple Beth Israel, Chicago.

Rev. Virgil E. Lowder, Executive Director, Council of Churches of Greater Washington, Washington, D.C.

Rev. Robert Loyer, General Presbyter of Geneva, Pen Yan, N.Y.

Rev. Richard H. Luecke, Director of Studies, Urban Training Center for Christian Mission, Chicago.

Robert A. Lyon, Executive Secretary, New England American Friends, Service Committee, Cambridge, Mass.

Charles H. Lyttle, Professor Emeritus, The Meadville Theological School, Chicago.

Jo McCall, Presbyterian—Christian Ministry, Southern Methodist University, Dallas.

Rev. Robert G. McDole, Corpus Christi Catholic Church, Oklahoma City, Okla.

Rev. Francis J. McDonnell, Sacred Heart Parish, Lynn, Mass.

David J. McGoun, United Campus Christian Fellowship, Kansas State University, Manhattan.

Rev. Francis J. McGrath, St. Finbarr Church, Chicago.

Rev. John L. McKenzie, University of Chicago.

Rev. Earle T. McKinney, The Universalist Church, Portland, Maine.

John A. Mackay, Chevy Chase, Md.

R. J. Mahowald, Dir., University Catholic Center, South Dakota State University, Brookings.

Rev. Richard N. Major, Presbyterian University Minister, Stillwater, Okla.

Rev. Henry W. Malcolm, Protestant Counselor, Columbia University.

Rev. Herbert H. Mardis, United Church of Christ, Chicago, Ill.

Rabbi S. H. Markowitz, Rabbinic Supervisor of Education, Beth Israel Congregation, San Diego, Calif.

Miss Alda C. Marsh, Campus Ministry, Episcopal Diocese of Pennsylvania, West Chester.

Rev. Randall C. Mason, Church Federation of Greater Chicago.

Rev. Archie Matson, Idyllwild, Calif.

Rev. Francis J. Mazzeo, Grace Methodist Church, Cambridge, Mass.

Rev. Francis Mehlhaff, Minister in the United Church of Christ, Chicago, Ill.

Prof. Vartan D. Melconian, McCormick Theological Seminary, Chicago.

Rev. Jack Mendelsohn, Arlington St. Church, Boston, Mass.

Rabbi A. Elihu Michelson, National Jewish Walfare Board, New York.

Rabbi Carl I. Miller, Temple Israel, Gary, Ind.

Rev. Clyde H. Miller, Church Federation of Greater Chicago.

Rev. Richard N. Miller, Aurora, Ill.

Rabbi Uri Miller, Baltimore, Md.

Dr. A. J. Mirkin, Cumberland, Md.

Rev. Tsuneo Miyashiro, Christ Congregational Church, Chicago.

Rt. Rev. Paul Moore, Jr., Suffragan Bishop, Episcopal Diocese, Washington, D.C.

Prof. Clinton Morrison, McCormick Theological Seminary, Chicago.

Rev. James P. Morton, Director, Urban Training Center for Christian Mission, Chicago.

Dean Walter G. Muelder, Boston University School of Theology.

Rev. Robert C. Mueller, West Side Christian Parish, Chicago, Ill.

Rev. David W. Muir, First United Presbyterian Church, Quincy, Mass.

Rev. Antony Mullaney, O.S.B. St. Anselm's College, Manchester, N.H.

Fr. Alexander Mulligan, C.P., St. Gabriel Monastery & Parish, Brighton, Mass.

Rev. Richard E. Mumma, Presbyterian Ministry of Harvard, Cambridge.

Rev. Richard Nash, Unitarian Minister, Chicago, Ill.

Rev. Donald L. Nead, Assoc. Field Director of Christian Education Synod of Indiana, United Presbyterian Church, Indianapolis.

Prof. Martin J. Neeb, Jr., Concordia Teachers College, River Forest, Ill.

Rev. A. Sherwood Nelson, Advent Lutheran Church, Chicago, Ill.

Rev. Leonard A. Nelson, St. Mark's Lutheran Church, Chicago, Ill.

Rev. Norman A. Nelson, Salem Lutheran Church, Chicago, Ill.

Rev. Hugh G. Nevin, Jr., Campus Christian Federation of Suffolk Co., Stony Brook, N.Y.

Rev. Philip R. Newell, Jr., New York Ave. Presbyterian Church, Washington, D.C.

Rev. Robert P. Noble, Jr., Arlington, Mass.

Rev. Beauford A. Norris, Pres., Christian Theological Seminary, Indianapolis.

William L. Nute, Jr., M.D., President, Christian Medical Council, National Council of Churches of Christ, New York.

Rev. Victor Obenhaus, Chicago Theological Seminary.

Rev. Edward J. O'Connor, S.J., Xavier University Chaplain, Cincinnati.

Rabbi Jordan S. Ofseyer, Congregation Beth El, New Haven, Conn.

Prof. Thomas W. Ogletree, Chicago Theological Seminary.

Rev. Donald E. O'Hair, chaplain, Northern Illinois University, DeKalb.

Sister Mary Olivia, Saint Xavier College, Chicago.

Rabbi Burton L. Padoll, Temple Beth Elohim, Charleston, S.C.

Rev. Howard N. Palmatier, Elkhart, Ind.

Rabbi Seymour M. Panitz, Congregation Ahavas Achim, Detroit, Mich.

Rev. John Papandrew, First Unitarian Church, Miami.

Rabbi Harry B. Pastor, D.D., Milwaukee, Wis.

Rt. Rev. Malcolm E. Peabody, Episcopal Bishop of Central New York (Ret.).

Rabbi Fishel Pearlmutter, Park Synagogue, Cleveland.

Rev. Edward L. Peet, vice president, Methodist Federation for Social Action, Pastor, Wesley Methodist Church, Hayward, Calif.

George J. W. Pennington, D.D., First Unitarian Universalist Church, Springfield, Mass.

Rev. Walter L. Peterson, chairman, Legislative Section, Washington—N. Idaho Council of Churches, Pastor, Oakland Presbyterian Church, Tacoma, Wash.

Rev. John W. Pickering, Protestant Minister, University of Maine, Orono, Me.

Rev. Luther C. Pierce, executive secretary, Greater Miami Council of Churches, Florida.

Rabbi J. Jerome Pine, Temple B'nai Abraham, Decatur, Ill.

Rabbi Maurice A. Pomerantz, Nebraska School of Religion, Lincoln.

Fr. Gerald L. Potter, University of North Dakota, Grand Forks.

Rev. Robert L. Powers, Priest, Episcopal Diocese of Chicago, Chicago, Ill.

Rev. William M. Pritchard, Field Administrator, National Missions, University Presbyterian Church in Alaska, Juneau.

Fr. Donald F. Pugliese, S.J., Cambridge Center for Social Studies, Cambridge, Mass.

Fr. Theodore V. Purcell, S.J., Cambridge Center for Social Studies, Cambridge, Mass.

Dr. Gene Reeves, Crane Theological School, Tufts University, Mass.

Rev. Merrill Q. Ressler, Reading, Pa.

Rt. Rev. Msgr. Charles O. Rice, Holy Rosary Parish, Pittsburgh.

Rabbi Kenneth Rivkin, Livingston, N.J.

Rev. Donald O. Robertson, campus minister, United Christian Fellowship, Lamar State College of Technology, Beaumont, Tex.

Dr. Paul M. Robinson, President, Bethany Theological Seminary, Oak Brook, Ill.

Fr. E. Michael Rochford, Resurrection Parish, Chicago, Ill.

Rev. J. Metz Rollins, Jr., Associate Executive Director, United Presbyterian Church's Commission on Religion and Race, New York.

Rev. H. Kris Ronnow, Church Federation of Greater Chicago.

Rabbi Sanford E. Rosen, San Mateo, Calif.

Rabbi Moses Rosenthal, New York.

Rabbi Efraim M. Rosenzweig, Judea Reform Congregation, Durham, N.C.

Rabbi Hyman J. Routtenberg, Nanuet Hebrew Center, Nanuet, N.Y.

Rabbi Max J. Routtenberg, Rockville, N.Y.

Rabbi Byron T. Rubenstein, Westport, Conn.

Rabbi Benjamin Z. Rudavsky, Temple Sinai, Brookline, Mass.

Prof. J. Coert Rylaarsdam, Divinity School, University of Chicago.

Rabbi Edward T. Sandrow, Cedarhurst, L.I., N.Y.

Rev. H. Paul Santmire, University Lutheran Church, Cambridge, Mass.

Rabbi Harold I. Saperstein, Temple Emanu-El, Lynbrook, N.Y.

Rabbi Sanford E. Saperstein, Reform Jewish Congregation, Merrick, N.Y.

Rabbi William Savowitz, South Shore Temple, Chicago, Ill.

Rabbi Samuel Schofier, Temple Gates of Prayer, Flushing, N.Y.

Dr. Howard Schomer, Chicago Theological Seminary.

Rabbi Robert D. Schreibman, Temple Beth Sholom, New City, N.Y.

Rev. Robert E. Schubert, Portage Park Presbyterian Church, Chicago.

Rev. Robert Schwane, C. M., DePaul University, Chicago.

Chaplain Barry Dov Schwartz, Office of Jewish Chaplain, Westover, Mass.

Rabbi Harry E. Schwartz, Hempstead, N.Y.

Prof. Nathan A. Scott, Jr., Divinity School, University of Chicago.

Rev. Peter Lee Scott, Melrose, Mass.

Rev. Donald L. Scruggs, United Campus Christian Fellowship, University of Oklahoma, Norman.

Rabbi Bernard Segal, Executive Director, United Synagogues of America, New York.

Rabbi Robert A. Seigal, Temple Sinai, Rochester, N.Y.

George A. Selleck, Program Staff, American Friends, Service Committee, Cambridge, Mass.

Rev. Charles E. Seller, United Campus Christian Fellowship, Arizona State University, Tempe.

Rabbi Alexander M. Shapiro, Philadelphia, Pa.

Rabbi Max A. Shapiro, Temple Israel, Minneapolis, Minn.

Rev. Mark R. Shaw, Melrose, Mass.

Rev. J. Barry Shepherd, Campus Minister, University of Connecticut, Storrs.

Rt. Rev. Jonathan G. Sherman, Bishop of Long Island, Garden City, N.Y.

Rev. Paul H. Sherry, United Church Council for Higher Education, New York.

Rev. Donald W. Shilling, Church of the Cross, Evangelical United Brethren, Lexington, Ohio.

Rev. F. L. Shuttlesworth, President, Southern Conference Educational Fund, Secretary, Southern Christian Leadership Conference, Cincinnati.

Rev. Carl Siegenthaler, Urban Training Center for Christian Mission, Chicago.

Rabbi Henry Siegman, Executive Vice President, Synagogue Council of America, New York.

Rabbi and Mrs. Laurence J. Silberstein, Newton, Centre, Mass.

Rabbi Clyde T. Sills, B'nai B'rith Hillel Foundation, Austin, Tex.

Rabbi David Wolf Silverman, Jewish Theological Seminary, New York.

Rabbi Martin I. Silverman, Temple Mizpah, Chicago, Ill.

Rev. William A. Simpson, Pullman Methodist Church, Chicago, Ill.

Rabbi Edgar E. Siskin, North Shore Congregation Israel, Glencoe, Ill.

Prof. Joseph Sittler, University of Chicago.

Rabbi Henry F. Skirball, Flushing, N.Y.

Rev. Alfred R. Slighter, United Church of Christ, Corvallis, Oreg.

Rev. Emerson Wesley Smith, Executive Director, Council of Churches of Greater Springfield, Springfield, Mass.

Rev. John F. Smith, Episcopal Church, Boston University.

Dean Rockwell C. Smith, Garrett Theological Seminary, Evanston, Ill.

Dr. James R. Smucker, Executive Director, Northeast Association, United Church of Christ, Chicago.

Prof. Joseph M. Snee, S.J., Georgetown University Law Center, Washington, D.C.

Rabbi Alan Mayor Sokobin, Temple B'nai Israel, Elmont, N.Y.

Rabbi Avraham Soltes, Temple Emanuel, Great Neck, N.Y.

Rev. J. Lynn Springer, Campus Minister, St. Lawrence University, Potsdam, N.Y.

Rabbi Murray Stadtmauer, Jewish Center of Bayside Hills, Bayside, N.Y.

Father Clarence Stangohr, The Newman Apostolate, University of Iowa.

Rev. Jasper A. Steele, St. Mark's Methodist Church, Brooklyn, N.Y.

Rev. William A. Stickle, O.P., Director, Catholic Center serving the University of Virginia, Charlottesville.

Rev. Douglas M. Still, Executive Secretary, Dept. of Social Welfare, Church Federation of Greater Chicago.

Dr. Olivia Pearl Stokes, Director, Department of Religious Education, Massachusetts Council of Churches, Boston.

Rev. Carl A. Storm, First Unitarian Society, Schenectady, N.Y.

Rev. James A. Stuckey, McCormick Theological Seminary, Chicago.

Rev. Charles M. Styron, The First Parish in Lincoln, Lincoln, Mass.

Rev. Rexford Styzens, Unitarian Church, Davenport, Iowa.

Rev. Albert C. Sundberg, Jr., Garrett Theological Seminary, Evanston, Ill.

Rabbi David J. Susskind, St. Petersburg, Fla.

Fr. Francis Sweeney, S.J., Boston College.

Rabbi Joseph Tabachnik, West Suburban Temple, River Forest, Ill.

Rev. Morris Taggart, Garrett Theological Seminary, Evanston, Ill.

Rabbi Norman Tarnor, University of Judaism, Los Angeles.

Rev. Theophilus M. Taylor, New York.

Rabbi Benjamin L. Teller, Israel Center of Hillcrest Manor, Flushing, N.Y.

Rabbi M. Teller, D.D., Chicago.

Rabbi Lloyd Tennenbaum, Huntington Jewish Center, Huntington, N.Y.

William E. Thomas, Jr., Director, Campus Christian Community, San Marcos, Texas.

Dr. Winburn T. Thomas, Secretary, Dept. of Interpretation and Stewardship, United Presbyterian Church in the U.S.A., New York.

Prof. Tyler Thompson, Garrett Theological Seminary, Evanston, Ill.

Rev. James C. Thomson, Jr., Presbyterian Ministry in Higher Education, Baltimore, Md.

Dr. Burton T. Throckmorton, Jr., Bangor Theological Seminary, Maine.

Bishop Donald H. Tippett, San Francisco.

Rev. Bruce E. Tjaden, Presbytery of Santa Barbara, San Luis Obispo, Calif.

Rev. Walden D. Toevs, Presbyterian Minister, University of Colorado, Boulder.

Rabbi Morris M. Tosk, Bayonne, N.J.

Rev. Thomas N. Townsend, Campus Pastor, Wichita State University, Kansas.

Rev. Fred G. Traut, Chicago, Ill.

Rev. Frederick A. Trost, St. Paul's United Church of Christ, Chicago, Ill.

Rt. Rev. C. Ewbank Tucker, Presiding Bishop, 6th Episcopal District, African Methodist Episcopal Zion Church, Louisville, Ky.

Rev. W. Hugh Tucker, protestant chaplain, State University College, Council of Churches of Buffalo and Erie Counties, Buffalo, N.Y.

Rabbi Andre Ungar, Temple Emanuel, Westwood, N.J.

Fr. Wendell Verrill, North Chelmsford, Mass.

Rev. John M. Wade, protestant campus pastor, University of Utah, Salt Lake.

Rabbi Harold B. Waintrup, Abington, Pa.

Rev. Lucius Walker, executive director, Northcott Neighborhood House, Milwaukee.

Rev. Robert B. Wallace, University Baptist Church, State College, Penn.

Dean Robert C. Wallace, Chicago Baptist Institute.

Rev. Ralph A. Wallin, Elim Lutheran Church, Chicago, Ill.

Rev. Eugene A. Walsh, S. S., St. Mary's Seminary, Baltimore.

Fr. Joseph L. Walsh, C. S. P., Newman Hall, Wayne State University, Detroit.

Rev. Wynn Ward, director for radio and television, Nebraska Council of Churches, Omaha.

Rev. William F. Way, Church Federation of Greater Chicago.

Rev. Theodore Webb, executive, Unitarian-Universalist Association, Boston.

Gilbert L. Weidman, United Church Board for Homeland Ministries, Chicago.

Dr. Joseph J. Bevilacqua, general sec'y., United Church of Christ, Hawaii.

Rev. David J. Broad, First Presbyterian Church, Bergen, N.Y.

Rev. Ellis Butler, director of education services, Presbytery of Chicago.

Rabbi Jacob J. Weinstein, president, Central Conference of America Rabbis, Chicago.

Rabbi and Mrs. David Weiss, Newton Center, Mass.

Rabbi Jerome Weistrop, Temple Israel, Upper Darby, Pa.

Paul D. Wells, Field Director, Board of Christian Education, United Presbyterian Church, Philadelphia.

Prof. Eric Werner, Ph.D., Hebrew Union College, Jewish Institute of Religion, New York.

Prof. Charles C. West, Princeton Theological Seminary, Princeton, N.J.

Prof. Sigurd F. Westberg, North Park Theological Seminary, Chicago.

Dr. Robert T. Weston, The Unitarian Church, Fort Lauderdale, Fla.

Rev. Eliot White, Arlington, Mass.

Rev. James H. White, Campus Minister, Fresno State College, Calif.

Rev. James J. White, Redeemer Lutheran Church, Chicago.

Rev. Glenn E. Whitlock, Ph.D., Presbyterian Counselor for Church Vocations, Los Angeles.

Rev. Philip F. Whitmer, Garrett Theological Seminary, Evanston, Ill.

Bishop Lloyd C. Wicke, Methodist Church, New York.

Prof. David J. Wieand, Bethany Theological Seminary, Oak Brook, Ill.

Rev. Claude F. Dadisman, San Diego, Calif.

Earl C. Dahlstrom, North Park Seminary, Chicago.

Rev. E. Kenneth Feaver, United Presbyterian Church, U.S.A., Norman, Okla.

Rev. F. W. Wiegmann, Downey Avenue Christian Church, Indianapolis, Ind.

Prof. James E. Will, Evangelical Theological Seminary, Naperville, Ill.

Dr. David Rhys Williams, Minister Emeritus, First Unitarian Church, Rochester, N.Y.

Rev. Joseph S. Willis, United Campus Christian Fellowship, University of New Mexico, Albuquerque, N.M.

Rabbi Richard W. Winograd, Director, B'nai B'rith Hillel Foundation, University of Wisconsin.

Rabbi Sylvin L. Wolf, Temple B'nai Israel, Monroe, La.

Rev. Darrell W. Yeany, Executive Director, United Christian Fellowship, Emporia, Kansas.

Rev. Richard W. Yeo, United Campus Christian Fellowship, George Washington University, Washington, D.C.

Rev. Dayton T. Yoder, Boston, Mass.

Rabbi Joel H. Zaiman, Providence, R.I.

Rabbi Isaiah Zeldin, Stephen S. Wise Temple, Westwood Hills, Calif.

Rev. Robert Zoerheide, Cedar Lane Unitarian Church, Bethesda, Md.

Rev. Roger A. Zollars, Oak Park Christian Church, Oak Park, Ill.

Rabbi Harry Z. Zwelling, Temple B'nai Israel, New Britain, Conn.

Rev. Ladislaw A. Gross, Chicago.

Rev. Gordon F. Kurtz, South Avenue Baptist Church, Rochester, N.Y.

The historians listed below endorse the law professors petition and urge defeat of any contempt citations against Dr. Jeremiah Stamler, Mrs. Yolanda Hall, and Mr. Milton Cohen:

Isabel R. Abbott, Western College, Ohio.
George R. Abernathy, Jr., University of North Carolina at Charlotte.
Donald J. Abramoske, De Paul University.
Merritt Abrash, Rensselaer Polytechnic Institute.
Thomas R. Adams, Brown University.
Dwight L. Agnew, Stout State University, Wisconsin.
Wilbert H. Ahern, Northwestern University.
C. Blythe Ahlstrom, Utah State University.
William E. Akin, State University of New York at Binghamton.
Josef L. Altholz, University of Minnesota.
Michael Altschul, University of Michigan.
Peter H. Amann, State University of New York, at Binghamton.
J. Olson Anders, Aberdeen, South Dakota.
Milton U. Anastos, University of California, at Los Angeles.
Arlow W. Andersen, Wisconsin State University.
Jane J. Anderson, University of Virginia.
Robert M. Anderson, Wagner College, New York.
Thomas P. Anderson, Wheeling College.
Herbert D. Andrews, Towson State College.
J. Cutler Andrews, Chatham College, Pittsburgh.
Gustave Anguizola, Purdue University.
Robert B. Armeson, State University College, Oswego, New York.
Frank T. Armstrong, Jr., Clayton High School, Missouri.
Gregory T. Armstrong, Vanderbilt University.
John Borden Armstrong, Boston University.
Dean A. Arnold, Colorado State College.
Lee Ash, Library Consultant, New Haven, Connecticut.
Arthur H. Auten, Westminster College, Pennsylvania.
Paul H. Avrich, Queens College, New York.
Wesley M. Bagby, University of West Virginia.
Jackson H. Bailey, Earlham College.
Samuel L. Baily, Rutgers University.
Donovan T. Ballard, John Muir Senior High School, Pasadena, California.
Paul W. Bamford, University of Minnesota.
James M. Banner, Jr., Princeton University.
Lois W. Banner, Rosemary Hall, Greenwich, Connecticut.
Violet Barbour, Emeritus, Vassar College.
Loren Baritz, University of Rochester.
John W. Barker, University of Wisconsin.
E. C. Barksdale, Arlington State College.
Stephen Barnwell, Illinois Institute of Technology.
Harold Baron, Chicago, Illinois.
S. H. Baron, Grinnell College.
Floyd D. Barrows, Northwest Missouri State College.
Herbert J. Bass, Temple University.
T. D. Seymour Bassett, University of Vermont.
J. Leonard Bates, University of Illinios, Champaign.
Emery Battis, Douglass College, Rutgers University.
Frederick E. Bauer, Jr., Mount Hermon School at Massachusetts.
Howard K. Bauernfeind, J. B. Lippincott Company.
Emmi Baum, Lehigh University.
Henry S. Bausum, Virginia Military Institute.
Walter E. Beardslee, Northwestern Michigan College.
W. Donald Beatty, University of Minnesota.
Ann Beck, University of Hartford.
Edward M. Beishtein, University of Hartford.
Robert L. Beisner, The American University.
Bernard Bellush, The City College, New York.
Clarence A. Berdahl, University of Illinois, Champaign.
Hyman Berman, University of Minnesota.
Ray A. Billington, The Huntington Library.
Carl Bode, University of Maryland.
Kinley J. Brauer, University of Minnesota.
Peter K. Breir, University of Hartford.
Robert H. Bremner, Ohio State University.
Stanley Buder, Illinois Institute of Technology.
Vern L. Bullough, San Fernando Valley State College.
Daniel F. Calhoun, College of Wooster, Ohio.
Kenneth R. Calkins, Lake Forest College, Illinois.
James C. Carey, Manhattan, Kans.
George E. Carter, St. Cloud State College, Minnesota.
Harvey L. Carter, Colorado College.
William H. Cartwright, Duke University.
John W. Caughey, University of California at Los Angeles.
Clarke A. Chambers, University of Minnesota.
James S. Chase, University of Texas.
Michael Cherniavsky, University of Rochester, New York.
Jesse Dunsmore Clarkson, Brooklyn College of the City University of New York.
Henry Steele Commager, Amherst College.
George S. Counts, Southern Illinois University at Carbondale.
Richard S. Cramer, San Jose State College.
E. David Cronon, University of Wisconsin.
Arthur E. Curtis, University of Oregon.
Harris L. Dante, Kent State University, Ohio.
Arthur B. Darling, Phillips Academy, Massachusetts.
Wallace E. Davies, University of Pennsylvania.
David R. Davis, Temple University.
George H. Davis, Lake Forest College, Illinois.
Alexander DeConde, University of California, Santa Barbara.
Carl N. Degler, Vassar College.
James Lyle DeMarce, Northwest Missouri State College.
Martin B. Duberman, Princeton University.
William H. Dunham, Jr., Yale University.
Thomas A. Dunlea, State College, Boston.
A. S. Eisenstadt, Brooklyn College
Rt. Rev. John Tracy Ellis, University of San Francisco.
Jeremy P. Felt, University of Vermont.
John Hope Franklin, University of Chicago,
Carl J. Friedrich, Harvard University.
Charles W. Fry, Northwest Missouri State College.
J. Arthur Funston, Earlham College.
Hans W. Gatzke, Yale University.
Leo Gershoy, New York University.
Paul W. Glad, University of Maryland.
Gordon L. Goodman, University of Illinois, Chicago.
Thomas P. Govan, New York University.
Patricia Albjerg Graham, Barnard College, Columbia University.
Dewey W. Grantham, Vanderbilt University.
Howard S. Greenlee, Tuskegee Institute.
Thomas H. Greer, Michigan State University.
Mark H. Haller, University of Chicago.
Bray Hammond, Thetford, Vermont.
Samuel B. Hand, University of Vermont.
Richard W. Hantke, Lake Forest College, Illinois.
William H. Harbaugh, Bucknell University.
William Haskett, Illinois Institute of Technology.
Hans Heilbronner, University of New Hampshire.
C. M. Henderson, Northwest Missouri State College.
Richard Herr, University of California, Berkeley.
Clyde E. Hewitt, Aurora College, Illinois.
John Higham, University of Michigan.
Henry Bertram Hill, University of Wisconsin.
Marshall G. S. Hodgson, University of Chicago.
J. Rogers Hollingsworth, University of Wisconsin.
W. Stull Holt, University of Washington, Seattle.
Lewis M. Hoskins, Earlham College.
John R. Howe, Jr., University of Minnesota.
H. Stuart Hughes, Harvard University.
Nathan I. Huggins, Lake Forest College, Illinois.

The Historians listed below endorse the law professors petition and urge defeat of any contempt citations against Dr. Jeremiah Stamler, Mrs. Yolanda Hall, and Mr. Milton Cohen:

Erling M. Hunt, Teachers College, Columbia University.
J. Joseph Huthmacher, Georgetown University.
Georg G. Iggers, State University of New York at Buffalo.
W. Turrentine Jackson, University of California, Davis.
Frederic Cople Jaher, University of Chicago.
Gordon M. Jensen, University of Hartford.
Donald D. Johnson, University of Hawaii.
Walter Johnson, University of Chicago.
Edward Kaplan, State University of New York at Binghamton.
Lawrence C. Kaplan, Kent State University, Ohio.
Donald Kelley, State University of New York at Binghamton.
Alfred H. Kelly, Wayne State University.
Richards S. Kirkendall, University of Missouri.
Walter La Feber, Cornell University.
William L. Langer, Emeritus, Harvard University.
Erle Leichty, University of Minnesota.
Jesse Lemisch, University of Chicago.
William E. Leuchtenburg, Columbia University.
Leonard W. Levy, Brandeis University.
Lester K. Little, University of Chicago.
Leon F. Litwack, University of California, Berkeley.
Bert James Loewenberg, Sarah Lawrence College.
William Logue, Wayne State University.
Stefan, Lorant.
Richard Lowitt, Connecticut College.
Dumas Malone, University of Virginia.
Ronald Matthias, Wartburg College, Iowa.
Henry F. May, University of California, Berkeley.
Donald R. McCoy, University of Kansas.
Eric L. McKitrick, Columbia University.
Gordon H. McNeill, visiting professor, Tulane University.
August Meier, Roosevelt University.
Horace S. Merrill, University of Maryland.
Thomas Moodie, Lake Forest, College, Illinois.
Louis Morton, Dartmouth College.
Charles F. Mullett, University of Missouri.
Kim Munholland, University of Minnesota.
Paul L. Murphy, University of Minnesota.
Thomas D. Murphy, University of Hawaii.
R. D. Nagle, Northwest Missouri State College.
William L. Neumann, Goucher College.
J. Alden Nichols, University of Illinois, Urbana.
Jeannette P. Nichols, University of Pennsylvania.
David W. Noble, University of Minnesota.
Russel B. Nye, Michigan State University.
Robin S. Oggins, State University of New York at Binghamton.
Ernest S. Osgood, College of Wooster, Emeritus, University of Minnesota.
Helen K. Osgood, College of Wooster.

Rembert W. Patrick, University of Florida.
Walter W. Pese, Lake Forest College, Illinois.
Merrill D. Peterson, University of Virginia.
Otto Pflanze, University of Minnesota.
John L. Phelan, University of Wisconsin.
Bessie Louise Pierce, Emeritus, University of Chicago.
Walter Porges, Los Angeles Pierce College.
Benjamin Quarles, Morgan State College.
Raymond O. Rockwood, Colgate University.
James H. Rodabaugh, Kent State University, Ohio.
Alfred B. Rollins, Jr., State University of New York at Binghamton.
Frederick Rudolph, Williams College.
Ernest R. Sandeen, Macalester College.
J. Salwyn Schapiro, the City University of New York.
Joan Sedgwick, University of Hartford.
Charles Sellers, University of California, Berkeley.
Ihor Sevcenko, Harvard University.
David A. Shannon, University of Maryland.
Melvin Shefftz, State University of New York at Binghamton.
James P. Shenton, Columbia University.
Richard H. Shryock, Emeritus, University of Pennsylvania.
Marshall Smelser, University of Notre Dame.
Thomas J. Spinner, Jr., University of Vermont.
John G. Sproat, Lake Forest College, Illinois.
Kent L. Steckmesser, California State College, at Los Angeles.
Neil R. Stout, University of Vermont.
Eugene T. Sweeney, University of Hartford.
Romeyn Taylor, University of Minnesota.
George B. Tindall, Chapel Hill, North Carolina.
Peter Topping, University of Cincinnati.
Lawrence W. Towner, The Newberry Library, Chicago.
Roger R. Trask, Macalester College.
Glyndon G. Van Deusen, Emeritus, The University of Rochester.
Edwin J. Vankley, Calvin College.
Joseph F. Wall, Grinnell College.
John William Ward, Amherst College.
Caroline F. Ware, Vienna, Virginia.
Richard L. Watson, Jr., Duke University.
William B. Watson, Massachusetts Institute of Technology.
Bernard A. Weisberger, University of Rochester.
Philip L. White, University of Texas.
Henry M. Whitney, Kent State University, Ohio.
William B. Willcox, University of Michigan.
Prince E. Wilson, Central State University, Ohio.
Harold D. Woodman, University of Missouri.
John S. Wright, Nevada Southern University.
Howard Zinn, Boston University.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

For what purpose does the gentleman from Massachusetts rise?

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

The SPEAKER. Is the gentleman opposed to the resolution?

Mr. CONTE. I am, Mr. Speaker.

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

The Clerk read as follows:

Mr. CONTE moves to recommit the resolution of the Committee on Un-American Activities to a select committee of seven Members to be appointed by the Speaker with instructions to examine the sufficiency of the contempt citations under existing rules of law and relevant judicial decisions and thereafter to report it back to the House, while Congress is in session, or, when Congress is not in session, to the Speaker of the House, with a statement to its findings.

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

The question is on the motion to recommit.

The question was taken.

Mr. CONTE. 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 90, nays 181, not voting 161, as follows:

[Roll No. 374]

YEAS—90

| | | |
|---|---|---|
| Annunzio | Friedel | Patten |
| Bates | Giaimo | Philbin |
| Bell | Gilbert | Powell |
| Bingham | Gonzalez | Price |
| Blatnik | Grabowski | Rees |
| Boland | Green, Oreg. | Reid, N.Y. |
| Brademas | Green, Pa. | Resnick |
| Burke | Hechler | Reuss |
| Burton, Calif. | Holifield | Rodino |
| Burton, Utah | Horton | Ronan |
| Byrne, Pa. | Irwin | Rosenthal |
| Cameron | Karsten | Rostenkowski |
| Cleveland | Kastenmeier | Roybal |
| Cohelan | King, Calif. | Rumsfeld |
| Conable | Kluczynski | Ryan |
| Conte | Krebs | St Germain |
| Conyers | Kupferman | St. Onge |
| Culver | Leggett | Scheuer |
| Curtis | Macdonald | Sickles |
| Dawson | May | Stalbaum |
| Diggs | Miller | Tenzer |
| Donohue | Monagan | Tupper |
| Dow | Moorhead | Van Deerlin |
| Dwyer | Morse | Vanik |
| Edwards, Calif. | Mosher | Vivian |
| Farbstein | Multer | Waldie |
| Fogarty | Murphy, Ill. | Wilson, Charles H. |
| Ford, William D. | Nedzi | Wyatt |
| Fraser | O'Hara, Ill. | Yates |
| Frelinghuysen | O'Neill, Mass. | |
| | Ottinger | |

NAYS—181

| | | |
|---|---|---|
| Abbitt | Dole | Jennings |
| Andrews, George W. | Dorn | Joelson |
| Andrews, N. Dak. | Dowdy | Johnson, Calif. |
| Arends | Downing | Johnson, Okla. |
| Ashmore | Dulski | Johnson, Pa. |
| Bandstra | Duncan, Tenn. | Jonas |
| Battin | Edmondson | Jones, Ala. |
| Beckworth | Edwards, La. | Jones, Mo. |
| Bennett | Erlenborn | Karth |
| Boggs | Everett | Kee |
| Brock | Fallon | Keogh |
| Brooks | Farnsley | King, N.Y. |
| Broyhill, N.C. | Fascell | King, Utah |
| Broyhill, Va. | Feighan | Kunkel |
| Buchanan | Flood | Landrum |
| Burleson | Garmatz | Langen |
| Byrnes, Wis. | Gathings | Latta |
| Cabell | Gettys | Lennon |
| Cahill | Gibbons | Lipscomb |
| Callan | Gray | Long, La. |
| Casey | Grider | Long, Md. |
| Cederberg | Griffiths | McClory |
| Chelf | Grover | McCulloch |
| Clancy | Gubser | McDade |
| Clark | Gurney | McFall |
| Clausen, Don H. | Hagen, Calif. | MacGregor |
| Collier | Haley | Machen |
| Corbett | Hall | Mahon |
| Cramer | Hamilton | Marsh |
| Cunningham | Hanley | Matthews |
| Curtin | Hardy | Mills |
| Dague | Harsha | Minish |
| Daniels | Hathaway | Minshall |
| Davis, Wis. | Hays | Mize |
| de la Garza | Henderson | Moore |
| Delaney | Herlong | Morgan |
| Dent | Hosmer | Morris |
| Dingell | Hull | Morrison |
| | Hutchinson | Morton |
| | Ichord | Murphy, N.Y. |
| | Jarman | Natcher |
| Nelsen | Rhodes, Pa. | Tuck |
| O'Brien | Rivers, S.C. | Tuten |
| O'Hara, Mich. | Rogers, Colo. | Utt |
| Olson, Minn. | Rogers, Fla. | Vigorito |
| O'Neal, Ga. | Rooney, N.Y. | Waggonner |
| Passman | Rooney, Pa. | Walker, N. Mex. |
| Patman | Satterfield | Watson |
| Pelly | Saylor | Watts |
| Pepper | Schweiker | Weltner |
| Perkins | Secrest | White, Tex. |
| Pickle | Selden | Whitener |
| Pike | Shriver | Williams |
| Poage | Sikes | Willis |
| Poff | Slack | Wilson, Bob |
| Quie | Smith, Calif. | Wright |
| Quillen | Smith, Iowa | Wydler |
| Race | Smith, Va. | Young |
| Redlin | Springer | Younger |
| Reid, Ill. | Staggers | Zablocki |
| Reifel | Stubblefield | |
| Rhodes, Ariz. | Teague, Calif. | |

NOT VOTING—161

| | | |
|---|---|---|
| Abernethy | Foley | Moss |
| Adair | Ford, Gerald R. | Murray |
| Adams | Fountain | Nix |
| Addabbo | Fulton, Pa. | O'Konski |
| Albert | Fulton, Tenn. | Olsen, Mont. |
| Anderson, Ill. | Fuqua | Pirnie |
| Anderson, Tenn. | Gallagher | Pool |
| Andrews, Glenn | Gilligan | Pucinski |
| Ashbrook | Goodell | Purcell |
| Ashley | Greigg | Randall |
| Aspinall | Gross | Reinecke |
| Ayres | Hagan, Ga. | Rivers, Alaska |
| Baring | Halleck | Roberts |
| Barrett | Halpern | Robison |
| Belcher | Hanna | Rogers, Tex. |
| Berry | Hansen, Idaho | Roncalio |
| Betts | Hansen, Iowa | Roudebush |
| Bolling | Hansen, Wash. | Roush |
| Bolton | Harvey, Ind. | Schisler |
| Bow | Harvey, Mich. | Schmidhauser |
| Bray | Hawkins | Schneebeli |
| Broomfield | Hébert | Scott |
| Brown, Calif. | Helstoski | Senner |
| Brown, Clarence J., Jr. | Hicks | Shipley |
| Callaway | Holland | Sisk |
| Carey | Howard | Skubitz |
| Carter | Hungate | Smith, N.Y. |
| Celler | Huot | Stafford |
| Chamberlain | Jacobs | Stanton |
| Clawson, Del | Jones, N.C. | Steed |
| Clevenger | Keith | Stephens |
| Colmer | Kelly | Stratton |
| Cooley | Kirwan | Sullivan |
| Corman | Kornegay | Sweeney |
| Craley | Laird | Talcott |
| Daddario | Love | Taylor |
| Davis, Ga. | McCarthy | Teague, Tex. |
| Denton | McDowell | Thomas |
| Derwinski | McEwen | Thompson, N.J. |
| Devine | McGrath | Thompson, Tex. |
| Dickinson | McMillan | Thomson, Wis. |
| Duncan, Oreg. | McVicker | Todd |
| Dyal | Mackay | Toll |
| Edwards, Ala. | Mackie | Trimble |
| Ellsworth | Madden | Tunney |
| Evans, Colo. | Mailliard | Udall |
| Evins, Tenn. | Martin, Ala. | Ullman |
| Farnum | Martin, Mass. | Walker, Miss. |
| Findley | Martin, Nebr. | Watkins |
| Fino | Mathias | Whalley |
| Fisher | Matsunaga | White, Idaho |
| Flynt | Meeds | Whitten |
| | Michel | Widnall |
| | Mink | Wolff |
| | Moeller | |

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Adair.
Mr. Albert with Mr. Gerald R. Ford.
Mr. Foley with Mr. Ayres.
Mr. Schmidhauser with Mr. Bray.
Mr. Kornegay with Mr. Skubitz.
Mr. Fountain with Mr. Devine.
Mr. Fulton of Tennessee with Mr. Fulton of Pennsylvania.
Mr. Matsunaga with Mr. Smith of New York.
Mr. Dyal with Mr. Reinecke.
Mr. Daddario with Mr. Michel.
Mr. Kirwan with Mr. Goodell.
Mr. Barrett with Mr. Mathias.
Mr. Nix with Mr. McEwen.
Mr. Wolff with Mr. Harvey of Michigan.
Mr. Thompson of New Jersey with Mr. Ellsworth.

Mr. Teague of Texas with Mr. Belcher.
Mr. Steed with Mr. Schneebeli.
Mr. Senner with Mr. Chamberlain.
Mr. Shipley with Mr. Broomfield.
Mr. Aspinall with Mr. Halleck.
Mr. Anderson of Tennessee with Mr. Dickinson.
Mr. Abernethy with Mr. Harvey of Indiana.
Mr. Celler with Mr. Laird.
Mrs. Kelly with Mr. Fino.
Mr. Carey with Mr. Halpern.
Mr. Denton with Mr. Del Clawson.
Mr. Davis of Georgia with Mr. Derwinski.
Mr. Meeds with Mr. Findley.
Mr. Moss with Mr. Mailliard.
Mr. Gallagher with Mr. Pirnie.
Mr. Gilligan with Mr. Robison.
Mr. Rivers of Alaska with Mr. Keith.
Mr. Pool with Mr. Edwards of Alabama.
Mr. Evins of Tennessee with Mr. Hansen of Idaho.
Mr. Cooley with Mr. Betts.
Mr. Colmer with Mr. Bow.
Mr. Love with Mr. Anderson of Illinois.
Mr. Craley with Mr. Martin of Alabama.
Mr. Brown of California with Mr. Stafford.
Mr. Holland with Mr. Berry.
Mr. Roberts with Mr. O'Konski.
Mr. Hawkins with Mr. Duncan of Oregon.
Mr. McDowell with Mr. Martin of Nebraska.
Mr. McVicker with Mr. Glenn Andrews.
Mr. Olsen of Montana with Mr. Talcott.
Mr. Mackay with Mr. Watkins.
Mr. Udall with Mrs. Mink.
Mr. Madden with Mr. Martin of Massachusetts.
Mr. Ullman with Mr. Widnall.
Mr. Mackie with Mr. Roudebush.
Mr. Trimble with Mr. Ashbrook.
Mr. Taylor with Mr. Thomson of Wisconsin.
Mr. Stratton with Mr. Callaway.
Mr. Roush with Mr. Whalley.
Mr. Jacobs with Mr. Carter.
Mr. Helstoski with Mrs. Thomas.
Mr. Addabbo with Mr. Clarence J. Brown, Jr.
Mr. Sisk with Mr. Todd.
Mr. Schisler with Mrs. Hansen of Washington.
Mrs. Sullivan with Mr. Jarman.
Mr. White of Idaho with Mr. Ashley.
Mr. Moeller with Mr. Hicks.
Mr. Fisher with Mr. Jones of North Carolina.
Mr. Whitten with Mr. Howard.
Mr. Evans of Colorado with Mr. Scott.
Mr. Hagan of Georgia with Mr. Hungate.
Mr. Flynt with Mr. Tunney.
Mr. Hanna with Mr. Huot.
Mr. Pucinski with Mr. Adams.
Mr. Greigg with Mr. Baring.
Mr. Hansen of Iowa with Mr. Clevenger.
Mr. Purcell with Mr. Corman.
Mr. Thompson of Texas with Mr. McCarthy.
Mr. Roncalio with Mr. Rogers of Texas.
Mr. Sweeney with Mr. Stephens.
Mr. McMillan with Mr. Toll.

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

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the adoption of the resolution.

The question was taken, and the Speaker announced that the ayes appeared to have it.

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

The yeas and nays were refused.

So the resolution was agreed to.

A motion to reconsider was laid on the table.

## FOOD FOR PEACE

Mr. POAGE submitted a conference report and statement on the bill (H.R. 14929), to promote international trade in agricultural commodities, to combat hunger and malnutrition, to further economic development, and for other purposes.

## INTERNATIONAL CONFERENCE ON WATER FOR PEACE

Mr. PEPPER from the Committee on Rules reported the following privileged resolution (H. Res. 1063, Rept. No. 2307) which was referred to the House Calendar and ordered to be printed:

H. RES. 1063

*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 joint resolution (S.J. Res. 167) to enable the United States to organize and hold an International Conference on Water for Peace in the United States in 1967 and authorize an appropriation therefor. After general debate, which shall be confined to the joint resolution, 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 Foreign Affairs, the joint resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

## RESIGNATION FROM COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

The SPEAKER laid before the House the following resignation from a committee.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, D.C., October 18, 1966.*

Hon. JOHN W. MCCORMACK,
*The Speaker,*
*House of Representatives,*
*Washington, D.C.*

DEAR MR. SPEAKER: Please accept my resignation as a member of the House Committee on Interstate and Foreign Commerce, effective immediately.

With kindest regards, I am,
Respectfully yours,
LEO W. O'BRIEN.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

## RESIGNATION FROM COMMITTEE ON BANKING AND CURRENCY

The SPEAKER laid before the House the following resignation from a committee:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, D.C., October 18, 1966.*

Hon. JOHN W. MCCORMACK,
*Speaker, U.S. House of Representatives,*
*Washington, D.C.*

DEAR MR. SPEAKER: I hereby tender my resignation from the Banking and Currency Committee to be effective immediately.

It has been a great honor and pleasure to work on this fine Committee. I leave the able Chairman and my distinguished colleagues with regret, and only because I am convinced that I will be better able to discharge my duties to my constituents in another capacity.

Respectfully,
RICHARD L. OTTINGER,
*Member of Congress.*

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

## RESIGNATION FROM COMMITTEE ON AGRICULTURE

The SPEAKER laid before the House the following resignation from a committee:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, D.C., October 18, 1966.*

Hon. JOHN W. MCCORMACK,
*Speaker of the House, U.S. House of Representatives, Washington, D.C.*

DEAR MR. SPEAKER: I herewith tender my resignation from the Committee on Agriculture.

Very sincerely yours,
JOHN M. MACKIE,
*Member of Congress.*

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

## RESIGNATION FROM COMMITTEE ON PUBLIC WORKS

The SPEAKER laid before the House the following resignation from a committee:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, D.C., October 18, 1966.*

Hon. JOHN W. MCCORMACK,
*House of Representatives,*
*Washington, DC.*

DEAR MR. SPEAKER: I herewith tender my resignation as a member of the Public Works Committee.

Sincerely yours,
RUSSELL TUTEN,
*Member of Congress.*

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

## RESIGNATION FROM COMMITTEE ON PUBLIC WORKS

The SPEAKER laid before the House the following resignation from a committee:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, D.C., October 10, 1966.*

Hon. JOHN W. MCCORMACK,
*Speaker of the House, U.S. House of Representatives, Washington, D.C.*

MY DEAR MR. SPEAKER: I desire to resign as a Member of the House Committee on Public Works.

Very sincerely yours,
ROBERT E. SWEENEY,
*Member of Congress.*

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

## ELECTION TO COMMITTEE ON PUBLIC WORKS

Mr. MILLS. Mr. Speaker, I offer a privileged resolution (H. Res. 1064) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1064

*Resolved*, That ROBERT T. SECREST, of Ohio, be, and he is hereby, elected a member of the standing Committee of the House of Representatives on Public Works.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## ELECTION TO COMMITTEE ON PUBLIC WORKS

Mr. MILLS. Mr. Speaker, I offer a privileged resolution (H. Res. 1065) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1065

*Resolved*, That JOHN C. MACKIE, of Michigan, be, and he is hereby, elected a member of the standing Committee of the House of Representatives on Public Works.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## ELECTION TO COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. MILLS. Mr. Speaker, I offer a privileged resolution (H. Res. 1066) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1066

*Resolved*, That RICHARD L. OTTINGER, of New York, be, and he is hereby, elected a member of the standing Committee of the House of Representatives on Interstate and Foreign Commerce.

Mr. WILLIAMS. Mr. Speaker, will the gentleman from Arkansas yield for a question?

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

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

Mr. WILLIAMS. I want to ask this question. Since the gentleman from New York [Mr. OTTINGER] is a freshman Member, will he go above or below me in our standing on the committee?

Mr. MILLS. I am delighted to advise my friend, the gentleman from Mississippi, that the gentleman from New York will go at the bottom of the committee.

Mr. WILLIAMS. Well, now, may I say to the gentleman that this is the second time the committee has discriminated against freshman Members to fill two vacancies below my position on the committee.

As the senior member of the committee, Mr. Speaker, I feel that I should be either at the bottom of the committee or in the chair.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed.

A motion to reconsider was laid on the table.

## COMMITTEE ON EDUCATION AND LABOR

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor may have until midnight tonight to file a conference report on the higher education bill.

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

Mr. HALL. Mr. Speaker, reserving the right to object, has the request been cleared with the minority members of the committee?

Mr. GIBBONS. It has been cleared with the minority members.

Mr. HALL. Is it the bill that passed the House on elementary and secondary education or the higher education bill?

Mr. GIBBONS. The higher education bill. I have been advised that it was cleared with the gentleman from Ohio [Mr. AYRES], the ranking minority member of the committee.

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

There was no objection.

## PROCEEDINGS AGAINST YOLANDA HALL

Mr. WILLIS. Mr. Speaker, I rise to a question of the privilege of the House and by direction of the Committee on Un-American Activities, I submit a privileged report—House Report No. 2305.

The Clerk read as follows:

The Committee on Un-American Activities, as created and authorized by the House of Representatives, through the enactment of Public Law 601 of the 79th Congress, section 121, subsection (q)(2), and under House Resolution 8 of the 89th Congress, duly authorized and issued a subpena to Yolanda Hall. The subpena directed Yolanda Hall to be and appear before the said Committee on Un-American Activities, of which the Honorable EDWIN E. WILLIS is chairman, or a duly appointed subcommittee thereof, on Tuesday, May 25, 1965, at the hour of 10:30 a.m., at the U.S. Courthouse and Federal Office Building, Ceremonial Courtroom, 25th floor, 219 South Dearborn Street, Chicago, Ill., then and there to testify touching matters of inquiry committed to said committee, and not to depart without leave of said committee. The subpena served upon Yolanda Hall is set forth in words and figures as follows:

"UNITED STATES OF AMERICA,
"CONGRESS OF THE UNITED STATES.
"To Yolanda Hall, *Greeting*:

"PURSUANT to lawful authority, YOU ARE HEREBY COMMANDED to be and appear before the Committee on Un-American Activities of the House of Representatives of the United States, or a duly appointed subcommittee thereof, on Tuesday, May 25, 1965, at 10:30 o'clock a.m., U.S. Court House & Federal Office Bldg., Ceremonial Court Room, 25th Floor, 219 S. Dearborn St., Chicago, Ill., then and there to testify touching matters of inquiry committed to said committee, and not to depart without leave of said committee.

"HEREOF FAIL NOT, as you will answer your default under the pains and penalties in such cases made and provided.

"To Donald I. Sweany, Jr., to serve and return.

"GIVEN under my hand this 6th day of May, in the year of our Lord, 1965.

"/s/ E. E. WILLIS,
*"Chairman—Chairman of Subcommittee—Member Designate of the Committee on Un-American Activities of the House of Representatives.*

"If you desire a conference with a representative of the Committee prior to the date of the hearing, please call or write to: Staff Director, Committee on Un-American Activities, Washington 25, D.C., Telephone: CApitol 4-3121—Ext. 3051."

This subpena was duly served as appears by the return thereon made by Donald I. Sweany, Jr., who was duly authorized to serve it. The return of service of said subpena is set forth in words and figures as follows:

"I made service of the within subpena by personal service to the within-named Yolanda Hall at Chicago Board of Health, 4th Floor, 54 W. Hubbard St., Chicago, Ill., at 10:05 o'clock, a.m., on the 11th day of May, 1965.

"Dated May 11, 1965.

"/s/ DONALD I. SWEANEY, Jr."

The said Yolanda Hall, summoned as aforesaid, appeared and was called as a witness on May 27, 1965, to give testimony, as required by the said subpena, at a meeting of a duly authorized subcommittee of the Committee on Un-American Activities at the Old U.S. Court of Appeals Building in Chicago, Ill. She was accompanied by her counsel, Albert E. Jenner, Jr., and cocounsel, Thomas P. Sullivan, Esquires.

Having been sworn as a witness, she was asked to state her full name and residence for the record, to which she responded, giving same. She was asked whether she was represented by counsel, to which she replied that she was.

Thereafter, the witness was asked the question, namely:

"Would the witness state the date and place of her birth, please?"

which question was pertinent to the subject under inquiry. She refused to answer said question and, in addition, stated that she would not answer any further questions that might be put to her touching matters of inquiry committed to said subcommittee.

The witness then departed the hearing room without leave of said subcomittee.

The foregoing refusals by Yolanda Hall to answer the aforesaid question and answer any further questions, and her willful departure without leave, deprived the Committee on Un-American Activities of pertinent testimony regarding matters which the said committee was instructed by law and House resolution to investigate, and place the said Yolanda Hall in contempt of the House of Representatives of the United States.

Pursuant to resolution of the Committee on Un-American Activities duly adopted at a meeting held January 13, 1966, the facts relating to the aforesaid failures of Yolanda Hall are hereby reported to the House of Representatives, to the end that the said Yolanda Hall may be proceeded against for contempt of the House of Representatives in the manner and form provided by law.

The record of the proceedings before the said subcommittee, so far as it relates to the appearance of Yolanda Hall, including the statement by the chairman of the subject and matter under inquiry, is set forth in Appendix I, attached hereto and made a part hereof.

Other pertinent committee proceedings are set forth in Appendix II and made a part hereof.

APPENDIX I

[Tuesday, May 25, 1965]

UNITED STATES HOUSE OF REPRESENTATIVES, SUBCOMMITTEE OF THE COMMITTEE ON UN-AMERICAN ACTIVITIES,

*Chicago, Illinois.*

PUBLIC HEARINGS

A subcommittee of the Committee on Un-American Activities met, pursuant to call, at 10:30 a.m., in the Old United States Court of Appeals Building, 1212 North Lake Shore Drive, Chicago, Illinois, Hon. EDWIN E. WILLIS (chairman) presiding.

(Subcommittee members: Representatives EDWIN E. WILLIS, of Louisiana, chairman; JOE R. POOL, of Texas; CHARLES L. WELTNER, of Georgia; JOHN M. ASHBROOK, of Ohio; and DEL CLAWSON, of California.)

Subcommittee members present: Representatives WILLIS, POOL, WELTNER, and CLAWSON.

Staff members present: Francis J. McNamara, director; William Hitz, general counsel; Alfred M. Nittle, counsel; and Neil E. Wetterman and Philip R. Manuel, investigators.

The CHAIRMAN. The subcommittee will come to order.

Mr. Nittle, will you call the names of the witnesses and hand them a copy of the opening statement?

Mr. NITTLE. Is Milton Mitchell Cohen in attendance?

Come forward, please.

Louis Diskin.

David Englestein.

Benjamin Max Friedlander.

Dorothy Mixter Hayes.

Dorothy Mixter Hayes.

Dorothy Mixter Hayes, please come forward.

Yolanda Hall.

Leon Joy Jennings.

Wilberforce Cox Jones.

Versta Miller.

Helen Fotine Queen.

Dr. Jeremiah Stamler.

Charles Fehninger Wilson.

Mr. Chairman, Dorothy Mixter Hayes has not responded. Shall I again call her?

The CHAIRMAN. Please. Three times.

Mr. NITTLE. Dorothy Mixter Hayes, please come forward.

Dorothy Mixter Hayes, please come forward.

Dorothy Mixter Hayes, please come forward.

The CHAIRMAN. Thank you, Mr. Nittle.

Mr. NITTLE. Mr. Chairman, I ask that it be noted on the record that Dorothy Mixter Hayes has not responded.

Mr. WOLF. We are responding for Miss Hayes.

The CHAIRMAN. She ought to be here and must be here in person.

Mr. WOLF. She is here, if you will just give me a moment.

Miss Hayes.

Mr. NITTLE. Miss Hayes, would you step forward, please?

Mr. WOLF. Mr. Chairman, I would like the record to show that we object to the presence here of the cameras.

The CHAIRMAN. We will in that respect abide, as we always do and are today, with the rules of the House.

This subcommittee of the House Committee on Un-American Activities is convened here in Chicago to conduct hearings upon the subjects of inquiry and for the legislative purposes set forth in a committee resolution adopted March 18, 1965. I offer this resolution for the record. It reads as follows:

"Be it resolved, That hearings be held by the Committee on Un-American Activities or a subcommittee thereof, at such times and places as the Chairman may determine, and that the staff be authorized to conduct investigations deemed reasonably necessary in preparation therefor, relating to:

"1. As concerns the Chicago, Illinois area and the Illinois District of the Communist Party of the United States; the structure and organization of the Communist Party of the United States; its major objectives, and the strategical and tactical methods designed to aid in accomplishing such objectives; the major areas of Communist Party concentration; organizations created and controlled by the Communist Party to advance the policies and objectives of the Communist movement; Communist propaganda activities conducted in support of such objectives; and conspiratorial activities in aid of, or in association with, foreign Communist governments; and also like information regarding other Communist organizations in the Chicago, Illinois area, for the following legislative purposes:

"(a) to provide factual information to aid the Congress in the proposal of any necessary remedial legislation in fulfillment of the directions contained in the mandate to the Committee by House Resolution 8, of January 4, 1965, and Public Law 601 of the 79th Congress;

"(b) to assist the Congress in appraising the execution by the administrative agencies concerned of Title I of the Internal Security Act of 1950;

"(c) to provide factual information to aid the House in the disposition of presently pending and proposed legislation, including, but not limited to, H.R. 4293, a bill to amend the Subversive Activities Control Act of 1950 so as to authorize the Federal Government to bar from access to defense facilities individuals who may engage in sabotage, espionage, or other subversive acts;

"(d) consideration of the advisability of amending the Internal Security Act so as to impose certain disabilities, in the manner and form therein provided, upon those persons 'affiliated with' Communist organizations as well as upon persons who are members thereof.

"Be it further resolved, That the hearings may include any other matter within the jurisdiction of the Committee which it, or any subcommittee thereof, appointed to conduct these hearings, may designate."

As a result of the June 1961 decision of the Supreme Court of the United States in the Communist Party case (367 U.S. 1), certain provisions of the Internal Security Act have become effective. This was a case against the Communist Party of the United States instituted by the Attorney General before the Subversive Activities Control Board in 1950 to require that the party register as a Communist-action organization within the terms of the Internal Security Act of 1950.

A Communist-action organization is defined in the act as any organization in the United States which is substantially directed, dominated, or controlled by the foreign government or organization controlling the world Communist movement.

Following the taking of extensive testimony, the Subversive Activities Control Board found the Communist Party of the United States was a disciplined organization operating in this Nation under Soviet Union control, with the objective of installing a Soviet-style dictatorship in the United States. The Board, therefore, ordered the party to register as a Communist-action organization.

The Supreme Court, as previously indicated, has upheld this finding and order. This order has the effect of denying to Communist Party members any Federal employment, or employment in any defense facility as defined in the act.

Preliminary committee investigation indicates that this decision of the Court prompted certain organizational changes in the Communist Party. The party has attempted to nullify the provisions of the statute. These hearings in Chicago are one of a series of investigations into area activities of the Communist Party which the committee is conducting in various parts of the country for the purpose of determining whether remedial or amendatory legislation is necessary and, if so, what laws may be desired.

This committee functions as a part of the legislative branch of Government, as distinguished from the executive and judicial branches. In the exercise of its investigative function, the committee neither accuses nor judges. It conducts no trials. It is a factgatherer to inform the Congress about the operations of this Soviet-controlled conspiracy.

Its investigations must be continuous. For while the basic objectives of the Communists remain the same, the party develops new tactics and operational forms from time to time to speed and improve Communist undermining activity and to offset the legislative, administrative, and other steps taken by the Congress, the executive branch, and the American people to preserve their liberty.

The power of congressional committees to make investigations and to exact testimony has been repeatedly confirmed by the Supreme Court of the United States. In *McGrain* v. *Daugherty* (273 U.S. 135, at 161), a leading case, the Supreme Court pointed out that, and I quote from the words of the Supreme Court:

"In actual legislative practice power to secure needed information by such means has long been treated as an attribute of the power to legislate. It was so regarded in the British Parliament and in the Colonial legislatures before the American Revolution; and a like view has prevailed and been carried into effect in both houses of Congress and in most of the state legislatures."

That is the end of the quotation from the Supreme Court decision.

Information and knowledge is, of course, the object of investigation. It is basic to the exercise of the lawmaking function.

The Committee on Un-American Activities is authorized by a rule of the House and a Federal statute to make investigations of the extent, character, and objects of subversive and un-American propaganda, whether instigated by foreign countries or of a domestic origin, which attacks the principle of the form of government as guaranteed by our Constitution, and all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

For the purpose of any such investigation, this committee is authorized to hold hearings and to issue subpenas to require the attendance of witnesses and the production of documents. Moreover, the committee is required to report to the House the results of its investigations, together with such recommendations as it deems advisable.

The committee is also required, by House rule and the statute already mentioned, to perform the duties imposed upon all standing committees with respect to laws within its jurisdiction, that is, to appraise the execution of laws enacted by Congress and to exercise a continuous watchfulness over the administrative agencies concerned with the execution of such laws.

In the light of the threat which Communist organizations pose to the United States as a sovereign, independent Nation, we must recognize, as Mr. Justice Frankfurter said in the Communist Party case, "That the power of Congress to regulate Communist organizations of this nature is extensive."

Mr. Justice Harlan, speaking for the Supreme Court in *Barenblatt* v. *United States* (360 U.S. 109, at page 127), a decision upholding the contempt of Congress conviction of a witness who had refused to answer

questions asked him by this committee, said:

"That Congress has wide power to legislate in the field of Communist activity in this Country, and to conduct appropriate investigations in aid thereof, is hardly debatable. The existence of such power has never been questioned by this Court, and it is sufficient to say, without particularization, that Congress has enacted or considered in this field a wide range of legislative measures, not a few of which have stemmed from recommendations of the very Committee whose actions have been drawn in question here"; that is, the Committee on Un-American Activities. Justice Harlan continued: "In the last analysis this power rests on the right of self-preservation, 'the ultimate value of any society,' *Dennis v. United States*, 341 U.S. 494, 509. Justification for its exercise in turn rests on the long and widely accepted view that the tenets of the Communist Party include the ultimate overthrow of the Government of the United States by force and violence, a view which has been given formal expression by the Congress."

There is, however, not only a power to legislate in the field of Communist activities, but also a positive duty imposed upon Congress to do so. The Supreme Court has said:

"To preserve its independence, and give security against foreign aggression and encroachment, is the highest duty of every nation, and to attain these ends nearly all other considerations are to be subordinated. It matters not in what form such aggression and encroachment come. . . ." [Quoted in *Communist Party Case*, 367 U.S. 1, 96.]

Now I would like to stress the fact that the committee's presence here in Chicago is not to be construed in any way as derogatory to this great city. We have held hearings here before, as we have in other major cities of our country on more than one occasion in the past.

Why? Not because the cities as such—or their governments or people—are suspect in any way, but rather because they and the States in which they are located are so important to our national security, prosperity, and welfare.

The Communists decided a long time ago where they would try to build their greatest strength in the United States. They determined that they would send their best organizers, agitators, and propagandists into those areas of our country which were most vital to its overall security, particularly in time of war.

It was in these areas that they determined to pour their money and to concentrate as much effort as possible to build their largest, strongest, and most disciplined units.

Why? So that if war between the Soviet Union and the United States should come—and God pray it won't—their greatest strength would be in those areas where, by sabotage and other traitorous activities, they could do most to help the Soviet Union and bring about the defeat of the United States. And so the Communists concentrate—and always have concentrated—on our great centers of industry, of transportation, communication, learning and so forth—on States such as Illinois, New York, Michigan, California, Pennsylvania; on cities such as Chicago, Detroit, New York Pittsburgh. These are the areas of the United States that are most important to Moscow and, therefore, to its puppets, the U.S. Communists. Generally speaking, the Communists have not devoted much attention to our small rural communities.

Our presence in Chicago, therefore, and such evidence of Communist activity in this city and State as is produced in these hearings, is not to be taken as an affront to this city or the State of Illinois. Rather, the hearings are a tribute to them, a recognition of the trmendous importance the enemies of this country, both here and abroad, attach to Illinois and its great city, Chicago.

In short, we are here not to hurt anyone or any institution, but to help—to help, as we are directed by the House of Representatives, the security of our country. It is our hope—and our belief—that, in doing so, we will also help this wonderful State, city, and people.

I now offer for the record the order of appointment of this subcommittee, as follows:

MAY 6, 1965.

To: Mr. FRANCIS J. MCNAMARA,
*Director, Committee on Un-American Activities*

Pursuant to the provisions of the law and the Rules of this Committee, I hereby appoint a subcommittee of the Committee on Un-American Activities, consisting of Honorable JOE R. POOL, Honorable CHARLES L. WELTNER, Honorable JOHN M. ASHBROOK, and Honorable DEL CLAWSON, as associate members, and myself, as Chairman, to conduct hearings in Chicago, Illinois, commencing on or about Tuesday, May 25, 1965, and/or at such other times thereafter and places as said subcommittee shall determine, as contemplated by the resolution adopted by the Committee on the 18th day of March, 1965, authorizing hearings concerning certain Communist activities in the Chicago, Illinois, area, and other matters under investigation by the Committee.

Please make this action a matter of Committee record.

If any member indicates his inability to serve please notify me.

Given under my hand this 6th day of May, 1965.

/s/ Edwin E. Willis,
EDWIN E. WILLIS,
*Chairman, Committee on Un-American Activities.*

I would like to point out that the absent member of this subcommittee, Mr. ASHBROOK, of Ohio, his absence has been unavoidably brought about by a death in the family. It is expected that he might appear later on.

Now I point out, and I want the record to reflect, that this statement I have just read—each witness subpenaed has been handed a copy by counsel. I urge them to remain in the committee room so that if there be any testimony regarding them they may be here.

I urge also careful analysis of the statement that each witness has, announcing the purposes and objectives of the hearings, so that there won't be any haggling about a witness not knowing the purpose why these hearings are being held. These purposes are being stated at length in this statement and each witness has a copy.

I want to go one step further and read from Rule XI, 26(m), House of Representatives. The rules of the House are binding on all committees. There are some 20 permanent committees of the House, the jurisdiction of each committee is set forth in the rules of the House.

This committee, the House Committee on Un-American Activities, is but one of 20 permanent committees of the House. This committee is an agency of the House and operating under the rules of the House. I want to direct the attention of all to the provisions of Rule 26(m) in respect to these particular hearings.

Every person concerning whom there might be defamatory, degrading, or incriminating evidence produced here at these hearings has been notified of that possibility and has been sent a letter, a typical sample of which I now read:

"Pursuant to House Rule XI, 26(m), the Committee on Un-American Activities has received certain evidence and testimony in executive session, in the course of which a person by the name of"—and here each witness' name appears—"a resident of"—and their address is given—"was identified as having been a member of the Communist Party."

Everyone whose name might crop up has received a copy of this letter or been sent one.

"If you so desire, you will be afforded an opportunity voluntarily to appear as a witness before a subcommittee of the Committee on Un-American Activities at a time and place to be designated. According to the general practice of the committee, this hearing"—namely the voluntary testimony of witnesses so notified—"shall be conducted in executive session.

"You may also request the committee to subpoena additional witnesses.

"If you desire to avail yourself of the opportunities thus afforded you, you should so advise the Director of the Committee no later than Tuesday, May 18, 1965. He may be reached at Room 226, Cannon House Office Building, Washington 25, D.C.; telephone number: Capital 4-3121, extension 3051.

"This is not a subpoena or summons requiring you to appear.

"Very truly yours, EDWIN E. WILLIS, Chairman."

Let me tell you that every witness, I repeat, whose name might come up in these hearings, every person was mailed such a letter but not one single, solitary response did we receive. [Laughter and applause.]

I cannot and will not tolerate demonstrations in any direction from anyone. This is a hearing in a Federal courtroom conducted by a committee of the House of Representatives and representing the House of Representatives and we must have order.

You are guests of the committee; you are very welcome. We are glad to have you. We are glad to know your interest in either direction in connection with the activities and the conduct of its affairs by this committee, but we must have order as is the rule under the American procedure.

Mr. Counsel, call your first witness.

* * * * *

[Thursday, May 27, 1965]

UNITED STATES HOUSE OF REPRESENTATIVES, SUBCOMMITTEE OF THE COMMITTEE ON UN-AMERICAN ACTIVITIES,
*Chicago, Illinois.*

PUBLIC HEARINGS

The subcommittee of the Committee on Un-American Activities met, pursuant to recess, at 9:20 a.m., in the Old United States Court of Appeals Building, 1212 North Lake Shore Drive, Chicago, Illinois, Hon. EDWIN E. WILLIS (chairman) presiding.

(Subcommittee members: Representatives EDWIN E. WILLIS, of Louisiana, chairman; JOE R. POOL, of Texas; CHARLES L. WELTNER, of Georgia; JOHN M. ASHBROOK, of Ohio; and DEL CLAWSON, of California.)

Subcommittee members present: Representatives WILLIS, POOL, WELTNER, ASHBROOK, and CLAWSON.

Staff members present: Francis J. McNamara, director; William Hitz, general counsel; Alfred M. Nittle, counsel; and Neil E. Wetterman and Philip R. Manuel, investigators.

The CHAIRMAN. The subcommittee will come to order.

* * * * *

[Afternoon session—Thursday, May 27, 1965]

(The subcommittee reconvened at 2 p.m., Hon. EDWIN E. WILLIS, chairman, presiding.)

(Subcommittee members present: Representatives WILLIS, POOL, ASHBROOK, and CLAWSON.)

The CHAIRMAN. The subcommittee will come to order.

Proceed, Mr. Nittle.

* * * * *

The CHAIRMAN. Call your next witness.

Mr. NITTLE. Yolanda Hall.

The CHAIRMAN. Please be sworn.

Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. HALL. I do.

TESTIMONY OF YOLANDA HALL, ACCOMPANIED BY COUNSEL, ALBERT E. JENNER, JR., AND THOMAS P. SULLIVAN

Mr. NITTLE. Would the witness kindly state her full name and address for the record?

Mrs. HALL. Yolanda Hall, 5515 West Race Avenue.

Mr. NITTLE. Are you represented by counsel?

Mrs. HALL. Yes, I am.

Mr. NITTLE. Would counsel kindly identify himself for the record, stating his name and office address?

Mr. JENNER. Albert E. Jenner, Jr., 135 South LaSalle Street, Chicago, Illinois, 60603, and my partner Thomas P. Sullivan of the same address.

The CHAIRMAN. May I make a suggestion that one counsel speak for the witness. Of course, in cases there might be an exception. I hope they don't come from all directions.

Mr. JENNER. Mr. Chairman, I do substantially nothing but try cases, and that is the way I proceed in court.

The CHAIRMAN. All right.

Mr. NITTLE. Mrs. Hall, will you state the date and place of your birth?

Mr. JENNER. Mr. Chairman, you will forgive me for standing up because I have respect for the committee, and having respect I stand. In any event, it just happens to be my habit. I can think on my feet and I have trouble thinking when I am sitting down.

I have a request to make.

The CHAIRMAN. I will say to you that you can think awfully well even while sitting down.

Mr. JENNER. Well, perhaps I don't speak as well sitting down.

In order that I may expedite these proceedings as much as possible to assist the committee, I have reduced what I have to say to some notes, which I will not read in full in any event, Mr. Chairman.

On May 25 my partner, Mr. Sullivan, delivered to the distinguished chairman a letter in which I made several requests on behalf of Mrs. Hall. (See pp. 342, 343.) The first of these requests to which I wish now to direct attention was that pursuant to rule 26(m) of the rules adopted for this committee by the House of Representatives of the United States, of which the committee is a duly constituted body, that the testimony of Mrs. Hall and Dr. Stamler be taken in executive session. The request encompassed, as you will recall, Mr. Chairman, not only their testimony but also any testimony concerning them given by any other witness.

Now in the light of what has occurred before this honorable subcommittee when prior subpenaed witnesses took the stand, I anticipate that the interrogation of my client, Mrs. Hall, will consist of assertions, embellishments, conclusions, argument, and innuendoes, not under oath, contained in repeated questions put by the committee's distinguished counsel based upon hearsay or speculation which will tend to degrade, defame, or incriminate my clients.

It makes no difference that these assertions are untrue or unsupported, a large segment of the public will assume the truth of whatever statements are made by distinguished counsel. We all know that counsel is not subject to cross-examination. I have requested the committee to permit me to cross-examine counsel and I repeat that request. In any event, counsel for the committee neither has, nor purports to have, personal knowledge of the matters he asserts.

In this posture and in this hostile setting, we have no way of defending our clients from the defamatory and prejudicial implications contained in those questions and they should not be forced to undergo this type of questioning, in public or otherwise. Every court in this land that has ever passed upon the question even as to tactics of this kind in the courtroom has held that they are a direct violation of the rights of fair trial and the rights of due process of the parties against which those tactics are employed.

I respectfully request or submit that to refuse to grant our motion for an executive session and an opportunity to examine the witnesses and the evidence and the counsel in the making of his innuendo statements based on hearsay will constitute, if denied, an abuse of discretion and a violation of rule 26(m) of the Rules of the House of Representatives of the United States adopted for this committee and result in an unwarranted serious damage to the reputations of these good people, each of whom is a loyal United States citizen.

Further and in very short compass up to this moment I pose to you, Mr. Distinguished Chairman, yourself a distinguished lawyer and law teacher, that there is not one scintilla of evidence admissible or competent before this august body or before any court in this land against either Dr. Stamler or Mrs. Hall. There is nothing in this record other than the innuendo assertions, unverified, of the distinguished counsel for this committee.

I renew our request for the executive session.

The CHAIRMAN. The committee will stand in recess for a few minutes.

(A brief recess was taken.)

The CHAIRMAN. The subcommittee will come to order.

Mr. Jenner, as to your earlier motion made that evidence relating to Mrs. Yolanda Hall be heard by this subcommittee in executive session, I can say that this was done before this subcommittee came from Washington. As to this, I can best refer to my letter to Mrs. Hall which shows our compliance with House rule 26(m), which I will now read. The letter is dated May 11, 1965, and addressed to Yolanda Hall, 5515 West Race Avenue, Chicago, Illinois.

"DEAR YOLANDA HALL:

"Pursuant to House Rule XI, 26(m), the Committee on Un-American Activities has received certain evidence and testimony in executive session, in the course of which a person by the name of Yolanda Hall, a resident of Chicago, Illinois, was identified as having been a member of the Communist Party.

"If you so desire, you will be afforded an opportunity voluntarily to appear as a witness before a subcommittee of the Committee on Un-American Activities at a time and place to be designated. According to the general practice of the committee, this hearing—

Namely the voluntary testimony of witnesses so notified—

shall be conducted in executive session.

"You may also request the committee to subpoena additional witnesses.

"If you desire to avail yourself of the opportunities thus afforded you, you should so advise the Director of the Committee no later than Tuesday, May 18, 1965. He may be reached at Room 226, Cannon House Office Building, Washington 25, D.C.; telephone number: Capitol 4-3121, extension 3051.

"This is not a subpoena or summons requiring you to appear.

"This letter and the opportunities referred to herein do not release you from the compulsion to appear as a witness pursuant to the subpoena already served upon you.

"Very truly yours,

"EDWIN E. WILLIS,
*"Chairman."*

The letter shows that a copy of rule 26(g) and rule 26(m) were enclosed.

As I said on the first day of these hearings, a number of persons were sent similar letters and none of them, including Mrs. Hall and Dr. Stamler, availed themselves of the opportunity afforded voluntarily to appear.

Your motion, now made, that Mrs. Hall be now heard in executive session I deny after consideration of the subcomimttee. We have complied with rule 26(m) and all other applicable rules of the House and of this committee. Despite allegations of witnesses' counsel, the committee has for many years held hearings of this precise type and the courts of the land, including the Supreme Court, have upheld the constitutionality of the committee's action.

Counsel, proceed.

Mr. JENNER. Mr. Chairman, for the purpose of the record and the interests of the committee, as well as my clients, I am intending no entrapment, as this chairman has intended no entrapment, in any action he has taken today or during the course of these hearings. Is my understanding correct, Mr. Chairman, (1) that you deny the motion that this witness' testimony now be taken in executive session; (2) that we be afforded the opportunity in executive session to examine all evidence, testimony, oral or documentary, that has been received heretofore in executive session and that I be afforded any opportunity to cross-examine witnesses who tendered evidence by way of testimony in executive session; and (3) that I be afforded the opportunity of cross-examining committee counsel, who has throughout the hearings in my presence today and in the hearings of the previous 2 days incorporated in his questions unverified innuendo defamatory of various citizens of the United States, including both my clients?

The CHAIRMAN. Well, before I rule, let me say that I reject the last part of your statement—the "innuendos" and references to "defamation" of citizens of the United States. Here is a grand opportunity for your client, Mrs. Hall, and later Dr. Stamler, under pains and penalties of perjury by witnesses who have testified, to deny, explain, confirm, affirm, reject, expose, lambaste—I use every word you can about the testimony of those witnesses.

Mr. JENNER. Mr. Chairman——

The CHAIRMAN. Now one second.

I accept the desire to have a clear record so let me ask you this question now: Do I understand you now, in effect, to ask a delayed acceptance of the opportunities afforded in the letter I have just read, dated May 11, 1965, and accordingly to have your client, Yolanda Hall, voluntarily appear as a witness?

Mr. JENNER. Have you finished, Mr. Chairman?

The CHAIRMAN. Yes.

Mr. JENNER. Thank you.

The letter which you have read, Mr. Chairman, is in my professional opinion a violation of the rule which you cited as being authority for the dispatch of the letter, and the letter itself at the time you sent it did not inform any of the persons who received it, let alone my client, of the purpose or thrust of the investigation or the hearing that you were to have. What elaboration occurred with respect to that was uttered by you, Mr. Chairman, in the opening session on Monday, or was it Tuesday—whatever the opening day was.

So the letter is a compounding of the failure of the committee and the abuse of the committee to honor a request under the rule for an executive session as to any witness with respect to whom there may be, or might be, as has occurred every day in these hearings, matters defamatory to those witnesses. So, Mr. Chairman, for you now to seek to bolster that letter, which, when sent, was constitutionally infirm and infirm under the very

rules which your distinguished committee purports to rely upon, is in turn a violation of the rules themselves.

Mr. Chairman, may I say I think Mr. Sullivan——

The CHAIRMAN. May I say that thus far you have not answered my question. I understand your point.

Mr. JENNER. Yes. I repeat the request that I made to this distinguished committee that the testimony of Mrs. Hall——

The CHAIRMAN. I understand that. I am going to rule on that, but I desire and I think that this committee is entitled to an answer to my question.

Mr. JENNER. With all due respect, if you please, sir, it is my professional judgment and considered judgment that I have responded to your question, Mr. Chairman.

The CHAIRMAN. But the net effect is that you are not asking, in accordance with rule 26(m), that Yolanda Hall be accorded the opportunity, privilege, voluntarily to appear to testify under oath in executive session.

Mr. JENNER. Mr. Chairman, I have made my motion and that is what I am requesting.

The CHAIRMAN. Well, Mr. Counselor, I have asked the question of you twice and I construe, as I think all members of the committee construe, as I think any good lawyer would construe—and you are an awfully good one—that your answer to my question is "no." I will proceed on that assumption unless you want to correct it, and now I will rule.

I assume that you don't.

Mr. JENNER. My request is that any questions put to this witness be put in executive session which I have requested.

The CHAIRMAN. Let me ask you another question and then I will be ready to rule. I assume, I act on the assumption, my own, and so does the committee, that you are not asking, and you reject, the opportunity for your witness pursuant to rule 26(m) voluntarily to appear as a witness in executive session.

Now I ask you this question: Are you asking to be heard in executive session on your subpena, on the witness' subpena?

Mr. JENNER. I am asking, Mr. Chairman, I am not trying to play a game.

The CHAIRMAN. I am not, either. I am going to rule and I am not going to take as long as you with the answer to your question.

Mr. JENNER. I think we are about even on that.

I am not trying to be cute any more than the chairman is.

The CHAIRMAN. I appreciate counsel's position. You are representing your client, and all that.

Mr. JENNER. As best as I can as a professional man. I have made my motion that any questions put to this witness be put in executive session; that an executive session be called for that purpose and the other purposes I have stated. With great respect to you, sir, the letter that was sent is of no legal validity now, even if it had any at the time it was sent.

The CHAIRMAN. I don't want to talk—I am not asking any further comments on your position with reference to an appearance in connection with the letter. I will ask the question once more and I will draw a conclusion if you don't reply.

Are your asking to be heard in executive session pursuant to the subpena served on your client? Or I will put it plural, both your clients, Mrs. Hall and Dr. Stamler.

Mr. JENNER. May I confer a moment, Your Honor? (Confers.)

The answer is "yes."

The CHAIRMAN. The answer is "yes."

The three requests you made a moment ago, a motion, are denied and your present request in the form of a colloquy is likewise denied.

Mr. JENNER. Mr. Chairman, would you permit me a slight amendment? Mr. Sullivan called my attention to the fact that, in presenting the motion, I perhaps overstated as to the reach of my request to examine witnesses and evidence taken in executive session. I intended, and I wish to amend with your permission, that the request was to examine witnesses and evidence, documentary and otherwise, taken in executive session relating to Mrs. Hall and Dr. Stamler.

The CHAIRMAN. But not to hear Mrs. Hall in executive session?

Mr. JENNER. Oh, no, no.

The CHAIRMAN. Then I am afraid I don't follow you.

Mr. JENNER. When I made the request with respect to examination of witnesses and examination of evidence and examination of counsel in executive session, Mr. Sullivan tells me I did not limit that to evidence of witnesses and statements of counsel relating to Mrs. Hall and Dr. Stamler. All I am now doing is limiting. I was afraid that technically I might have asked too much.

The CHAIRMAN. I understand. Of course that is the way really I had understood it. So our original ruling holds.

Proceed, Counsel.

Mr. JENNER. Thank you, Your Honor.

Rule XVI of the rules of this committee provide, and with your permission I will not read them because you have read those provisions several times today. May I proceed with this?

The CHAIRMAN. Surely.

Mr. JENNER. On May 13, 1965, 12 days before the hearings were to commence, the names of 11 persons subpenaed to testify here were published in the public press. Copies of many of these newspaper stories are attached to a complaint in the cause which I filed on behalf of Dr. Stamler and Mrs. Hall in the United States District Court for the Northern District of Illinois on Monday of this week, entitled and numbered *Stamler* versus *Willis*, 65-C——

The CHAIRMAN. That I understand to be WILLIS, chairman, and not Willis, superintendent of schools. [Laughter.]

Mr. JENNER. Touche—which we intend to place in evidence before the committee, that is, we intend to offer it in evidence.

The CHAIRMAN. You mean a copy of the complaint?

Mr. JENNER. Yes. By the way, as long as I have hesitated at that point I have had a copy identified as "Stamler-Hall Exhibit No. 1" May 27, 1965. I think a copy has already been tendered but not with the exhibit.

The CHAIRMAN. Yes. The complaint is received in the record at this point.

(Document marked "Stamler-Hall Exhibit No. 1." See appendix pp. 762–809.)

Mr. JENNER. Thank you. These articles which are attached to the complaint in the *Stamler* versus *Willis* case included pictures of Dr. Stamler, among others, and among other things referred to these hearings as a "Red Probe."

The CHAIRMAN. Red what?

Mr. JENNER. Red Probe, p-r-o-b-e. These are not my words, Mr. Chairman, they are words that appeared in the newspaper print. Understandably, I have no knowledge in the premises, but on the record it is reasonably to be deduced, I respectfully suggest, that the names of these persons were procured from this committee or some agent of the committee. The distinguished chairman has stated that to the best of your knowledge no one connected with the committee released any names to the press.

In the interest of clarifying this issue, I ask on behalf of my clients that hearings be held immediately to determine the true facts. Therefore, I request pursuant to rule 26(m)(3) that subpenas issue forthwith to all persons who served these subpenas or to persons who delivered them for service, including Neil E. Wetterman and Donald I. Sweany, Jr., as agents of the committee to come before the committee at once and testify as to which agent or employee of the committee released the names of subpenaed witnesses 12 days before the hearings began in violation of Rule XVI, which resulted in grave damage to the reputations of my clients, as to whom not one word of testimony has yet been uttered before this committe in these public proceedings.

Now, pending that investigation, I request that the committee postpone any further proceedings until the persons responsible for this violation of Rule XVI are identified.

The CHAIRMAN. The committee will stand in recess.

(A brief recess was taken.)

The CHAIRMAN. The subcommittee will come to order.

The subcommittee considered and unanimously decided to overrule that motion.

Now the Chair respectfully will say that counsel is expected to put forward any and all other motions he may have to be considered so that we may not be in the position of having anything in regard to that.

Mr. JENNER. Thank you, Mr. Chairman.

I have but one more motion and I think perhaps the chairman will dispose of it as a matter of course.

The CHAIRMAN. You have already conceded?

Mr. JENNER. I think the chairman might concede it; that is what I meant.

I request that I be provided with a copy of the transcript of the entire session of the public hearings of the committee held here in Chicago on May 25, 26, and today.

The CHAIRMAN. This request, and it is a meritorious one, I think is unnecessary for you to pose now. The committee will consider that and we will advise you.

Mr. JENNER. I deliberately posed my question in two parts because I assumed the first part would be favorably considered.

The second part is that we be furnished also with a copy of the transcript of all testimony and documentary evidence concerning Dr. Stamler and Mrs. Hall, whether in public or executive session and whether at this series of sessions or at prior sessions of the committee or a subcommittee thereof or future sessions as well.

The CHAIRMAN. The motion is denied.

Mr. JENNER. Mr. Chairman, before the distinguished counsel for the committee poses further questions to Mrs. Hall, I would like respectfully to state for the record certain objections on behalf of my client to the proceedings which have been and are being undertaken by this honorable committee. Most of those objections are set forth in written form in the complaint which I have mentioned and which you have admitted into evidence. Now having been admitted in evidence, with your permission I will not repeat those by reading that complaint. Do I have your permission, Mr. Chairman?

The CHAIRMAN. Yes.

Mr. JENNER. Now in addition to those objections and points made in the complaint and constitutional grounds——

The CHAIRMAN. Pardon me. I think the record should also show that the application for the relief sought, whatever it was, was denied by the district judge.[1]

Mr. JENNER. I think that is a fair request and I concede it was denied. May I say for the record, also, that yesterday we filed a notice of appeal to the Court of Appeals of the Seventh United States Circuit.

Now, Mr. Distinguished Chairman, we further object to these proceedings because the hearings have not been held in executive ses-

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[1] The judge, in dismissing the suit, stated that complainants' charges concerning the constitutionality and procedures of the committee were "without merit." Formal court order marked "Committee Exhibit No. 1," for identification. See appendix, p. 813.

sion pursuant to our request. It is clear from what has occurred in these hearings on May 25 and 26 and to this point today (1) that public hearings are not needed and were not needed, because you have already heard Lola Belle Holmes and Lucius Armstrong and others apparently in executive session and the repetition in these public hearings has served, as it could only serve, particularly under the type of examination of the distinguished counsel for the committee, to injure persons whom they charged and counsel has charged without being under oath to be or to have been members of the Communist Party and (2) the questioning of my clients will be of a defamatory and prejudicial nature and be harmful to their good reputations, which they cherish.

We have been in disagreement with the resolution of the holding of the hearings in Chicago at this time and with the copy of the statement which you, Mr. Chairman, made at the time the hearings were convened the morning of May 25, 1965. However, it is my opinion, and I respectfully state to you and your distinguished colleagues, that these additional specifications do not cure the defects referred to in the complaint in *Stamler* versus *Willis* and as elaborated in the proceedings by me today and Mr. Sullivan, my partner, heretofore, or render the enabling act establishing this committee constitutionally definite as to purpose for which this committee is and has been holding these hearings.

In any event, neither those statements nor the resolution cast light upon either the need or the right of this honorable committee to interrogate Dr. Stamler and Mrs. Hall on any subject whatsoever.

The CHAIRMAN. Mr. Jenner, I think I bestowed upon you the longest opportunity of anyone to make a statement before this subcommittee since I have been a member of this committee. You are now really advancing arguments and you are really going beyond even a most liberal interpretation of our applicable rules. Respectfully, I ask that you state your conclusions and, if you want, I will even accord you the privilege of filing your statement in the record. I think I am stretching the rules so much that in the first place, I will repeat as I have done time and time again, this is not to be a precedent. So that it will not be a precedent, I would like to at least limit you at this time. We don't mind. I think you have made your point. If you have a motion or if you have a conclusion to make, I wish you would state it.

Mr. JENNER. Mr. Chairman, I will do everything in my power to comply fully with the indulgence which you have accorded me. I have a point which I will present to the committee.

I respectfully submit that we have been denied the right to confront and examine the witnesses, if any there be or who have testified concerning my clients before this committee.

The CHAIRMAN. Here again you are advancing arguments. I could take more time than you have thus far consumed in showing the reasons why I disagree with you, so that you are really making an argument—I don't want to make a speech, thus I'm depriving myself of answering you seriatim. Of course you might well say, you may do so after I conclude—but then I would be a party to enlarging upon the applicable rule. So I again ask you to just state your points.

Mr. JENNER. That is what I am attempting to do, sir.

The CHAIRMAN. It must be a very long point.

Mr. JENNER. I did not engage in any colloquy with the chairman. I would not expect the chairman to respond any more than I would expect an honorable judge to respond to me. These are grounds for recommendation that I will make to my client in the presence of this committee.

The CHAIRMAN. I will have to answer you step by step now and this will be the last time. This is not a court proceeding. Proceedings of a court are pursuant to the rulings of a court and you and I, as lawyers, would be out of business if we did not yak-kity-yak-yak all over the lot. This is a congressional investigation, and we are operating under our rules. Again I urge you to state your point.

Mr. JENNER. I will seek to do so, sir. I am stating the grounds under the Constitution for the recommendation I am about to make to my client with respect to the further proceedings of this committee.

I am a litle bit at a loss as to the point at which I was.

The CHAIRMAN. How much longer do you have?

Are you presenting a motion or stating a point?

Mr. JENNER. Stating a point, Your Honor.

The CHAIRMAN. And then your position.

Mr. JENNER. Take a position.

Mr. Chairman, I think it will take me not to exceed 3 minutes.

Mr. POOL. If it just takes 3 minutes, I am willing to listen.

The CHAIRMAN. Proceed.

Mr. JENNER. None has appeared during these public hearings. This is a direct and insidious violation of the Federal Constitution. Despite careful consideration of the record, I have no idea why my clients are summoned here, what charge they are called upon to meet, what the legislative purpose or relevancy of their testimony is. This is a clear violation of the due process clause of the Bill of Rights.

Moreover, because of the limitations placed on counsel for witnesses by this honorable committee and in light of the mistreatment of my partner Sullivan yesterday, all at the direction of the chairman pro tem, our clients have been deprived of the effective right to counsel and of due process, each of which is guaranteed by the Bill of Rights.

As I have stated, I have filed a notice of appeal in the proceedings of *Stamler* versus *Willis*, the case now pending before the court of appeals of this circuit. Accordingly, it is inappropriate for my clients at this time to give any testimony to this committee, and indeed if they do so it would render, and will render, moot the very litigation in which they seek a determination of various grave questions of constitutional privileges and immunities raised in the complaint as to the legal basis for this distinguished committee, the constitutional propriety of these hearings, and of the subpenas served upon my clients. My clients have the right under the Constitution to have their legal position determined in court before giving their testimony to this committee.

For all of the foregoing reasons, including all those specified in the complaint marked "Stamler-Hall Exhibit No. 1" and all motions made during these proceedings by Mr. Sullivan and myself and all grounds stated by us, I move that this honorable committee quash the subpenas served upon Dr. Stamler and Mrs. Hall.

The CHAIRMAN. The motion is denied.

Wait a second.

To make it more formal, I have counseled with the members of the committee and the committee not only agrees to support but independently rules to overrule your motion to quash.

Mr. JENNER. Thank you, Mr. Chairman.

In light of this ruling and for the reasons previously stated, I have advised my clients to give no testimony or further to cooperate with this honorable committee until the outcome of the pending litigation. I have given them this advice in my professional capacity as their personal counsel.

After careful consideration and extended consultation with them and with my co-counsel, Mr. Sullivan and Mr. Arthur Kinoy of New York, we take this position without intending to reflect in any respect whatsoever upon this distinguished committee or any of its distinguished members or counsel and without any contempt for or lack of respect for you, Mr. Chairman, or your distinguished colleagues or counsel. If and when that case is finally determined and if that determination is adverse to my clients, they will return and proceed before this committee. However, until that time, I have advised my clients to give no testimony or information or further to cooperate with this honorable committee.

In my considered professional judgment, the manner and atmosphere in which these proceedings have been conducted demonstrate that no legislative purpose or function has been involved. In a facade of legislative factfinding, this distinguished committee has been embarked upon a program of exposure for exposure's sake, character prejudice, and degrading of United States citizens of good reputation such as my clients. Were they to cooperate in this self-destruction and destruction of their fellow citizens and this erosion of, and encroachment upon, the Bill of Rights, they would be false to all they and other thoughtful citizens hold——

The CHAIRMAN. Now you have made your point. That is enough. [Applause.]

You may file the statement, but you may not read any more of it.

Mr. JENNER. Mr. Chairman, I think there is one further matter that you would want in the hearing.

The CHAIRMAN. As a point you are making?

Mr. JENNER. A conclusion of this statement.

Dr. Stamler and Mrs. Hall do not invoke the privilege against self-incrimination. They have committed no crime and they are and have been loyal to our country. Rather, they rest their refusal to testify on all of the constitutional or other grounds I have previously stated. These are fundamental considerations vital to all citizens of this great Nation which they have submitted to the courts for disposition upon deliberation by fair and impartial judges.

The CHAIRMAN. Proceed with the questions.

Mr. NITTLE. Would the witness state the date and place of her birth, please?

Mrs. HALL. Gentlemen, I adopt and confirm all that my counsel, Mr. Jenner, has stated. I tell you that I am now, and I have always been, a loyal American citizen. However, on advice of my counsel I respectfully decline to give any information or testimony or further to cooperate with this committee. If and when the litigation which I have instituted is terminated adverse to my position, I will return before this committee or an authorized subcommittee thereof in accordance with the subpena served on me. At present, however, and for the reasons and on the grounds stated by Mr. Jenner and those stated in my complaint filed by me on Monday in the United States District Court, I respectfully decline to answer any further questions that may be put to me or otherwise further to participate in these proceedings.

I have nothing to hide. I take this position as a matter of principle and conscience in order to test once and for all the validity of the kind of proceedings which have been held here during the past 3 days. [Applause.]

The CHAIRMAN. There will be no demonstration.

Wait a minute. I now order and direct you to answer that question.

Mrs. HALL. I repeat the statement I made to the committee.

Mr. POOL. All right.

The CHAIRMAN. Ask the next question.

Mr. SULLIVAN. Go.

The CHAIRMAN. Let it be noted that the witness has not——

Mr. NITTLE. The witness has been warned that she may be in contempt in leaving the hearing room.

(At this point Mrs. Yolanda Hall left the hearing room.)

Mr. NITTLE. Let the record note the presence of counsel, Mr. Jenner and Mr. Sullivan.

The CHAIRMAN. All points urged and motions made have been carefully considered by this subcommittee and overruled.

Let it be noted the witness has deliberately left the hearing room after being ordered to answer the first question. I consider this to be a violation of every conceivable rule of procedure. We do not accept the reasons given by the witness and her able counsel for her failure and refusal to answer the first question and indicating that she would not answer others and deliberately left the room. The witness cannot have her cake and eat it, too.

The subtle approach by the able counsel of the witness to the question of implication or nonimplication of the fifth amendment or, rather, statement that his clients would not invoke the fifth amendment is not really worthy of much consideration. It is just a subtle attempt to get these witnesses off and I say that respectfully. He has referred to a member of this committee, Mr. Pool, and to our able counsel in rather harsh terms. I say that his subtle way of making it appear that his clients do not intend to and are not invoking the fifth amendment, his position is rejected.

We do not accept the position of the witness and we consider her refusal to answer, and to walk out of the room, as a violation of the rules of the committee, and for that reason we expect to act on proceedings for contempt.

Call your next witness.

Mr. JENNER. Mr. Chairman——

Mr. POOL. Mr. Chairman.

The CHAIRMAN. Call the next witness.

Mr. NITTLE. Would Lucius Armstrong please take the witness stand?

Mr. JENNER. I was going to comment on your remarks, Mr. Chairman. You deny the right——

Mr. POOL. Mr. Chairman, the gentleman is an attorney of law and he is disrespectful to this committee in addressing a remark to the Chair when we have already gone to the next witness.

Mr. NITTLE. Will you take the witness stand, Mr. Armstrong?

Mr. JENNER. If there is anything I have ever done in all my 35 years of practice, I have never been disrespectful to a court or a body.

Mr. POOL. You are interrupting one of the witnesses of this committee.

Mr. NITTLE. Marshal, remove this man.

The CHAIRMAN. Proceed.

Order in this room. We will be in order.

[Testimony of Lucius Armstrong—Resumed]

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APPENDIX II

PART 1

The following is an extract from the minutes of a meeting of the Committee on Un-American Activities held on February 2, 1965:

"The Committee on Un-American Activities met in executive session on February 2, 1965, in Room 225 of the Cannon House Office Building, at 1:00 p.m. The following members were present: EDWIN E. WILLIS, Chairman; WILLIAM M. TUCK, JOE R. POOL (entered at 1:11 p.m.), RICHARD H. ICHORD, GEORGE F. SENNER, Jr., CHARLES L. WELTNER, JOHN M. ASHBROOK, DEL CLAWSON, JOHN H. BUCHANAN, Jr.

"The staff members present were: Francis J. McNamara, director; William Hitz, general counsel; Alfred M. Nittle, counsel; Donald T. Appell, chief investigator; and Julliette P. Joray, recording clerk.

"The Chairman called the meeting to order at 1:04 p.m., and welcomed the new members of the Committee.

"The Chairman stated, for the benefit of the new members, that this was the Committee's organizational meeting, at which certain basic resolutions were normally adopted in each Congress. As each resolution was read by the Director, the Chairman explained the reasons for its adoption.

"On motion of Mr. ICHORD, seconded by Mr. ASHBROOK, the following resolution was unanimously adopted:

"'Be it resolved, that the Rules of Procedure revised by the Committee on Un-American Activities during the First Session of the 87th Congress and printed under the title of "Rules of Procedure—Committee on Un-American Activities," together with all applicable provisions of the Legislative Reorganization Act of 1946, as amended, be, and they are hereby, adopted as the Rules of the Committee on Un-American Activities of the House of Representatives of the 89th Congress.'

* * * * *

"On motion of Mr. ICHORD, seconded by Mr. ASHBROOK, the following resolution was unanimously adopted:

"'Be it resolved, that the Chairman be authorized and empowered from time to time to appoint subcommittees composed of three or more members of the Committee on Un-American Activities, at least one of whom shall be of the minority political party, and a majority of whom shall constitute a quorum, for the purpose of performing any and all acts which the Committee as a whole is authorized to perform.'

"On motion of Mr. POOL, seconded by Mr. TUCK, the following resolution was unanimously adopted:

"'Be it resolved, that authority is hereby delegated to each subcommittee of the Committee on Un-American Activities which hereafter may be appointed to determine by a majority vote thereof whether the hearings conducted by it shall be open to the public or shall be in executive session, and all testimony taken and all documents introduced in evidence in such an executive session shall be received and given as full consideration for all purposes as though introduced in open session.'

* * * * *

"The meeting was adjourned at 3:22 p.m."

PART 2

The following is an extract from the minutes of a meeting of the Committee on Un-American Activities held on March 18, 1965:

"The Committee on Un-American Activities met in executive session on March 18, 1965, at 3:00 o'clock p.m. The following members were present: EDWIN E. WILLIS, Chairman; JOE R. POOL, RICHARD H. ICHORD, CHARLES L. WELTNER, DEL CLAWSON, JOHN H. BUCHANAN.

"The staff members present were: Francis J. McNamara, director; William Hitz, general counsel; Alfred Nittle, counsel; Donald T. Appell, chief investigator; and Juliette P. Joray, recording clerk.

"The Chairman called the meeting to order at 3:25 p.m.

* * * * *

"The director reported that the hearing stage had been reached on the current Chicago area investigation. * * *

"The following resolution was read to the members and was unanimously adopted:

"'Be it resolved, That hearings be held by the Committee on Un-American Activities or a subcommittee thereof, at such times and places as the Chairman may determine, and that the staff be authorized to conduct investigations deemed reasonably necessary in preparation therefor, relating to:

"'1. As concerns the Chicago, Illinois area and the Illinois District of the Communist Party of the United States: the structure and organization of the Communist Party of the United States; its major objectives, and the strategical and tactical methods designed to aid in accomplishing such objectives; the major areas of Communist Party concentration; organizations created and controlled by the Communist Party to advance the policies and objectives of the Communist movement; Communist propaganda activities conducted in support of such objectives; and conspiratorial activities in aid of, or in association with, foreign Communist governments; and also like information regarding other Communist organizations in the Chicago, Illinois area, for the following legislative purposes:

"'(a) to provide factual information to aid the Congress in the proposal of any necessary remedial legislation in fulfillment of the directions contained in the mandate to the Committee by House Resolution 8, of January 4, 1965, and Public Law 601 of the 79th Congress;

"'(b) to assist the Congress in appraising the execution by the administrative agencies concerned of Title I of the Internal Security Act of 1950;

"'(c) to provide factual information to aid the House in the disposition of presently pending and proposed legislation, including, but not limited to, H.R. 4293, a bill to amend the Subversive Activities Control Act of 1950 so as to authorize the Federal Government to bar from access to defense facilities individuals who may engage in sabotage, espionage, or other subversive acts;

"'(d) consideration of the advisability of amending the Internal Security Act so as to impose certain disabilities, in the manner and form therein provided, upon those persons "affiliated with" Communist organizations as well as upon persons who are members thereof.

"'Be it further resolved, That the hearings may include any other matter within the jurisdiction of the Committee which it, or any subcommittee thereof, appointed to conduct these hearings, may designate.'

* * * * *

"The meeting was adjourned at 5:45 o'clock p.m."

PART 3

The following is an extract from the minutes of a meeting of the Committee on Un-American Activities held on May 6, 1965:

"The Committee on Un-American Activities met in executive session on May 6, 1965, at 10:00 a.m. in Room 225, Cannon House Office Building. The following members were present: EDWIN E. WILLIS, Chairman; JOE R. POOL, RICHARD ICHORD, CHARLES WELTNER, JOHN ASHBROOK, DEL CLAWSON, JOHN H. BUCHANAN (entered at 10:30 a.m.)

"The staff members present were: Francis J. McNamara, director; William Hitz, general counsel; Alfred Nittle, counsel; and Juliette P. Joray, recording clerk.

"The chairman called the meeting to order at 10:10 a.m.

"It was agreed to hold the Chicago hearings beginning May 25. The chairman designated Messrs. POOL, WELTNER, ASHBROOK and CLAWSON as associate members and himself as chairman, as the subcommittee to sit at the Chicago hearings.

* * * * *

"A discussion concerning the language of the letter to be sent to all persons that may be identified by witnesses as Communist Party members at the forthcoming Chicago hearings, or about whom defamatory or incriminating testimony might be given or evoked in the testimony of witnesses, in compliance with Rule XI 26(m), resulted in a motion by Mr. WELTNER, seconded by Mr. ASHBROOK, that the letter be revised as suggested by Mr. ASHBROOK. The motion carried. It was agreed that the limitation date be set as May 18.

"The director was sworn as a witness and stated that the information he was about to give to the Committee came from a source believed by him to be accurate and reliable and so found to have been in the past.

"The director testified that, as he had reported earlier, Dr. Jeremiah Stamler is Director of the Heart Section of the Chicago Public Health Department. Within the past year his section has received grants of nearly $300,000 from federal funds of the U.S. Department of Health, Education and Welfare, originating in the Heart Department of the National Institutes of Health. His salary is $19,350 pear year and he has approximately 29 employees under his supervision. Included among them are Yolanda Hall, who, in testifying as a defense witness for the top CP leaders tried before Judge Medina on Smith Act charges in 1949, stated that she was a Communist Party member, that she had joined the Party in 1939 and the Young Communist League in 1937.

"The director further testified that in addition to Yolanda Hall Dr. Stamler had on his staff a number of other persons * * *.

* * * * *

"The director stated that the staff had information that Dr. Stamler was a member of the Communist Party in 1958 and is known to have attended a Communist Party meeting as recently as 1961; also that, to date, he continues high-level Communist Party contacts and associations, and is a big contributor to Party fund drives.

"At a rally of the American Peace Crusade in 1954 Dr. Stamler, who was the youth director of the organization, attacked the Administration as war mongers and Wall Street stooges, and accused then Secretary of State Dulles of leading the U.S. into war with Indo-China. He made a collection speech and mocked Chicago's Civil Defense Program.

"In 1962, he was host to three visiting Russians, alleged to be heart specialists, who came to this country under the terms of the cultural exchange program, and who had specifically asked that they be permitted to visit Stamler while in the United States.

"A Newsletter published by the American Security Council in December of 1957 stated 'One of the most active Communists in the professional ranks is Dr. Jeremiah Stamler,' and listed his record of Communist affiliations. (As to the first item, upon reading it, the director stated that there was probably error in it as to place where Stamler joined the Communist Party, because the Committee's investigation revealed he was in New York City, not Chicago, in 1946.)

"The director also stated that, as he had indicated at an earlier meeting, Dr. Stamler's Communist record dates back to the '40s. He was active in the Young Communist League in New York City at that time, and was subsequently assigned to head up the State Student Section of YCL. In 1947 he was a member of the National Executive Committee of AIMS (Association of Internes and Medical Students), a Communist front for medical students and internes. In 1950, in Chicago, he was active in the assignment of certain persons to the underground apparatus of the Communist Party.

* * * * *

"According to a very reliable source, both Dr. Stamler and * * * were Communist Party members in 1958.

"The director testified that Yolanda Hall, also known as Bobbie Hall and Yolanda Frakas, has publicly and under oath stated that she was a Communist. She testified as a defense witness for the top Communist Party leaders tried on Smith Act charges in 1949 before Judge Medina. She stated at that time that she was a Communist Party member, that she had joined the Party in 1939, and the Young Communist League in 1937. She was denied a teaching job in Chicago public schools in 1949 because of her openly proclaimed party membership.

"According to the Daily Worker of September 18, 1949, she was executive director of the Chicago Workers School, the Party's school in Chicago which has been cited by the Attorney General.

"She was one of a group of American delegates to Stalin's 2nd World 'Peace' Congress held in Warsaw in November, 1950, and visited the Soviet Union after the Congress.

"He also said that the Committee has information that she took part in picket line demonstration and leaflet distribution, sponsored by the Emma Lazarus Federation of Jewish Women's Clubs, successor of the International Workers Order's Emma Lazarus Division of the Jewish People's Fraternal Order, which is on the Attorney General's list, in March of 1960, and that she is known to have attended the 75th May Day celebration in April of 1961; the 40th celebration of the Anniversary of the Communist Party of the United States in 1959; and the Daily Worker Anniversary celebration in January of 1956.

"The director testified also that Mrs. Laura Rae Blough and her husband are alleged to have been recruited in the Communist Party by Dr. Stamler.

* * * * *

"A motion was made by Mr. POOL, seconded by Mr. ASHBROOK, and unanimously carried, that subpoenas be authorized to be issued to * * *, Yolanda Hall, * * *, to require their attendance at the Chicago hearings, that the Committee deems such attendance necessary in furtherance of its legislative purposes.

* * * * *

"The meeting adjourned at 11:25 a.m."

PART 4

The following is an extract from the minutes of a meeting of a subcommittee of the Committee on Un-American Activities held on January 13, 1966:

"A quorum of the subcommittee of the Committee on Un-American Activities designated by the Chairman on May 6, 1965, to conduct hearings in Chicago, Illinois, commencing on May 25, 1965, relating to Communist Party activities in the Chicago area and Illinois District of the Communist Party, met in executive session on January 13, 1966, in Room 429, Cannon House Office Building at 9:00 a.m. The following members of the subcommittee were present: EDWIN E. WILLIS, Chairman; DEL CLAWSON, CHARLES L. WELTNER.

"The staff members present were: Francis McNamara, director; William Hitz, general counsel; Alfred Nittle, counsel; and Juliette P. Joray, recording clerk.

"The chairman called the meeting to order at 9:10 a.m. and announced that this meeting was called, after notice to all subcommittee members, for the purpose of considering what action the subcommittee should take regarding the refusals of * * *, Yolanda Hall and * * * on May 27, 1965, to answer questions pertinent to the subjects under inquiry before the subcommittee and their departure without leave, at the hearings conducted by the said subcommittee in Chicago, and what recommendations the subcommittee would make to the full committee regarding their citation for contempt of the House of Representatives.

* * * * *

"After discussion of the testimony, and due consideration of the matter, a motion was made by Mr. CLAWSON, seconded by Mr. WELTNER, and unanimously carried, that a report of the facts relating to the refusals of Yolanda Hall to answer questions pertinent to the subject under inquiry before said subcommittee and her departure without leave at the hearing aforesaid, be referred and submitted to the Committee on Un-American Activities as a whole, with the recommendation that a report of the facts relating to the aforesaid failures of said witness be reported to the House of Representatives, in order that the said Yolanda Hall be cited for contempt of the House of Representatives, to the end that she may be proceeded against in the manner and form provided by law.

* * * * *

"The meeting adjourned at 9:30 a.m.

PART 5

The following is an extract from the minutes of a meeting of the Committee on Un-American Activities held on January 13, 1966:

"The Committee on Un-American Activities met in executive session on January 13, 1966, at 9:45 a.m., in Room 429, Cannon House Office Building. The following members were present: EDWIN E. WILLIS, Chairman; RICHARD H. ICHORD, GEORGE F. SENNER, CHARLES L. WELTNER, DEL CLAWSON.

"Also present were the following staff members: Francis J. McNamara, director; William Hitz, general counsel; Alfred M. Nittle, counsel; and Juliette P. Joray, recording clerk.

"Chairman WILLIS called the meeting to order at 9:45 a.m., and announced that this special meeting of the Committee was called, after notice to all committee members, for two purposes, the first to consider a recommendation of the subcommittee headed by the Chairman, Mr. WILLIS, appointed to conduct hearings in Chicago, Illinois, which commenced on May 25, 1965, that * * *, Yolanda Hall, and * * * be cited for contempt because of their refusals to testify, and their departure without leave in hearings conducted by the subcommittee in Chicago in May 1965; and the second * * *.

"As to the first matter, the Chairman reported to the committee that hearings were conducted by the subcommittee in Chicago, Illinois on May 25, 26, and 27, 1965, as contemplated under the Resolution adopted by the committee on March 18, 1965; that the subcommittee met on May 25, 1965 in the Old United States Court of Appeals Building, 1212 N. Lake Shore Drive, Chicago, Illinois, to receive the testimony of several witnesses, including * * *, Yolanda Hall and * * *, who had been duly subpoenaed to appear as witnesses before said subcommittee; that the hearings were commenced on that date; * * *; that the witness Yolanda Hall was called to testify and appeared before the subcommittee on May 27, 1965, there being a quorum of the subcommittee in attendance; that the witness Yolanda Hall having appeared before the subcommittee, was sworn as a witness and was asked to state her full name and residence for the record and whether she was represented by counsel, to which she responded; that she was then asked to state the date and place of her birth, which she refused to do; that she stated that she would not answer any further questions that might be put to her; and that she then departed without leave; * * *; that a quorum of the subcommittee met in executive session on January 13, 1966, at which time motions were made and unanimously adopted with respect to each of said persons, to wit, * * *, Yolanda Hall, and * * *, that a report of the facts relating to the refusals of each of them to testify before said subcommittee at said hearings, and the departure of each without leave, be referred and submitted to the Committee on Un-American Activities as a whole, with the recommendation that a report of the facts relating to the aforesaid failures of each of said witnesses be reported to the House of Representatives, in order that each of said witnesses may be cited for contempt of the House of Representatives and to the end that each may be proceeded against in the manner and form provided by law.

* * * * *

"A motion was made by Mr. CLAWSON, seconded by Mr. SENNER, that the subcommittee's report of the facts relating to the refusals of Yolanda Hall to answer questions pertinent to the question under inquiry and her departure without leave at the hearings conducted before it in Chicago, Illinois, commencing on the 25th day of May 1965, be and the same is hereby approved and adopted, and that the Committee on Un-American Activities report the said failures of Yolanda Hall to the House of Representatives to the end that the said Yolanda Hall may be proceeded against in the manner and form provided by law; and that the chairman of this committee is hereby authorized and directed to prepare and file such report constituting the failures of the said Yolanda Hall. The motion was put to a vote and carried unanimously.

* * * * *

"The meeting was adjourned at 10:50 a.m."

Mr. WILLIS (interrupting the reading). Mr. Speaker, the issue in relation to this particular citation is identical with the one previously acted upon, and will shortly be explained very briefly. I therefore ask that further reading of the report be dispensed with, and that it be printed in the RECORD at this point.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana? The Chair hears none, and it is so ordered.

Mr. YATES. Mr. Speaker, I make a point of order against the resolution on the grounds that it is violative of rule XI, paragraph 26(m) of the rules of the House, requiring that testimony which may tend to defame, degrade, or incriminate the witness be taken in executive session. I do not intend to go into the same delineation of my reasons that I gave in connection with the preceding resolution. But I suggest, with due respect, that the Chair should consider the fact that in this case, even though the Supreme Court of the United States decision is not controlling, it is nevertheless persuasive, and I should like to read to the Chair from the decision in the case of *Yellin* v. *the United States*, 374 U.S. 1091, page 114, where the Court recited the rule which was then under consideration as follows:

Executive hearings: If a majority of the committee or subcommittee duly appointed as provided by the Rules of the House of Representatives believes that the interrogation of a witness in a public hearing might endanger national security or unjustly injure his reputation or the reputation of other individuals, the committee shall interrogate such witness in an executive session for the purpose of determining the necessity or the advisability of conducting such interrogation thereafter in a public hearing.

Mr. Speaker, I now read from the decision of the Court on this particular rule, where the Court, discussing the rules that make up the Code of Fair Procedure that were approved in the year 1955, said as follows:

All these rules work for the witness' benefit. They show that the committee has in a number of instances intended to assure the witness fair treatment, even the right to advice of counsel or undue publicity, and even the right not to be photographed by television cameras.

Rule IX, in providing for an executive session when a public hearing might unjustly injure a witness' reputation, has the same protection import. And if it is the witness who is being protected, the most logical person to have the right to enforce those protections is the witness himself.

I respectfully suggest, Mr. Speaker, that the respondent, who was called as a witness, requested in the instant case that she be afforded the opportunity to testify in an executive session, a request that was denied by the committee. The respondent subsequently walked out on the committee without testifying.

I read from the court, to show that the respondent had no alternative under such circumstances. On page 121 the court says this:

Petitioner has no traditional remedy, such as the writ of habeas corpus . . . by which to redress the loss of his rights. If the Committee ignores his request for an executive session, it is highly improbable that petitioner could obtain an injunction against the Committee that would protect him from public exposure. . . . Nor is there an administrative remedy for petitioner to pursue, should the Committee fail to consider the risk of injury to his reputation. To answer the questions put to him publicly and then seek redress is no answer. For one thing, his testimony will cause the injury he seeks to avoid; under pain of perjury, he cannot by artful dissimulation evade revealing the information he wishes to remain confidential. For another, he has no opportunity to recover in damages. Even the Fifth Amendment is not sufficient protection, since petitioner could say many things which would discredit him without subjecting himself to the risk of criminal prosecution. The only avenue open is that which petitioner actually took. He refused to testify.

This is the decision of the Court. I respectfully suggest to the Speaker that it would sustain the dignity and integrity of the House if the interpretation of the rule for which I contend were sustained.

The SPEAKER. Does the gentleman from Louisiana desire to be heard?

Mr. WILLIS. Just for a minute, Mr. Speaker. I urge the same objection to this point of order as was stated in the previous case. The gentleman from Missouri, I believe, wishes to make a further elaboration.

The SPEAKER. Does the gentleman from Missouri desire to be heard?

Mr. ICHORD. I do, Mr. Speaker.

To assist the Chair in ruling on the point of order of the gentleman from Illinois I would point out to the Chair that the facts are essentially the same as in the Cohen case, and that the gentleman from Illinois has raised a point of order again under rule XI 26(m) that the witness, Yolanda Hall, should have been afforded an executive session.

Mr. Speaker, in this case the question of executive session is not at issue. The gentleman from Illinois is one of the outstanding lawyers of the House, but in this case, Mr. Speaker, he obviously failed to read his lesson. He obviously has been involved in voting on too many measures coming before the House this last week of the session.

I direct the Speaker's attention to page 14 of the committee report, which sets out the hearings in full.

I direct the Speaker's attention to line 16, which will make it clear to the Speaker that the witness, Yolanda Hall, did not request an executive session from the House Committee on Un-American Activities.

Page 16:

Mr. JENNER. Mr. Chairman, would you permit me a slight amendment? Mr. Sullivan calls my attention to the fact that in presenting the motion I perhaps overstated as to the reach of my request to examine witnesses and evidence taken in executive session. I intended and I wish to amend with your permission—

Talking to the chairman of the committee, Mr. WILLIS—

that the request was to examine witnesses and evidence, documentary and otherwise, taken in executive session relating to Mrs. Hall and Dr. Stamler.

Now—

The CHAIRMAN. But not to hear Mrs. Hall in executive session?

Mr. JENNER. Oh, no. No.

Mr. Speaker, the issue of executive session is not involved in this case.

The SPEAKER. Recognition at this point rests with the Chair. Does the gentleman from Illinois [Mr. YATES] seek further recognition on his point of order?

Mr. YATES. Yes, Mr. Speaker.

The SPEAKER. The gentleman is recognized.

Mr. YATES. Mr. Speaker, I have done my homework. I have read the reports and noted what the distinguished gentleman from Missouri stated as it appears in the report. I have also read the hearings of the committee, and I need only refer the Chair to page 337 of the hearings where there appears a statement by Mr. Sullivan as follows:

I ask this committee to take in executive session any testimony by my clients, that is, Dr. Stamler and Mrs. Hall, and any testimony by any other witnesses about Dr. Stamler and Mrs. Hall. That is my request.

So that the request was made, Mr. Speaker, for testimony to be taken in executive session. The point is made and the point cannot be overlooked. For the reasons suggested, Mr. Speaker, I urge that the Chair sustain my point of order.

The SPEAKER. The Chair is prepared to rule.

The gentleman from Illinois [Mr. YATES] has raised a point of order against the privileged report filed by the gentleman from Louisiana, citing a witness before a subcommitee of the Committee on Un-American Activities for contempt. The point of order is based on the ground that the subcommittee, while holding hearings in Chicago, failed or refused to follow the rules of the House—specifically, rule XI, clause 26 (m)—and, at the demand of the witnesses' attorney, take the testimony in executive session rather than in an open hearing.

The Chair will again read clause 26 (m), rule XI, as follows:

"(m) If the committee determines that evidence or testimony at an investigative hearing may tend to defame, degrade, or incriminate any person, it shall—

(1) Receive such evidence or testimony in executive session;

(2) Afford such person an opportunity voluntarily to appear as a witness; and

(3) Receive and dispose of requests from such person to subpena additional witnesses.

The Chair again agrees with the gentleman from Illinois that the three subclauses are not in the alternative. Each subclause stands by itself. The Chair will point out, however, that the subsection places the determination with the committee, not with the witness.

The Chair will also point out parenthetically, that subsection (k) of rule XI, provides:

Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

This privilege, unlike advocacy in a court, does not as a matter of right entitle the attorney to present argument, make motions, or make demands on the committee.

Now the Chair will cite clause 26(a) of rule XI, which states that the rules of the House are the rules of its committees so far as applicable. This provision also applies to the subcommittees of any such committee. Consequently, the Chair must examine the facts to see if the subcommittee did in fact comply with clause 26(m) of rule XI.

The Chair will call attention to the fact that it is pointed out on page 8 of the report that the witness in this instance was invited to appear and testify in executive session. The invitation was ignored.

It will be noted, on pages 11 through 14 of the committee report, that the attorney for witness Hall made demand for an executive session. You will note, on page 11 of the report, that when the demand for an executive session was made, the subcommittee took a recess. It is obvious from the subcommittee chairman's statement following that recess, that the subcommittee had considered and determined not to take the testimony in executive session. The chairman so states, on page 12 of the Hall citation:

Your motion, now made, that Mrs. Hall be now heard in executive session I deny after consideration of the subcommittee. We have complied with rule 26(m) and all other applicable rules of the House and of this committee.

It is patently clear to the Chair that the subcommittee did comply with clause 26(m), and made the determination necessary thereunder. Accordingly, the Chair overrules the point of order.

Mr. YATES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. YATES. Mr. Speaker, is it in order for me to request the Chair for an explanation of a part of the Chair's ruling; namely, that part which is directed to the representation before a committee of a witness by a lawyer?

In his ruling the Chair has indicated that counsel does not, as a matter of right, have the right to present argument, make motion, or make demands on the committee.

Does this mean, Mr. Speaker, that if an objection is to be voiced to an action by the committee, that the objection must be made by the witness or the respondent himself, rather than by the counsel of the witness?

The SPEAKER. It is incumbent upon the witness to protect himself, after consulting counsel, if he desires to consult counsel. But it is the duty of the witness to do so.

Mr. YATES. Mr. Speaker, do I take it that it is not in order under the procedures of the House for counsel to interpose an objection to procedures of the committee?

The SPEAKER. The Chair is not going to make a ruling in respect to the question propounded by the gentleman from Illinois, but the Chair will state that that is a matter which the Chair would agree lies within the discretion of the committee.

Mr. YATES. I thank the Chair.

Another parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state his further parliamentary inquiry.

Mr. YATES. I have thus far interposed points of order to each of the citations.

Is there a parliamentary procedure under which I may ask unanimous consent to have my point of order on rule XXVI (m) interposed to further citations, rather than to rise in each instance and make that point of order?

Mr. WILLIS. Mr. Speaker, I may say to the gentleman from Illinois that the committee would have no objection.

The SPEAKER. The Chair feels that the orderly procedure would be to take each citation up in order.

Mr. YATES. I thank the distinguished Speaker.

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## YOLANDA HALL

Mr. WILLIS. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read as follows:

H. RES. 1061

*Resolved,* That the Speaker of the House of Representatives certify the report of the Committee on Un-American Activities of the House of Representatives as to the refusals of Yolanda Hall to answer questions pertinent to the subject under inquiry before a duly authorized subcommittee of the said Committee on Un-American Activities, and her departure without leave, together with all the facts in connection therewith, under the seal of the House of Representatives, to the United States attorney for the northern district of Illinois, to the end that the said Yolanda Hall may be proceeded against in the manner and form provided by law.

Mr. CONTE. Mr. Speaker, will the gentleman from Louisiana yield to me?

Mr. WILLIS. Yes, Mr. Speaker, I yield to the gentleman from Massachusetts for a short inquiry.

Mr. CONTE. Mr. Speaker, I just want to make a short statement.

Mr. WILLIS. All right.

Mr. CONTE. Mr. Speaker, having felt the pulse of the House of Representatives on that last motion to recommit that I offered, I now feel it is futile to follow the same course with respect to the next two resolutions.

Mr. Speaker, I would offer the same motion to the resolutions in each instance if I believed there would be a change in the vote thereon. However, I feel the action would be exactly the same on this resolution and on the next resolution as was taken on the first resolution.

Therefore, in order to expedite time here, the hour is getting late, I will forgo offering the motion to recommit.

Mr. WILLIS. Mr. Speaker, I thank the gentleman for his cooperation.

Mr. Speaker, I yield 10 minutes to the gentleman from Missouri [Mr. ICHORD], to present the committee's case against Yolanda Hall.

Mr. ICHORD. Mr. Speaker, and Members of the House, I share the sentiments of the gentleman from Massachusetts. I too will be brief in the submission of this citation to the House of Representatives.

The facts are basically the same as the preceding Cohen citation, so adequately developed by the gentleman from Georgia [Mr. WELTNER].

That is, a valid subpena was issued by the House Committee on Un-American Activities. The subpena was duly served on the witness, Yolanda Hall.

She appeared before the House Committee on Un-American Activities in the city of Chicago. She was asked her name, and she replied to the committee and gave the committee her name. She was asked as to the date and place of her birth, and she refused to answer the question put by the counsel of the committee. And, despite the warnings of the Chair that she might be in contempt of the House of Representatives, she proceeded to walk out of the hearing room there in the city of Chicago.

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

Mr. ICHORD. I will be glad to yield to the gentleman from New Jersey for as long as the gentleman from Louisiana will allow me time, and answer any questions that the gentleman from New Jersey has, at the conclusion of my statement.

As in the Cohen case, a rule 26(m) letter was sent—and I might point out, Mr. Speaker, that this is the practice of the House Committee on Un-American Activities. That is, when any person has been identified before the committee in executive session as a Communist, as a subversive, or when testimony is anticipated that might tend to defame or degrade that witness, the committee sends the witness a rule 26(m) letter.

What we do in that letter, Mr. Speaker, is to tell the witness that such derogatory information has been received by the committee.

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

Mr. ICHORD. I refuse to yield until I have completed my statement.

We tell the witness that there will probably be, or there may be testimony that will degrade this particular witness, and they are given the opportunity to come into executive session outside the glare of publicity and deny, refute, or explain away any of the charges that have been made against the witness.

And, Mr. Speaker, since I have been a member of the House Committee on Un-American Activities, that letter has always been sent. And not a single time,

I say to the Members of the House, has any witness availed himself of that opportunity.

On May 6, in the case of Dr. Stamler and in the case of Yolanda Hall, this letter was sent. She was given until May 18 to have this executive session.

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

Mr. ICHORD. I decline to do so.

I will state further to the gentleman from Illinois that if he will read the hearing there was a long colloquy between the gentleman from Louisiana [Mr. WILLIS] and the distinguished attorney of Yolanda Hall, Mr. Jenner.

Mr. Jenner made it clear on page 14 that he was not even asking for an executive session on the part of this witness, because he knew that the witness did not want to take the fifth amendment in executive session.

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

Mr. ICHORD. I yield to the gentleman.

Mr. WILLIS. I am so pleased that the gentleman has made that point, because it has never been made before.

In other words, Mr. Speaker, we had an executive hearing in Washington before we went to Chicago.

Now, the gentleman from Illinois reproaches us for not having an executive session in Chicago.

I asked all these witnesses, the three of them through their lawyers, now, wait, what do you want—I sent you a letter and told you that you could refute the evidence we received in Washington. Is that the kind of hearing you want, giving you the right to do that—I am perfectly willing to do that.

Oh, no, they said, we do not want that—we—I—the witness—contrary to the rules of the House, said—I want to be boss of the shape of the hearings.

The rules of the House say it is up to the committee to conduct an open or executive hearing and the presumption is it must be open. But now these witnesses want to arrogate unto themselves the prerogative of the committee and say I, Mrs. Hall—I, Dr. Stamler—I, Mr. Cohen—never mind what you want, we want an executive hearing.

The rules of the House, House Rule 26(g) states that all committee hearings shall be open except where the committee by a majority vote votes that it will be executive.

The full committee affirmatively voted that the hearings in Chicago were to be open.

So I am glad the gentleman makes the point that what these witnesses in Chicago wanted was not a delayed 26(m) hearing at which they could have an opportunity to refute the evidence that we had against them as reviewed in the letter—not at all—they wanted to convert open hearings into executive hearings.

Mr. ICHORD. Mr. Speaker, the gentleman from Louisiana [Mr. WILLIS] is eminently accurate.

We could not satisfy these witnesses. If we had given them an executive session, then they would have said we were conducting star chamber proceedings.

If we had given them a public session then the witnesses would have contended we were holding them up to public contempt.

So in that regard, you are between the devil and the deep blue sea.

The gentleman from Illinois is a very outstanding lawyer and he has done a pretty good job, Mr. Speaker, of muddying the waters on these contempt citations. He has made a good effort to make it appear that these witnesses may have been mistreated by the House Committee on Un-American Activities.

I say to the Members of the House and I think even those who may be opposed philosophically to the House Committee on Un-American Activities realize there is no more outstanding lawyer in this House than the chairman of the House Committee on Un-American Activities, the gentleman from Louisiana [Mr. WILLIS]. He is not only chairman of the House Committee on Un-American Activities, he is chairman of four subcommittees of the House Committee on the Judiciary. He heads up more committees than any Member of this House of Representatives. He is recognized as a very fair man and a very congenial man. He is one of the great constitutional lawyers in this body. I would say to the gentleman from Illinois—and I include myself in this with the gentleman from Illinois—that the gentleman from Louisiana has forgotten more law than you and I ever knew.

But I want to make this statement because he is very zealous to protect the constitutional rights of any witness. I repeat, he is very zealous to protect the constitutional rights of any witness that appears before the committee.

I ask the Members of the House so that you will fully appreciate the ability of ED WILLIS as a lawyer that you read the exchange between the gentleman from Louisiana [Mr. WILLIS] and the lawyer who is representing Mrs. Hall, Mr. Jenner.

I ask that you read the hearings and the colloquy between Mr. Jenner and the gentleman from Louisiana [Mr. WILLIS] and you will appreciate what a fair man, what a great lawyer he is and how zealous he is to protect the constitutional rights of the witnesses. I am sure some of the Members in this body do not fully realize what happens in the House Committee on Un-American Activities hearings.

I believe I should read into the RECORD, in order to refute the statements that have been made that these witnesses are reputable people, an excerpt from the report. The sympathy of the House has been appealed to here, saying that Yolanda Hall is a very reputable person. The U.S. courts—the district courts, the circuit courts, and the U.S. Supreme Court—have held time and time again that it is libelous per se to write that a person is a Communist. So I do not think you can say that a person who is a Communist has a good reputation.

This witness is a professed Communist. I read into the RECORD the testimony of the director of the committee before the House Committee on Un-American Activities in executive session, which is a summary of all of the information that the committee has on Yolanda Hall. I am not asking you to use this as a means of punishing Yolanda Hall, because punishment is not for the House Committee on Un-American Activities. Punishment is for the courts. But I am offering this evidence to show to you that this woman does not have good repute, as I have heard circulated around the House of Representatives:

> The director testified that Yolanda Hall, also known as Bobbie Hall and Yolanda Frakas, has publicly and under oath stated that she was a Communist. She testified as a defense witness for the top Communist Party leaders tried on Smith Act charges in 1949 before Judge Medina. She stated at that time that she was a Communist Party member, that she had joined the Party in 1939, and the Young Communist League in 1937. She was denied a teaching job in Chicago public schools in 1949 because of her openly proclaimed party membership.
>
> According to the Daily Worker of September 18, 1949, she was executive director of the Chicago Workers School, the Party's school in Chicago which has been cited by the Attorney General.
>
> She was one of a group of American delegates to Stalin's 2nd World "Peace" Congress held in Warsaw in November, 1950, and visited the Soviet Union after the Congress.
>
> He also said that the Committee has information that she took part in picket line demonstration and leaflet distribution, sponsored by the Emma Lazarus Federation of Jewish Women's Clubs, successor of the International Workers Order's Emma Lazarus Division of the Jewish People's Fraternal Order, which is on the Attorney General's list, in March of 1960, and that she is known to have attended the 75th May Day celebration in April of 1961; the 40th celebration of the Anniversary of the Communist Party of the United States in 1959; and the Daily Worker Anniversary celebration in January of 1956.

So certainly this woman is a professed member of the Communist Party.

Mr. Speaker, the House must vote this citation, and I will tell you why. If the House does not vote this citation, you may as well throw the subpena power of the House of Representatives out the window, because in this case the witness went before the district court and asked for an injunction against the House Committee on Un-American Activities hearing her. The district court refused that injunction, ruled against the witness, and then the witness appealed the decision to the U.S. court of appeals.

The House of Representatives, Mr. Speaker, is not a continuing body. If we do not vote this citation, we are doing away with the subpena power, because this is the way every witness who might appear before any committee could do; that is, hold it in court for 2 years until Congress adjourned.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. WILLIS. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. ICHORD. In closing, Mr. Speaker, the House should clearly understand what it does in these contempt citations. We are doing little more than swearing out a warrant for this witness, Yolanda Hall, because the district attorney in the District of Columbia must then take this citation before a grand jury and the

grand jury must return an indictment. After the indictment is returned by the grand jury, this witness will have a trial. She can have a trial by jury in the courts.

All we are doing here is doing the same thing as swearing out a warrant.

The case of Yolanda Hall is basically the same as that of Milton Cohen. She was a subpenaed witness in the same hearings as Mr. Cohen—the committee hearings held in Chicago in May 1965. The committee chairman has already explained in detail the great care the committee and the subcommittee took in advance of those hearings to guarantee their thoroughness, their fairness, their legality, and their constitutionality from every possible viewpoint. Every step described by the chairman as applying to the case of Milton Cohen, including the rule 26(m) notification letter, applies equally to the case of Yolanda Hall.

Now what are the facts about Yolanda Hall and her conduct before the committee?

As I have indicated, they are basically the same as those regarding Cohen. What difference there is between them lies primarily in the fact that she had been a more completely open Communist than Milton Cohen had been. I make this distinction not as an argument for punishment. Punishment is for the courts but the fact that Mrs. Hall is a Communist negates the appeal for sympathy by alleged citizens of good repute.

In 1949, the dozen top leaders of the Communist Party were tried in New York City before Judge Medina for violating the Smith Act. Specifically, they were accused of conspiring to teach and advocate the violent overthrow of the U.S. Government. The outcome of that trial made it clear that the Government had an abundance of evidence that they had so conspired.

But when the party leaders were indicted in 1948, they were not ready to admit this. A nationwide campaign was undertaken to try to prevent their conviction. It involved the establishment of fronts to protest the trial, the collection of large sums of money to pay counsel for the party, concerted efforts to harass Judge Medina beyond endurance so that he might take some action that would result in a mistrial, a nationwide propaganda campaign, and the careful planning of the best possible defense the party could put up in court.

One of the defense angles was the production of witnesses—professed Communists who would testify, under oath, that the Communists neither believed in nor taught, nor advocated the use of force and violence.

Obviously, these witnesses had to be carefully chosen. The overwhelming majority of Communists have always kept their party membership secret. Defense witnesses would have to be so dedicated to the party they would not hesitate to come out in the open and let everyone know they were members. In addition, they would have to be, if possible, educated, sophisticated, smooth, thoroughly conversant with the fine points of Communist philosophy.

On July 28, 1949, one of the carefully chosen defense witnesses took the witness stand. It was Yolanda Hall. She testified that she was then a member of the Communist Party, and that she had been one for 10 years—since she joined the party early in 1939 while a student at Chicago Teachers College from which she had received her bachelor's degree in 1942. She stated, under oath, that she had joined the Young Communist League 2 years before that, in 1937, while in high school.

Documents introduced in the record of the committee's hearings in Chicago revealed that in 1939, the same year she joined the Communist Party, she was already so thoroughly schooled in Marxism-Leninism that she served as an instructor in the same Communist Party school Milton Cohen had taught in—the Chicago Workers School, which later changed its name to the Abraham Lincoln School.

Despite the testimony of Yolanda Hall and the other defense witnesses produced by the Communist Party—all of whom tried to make the conspiracy of which they were members sound as innocent as a sewing circle—the jury found the defendants guilty. It found they had conspired to teach and advocate the violent overthrow of the Government of the United States.

Yolanda Hall's testifying as a defense witness for the Communist Party leaders was a special test of her dedication to communism because she paid a special price for it. As I have indicated, she had received a degree from the Chicago Teachers College. She was qualified to teach. In the same year that she testified as a defense witness for the Communist Party and openly proclaimed her membership in Moscow's fifth column in the United States, she applied for a teaching position with the Chicago Board of Education. Having proclaimed, under oath, on July 28 of that year that she was a member of the Communist Party, she could do little else except admit to a Chicago Board of Education interviewer, on September 12 of the same year, that she was an "avowed Communist."

Of course, she must have known that this would mean she would not get a teaching position. But she must have known that, too, when she decided that she would testify as a defense witness for the party. Apparently she was willing to sacrifice a position that carried with it both security and respect in order to help the Communist Party.

As indicated on page 25 of the committee report citing Yolanda Hall, she continued her Communist activities after the 1949 trial of the party leaders. Committee investigation indicated, for example, that as recently as 1961 she had taken part in the Communist Party's 75th May Day celebration in Chicago. This was while she was employed by the board of health and her salary was being paid, in part, through Federal grants.

This latter fact—her public employment—explains why conditions had changed for Yolanda Hall since 1949 and why, when subpenaed to testify before the committee, she could not afford to again proclaim Communist Party membership or activities, or invoke the fifth amendment in response to questions about them. Such action probably would have meant the end of her job, just as her testifying for the Communist Party leaders in 1949 had meant the end of her hopes of obtaining a teaching position with the city of Chicago at that time.

There was another factor complicating the situation she found herself in after being subpenaed. It was this. Another of the witnesses subpenaed for the Chicago hearings was also on the public payroll. Not only that, he was, in addition, her employer. We will discuss the case of that witness shortly. She had worked with this person, a doctor, at a Chicago hospital for 3 years before he had become an employee of the city of Chicago. After he was appointed to an important post on the Chicago Board of Health, in 1958, he helped her obtain a position with it and she actually became his research assistant. Then, in 1960, he had helped her attain admission to the Illinois Institute of Technology from which she obtained a master of science degree 3 years later.

The complications she faced in this situation are, I am sure, obvious to all Members of this House.

The reason we are considering her case today is because she attempted to solve her problem by taking the same action Milton Cohen took. After being called to the witness chair, she walked out on the committee in the face of a clear warning by the chairman that, in doing so, she was inviting a citation for contempt.

Of course, she did not do this crudely. It was done, as in Cohen's case, with an attempted air of legality and principle.

The first step in her act was taken several days before the hearing began when she and her employer, who had also been subpenaed, filed a suit to have their subpenas quashed and to enjoin the committee from proceeding with the hearings.

The issues raised in this suit were, as my committee colleague, the gentleman from Georgia has stated, tired, old, hackworn issues. They had been raised before by Communist witnesses in efforts to prevent the truth about Communist operations from being revealed to the American public. And just as often as they had been raised in the courts, they had been rejected by the courts.

Her suit, of course, was rejected. It was dismissed by the court the day before the hearings began.

But that did not put an end to the plan that had been worked out to save Yolanda Hall, if at all possible.

She immediately appealed the court's decision. And so, when she appeared before the committee the following day, her attorneys could advance her pending suit as a legal cover and alleged justification for her contempt.

After being called to the witness chair, Mrs. Hall gave her name and address and, when asked if she was represented by counsel, replied "Yes, I am."

Her counsel then took over. He filled 10 pages of the hearing record with motions, specious arguments, false accusations against the committee and contrived allegations and arguments of one

kind or another, all of which had no other purpose but to throw a smokescreen over her planned and calculated contempt. Every request he made was considered and rejected by the committee.

Yolanda Hall then stated that she adopted and confirmed all that her counsel had said and, for the reasons he had advanced, would refuse to answer any questions asked by the committee.

The chairman ordered and directed her to answer the outstanding question.

She refused. The chairman directed the counsel to ask the next question. She got up from the witness chair and walked out of the hearing room. As she did so, the chairman stated:

> Let it be noted the witness has deliberately left the hearing room after being ordered to answer the first question. I consider this to be a violation of every conceivable rule of procedure. We do not accept the reasons given by the witness and her able counsel for her failure and refusal to answer the first question and indicating that she would not answer others and deliberately left the room. The witness cannot have her cake and eat it too.
>
> The subtle approach by the able counsel of the witness to the question of invocation or noninvocation of the Fifth Amendment or, rather, statement that his clients would not invoke the Fifth Amendment is not really worthy of much consideration. It is just a subtle attempt to get these witnesses off the hook and I say that respectfully. He has referred to a Member of this Committee, Mr. POOL, and to our able counsel in rather harsh terms. I say that is his subtle way of making it appear that his clients do not intend to and are not invoking the Fifth Amendment. His position is rejected.
>
> We do not accept the position of the witness and we consider her refusal to answer, and to walk out of the room as a violation of the rules of the Committee, and for that reason we expect to act on proceedings for contempt.

Mr. Speaker, the committee has acted in the case of Yolanda Hall as the chairman indicated it would. The reason why he gave such a clear warning to her and her attorney as she walked out of the room was that, after the walkout of Milton Cohen, the committee had discussed the legality of his action. It had reached the conclusion that it was a clear case of contempt. It also believed that others might well do the same thing. It was for this reason that the chairman had decided that if any other witness should resort to the same device, he would issue such a firm warning about the contempt prosecution.

When the subcommittee which held the hearings in Chicago reported the facts about Yolanda Hall's conduct to the full committee, the full committee determined that it had no choice but to act. It was faced with a clear case of contempt and one which was so designed as to frustrate and render ineffective the investigatory power of the Congress if it were permitted to go unpunished.

I think all of us can see what the future holds for this House if Milton Cohen, Yolanda Hall, and the person whose contempt we will consider shortly are not cited for appropriate action in the courts under the applicable statute.

Every time an investigation is authorized by the House—and it won't matter what subject it covers—the committee conducting the investigation will be unable to carry out its assignment. The criminals, the grafters, the price fixers, the racketeers, the Communists, Nazis, or whoever may be involved, will use the same device. They will file an injunction suit which the district court, under the precedents, must reject. They will immediately appeal the case and then, on the specious grounds that the legitimacy of their subpenas and the entire investigation is pending before the courts, refuse to testify. They will walk out of the hearing room. Months or years will pass before there will be a final court determination of the issue.

In practically every case, before the issue would be decided—once it had gotten into appeals channels—the Congress before which the contempt had been committed would have ceased to exist and the House, therefore, would be powerless to take any action to cite the offender.

More important than this point, however—that is, the punishment for contempt—is the fact that the investigatory power and the efficiency of the House, its power timely to carry out its constitutional function, would be seriously impaired. Every authorized investigation would be delayed for months or years. By the time it could be completed, the evil it was designed to correct could have gotten out of hand. Remedial legislation will be delayed for indefinite periods, while the people suffer from the inability of Congress to reveal, and take steps to cure, the evil in question.

Every witness subpenaed in any investigation undertaken by a committee of the House has all the protections of our judicial system, if anything is done which unjustly injures him, or is violative of his rights in the course of the hearings. Yolanda Hall—and Milton Cohen—have those protections now. An affirmative vote on this report of contempt will be no more than an expression of belief on the part of the House that they have apparently committed contempt and a direction to the Justice Department to take the matter before a grand jury.

Following an affirmative vote on the resolution before us, and certification by the Speaker to the U.S. attorney, the matter will be submitted to a grand jury. If the grand jury agrees with the committee and the House, Mr. Cohen and Mrs. Hall will be tried in a court of law where they will be given full opportunity to air each and every argument they may be able to devise questioning the validity of the hearing and their subpenas. If convicted in the court—as I believe they will be—they will have the benefit of all the appellate procedures provided by our system of justice. All the proceedings before the lower court and the constitutional issues involved will be carefully reviewed, if their appeal has sufficient merit, by the Supreme Court itself.

Despite the fact that Yolanda Hall has proclaimed under oath that she is a Communist, she has the full protection of all our constitutional processes.

The House has already voted to cite Milton Cohen for contempt. The case of Yolanda Hall is so completely parallel to his that it appears to me that the same action is called for on the report of her contempt.

The contempt citation should be voted, Mr. Speaker.

Mr. WILLIS. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. JOELSON].

Mr. JOELSON. Mr. Speaker, I rise to ask a question, because I believe that the Hall case and the Stamler case are rather different from the Cohen case, which we considered before, in that in these two cases, Stamler and Hall, both stated:

> If and when litigation which I have instituted is terminated adverse to my position I will return before this committee or an authorized subcommittee thereof in accordance with the subpena served on me.

Mr. ICHORD. I will answer the question of the gentleman. Did the witness state she would testify before the committee, or did she just state she would return to the committee?

I point out to the gentleman from New Jersey the witness had been given the opportunity to appear in executive session and testify, and the witness declined.

Mr. JOELSON. Yes. She declined on the ground that litigation had been pending.

Mr. ICHORD. I pointed out the argument against the litigation.

If the gentleman will read the hearings a little closer, he will see that Mr. Jenner, who was the attorney for Mrs. Hall, was a very excellent attorney. He was throwing all kinds of motions at the gentleman from Louisiana [Mr. WILLIS]. He was throwing them so hard and so fast that he said, "I request an executive session for this witness," but the witness did not want an executive session because she did not want to go in to testify. Then on page 14, he withdrew the request for an executive session.

Mr. JOELSON. I have only 2 minutes.

Mr. ICHORD. Let me say to the gentleman from New Jersey that the witness had an opportunity to testify. She declined to do it. I participated in the 26(m) letter to make certain she had the right to come into Washington to testify before the committee in executive session. She declined.

Mr. WILLIS. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. FRASER].

Mr. FRASER. Mr. Speaker, if the chairman, or perhaps the gentleman from Missouri, would be willing to answer my question, what I am trying to find out, as I listen to the debate, is what it was the gentleman had in mind in calling this witness to testify before the committee in open hearing?

Mr. ICHORD. I would point out to the gentleman——

Mr. FRASER. Let me finish my question. I should like to have a careful answer, because I asked this once before and did not get a very responsive answer.

Were you trying to elicit some further knowledge about the Communist Party, about the Communist Party apparatus,

about the kind of infiltration they may have succeeded in accomplishing, and furthering your knowledge generally about the problem of communism in the United States? Or were you seeking to put this person publicly on the spot, to confront her with these allegations and then, in effect, force her to answer? Which of these, would you tell me, would it be so I can comment further?

Mr. ICHORD. Let me say to the gentleman from Minnesota I believe exactly as he does. It was the former that we had in mind.

Mr. FRASER. Fine.

Mr. ICHORD. The purpose of the House Un-American Activities Committee is not to punish any witness.

Mr. FRASER. Fine. Then, if I may ask my second question, even though a witness has not voluntarily acceded to your letter, which you describe here and which you refer to in your statement—even though a witness comes up, it may not apply to the specific case, but I want to know in effect, because it determines my attitude in part—when a witness comes to you under the subpena power and says, "I would like to be afforded the protection that comes from an executive session"—I know you say the general rule is open hearings unless you vote otherwise, but every other hearing you have held which is cited in the appendix is an executive session, so I assume you use the procedure of executive session rather frequently, but I would like to have an answer as to why under those circumstances, if all you are interested in is information, and you recognize the public character of the interrogation as it goes on in an open hearing, what is the reason you employ that denies that person the opportunity to proceed in executive session?

Mr. ICHORD. I will tell you exactly what our reasoning was. But the gentleman left out the fact that we sent the woman a rule 26(m) letter.

Mr. FRASER. No; I put that in my question as a premise.

Mr. ICHORD. You understand, we sent this woman a rule 26 letter on May 6 telling her she had up to May 18 to ask the committee for an executive session.

Mr. FRASER. I know that.

Mr. ICHORD. We are confronted with this all the time. We have witnesses who ask the committee for an executive session, but when you get to the hearing they will throw all kinds of questions at you. They will raise a request for an executive session——

Mr. FRASER. I understand, but will you tell me what the reasons are when they ask for it why you do not accede to their request for an executive session?

Mr. ICHORD. For one thing, the witness has delayed and not answered the letter of the House Committee on Un-American Activities, and we have to cut off the matter at some point.

The SPEAKER pro tempore (Mr. MILLS). The time of the gentleman from Minnesota has expired.

Mr. WILLIS. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. ICHORD. And I would point out——

Mr. FRASER. Do I infer from that that you want to punish the witness?

Mr. ICHORD. Absolutely not. It is not the purpose of the House Committee on Un-American Activities to punish anyone.

Mr. FRASER. What is the purpose, then?

Mr. ICHORD. The purpose of the House Committee on Un-American Activities is to develop information.

Mr. FRASER. Right.

Mr. ICHORD. And carry out the mandate of the rules of the House of Representatives. I might say to the gentleman that I think the word "Un-American" is badly chosen. Next year I am going to introduce a rule change striking all reference to the word "Un-American." I do not like the word "Un-American" any more than the gentleman from Minnesota does. It is not sufficiently definite. But we have to pass on these things at one point or another.

Mr. FRASER. Right. What is the reason why you do not afford the witness a chance to testify in executive session when the witness asks for an executive session?

Mr. ICHORD. I will say to the gentleman that that is not even the issue in this case. As I pointed out on page 14, the witness did not want an executive session. She stated so.

Mr. FRASER. I understand that, but this involves two other cases. Tell me what the reason is. That is all I want to know.

Mr. ICHORD. I will tell you exactly. The committee would have gotten into the same thing that we got into in the Women Strike for Peace, because once we take them into executive session they start hollering that they want a public hearing. You just cannot satisfy them on anything in these cases.

Mr. FRASER. No. In the case you just cited, had they asked for an executive session?

Mr. ICHORD. The women in that one had not.

Mr. FRASER. I am trying to get at the case where someone asked for an executive session, and I want to know why do you not accede to that request?

Mr. ICHORD. The gentleman from Minnesota understands that the hearings are in progress and you have all of these pickets outside and beatniks walking around and people trying to create disorder, and you have a ruckus and disorder. You have to limit the right to some time or another and the committee cut it off at 12 days. The committee gave them 12 days to ask for an executive session. They declined to accept the invitation. Can you say that is unfair?

Mr. FRASER. I am still looking for the reason.

Mr. ICHORD. I told the gentleman what the reason was. We had to cut it off somewhere, and we thought that 12 days was long enough.

Mr. FRASER. But as I understand your requirement——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WILLIS. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. RYAN].

Mr. RYAN. Mr. Speaker, I would like to ask a question of the gentleman from Missouri, and it is simply this: During debate on the previous resolution my curiosity was aroused by the question as to whether or not the witnesses in that case, the two witnesses, had ever been on the payroll of the committee or been paid through a contract with the committee.

The revelation by the gentleman from Ohio that the committee in the past has entered into contracts in order to conceal payments to witnesses raised a very significant issue—the motive of the witness and his creditability.

Now, in this case are the witnesses the same?

Mr. ICHORD. Just a minute.

The gentleman from New York—the gentleman wanted an answer to the question?

Mr. RYAN. I am asking whether or not the witnesses were the same in this case.

Mr. ICHORD. I would answer the gentleman from New York to the effect that there has not ever been a case, since I have been on the House Committee on Un-American Activities, and the gentleman from Virginia [Mr. TUCK] will verify that——

Mr. RYAN. I did not ask the gentleman that question.

Mr. ICHORD. I know; I know.

Mr. RYAN. I have asked whether or not the witnesses were the same in this case——

Mr. ICHORD. All witnesses? All witnesses in the case of Yolanda Hall?

Mr. RYAN. The witnesses who appeared before the committee in the case of Yolanda Hall.

Mr. ICHORD. The witness before this committee is the one who was cited for contempt.

Mr. RYAN. We were told earlier, in the first case, that there was a Lucius Armstrong and a Lola Belle Holmes.

Mr. ICHORD. Yes, they were witnesses at a private executive session hearing.

Mr. RYAN. Were they the same witnesses involved in the case of Yolanda Hall?

Mr. ICHORD. I was not at the Chicago hearings, but it is my understanding they were witnesses.

Mr. WILLIS. Mr. Speaker, insofar as Yolanda Hall is concerned, the witness in executive session who gave us evidence is on my left, the director of the committee, but I direct the attention of the gentleman from New York to the fact that Yolanda Hall is a self-confessed, under oath, before a Federal court, Communist; and we did not need any outside witnesses.

Mr. YATES. Why did you call her?

Mr. ICHORD. The gentleman from Illinois wants to know why we called her?

Mr. WILLIS. Mr. Speaker, if I could answer that question in an open forum, I should be glad to do so but some of these days I shall be happy to tell the gentleman from Illinois the reason therefor.

Mr. Speaker, I yield 5 minutes to the gentleman from Alabama [Mr. BUCHANAN].

Mr. BUCHANAN. Mr. Speaker, on behalf of the minority I rise in support of this resolution. The minority members of the Committee on Un-American Activities all voted in committee to report the three contempts that are before the House today.

There is no doubt in my mind that all applicable rules of the House and of the committee were complied with, and that the rights of these and other witnesses were carefully protected at all times. I know of the great care with which the committee seeks to observe the rules. We give particular attention to House rule 26(c) which seeks to protect persons from being defamed in public testimony which has not first been heard and considered in executive session.

These hearings on Communist activities in the Chicago area certainly had a valid legislative purpose within the jurisdiction of the Committee on Un-American Activities. The committee had ample reason to believe that Cohen, Hall, and Stamler had valuable information relevant and material to the inquiry. Their rights were fully protected, both before and at the hearings.

Because of this, the refusals of these witnesses to answer questions of the committee, and their walking out of the hearing room in disobedience of their subpenas and of the directions of the chairman were without any legal justification.

As we all know, the business of the Congress, in very large measure, has to be conducted through its committees, and to permit witnesses to thwart the efforts of a committee of this House, acting within its jurisdiction and in discharge of its legislative duties cannot be permitted. For that reason, I believe here today, as I did in the committee, and in the Cohen case, that the citation of this witness should be voted.

Mr. Speaker, I would like the attention of the gentleman from Illinois [Mr. O'HARA], because I am going to ask unanimous consent to insert in the RECORD, immediately following his remarks on the Cohen contempt citation, an answer to various allegations which the gentleman made against the Committee on Un-American Activities in earlier years.

I was not here, but I want the RECORD to show and I wanted to call it to the gentleman's attention, rather than sneaking it in like a thief in the night, if the gentleman from Illinois wanted to answer.

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

Mr. O'HARA of Illinois. Mr. Speaker, I did not fully understand the request of the gentleman from Alabama.

The SPEAKER. Will the gentleman from Alabama please restate his unanimous-consent request?

Mr. BUCHANAN. Mr. Speaker, I ask unanimous consent—and I asked for the attention of the gentleman from Illinois [Mr. O'HARA] in order that I might tell him—to insert in the RECORD at the close of his remarks during the consideration of the last contempt citation a statement answering certain charges that the gentleman from Illinois had made about the Committee on Un-American Activities in former years, which I would have made had I had the time at that time, and I wanted to call it to the gentleman's attention so that he may have the privilege of responding to material which I shall place in the RECORD. However, I did feel it should be in the RECORD, as the gentleman from Illinois made certain charges against the Committee on Un-American Activities.

Mr. O'HARA of Illinois. Mr. Speaker, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from Illinois.

Mr. O'HARA of Illinois. May I ask whether or not the remarks which the gentleman from Alabama plans to place in the RECORD will be in response to something which the gentleman from Illinois said?

Mr. BUCHANAN. Yes.

Mr. O'HARA of Illinois. Mr. Speaker, if the gentleman will yield further, I shall be glad to go along with the unanimous-consent request which has been made by the gentleman from Alabama, if he wishes to put in certain material; certainly.

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

There was no objection.

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

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

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## PROCEEDINGS AGAINST JEREMIAH STAMLER

Mr. WILLIS. Mr. Speaker, I rise to a question of the privilege of the House and by direction of the Committee on Un-American Activities I submit a privileged report (Rept. No. 2306).

The Clerk read as follows:

[REPORT NO. 2306]

PROCEEDINGS AGAINST JEREMIAH STAMLER

[Pursuant to Title 2, United States Code, Sections 192 and 194]

The Committee on Un-American Activities, as created and authorized by the House of Representatives, through the enactment of Public Law 601 of the 79th Congress, section 121, subsection (q)(2), and under House Resolution 8 of the 89th Congress, duly authorized and issued a subpena to Jeremiah Stamler. The subpena directed Jeremiah Stamler to be and appear before the said Committee on Un-American Activities, of which the Honorable EDWIN E. WILLIS is chairman, or a duly appointed subcommittee thereof, on Tuesday, May 25, 1965, at the hour of 10:30 a.m., at the U.S. Courthouse and Federal Office Building, Ceremonial Courtroom, 25th floor, 219 South Dearborn Street, Chicago, Ill., then and there to testify touching matters of inquiry committed to said committee, and not to depart without leave of said committee. The subpena served upon Jeremiah Stamler is set forth in words and figures as follows:

"UNITED STATES OF AMERICA
"CONGRESS OF THE UNITED STATES
"To Jeremiah Stamler, *Greeting:*

"PURSUANT to lawful authority, YOU ARE HEREBY COMMANDED to be and appear before the Committee on Un-American Activities of the House of Representatives of the United States, or a duly appointed subcommittee thereof, on Tuesday, May 25, 1965, at 10:30 o'clock, a.m., U.S. Court House & Federal Office Bldg., Ceremonial Court Room, 25th Floor, 219 S. Dearborn Street, Chicago, Ill., then and there to testify touching matters of inquiry committed to said committee, and not to depart without leave of said committee.

"HEREOF FAIL NOT, as you will answer your default under the pains and penalties in such cases made and provided.

"To Neil E. Wetterman, to serve and return.

"GIVEN under my hand this 6th day of May, in the year of our Lord, 1965.

"/s/ E. E. WILLIS.
*"Chairman—Chairman of Subcommittee—Member Designate of the Committee on Un-American Activities of the House of Representatives.*

"If you desire a conference with a representative of the Committee prior to the date of the hearing, please call or write to: Staff Director, Committee on Un-American Activities, Washington 25, D.C., Telephone: CApitol 4-3121—Ext. 3051."

This subpena was duly served as appears by the return thereon made by Neil E. Wetterman, who was duly authorized to serve it. The return of service of said subpena is set forth in words and figures as follows:

"I made service of the within subpena by personal service to the within-named Jeremiah Stamler at Chicago Board of Health, 4th Floor, 54 W. Hubbard St., Chicago, Ill., at 10:00 o'clock, a.m., on the 11th day of May, 1965.

"Dated May 11, 1965.

"/s/ Neil E. Wetterman."

The said Jeremiah Stamler, summoned as aforesaid, appeared and was called as a witness on May 27, 1965, to give testimony, as required by the said subpena, at a meeting of a duly authorized subcommittee of the Committee on Un-American Activities at the Old U.S. Court of Appeals Building in Chicago, Ill. He was accompanied by his counsel, Albert E. Jenner, Jr., and cocounsel, Thomas P. Sullivan, Esquires.

Having been sworn as a witness, he was asked to state his full name and residence for the record, to which he responded, giving same.

Thereafter, the witness was asked the question, namely: "Would you state the place and date of your birth, Dr. Stamler?" which question was pertinent to the subject under inquiry. He refused to answer said question and, in addition, stated that he would not answer any further questions that might be put to him touching matters of inquiry committed to said subcommittee.

The witness then departed the hearing room without leave of said subcommittee.

The foregoing refusals by Jeremiah Stamler to answer the aforesaid question and to answer any further questions, and his willful departure without leave, deprived the Committee on Un-American Activities of pertinent testimony regarding matters which the said committee was instructed by law and House resolution to investigate, and place the said Jeremiah Stamler in contempt of the House of Representatives of the United States.

Pursuant to resolution of the Committee on Un-American Activities duly adopted at a meeting held January 13, 1966, the facts relating to the aforesaid failures of Jeremiah Stamler are hereby reported to the House of Representatives, to the end that the said Jeremiah Stamler may be proceeded against for contempt of the House of Representatives in the manner and form provided by law.

The record of the proceedings before the said subcommittee, so far as it relates to the appearance of Jeremiah Stamler, including the statement by the chairman of the subject and matter under inquiry, is set forth in

Appendix I, attached hereto and made a part hereof.

Other pertinent committee proceedings are set forth in Appendix II, and made a part hereof.

APPENDIX I

*Tuesday, May 25, 1965*

U.S. HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE COMMITTEE ON UN-AMERICAN ACTIVITIES,
*Chicago, Illinois.*

Public Hearings

A subcommittee of the Committee on Un-American Activities met, pursuant to call, at 10:30 a.m., in the Old United States Court of Appeals Building, 1212 North Lake Shore Drive, Chicago, Illinois, Hon. EDWIN E. WILLIS (Chairman) presiding.

Subcommittee members: Representatives EDWIN E. WILLIS, of Louisiana, chairman; JOE R. POOL, of Texas; CHARLES L. WELTNER, of Georgia; JOHN M. ASHBROOK, of Ohio; and DEL CLAWSON, of California.

Subcommittee members present: Representatives WILLIS, POOL, WELTNER, and CLAWSON.

Staff members present: Francis J. McNamara, director; William Hitz, general counsel; Alfred M. Nittle, counsel; and Neil E. Wetterman and Philip R. Manuel, investigators.

The CHAIRMAN. The subcommittee will come to order.

Mr. Nittle, will you call the names of the witnesses and hand them a copy of the opening statement?

Mr. NITTLE. Is Milton Mitchell Cohen in attendance?

Come forward, please.

Louis Diskin.

David Englestein.

Benjamin Max Friedlander.

Dorothy Mixter Hayes.

Dorothy Mixter Hayes.

Dorothy Mixter Hayes, please come forward.

Yolanda Hall.

Leon Joy Jennings.

Wilberforce Cox Jones.

Versta Miller.

Helen Fotine Queen.

Dr. Jeremiah Stamler.

Charles Fehninger Wilson.

Mr. Chairman, Dorothy Mixter Hayes has not responded. Shall I again call her?

The CHAIRMAN. Please. Three times.

Mr. NITTLE. Dorothy Mixter Hayes, please come forward.

Dorothy Mixter Hayes, please come forward.

Dorothy Mixter Hayes, please come forward.

The CHAIRMAN. Thank you, Mr. Nittle.

Mr. NITTLE. Mr. Chairman, I ask that it be noted on the record that Dorothy Mixter Hayes has not responded.

Mr. WOLF. We are responding for Miss Hayes.

The CHAIRMAN. She ought to be here and must be here in person.

Mr. WOLF. She is here, if you will just give me a moment.

Miss Hayes.

Mr. NITTLE. Miss Hayes, would you step forward, please?

Mr. WOLF. Mr. Chairman, I would like the record to show that we object to the presence here of the cameras.

The CHAIRMAN. We will in that respect abide, as we always do and are today, with the rules of the House.

This subcommittee of the House Committee on Un-American Activities is convened here in Chicago to conduct hearings upon the subjects of inquiry and for the legislative purposes set forth in a committee resolution adopted March 18, 1965. I offer this resolution for the record. It reads as follows:

"Be it Resolved, That hearings be held by the Committee on Un-American Activities or a subcommittee thereof, at such times and places as the Chairman may determine, and that the staff be authorized to conduct investigations deemed reasonably necessary in preparation therefor, relating to:

"1. As concerns the Chicago, Illinois area and the Illinois District of the Communist Party of the United States: the structure and organization of the Communist Party of the United States; its major objectives, and the strategical and tactical methods designed to aid in accomplishing such objectives; the major areas of Communist Party concentration; organizations created and controlled by the Communist Party to advance the policies and objectives of the Communist movement; Communist propaganda activities conducted in support of such objectives; and conspiratorial activities in aid of, or in association with, foreign Communist governments; and also like information regarding other Communist organizations in the Chicago, Illinois area, for the following legislative purposes:

"(a) to provide factual information to aid the Congress in the proposal of any necessary remedial legislation in fulfillment of the directions contained in the mandate to the Committee by House Resolution 8, of January 4, 1965, and Public Law 601 of the 79th Congress;

"(b) to assist the Congress in appraising the execution by the administrative agencies concerned of Title I of the Internal Security Act of 1950;

"(c) to provide factual information to aid the House in the disposition of presently pending and proposed legislation, including but not limited to, H.R. 4293, a bill to amend the Subversive Activities Control Act of 1950 so as to authorize the Federal Government to bar from access to defense facilities individuals who may engage in sabotage, espionage, or other subversive acts;

"(d) consideration of the advisability of amending the Internal Security Act so as to impose certain disabilities, in the manner and form therein provided, upon those persons 'affiliated with' Communist organizations as well as upon persons who are members thereof. Be it further

"*Resolved,* That the hearings may include any other matter within the jurisdiction of the Committee which it, or any subcommittee thereof, appointed to conduct these hearings, may designate."

As a result of the June 1961 decision of the Supreme Court of the United States in the Communist Party case (367 U.S. 1), certain provisions of the Internal Security Act have become effective. This was a case against the Communist Party of the United States instituted by the Attorney General before the Subversive Activities Control Board in 1950 to require that the party register as a Communist-action organization within the terms of the Internal Security Act of 1950.

A Communist-action organization is defined in the act as any organization in the United States which is substantially directed, dominated, or controlled by the foreign government or organization controlling the world Communist movement.

Following the taking of extensive testimony, the Subversive Activities Control Board found the Communist Party of the United States was a disciplined organization operating in this Nation under Soviet Union control, with the objective of installing a Soviet-style dictatorship in the United States. The Board, therefore, ordered the party to register as a Communist-action organization.

The Supreme Court, as previously indicated, has upheld this finding and order. This order has the effect of denying to Communist Party members any Federal employment, or employment in any defense facility as defined in the act.

Preliminary committee investigation indicates that this decision of the Court prompted certain organizational changes in the Communist Party. The party has attempted to nullify the provisions of the statute. These hearings in Chicago are one of a series of investigations into area activities of the Communist Party which the committee is conducting in various parts of the country for the purpose of determining whether remedial or amendatory legislation is necessary and, if so, what laws may be desired.

This committee functions as a part of the legislative branch of Government, as distinguished from the executive and judicial branches. In the exercise of its investigative function, the committee neither accuses nor judges. It conducts no trials. It is a fact-gatherer to inform the Congress about the operations of this Soviet-controlled conspiracy.

Its investigations must be continuous. For while the basic objectives of the Communists remain the same, the party develops new tactics and operational forms from time to time to speed and improve Communist undermining activity and to offset the legislative, administrative, and other steps taken by the Congress, the executive branch, and the American people to preserve their liberty.

The power of congressional committees to make investigations and to exact testimony has been repeatedly confirmed by the Supreme Court of the United States. In *McGrain* v. *Daugherty* (273 U.S. 135, at 161), a leading case, the Supreme Court pointed out that, and I quote from the words of the Supreme Court:

"In actual legislative practice power to secure needed information by such means has long been treated as an attribute of the power to legislate. It was so regarded in the British Parliament and in the Colonial legislatures before the American Revolution; and a like view has prevailed and been carried into effect in both houses of Congress and in most of the state legislatures."

That is the end of the quotation from the Supreme Court decision.

Information and knowledge is, of course, the object of investigation. It is basic to the exercise of the lawmaking function.

The Committee on Un-American Activities is authorized by a rule of the House and a Federal statute to make investigations of the extent, character, and objects of subversive and un-American propaganda, whether instigated by foreign countries or of a domestic origin, which attacks the principle of the form of government as guaranteed by our Constitution, and all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

For the purpose of any such investigation, this committee is authorized to hold hearings and to issue subpenas to require the attendance of witnesses and the production of documents. Moreover, the committee is required to report to the House the results of its investigations, together with such recommendations as it deems advisable.

The committee is also required, by House rule and the statute already mentioned, to perform the duties imposed upon all standing committees with respect to laws within its jurisdiction, that is, to appraise the execution of laws enacted by Congress and to exercise a continuous watchfulness over the administrative agencies concerned with the execution of such laws.

In the light of the threat which Communist organizations pose to the United States as a sovereign, independent Nation, we must recognize, as Mr. Justice Frankfurter said in the Communist Party case, "That the power of Congress to regulate Communist organizations of this nature is extensive."

Mr. Justice Harlan, speaking for the Supreme Court in *Barenblatt* v. *United States*

(360 U.S. 109, at page 127), a decision upholding the contempt of Congress conviction of a witness who had refused to answer questions asked him by this committee, said:

"That Congress has wide power to legislate in the field of Communist activity in this country, and to conduct appropriate investgiations in aid thereof, is hardly debatable. The existence of such power has never been questioned by this Court, and it is sufficient to say, without particularization, that Congress has enacted or considered in this field a wide range of legislative measures, not a few of which have stemmed from recommendations of the very Committee whose actions have been drawn in question here."

That is, the Committee on Un-American Activities.

Justice Harlan continued:

"In the last analysis this power rests on the right of self-preservation, "the ultimate value of any society," *Dennis* v. *United States*, 341 U.S. 494, 509. Justification for its exercise in turn rests on the long and widely accepted view that the tenets of the Communist Party include the ultimate overthrow of the Government of the United States by force and violence, a view which has been given formal expression by the Congress."

There is, however, not only a power to legislate in the field of Communist activities, but also a positive duty imposed upon Congress to do so. The Supreme Court has said:

"'To preserve its independence, and give security against foreign aggression and encroachment, is the highest duty of every nation, and to attain these ends nearly all other considerations are to be subordinated. It matters not in what form such aggression and encroachment come . . . .' [Quoted in *Communist Party Case*, 367 U.S. 1, 96.]"

Now I would like to stress the fact that the committee's presence here in Chicago is not to be construed in any way as derogatory to this great city. We have held hearings here before, as we have in other major cities of our country on more than one occasion in the past.

Why? Not because these cities as such—or their governments or people—are suspect in any way, but rather because they and the States in which they are located are so important to our national security, prosperity, and welfare.

The Communists decided a long time ago where they would try to build their greatest strength in the United States. They determined that they would send their best organizers, agitators, and propagandists into those areas of our country which were most vital to its overall security, particularly in time of war.

It was in these areas that they determined to pour their money and to concentrate as much effort as possible to build their largest, strongest, and most disciplined units.

Why? So that if war between the Soviet Union and the United States should come—and God pray it won't—their greatest strength would be in those areas where, by sabotage and other traitorous activities, they could do most to help the Soviet Union and bring about the defeat of the United States. And so the Communists concentrate—and always have concentrated—on our great centers of industry, of transportation, communication, learning, and so forth—on States such as Illinois, New York, Michigan, California, Pennsylvania; on cities such as Chicago, Detroit, New York, Pittsburgh. These are the areas of the United States that are most important to Moscow and, therefore, to its puppets, the U.S. Communists. Generally speaking, the Communists have not devoted much attention to our small rural communities.

Our presence in Chicago, therefore, and such evidence of Communist activity in this city and State as is produced in these hearings, is not to be taken as an affront to this city or the State of Illinois. Rather, the hearings are a tribute to them, a recognition of the tremendous importance the enemies of this country, both here and abroad, attach to Illinois and its great city, Chicago.

In short, we are here not to hurt anyone or any institution, but to help—to help, as we are directed by the House of Representatives, the security of our country. It is our hope—and our belief—that, in doing so, we will also help this wonderful State, city, and people.

I now offer for the record the order of appointment of this subcommittee, as follows:

"MAY 6, 1965.

"TO: Mr. FRANCIS J. MCNAMARA,

*"Director, Committee on Un-American Activities.*

"Pursuant to the provisions of the law and the Rules of this Committee, I hereby appoint a subcommittee of the Committee on Un-American Activities, consisting of Honorable JOE R. POOL, Honorable CHARLES L. WELTNER, Honorable JOHN M. ASHBROOK, and Honorable DEL CLAWSON, as associate members, and myself, as Chairman, to conduct hearings in Chicago, Illinois, commencing on or about Tuesday, May 25, 1965, and/or at such other times thereafter and places as said subcommittee shall determine, as contemplated by the resolution adopted by the Committee on the 18th day of March, 1965, authorizing hearings concerning certain Communist activities in the Chicago, Illinois area, and other matters under investigation by the Committee.

"Please make this action a matter of Committee record.

"If any member indicates his inability to serve, please notify me.

"Given under my hand this 6th day of May, 1965.

"/s/ Edwin E. Willis,

"/s/ EDWIN E. WILLIS.

*"Chairman, Committee on Un-American Activities."*

I would like to point out that the absent member of this subcommittee, Mr. ASHBROOK, of Ohio, his absence has been unavoidably brought about by a death in the family. It is expected that he might appear later on.

Now I point out, and I want the record to reflect, that this statement I have just read—each witness subpenaed has been handed a copy by counsel. I urge them to remain in the committee room so that if there be any testimony regarding them they may be here.

I urge also careful analysis of the statement that each witness has, announcing the purposes and objectives of the hearings, so that there won't be any haggling about a witness not knowing the purpose why these hearings are being held. These purposes are being stated at length in this statement and each witness has a copy.

I want to go one step further and read from Rule XI, 26(m), House of Representatives. The rules of the House are binding on all committees. There are some 20 permanent committees of the House, the jurisdiction of each committee is set forth in the rules of the House.

This committee, the House Committee on Un-American Activities, is but one of 20 permanent committees of the House. This committee is an agency of the House and operating under the rules of the House. I want to direct the attention of all to the provisions of Rule 26(m) in respect to these particular hearings.

Every person concerning whom there might be defamatory, degrading, or incriminating evidence produced here at these hearings has been notified of that possibility and has been sent a letter, a typical sample of which I now read:

"Pursuant to House Rule XI, 26(m), the Committee on Un-American Activities has received certain evidence and testimony in executive session, in the course of which a person by the name of"—and here each witness' name appears—"a resident of"—and their address is given—"was identified as having been a member of the Communist Party."

Everyone whose name might crop up has received a copy of this letter or been sent one.

"If you so desire, you will be afforded an opportunity voluntarily to appear as a witness before a subcommittee of the Committee on Un-American Activities at a time and place to be designated. According to the general practice of the committee, this hearing"—namely the voluntary testimony of witnesses so notified—"shall be conducted in executive session.

"You may also request the committee to subpoena additional witnesses.

"If you desire to avail yourself of the opportunities thus afforded you, you should so advise the Director of the Committee no later than Tuesday, May 18, 1965. He may be reached at Room 226, Cannon House Office Building, Washington 25, D.C.; telephone number: Capitol 4-3121, extension 3051.

"This is not a subpoena or summons requiring you to appear.

"Very truly yours, Edwin E. Willis, Chairman."

Let me tell you that every witness, I repeat, whose name might come up in these hearings, every person was mailed such a letter but not one single, solitary response did we receive. [Laughter and applause.]

I cannot and will not tolerate demonstrations in any direction from anyone. This is a hearing in a Federal courtroom conducted by a committee of the House of Representatives and representing the House of Representatives and we must have order.

You are guests of the committee; you are very welcome. We are glad to have you. We are glad to know your interest in either direction in connection with the activities and the conduct of its affairs by this committee, but we must have order as is the rule under the American procedure.

Mr. Counsel, call your first witness.

* * * * *

*Thursday, May 27, 1965*

U.S. HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE COMMITTEE ON UN-AMERICAN ACTIVITIES,
*Chicago, Illinois.*

Public Hearings

The subcommittee of the Committee on Un-American Activities met, pursuant to recess, at 9:20 a.m. in the Old United States Court of Appeals Building, 1212 North Lake Shore Drive, Chicago, Illinois, Hon. EDWIN E. WILLIS (chairman) presiding.

(Subcommittee members: Representatives EDWIN E. WILLIS, of Louisiana, chairman; JOE R. POOL, of Texas; CHARLES L. WELTNER, of Georgia; JOHN M. ASHBROOK, of Ohio; and DEL CLAWSON, of California.)

Subcommittee members present: Representatives WILLIS, POOL, WELTNER, ASHBROOK, and CLAWSON.

Staff members present: Francis J. McNamara, director; William Hitz, general counsel; Alfred M. Nittle, counsel; and Neil E. Wetterman and Philip R. Manuel, investigators.

The CHAIRMAN. The subcommittee will come to order.

* * * * *

*Afternoon session—Thursday, May 27, 1965*

(The subcommittee reconvened at 2 p.m., Hon. EDWIN E. WILLIS, chairman, presiding.)

(Subcommittee members present: Representatives WILLIS, POOL, ASHBROOK, and CLAWSON.)

The CHAIRMAN. The subcommittee will be in order.

Proceed, Mr. Nittle.

* * * * *

The CHAIRMAN. The witness is excused. Call the next witness.

Mr. NITTLE. Dr. Jeremiah Stamler, come forward, please.

Mr. JENNER. The chairman has denied my request to cross-examine.

The CHAIRMAN. Please be sworn.

Do you solemnly swear the testimony you give will be the truth, the whole truth, and nothing but the truth, so help you God?

Dr. STAMLER. I do.

TESTIMONY OF JEREMIAH STAMLER, ACCOMPANIED BY COUNSEL, ALBERT E. JENNER, JR., AND THOMAS P. SULLIVAN

Mr. JENNER. May I respectfully inquire, Mr. Chairman?

The CHAIRMAN. Yes.

Mr. POOL. For the record, Mr. Chairman, I would like to have counsel identify themselves.

The CHAIRMAN. Yes.

Mr. JENNER. Again?

The CHAIRMAN. Yes.

Mr. POOL. For the record, yes.

Mr. JENNER. I am the same Albert E. Jenner, Jr. I don't mean any disrespect.

The CHAIRMAN. Of course not. But your appearance should be noted; that is the way we proceed.

Mr. JENNER. Thank you.

I am Albert E. Jenner of the Chicago Bar together with my partner, Thomas P. Sullivan. We represent Dr. Jeremiah Stamler.

The CHAIRMAN. All right.

Mr. JENNER. Mr. Chairman, I rose to inquire that I understand that you, Mr. Chairman, and the committee denied my request to cross-examine the previous witness.

The CHAIRMAN. Yes, I have ruled on that. And let it be shown that I also said here is a magnificent opportunity on the part of Dr. Stamler, while he is under oath, to deny or affirm that he is, or has ever been, a member of the Communist Party and all those things said about him.

Mr. JENNER. Mr. Chairman, as Mr. Justice Brennan and the Chief Justice, Earl Warren, have held, cross-examination is an exercise of the right of confrontation under the Constitution, which has been denied.

The CHAIRMAN. Proceed, Mr. Nittle.

Mr. NITTLE. Would you state your full name and residence for the record, please?

Dr. STAMLER. My name is Jeremiah Stamler, M.D. I reside at 1332 East Madison Avenue Park, Chicago, Illinois, 60615.

I would like at this time to read a statement which I make pursuant to Mr. Jenner's advice.

The CHAIRMAN. Is the statement very long?

Mr. JENNER. Mr. Chairman, he was premature.

The CHAIRMAN. All right.

Well, there is a pending question. He is going to read a statement. Counsel said it is premature. Ask the next question.

Mr. NITTLE. Would you state the place and date of your birth, Dr. Stamler?

Mr. JENNER. Mr. Chairman, in order of expediting I would make, on behalf of this witness, the same requests and the same statements that I made during the examination or the time Mrs. Hall was on the stand. I request of you, Mr. Chairman, and your distinguished colleagues, that that statement that I made and those requests that I made be taken as statements and requests on behalf of Dr. Stamler so that I need not repeat them in the record. I understand that the Chair will rule upon those requests and will restate all the statements that the Chair made during the course of that examination as part of this.

The CHAIRMAN. I will not repeat them. It is understood that the rulings made apply in this instance.

Mr. JENNER. Yes, and that all Your Honor's comments stand.

The CHAIRMAN. To be probably over protective, the Chair states that he has conferred with the members of the committee and they all agree that all statements and the rulings made are adhered to and adopted, restated for the record with reference to Dr. Stamler, as well as all the rulings I made overruling the several motions and requests made by Mr. Jenner.

Mr. JENNER. Your indulgence for a moment.

The CHAIRMAN. All right.

Mr. JENNER. My partner, Mr. Sullivan, who is concerned, wanted to be sure—as I understood it and I think the Chair understands—that all of the statements that I made on behalf of Mrs. Hall are likwise made on behalf of Dr. Stamler. I thought the Chair understood; I know I did.

The CHAIRMAN. If your partner does not understand, you and I understand each other.

Mr. JENNER. Yes.

Mr. Sullivan still says, including the reasons why I advised him not to cooperate.

The CHAIRMAN. Including those reasons.

Mr. JENNER. All right.

The CHAIRMAN. Next question, Mr. Nittle.

Mr. JENNER. There is a pending question, Mr. Chairman.

Mr. NITTLE. The question asked of Dr. Stamler was to state the date and place of his birth.

Dr. STAMLER. Mr. Chairman, Members of the Committee, Distinguished Counsel, I adopt and confirm all that my counsel, Mr. Jenner, has stated. I state now, and I have stated repeatedly, that I have always been a loyal American citizen. My entire adult life has been one of loyal and devoted effort, good work for our country, its people, and their well-being, particularly for their health. I take second place to none in this regard.

However, on advice of my counsel, I respectfully decline to give any information in testimony or further to cooperate with this committee. If and when the litigation which I have instituted is terminated adverse to my position, I will return before this committee or an authorized subcommittee thereof in accordance with the subpena served on me. At present, however, and for the reasons and on the grounds stated by Mr. Jenner and those stated in my complaint filed by me on Monday in the United States District Court, I respectfully decline to answer any further questions that may be put to me, or otherwise further to participate in these proceedings.

I have nothing to hide. I take this position as a matter of principle and conscience in the interests of all our citizens in our country in order to test once and for all the validity of the kind of proceedings which have been held here during the past 3 days.

The CHAIRMAN. Dr. Stamler, I order and direct you to answer that question and not to leave the room until you have done so.

Dr. STAMLER. Sir, I stand on my statement.

The CHAIRMAN. I order and direct you to answer the question and to answer other questions to be propounded.

(At this point, Dr. Jeremiah Stamler left the hearing room.)

The CHAIRMAN. For reasons stated in connection with the appearance of Mrs. Hall, the Chair states that the committee does not accept your position of refusal to answer or your departure from this hearing to which you have been summoned and are in contempt.

Mr. POOL. Mr. Chairman, let the record show that Dr. Stamler has left the room and has removed himself from the witness chair. The time is now 6:17 p.m.

The CHAIRMAN. I repeat that this position of blowing hot and cold; no one is taking seriously the subtle effort to avoid the invocation of the fifth amendment. As far as I am concerned, Mrs. Hall and Dr. Stamler have simply "taken a powder."

Mr. JENNER. Mr. Chairman, the conduct of counsel for this committee has been one of having his cake and eating it, too.

Mr. POOL. Mr. Chairman, have him call his next witness.

The CHAIRMAN. Ask the next question.

Well, the record shows that the doctor has disappeared; he is no longer in the hearing room.

Mr. JENNER. As far as Mr. POOL is concerned, I have so stipulated.

The CHAIRMAN. It is impossible to continue questioning; counsel concedes that and so stipulates.

The committee will stand in recess for a few moments.

(A brief recess was taken.)

The CHAIRMAN. The subcommittee will be in order.

I and the subcommittee do not want there to be any misunderstanding about the finality of the subcommittee's action in denying the various motions made on behalf of Mrs. Hall and Dr. Stamler and in rejecting propositions made. We denied the motions and we instructed Mrs. Hall and Dr. Stamler to answer the questions put to them and we warned them not to depart and to terminate their appearances under their subpenas. Nevertheless, they insisted in their refusal to answer and they departed without leave. For these acts, they stand subject to recommendations for contempt action by the full committee and the House of Representatives. I want to add that we do not accept or engage in any way in any offer to return later and testify. Our orders are here and now final. By the way, I am glad that counsel for Mrs. Hall and Dr. Stamler are in this room as I make this statement.

APPENDIX II

*Part 1*

The following is an extract from the minutes of a meeting of the Committee on Un-American Activities held on February 2, 1965:

"The Committee on Un-American Activities met in executive session on February 2, 1965, in Room 225 of the Cannon House Office Building, at 1:00 p.m. The following members were present:

"EDWIN E. WILLIS, Chairman, WILLIAM M. TUCK, JOE R. POOL (entered at 1:11 p.m.), RICHARD H. ICHORD, GEORGE F. SENNER, JR., CHARLES L. WELTNER, JOHN M. ASHBROOK, DEL CLAWSON, JOHN H. BUCHANAN, JR.

"The staff members present were: Francis J. McNamara, director; William Hitz, general counsel; Alfred M. Nittle, counsel; Donald T. Appell, chief investigator; and Juliette P. Joray, recording clerk.

"The Chairman called the meeting to order at 1:04 p.m., and welcomed the new members of the Committee.

"The Chairman stated, for the benefit of the new members, that this was the Committee's organizational meeting, at which certain basic resolutions were normally adopted in each Congress. As each resolution was read by the Director, the Chairman explained the reasons for its adoption.

"On motion of Mr. ICHORD, seconded by Mr. ASHBROOK, the following resolution was unanimously adopted:

" 'Be it *resolved*, that the Rules of Procedure revised by the Committee on Un-American Activities during the First Session of the 87th Congress and printed under the title of "Rules of Procedure—Committee on Un-American Activities" together with all applicable provisions of the Legislative Reorganization Act of 1946, as amended, be, and they are hereby, adopted as the Rules of the Committee on Un-American Activities of the House of Representatives of the 89th Congress.'

" '* * * * *'

"On motion of Mr. ICHORD, seconded by Mr. ASHBROOK, the following resolution was unanimously adopted:

"'Be it *Resolved*, that the Chairman be authorized and empowered from time to time to appoint subcommittees composed of three or more members of the Committee on Un-American Activities, at least one of whom shall be of the minority political party, and a majority of whom shall constitute a quorum, for the purpose of performing any and all acts which the Committee as a whole is authorized to perform.'

"On motion of Mr. POOL, seconded by Mr. TUCK, the following resolution was unanimously adopted:

"'Be it *Resolved*, that authority is hereby delegated to each subcommittee of the Committee on Un-American Activities which hereafter may be appointed to determine by a majority vote thereof whether the hearings conducted by it shall be open to the public or shall be in executive session, and all testimony taken and all documents introduced in evidence in such an executive session shall be received and given as full consideration for all purposes as though introduced in open session.

"'* * * * *'

"The meeting was adjourned at 3:22 p.m."

*Part 2*

The following is an extract from the minutes of a meeting of the Committee on Un-American Activities held on March 18, 1965:

"The Committee on Un-American Activities met in executive session on March 18, 1965, at 3:00 o'clock p.m. The following members were present:

"EDWIN E. WILLIS, Chairman: JOE R. POOL, RICHARD H. ICHORD, CHARLES L. WELTNER, DEL CLAWSON, JOHN H. BUCHANAN.

"The staff members present were: Francis J. McNamara, director; William Hitz, general counsel; Alfred Nittle, counsel; Donald T. Appell, chief investigator; and Juliette P. Joray, recording clerk.

"The Chairman called the meeting to order at 3:25 p.m.

"* * * * *

"The director reported that the hearing stage had been reached on the current Chicago area investigation. * * *.

"The following resolution was read to the members and was unanimously adopted:

"'Be it *Resolved*, That hearings be held by the Committee on Un-American Activities or a subcommittee thereof, at such times and places as the Chairman may determine, and that the staff be authorized to conduct investigations deemed reasonably necessary in preparation therefor, relating to:

"'1. As concerns the Chicago, Illinois, area and the Illinois District of the Communist Party of the United States: the structure and organization of the Communist Party of the United States; its major objectives, and the strategical and tactical methods designed to aid in accomplishing such objectives; the major areas of Communist Party concentration; organizations created and controlled by the Communist Party to advance the policies and objectives of the Communist movement; Communist propaganda activities conducted in support of such objectives; and conspiratorial activities in aid of, or in association with, foreign Communist governments; and also like information regarding other Communist organizations in the Chicago, Illinois, area, for the following legislative purposes:

"'(a) to provide factual information to aid the Congress in the proposal of any necessary remedial legislation in fulfillment of the directions contained in the mandate to the Committee by House Resolution 8, of January 4, 1965, and Public Law 601 of the 79th Congress;

"'(b) to assist the Congress in appraising the execution by the administrative agencies concerned of Title I of the Internal Security Act of 1950;

"'(c) to provide factual information to aid the House in the disposition of presently pending and proposed legislation, including, but not limited to, H.R. 4293, a bill to amend the Subversive Activities Control Act of 1950 so as to authorize the Federal Government to bar from access to defense facilities individuals who may engage in sabotage, espionage, or other subversive acts;

"'(d) consideration of the advisability of amending the Internal Security Act so as to impose certain disabilities, in the manner and form therein provided, upon those persons "affiliated with" Communist organizations as well as upon persons who are members thereof.

"'Be it further *Resolved*, That the hearings may include any other matter within the jurisdiction of the Committee which it, or any subcommittee thereof, appointed to conduct these hearings, may designate."

* * * * *

"The meeting was adjourned at 5:45 o'clock p.m."

*Part 3*

The following is an extract from the minutes of a meeting of the Committee on Un-American Activities held on May 6, 1965:

"The Committee on Un-American Activities met in executive session on May 6, 1965, at 10:00 a.m. in Room 25, Cannon House Office Building. The following members were present:

"EDWIN E. WILLIS, Chairman; JOE R. POOL, RICHARD ICHORD, CHARLES WELTNER, JOHN ASHBROOK, DEL CLAWSON, JOHN H. BUCHANAN (entered at 10:30 a.m.).

"The staff members present were: Francis J. McNamara, director; William Hitz, general counsel; Alfred Nittle, counsel; and Juliette P. Joray, recording clerk.

"The chairman called the meeting to order at 10:10 a.m.

"It was agreed to hold the Chiacago hearings beginning May 25. The chairman designated Messrs. POOL, WELTNER, ASHBROOK and CLAWSON as associate members and himself as chairman, as the subcommittee to sit at the Chicago hearings.

* * * * *

"A discussion concerning the language of the letter to be sent to all persons that may be identified by witnesses as Communist Party members at the forthcoming Chicago hearings, or about whom defamatory or incriminating testimony might be given or evoked in the testimony of witnesses, in compliance with Rule XI 26(m), resulted in a motion by Mr. WELTNER, seconded by Mr. ASHBROOK, that the letter be revised as suggested by Mr. ASHBROOK. The motion carried. It was agreed that the limitation date be set as May 18.

"The director was sworn as a witness and stated that the information he was about to give to the Committee came from a source believed by him to be accurate and reliable and so found to have been in the past.

"The director testified that, as he had reported earlier, Dr. Jeremiah Stamler is Director of the Heart Section of the Chicago Public Health Department. Within the past year his section has received grants of nearly $300,000 from federal funds of the U.S. Department of Health, Education and Welfare, originating in the Heart Department of the National Institutes of Health. His salary is $19,350 per year and he has approximately 29 employees under his supervision. Included among them are Yolanda Hall, who, in testifying as a defense witness for the top CP leaders tried before Judge Medina on Smith Act charges in 1949, stated that she was a Communist Party member, that she had joined the Party in 1939 and the Young Communist League in 1937.

"The director further testified that in addition to Yolanda Hall, Dr. Stamler had on his staff a number of other persons * * *.

* * * * *

"The director stated that the staff had information that Dr. Stamler was a member of the Communist Party in 1958 and is known to have attended a Communist Party meeting as recently as 1961; also that, to date, he continues highlevel Communist Party contacts and associations, and is a big contributor to Party fund drives.

"At a rally of the American Peace Crusade in 1954 Dr. Stamler, who was the youth director of the organization, attacked the Administration as war mongers and Wall Street stooges, and accused then Secretary of State Dulles of leading the U.S. into war with Indo-China. He made a collection speech and mocked Chicago's Civil Defense Program.

"In 1962, he was host to three visiting Russians, alleged to be heart specialists, who came to this country under the terms of the cultural exchange program, and who had specifically asked that they be permitted to visit Stamler while in the United States.

"A Newsletter published by the American Security Council in December of 1957 stated 'One of the most active Communists in the professional ranks is Dr. Jeremiah Stamler,' and listed his record of Communist affiliations. (As to the first item, upon reading it, the director stated that there was probably error in it as to place where Stamler joined the Communist Party, because the Committee's investigation revealed he was in New York City, not Chicago, in 1946.)

"The director also stated that, as he had indicated at an earlier meeting, Dr. Stamler's Communist record dates back to the '40s. He was active in the Young Communist League in New York City at that time, and was subsequently assigned to head up the State Student Section of YCL. In 1947 he was a member of the National Executive Committee of AIMS (Association of Internes and Medical Students), a Communist front for medical students and internes. In 1950, in Chicago, he was active in the assignment of certain persons to the underground apparatus of the Communist Party.

* * * * *

"According to a very reliable source, both Dr. Stamler and * * * were Communist Party members in 1958.

"The director testified that Yolanda Hall, also known as Bobbie Hall and Yolanda Frakas, has publicly and under oath stated that she was a Communist. She testified as a defense witness for the top Communist Party leaders tried on Smith Act charges in 1949 before Judge Medina. She stated at that time the she was a Communist Party member, that she had joined the Party in 1939, and the Young Communist League in 1937. She was denied a teaching job in Chicago public schools in 1949 because of her openly proclaimed party membership.

"According to the Daily Worker of September 18, 1949, she was executive director of the Chicago Workers School, the Party's school in Chicago which has been cited by the Attorney General.

"She was one of a group of American delegates to Stalin's 2nd World 'Peace' Congress held in Warsaw in November, 1950, and visited the Soviet Union after the Congress.

"He also said that the Committee has information that she took part in picket line demonstration and leaflet distribution, sponsored by the Emma Lazarus Federation of Jewish Women's Clubs, successor of the International Workers Order's Emma Lazarus Division of the Jewish People's Fraternal Order, which is on the Attorney General's list, in March of 1960, and that she is known to have attended the 75th May Day celebration in April of 1961; the 40th celebration of the Anniversary of the Communist Party of the United States in 1959; and the Daily

Worker Anniversary celebration in January of 1956.

"The director testified also that Mrs. Laura Rae Blough and her husband are alleged to have been recruited in the Communist Party by Dr. Stamler.

* * * * *

"A motion was made by Mr. POOL, seconded by Mr. ASHBROOK, and unanimously carried, that subpoenas be authorized to be issued to Jeremiah Stamler, * * *, to require their attendance at the Chicago hearings, that the Committee deems such attendance necessary in furtherance of its legislative purposes.

"* * * * *

"The meeting adjourned at 11:25 a.m."

*Part 4*

The following is an extract from the minutes of a meeting of a subcommittee of the Committee on Un-American Activities held on January 13, 1966:

"A quorum of the subcommittee of the Committee on Un-American Activities designated by the Chairman on May 6, 1965, to conduct hearings in Chicago, Illinois, commencing on May 25, 1965, relating to Communist Party activities in the Chicago area and Illinois District of the Communist Party, met in executive session on January 13, 1966, in Room 429, Cannon House Office Building at 9:00 a.m. The following members of the subcommittee were present:

"EDWIN E. WILLIS, Chairman; CHARLES L. WELTNER, DEL CLAWSON.

"The staff members present were: Francis J. McNamara, director; William Hitz, general counsel; Alfred Nittle, counsel; and Juliette P. Joray, recording clerk.

"The chairman called the meeting to order at 9:10 a.m. and announced that this meeting was called, after notice to all subcommittee members, for the purpose of considering what action the subcommittee should take regarding the refusals of * * * and Jeremiah Stamler on May 27, 1965, to answer questions pertinent to the subjects under inquiry before the subcommittee and their departure without leave, at the hearings conducted by the said subcommittee in Chicago, and what recommendations the subcommittee would make to the full committee regarding their citation for contempt of the House of Representatives.

* * * * *

"After discussion of the testimony, and due consideration of the matter, a motion was made by Mr. WELTNER, seconded by Mr. CLAWSON, and unanimously carried, that a report of the facts relating to the refusals of Jeremiah Stamler to answer questions pertinent to the subject under inquiry before said subcommittee and his departure without leave at the hearing aforesaid, be referred and submitted to the Committee on Un-American Activities as a whole, with the recommendation that a report of the facts relating to the aforesaid failures of said witness be reported to the House of Representatives, in order that the said Jeremiah Stamler be cited for contempt of the House of Representatives, to the end that he may be proceeded against in the manner and form provided by law.

"The meeting adjourned at 9:30 a.m.

*Part 5*

The following is an extract from the minutes of a meeting of the Committee on Un-American Activities held on January 13, 1966:

"The Committee on Un-American Activities met in executive session on January 13, 1966, at 9:45 a.m., in Room 429, Cannon House Office Building. The following members were present:

"EDWIN E. WILLIS, Chairman; RICHARD H. ICHORD, GEORGE F. SENNER, CHARLES L. WELTNER, DEL CLAWSON.

"Also present were the following staff members: Francis J. McNamara, director; William Hitz, general counsel; Alfred M. Nittle, counsel; and Juliette P. Joray, recording clerk.

"Chairman WILLIS called the meeting to order at 9:45 a.m., and announced that this special meeting of the Committee was called, after notice to all committee members, for two purposes, the first to consider a recommendation of the subcommittee headed by the Chairman. Mr. WILLIS, appointed to conduct hearings in Chicago, Illinois, which commenced on May 25, 1965, that * * *, and Jeremiah Stamler be cited for contempt because of their refusals to testify, and their departure without leave in hearings conducted by the subcommittee in Chicago in May 1955; and the second * * *.

"As to the first matter, the Chairman reported to the committee that hearings were conducted by the subcommittee in Chicago, Illinois on May 25, 26, and 27, 1965, as contemplated under the Resolution adopted by the committee on March 18, 1965; that the subcommittee met on May 25, 1965 in the Old United States Court of Appeals Building, 1212 N. Lake Shore Drive, Chicago, Illinois, to receive the testimony of several witnesses, including * * * and Jeremiah Stamler, who had been duly subpoenaed to appear as witnesses before said subcommittee; that the hearings were commenced on that date; * * * ; that the witness Jeremiah Stamler was called to testify and appeared before the subcommittee on May 27, 1965, there being a quorum of the subcommittee in attendance; that the witness Jeremiah Stamler having appeared before the subcommittee, was sworn as a witness and was asked to state his full name and residence for the record, to which he responded; that he was then asked to state the date and place of his birth, which he refused to do; that he stated that he would not answer any further questions that might be put to him; and that he then departed without leave; that a quorum of the subcommittee met in executive session on January 13, 1966, at which time motions were made and unanimously adopted with respect to each of said persons, to wit, * * *, and Jeremiah Stamler, that a report of the facts relating to the refusals of each of them to testify before said subcommittee at said hearings, and the departure of each without leave, be referred and submitted to the Committee on Un-American Activities as a whole, with the recommendation that a report of the facts relating to the aforesaid failures of each of said witnesses be reported to the House of Representatives, in order that each of said witnesses may be cited for contempt of the House of Representatives and to the end that each may be proceeded against in the manner and form provided by law.

* * * * *

"A motion was made by Mr. WELTNER, seconded by Mr. SENNER, that the subcommittee's report of the facts relating to the refusals of Jeremiah Stamler to answer questions pertinent to the question under inquiry and his departure without leave at the hearings conducted before it in Chicago, Illinois, commencing on the 25th day of May 1965, be and the same is hereby approved and adopted, and that the Committee on Un-American Activities report the said failures of Jeremiah Stamler to the House of Representatives to the end that the said Jeremiah Stamler may be proceeded against in the manner and form provided by law; and that the chairman of this committee is hereby authorized and directed to prepare and file such report constituting the failures of the said Jeremiah Stamler. The motion was put to a vote and carried unanimously.

* * * * *

"The meeting was adjourned at 10:50 a.m."

Mr. WILLIS (during reading of the report). Mr. Speaker, in this instance I rise to say that we will shortly explain the case with reference to this particular witness, Dr. Stamler, and I ask unanimous consent that further reading of the report be dispensed with, and it be printed at this point in the RECORD.

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

There was no objection.

Mr. YATES. Mr. Speaker, I raise a point of order against the pending resolution.

The SPEAKER. The gentleman will state his point of order.

Mr. YATES. On the ground that it has violated the provisions of rule 26(m) XI of the rules of the House of Representatives in that the committee has denied the request of the respondent that his testimony be taken in executive session.

Mr. TUCK. Mr. Speaker, the facts are the same in this case as they were in the other cases, although the names are different. Therefore, Mr. Speaker, I do not believe it is necessary to reiterate what has already been said in the previous instances.

The SPEAKER. The gentleman from Illinois [Mr. YATES] has raised a point of order against the privileged report filed by the gentleman, citing a witness before a subcommittee of the Committee on Un-American Activities for contempt. The point of order is based on the ground that the subcommittee, while holding hearings in Chicago, failed or refused to follow the rules of the House—specifically, rule XI, clause 26(m)—and, at the demand of the witnesses' attorney, take the testimony in executive session rather than in an open hearing.

The Chair will again read clause 26 (m), rule XI, as follows:

> (m) If the committee determines that evidence or testimony at an investigative hearing may tend to defame, degrade, or incriminate any person, it shall—
>
> (1) Receive such evidence or testimony in executive session;
>
> (2) Afford such person an opportunity voluntarily to appear as a witness; and
>
> (3) Receive and dispose of requests from such person to subpena additional witnesses.

The Chair again agrees with the gentleman from Illinois that the three subclauses are not in the alternative. Each subclause stands by itself. The Chair will point out, however, that the subsection places the determination with the committee, not with the witness.

The Chair will also point out, parenthetically, that subsection (k) of rule XI, provides that:

> Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

This privilege, unlike advocacy in a court, does not as a matter of right entitle the attorney to present argument, make motions, or make demands on the committee.

Now the Chair will cite clause 26(a) of rule XI, which states that the rules of the House are the rules of its committees so far as applicable. This provision also applies to the subcommittees of any such

committee. Consequently, the Chair must examine the facts to see if the subcommittee did in fact comply with clause 26(m) of rule XI.

The Chair will call attention to the fact that it is pointed out on page 8 of the report that the witness in this instant was invited to appear and testify in executive session. The invitation was ignored.

It will be noted, on pages 10 and 11 of the committee report, that the attorney for witness Stamler incorporated the same demand for an executive session that he had previously made when witness Yolanda Hall—see pages 11 through 14 of that citation report—was testifying. You will note, on page 11 of the Hall citation, that when the demand for an executive session was made, the subcommittee took a recess. It is obvious from the subcommittee chairman's statement following that recess, that the subcommittee had considered and determined not to take the testimony in executive session. The chairman so states, on page 12 of the Hall citation:

> Your motion, now made, that Mrs. Hall be now heard in executive session I deny after consideration of the subcommittee. We have complied with rule 26(m) and all other applicable rules of the House and of this committee.

It is patently clear to the Chair that when the same attorney for witness Hall incorporated the same request for an executive session in the hearings when witness Stamler was testifying, that the subcommittee reached the same conclusion with respect to an executive hearing for witness Stamler. The chairman so stated, at page 11, when witness Stamler was being questioned:

> To be probably overprotective, the chair states that he has conferred with the members of the committee and they all agree that all statements and the rulings made [in the Hall citation] are adhered to and adopted, restated for the record with reference to Dr. Stamler, as well as all the rulings I made overruling the several motions and requests made by Mr. Jenner. (Mr. Jenner was the attorney for both witness Hall and witness Stamler.)

The Chair is of the opinion that the subcommittee did comply with clause 26(m), and made the determination necessary thereunder. Accordingly, the Chair overrules the point of order.

Mr. WILLIS. Mr. Speaker, I offer a privileged resolution concerning the contumacious conduct of Jeremiah Stamler, and ask for its immediate consideration.

The Clerk read as follows:

H. RES. 1062

*Resolved*, That the Speaker of the House of Representatives certify the report of the Committee on Un-American Activities of the House of Representatives as to the refusals of Jeremiah Stamler, to answer questions pertinent to the subject under inquiry before a duly authorized subcommittee of the said Committee on Un-American Activities, and his departure without leave, together with all the facts in connection therewith, under the seal of the House of Representatives, to the United States Attorney for the Northern District of Illinois, to the end that the said Jeremiah Stamler may be proceeded against in the manner and form provided by law.

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

Mr. WILLIS. Mr. Speaker, I recognize the gentleman from Virginia [Mr. TUCK] for 10 minutes.

Mr. TUCK. Mr. Speaker, and Members of the House of Representatives, in view of the very thorough briefing of the facts in all of these cases, which are almost identical, I take it that it is not necessary for me to go into all of the details.

The subpena to Dr. Jeremiah Stamler, who testified at the Chicago hearings, caused quite a bit of publicity due to the fact that he was a researcher for the Chicago Board of Health, earning over $20,000 a year, and employing some 40-odd people.

I might say, Mr. Speaker, that I do not appear here in any spirit of levity, but rather one of anguish and sorrow that a life which has been otherwise fraught with so much good should be so distorted and prevented.

Mr. Speaker, I have practiced law in the country for more than 45 years. During all of that time I have always been at the defense table—and I have no desire to see any person prosecuted—and as I stand before this House I can say that I harbor no ill will toward any man in this House, or otherwise.

I am here in the fulfillment of what I conceive to be my duty as a member of the House Committee on Un-American Activities and as a Member of the U.S. House of Representatives of which I am very proud to be a Member.

The facts in this case are essentially the same as the facts in the other cases.

I share the views of the Membership of this House as well as of the leadership of this body in wishing to dispose of this case as rapidly as possible and yet without any effort to do any injustice to this man or to any other man.

The only difference between this case and the other cases is that because of the popularity of this man and because of his education and because of his training and the high position he held, I think in a way his case is somewhat exaggerated.

The important facts are these: After he was called as a witness, Dr. Stamler gave his name and address in response to a question. He was then asked the date and place of his birth, and he refused to answer that question and left the room refusing to testify further.

Mr. Speaker, to make it brief, the facts are that this man is in contempt of this committee, which is the creature of the House of Representatives of the United States. This contempt is an effort to impinge upon and dilute the important powers of this great body, one of the three coordinate branches of Government. It undertakes to demean and denigrate the membership of this House and the great body which we represent.

There is no question in the mind of anyone familiar with the facts that this man is guilty of contempt.

In expressing myself further along the lines of the splendid remarks made by our able colleague, the gentleman from Missouri, I may say I do not think this amounts to anything but a warrant.

This citation amounts to a citation of the facts to the Department of Justice to deal with them as they see fit and to find an indictment, if they will, and if they so find an indictment to dispose of it as they see fit.

A vote for this citation is not a vote for conviction. It is just simply a vote to cite the facts to the Department of Justice for such disposition as that Department, the greatest and fairest Department of Justice on earth, may see fit to make in regard to this particular matter.

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

Mr. TUCK. I will be glad to answer the gentleman's question if I can, with what little time I have left, and if I cannot answer the gentleman's question, I will call on some other Member to answer him.

Mr. YATES. I thank the gentleman for yielding.

Is the gentleman aware of a newspaper statement that reported as follows—and I am reading from the Chicago Sun-Times of May 15, 1965, which appears on page 803, volume 2 of the committee records, which says:

> STAMLER SIGNS AFFIDAVIT OF U.S. ALLEGIANCE
>
> Dr. Jeremiah Stamler, Chicago Board of Health research specialist, signed an affidavit Friday swearing his allegiance to the United States.
>
> Stamler, an internationally known expert in cardio-vascular ailments, is one of 11 persons subpenaed to appear before the House Un-American Activities Committee when it comes here May 25–27.
>
> The affidavit, a copy of which was turned over to Mayor Daley, said in part:
>
> "I swear allegiance to the American flag and the Constitution of the United States. At no time during my association with the Chicago Board of Health have I engaged in subversive activities of any kind, nor have I actively consorted with groups or individuals with such objectives.
>
> "I am a loyal American citizen and I neither recognize nor intend any obligation in the future to any nation other than my own."
>
> Stamler signed the affidavit after meeting with Health Comr. Dr. Samuel L. Andelman, and Dr. Eric Oldberg, president of the board.

This appeared in the newspapers, and I thought that it should be in the RECORD of this debate today.

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

Mr. TUCK. I yield to the distinguished gentleman from Louisiana.

Mr. WILLIS. I am glad that the gentleman from Illinois put that in the RECORD. It illustrates the simplicity of our procedure. We received evidence saying that Dr. Stamler was a Communist or had been. We told him that. We said, Do you desire to appear and contradict or rebut it or explain it? More than that, do you want us to subpena witnesses, friends of yours on your behalf to explain it? And now here we find Dr. Stamler swearing before a notary public according to that newspaper just a few days before—and by the way, he does not say in that article, "I am not a Communist"—read it, and read it well.

Mr. YATES. Can he be a Communist if he swears allegiance to the United States?

Mr. WILLIS. All right. I say those words are not in there. I agree with the

gentleman. He was saying, or he meant the people to believe that he was saying, "I am not a Communist." Why, then, did he not come before the committee and say, "I swore 3 days ago I was not a Communist, and now I swear before you I am not a Communist"? Why did he not make that statement?

Mr. TUCK. I do not wish to say anything uncomplimentary about Dr. Stamler. I do not know him. I never saw him. I have no malice toward him. But he had every opportunity, if he wanted to do so, to come before the committee, either in executive session or in open session, and deny it. I say that any patriotic American citizen who was not a Communist would have sought the opportunity to answer in the open and not in executive session.

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

Mr. TUCK. I yield to the gentleman from Missouri.

Mr. ICHORD. I agree wholeheartedly with the gentleman from Virginia. I would say at this time that I do not know whether Dr. Stamler is a Communist or not, but I would say this, that it was the information collected by the committee that Dr. Stamler is a Communist, and I would read into the RECORD the testimony of the director of the committee that was a summary of the information that the committee had, not because he should be cited for contempt if he is merely a Communist, but to refute the idea of good reputation, which you have alleged:

The director stated that the staff had information that Dr. Stamler was a member of the Communist Party in 1958 and is known to have attended a Communist Party meeting as recently as 1961; also that, to date, he continues high-level Communist Party contacts and associations, and is a big contributor to Party fund drives.

At a rally of the American Peace Crusade in 1954 Dr. Stamler, who was the youth director of the organization, attacked the Administration as war mongers and Wall Street stooges, and accused then Secretary of State Dulles of leading the U.S. into war with Indo-China. He made a collection speech and mocked Chicago's Civil Defense Program.

In 1962, he was host to three visiting Russians, alleged to be heart specialists, who came to this country under the terms of the cultural exchange program, and who had specifically asked that they be permitted to visit Stamler while in the United States.

A Newsletter published by the American Security Council in December of 1957 stated "One of the most active Communists in the professional ranks is Dr. Jeremiah Stamler," and listed his record of Communist affiliations. (As to the first item, upon reading it, the director stated that there was probably error in it as to place where Stamler joined the Communist Party, because the Committee's investigation revealed he was in New York City, not Chicago, in 1946.)

The director also stated that, as he had indicated at an earlier meeting, Dr. Stamler's Communist record dates back to the '40s. He was active in the Young Communist League in New York City at that time, and was subsequently assigned to head up the State Student Section of YCL. In 1947 he was a member of the National Executive Committee of AIMS (Association of Internes and Medical Students), a Communist front for medical students and internes. In 1950, in Chicago, he was active in the assignment of certain persons to the underground apparatus of the Communist Party.

The director testified also that Mrs. Laura Rae Blough and her husband are alleged to have been recruited in the Communist Party by Dr. Stamler.

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

Mr. WILLIS. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. O'HARA].

Mr. O'HARA of Illinois. Mr. Speaker, the gentleman my colleagues have been talking about is my friend. He is the friend of the people of Chicago. He is one of the great heart specialists of the world. The people in Chicago, who know him, love him. They know that this man never could be disloyal to the United States.

He is not only a great doctor, a great researcher, a great public servant, but he is also a great patriot.

Here this man, whom all of us in Chicago know and love and respect, is the target of a volley of vicious hearsay.

This is America. This is the land of fair play. This is the Congress of the United States. Yet here things are being said about a great American without any proof.

Where it comes from I do not know, but I am beginning to put a great deal of weight in what my friend from Ohio, WAYNE HAYS, said when he rushed in indignation to the microphone to say that hereafter he was not going to consent to payment for these contracts.

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

Mr. O'HARA of Illinois. I yield to my friend from Chicago.

Mr. YATES. The gentleman from Missouri read a great deal into the RECORD from the report of what the director had said. The report says the director was sworn as a witness and testified as to information that he had received. This, of course, as the gentleman knows, is obvious hearsay.

Can the gentleman tell us who gave the director the information?

Mr. ICHORD. I said to the gentleman I did not know whether the information was true or not. I did state to the gentleman that this was a summary of what was in the files, of what the investigators and the FBI had reported to the House Committee on Un-American Activities.

The only reason why we were taking that testimony from the director in executive session was for the committee to determine whether or not we wanted to subpena Dr. Stamler, because I knew Dr. Stamler was a well-known heart specialist in Chicago and I wanted to make certain we were not subpenaing the wrong person.

Mr. O'HARA of Illinois. I cannot yield any more time, but I do have confidence in the gentleman from Missouri and I wish the gentleman from Missouri would tell me if the man who made this charge against this great Chicagoan received $1,000 or $1,500 for his testimony, as intimated by the gentleman from Ohio?

Mr. ICHORD. I am sure the gentleman will yield for an answer to that question. I talked with the gentleman from Ohio later. I believe he should come up and make the statement himself.

I know of no person who received $1,000 or $1, except for the ordinary expense of mileage and witness fees for testifying before the committee.

Certainly I would fire anyone, or ask the chairman to fire him, if I knew that were done.

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

Mr. O'HARA of Illinois. I yield to the gentleman from Ohio.

Mr. HAYS. I asked the question whether these two witnesses had at any time been on the committee payroll or under contract. The committee waxed very indignant very fast.

It is true, and nobody can deny, that they have subsequently put witnesses under contract. They say they put them under contract as consultants. If that is what they did, I will take the chairman's word that is what they did, but there is not any doubt, and the facts will bear it out. I am going to put the names of all persons they put under contract in the RECORD as soon as I can accumulate them.

If the gentleman will yield further, I want to say something else since I have been brought into this.

There is talk about the director. He testified to a lot of allegations. That is what it read. He alleged this. He has been paid. I do not know his salary, but it is pretty good and probably more than the man being talked about. If he cannot come up with better testimony than "it has been alleged" on unevaluated files then you ought to fire him, and do it right here on this floor.

Mr. O'HARA of Illinois. And, on the strength of that, commit a character assassination.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. O'HARA of Illinois. Will the gentleman yield me 5 more minutes?

Mr. WILLIS. I yield the gentleman 5 additional minutes.

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

Mr. O'HARA of Illinois. I yield to the gentleman from New York.

Mr. RYAN. On this point I believe we are entitled to an answer. We have been told that these witnesses have not been paid by the committee.

We are told they are not being paid as consultants to the committee, but the question that has not been answered is have they been paid by any agency of the Federal Government or been on any payroll of any agency of the Federal Government?

Mr. O'HARA of Illinois. If the reputation of this great Chicagoan is being sold for a price of $1,500, I want to know it and I want to know the name of the man who received this $1,500 and gave this testimony on a great son of Chicago.

Mr. WILLIS. No person has ever been paid for testifying or not testifying before the committee. Now, whether anybody who testified before the committee was in the employ of private industry or a Government or State or city or municipality I do not know, and I do not think the director can know that.

Mr. RYAN. Does not the chairman know whether or not any of the witnesses who appear before him are on the payroll of the FBI?

Mr. WILLIS. Of course not. Would the gentleman know who all the persons he knows in life are hired by or paid by?

Mr. RYAN. I would expect the chairman of the committee to know the background of his witnesses, how they came before the committee, and what reasons they might have for testifying. The question of motive is important.

Mr. WILLIS. I may say that the witnesses are truthful, loyal American citizens.

Mr. O'HARA of Illinois. I do not know whether I would put the mantle of honor on somebody who comes anonymously, hiding behind I do not know what, and who tries to steal the reputation of one of the grand sons of Chicago, one of the great heart specialists of this country and of the world.

Mr. YATES. As I understand the reply of the distinguished chairman of the committee to the question of the gentleman from Ohio [Mr. HAYS] it was stated that no witness was paid to testify.

Mr. WILLIS. Or not to testify.

Mr. YATES. But it was also said that such witnesses were subsequently employed by the committee as consultants and were paid. Is that true?

Mr. WILLIS. That I do not know personally. I heard the gentleman from Ohio say it. I said I do not know. It could be. It could be that a witness who testified 15 years ago——

Mr. YATES. Mr. Speaker, will the gentleman yield me 2 minutes?

The SPEAKER. It is the gentleman from Illinois [Mr. O'HARA], who has the time.

Mr. O'HARA of Illinois. I yield to my colleague from Illinois.

Mr. YATES. Mr. Chairman, do you know whether or not any witness or any person who ever testified as a witness before the committee ever received any money subsequently from the House Committee on Un-American Activities?

Mr. WILLIS. Will the gentleman state that question again?

Mr. YATES. Will the chairman tell the House whether any person who testified before the House Committee on Un-American Activities in a proceeding ever subsequently received any funds from the House Committee on Un-American Activities?

Mr. WILLIS. I can say to the gentleman I am getting sick and tired of all these doggoned intimations about dishonesty.

Mr. YATES. I am not claiming anybody is dishonest, but I am just asking the question.

Mr. WILLIS. The implication is just as broad as a door that something is wrong, or something.

Mr. Speaker, I yield 5 minutes to the gentleman from Missouri.

Mr. YATES. But I have the time.

The SPEAKER. The gentleman from Illinois [Mr. O'HARA] has the time.

Mr. YATES. I asked a question which I think the House should have an answer on.

Mr. WILLIS. What is the question?

Mr. YATES. The question is, Does the chairman know of any person who testified as a witness on behalf of or before the House Un-American Activities Committee who was subsequently paid by the House Committee on Un-American Activities to act as a consultant or an expert or a specialist or otherwise?

Mr. WILLIS. I do not know. It could well be.

Mr. YATES. Does the director know how to answer that question and what the answer to that question is?

Mr. WILLIS. He says he knows of some.

Mr. YATES. He knows of some. So the answer is "Yes," then.

Mr. WILLIS. Yes.

Mr. YATES. OK.

Mr. WILLIS. I hope you do not draw any conclusions.

Mr. O'HARA of Illinois. I only draw the conclusion that when somebody is trying to steal the reputation of a man of spotless reputation there must have been a price paid somewhere.

Mr. WILLIS. I do not want to get into an argument with my good friend, but I think that is about enough.

Mr. O'HARA of Illinois. Is the chairman dismissing me? Then, I dismiss him.

Mr. WILLIS. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri [Mr. ICHORD].

Mr. ICHORD. Mr. Speaker and Members of the House, I feel that I must rise on this occasion as a member of the House Committee on Un-American Activities.

Now, Mr. Speaker, the gentleman from Ohio, since I have been a Member of this body has popped up on the floor of the House and made several assertions many, many times. I have never been personally involved.

Now, Mr. Speaker, when the gentleman from Ohio arose, I told the gentleman that if I knew of any case where the director, a member of the committee, an employee of the committee hired any witness to testify, I would go to the chairman and ask that he be fired.

Mr. HAYS. Now, Mr. Speaker, will the gentleman yield?

Mr. ICHORD. I shall yield to the gentleman from Ohio in just a moment.

Mr. Speaker, I will say to the gentleman from Ohio that I do not know what you are trying to do here, but it looks to me like this is the "big smear" technique that you are trying to use on the House Committee on Un-American Activities.

Now, does the gentleman from Ohio think that the gentleman from Louisiana [Mr. WILLIS], one whom we all recognize as being one of the fairest, most congenial, one of the best constitutional lawyers in this House, would hire a witness to testify before the House Committee on Un-American Activities?

Mr. HAYS. Mr. Speaker, if the gentleman will yield, what I asked in the beginning was——

Mr. ICHORD. In just a moment. I yield to the gentleman from Ohio to answer "yes" or "no."

Mr. HAYS. Well, I am not going to answer "yes" or "no." I desire to make a further statement.

Mr. ICHORD. Then, the gentleman will sit down. I refuse to yield to you any more.

Mr. HAYS. Mr. Speaker, I make the point of order that a quorum is not present. We ought to have everyone here.

Mr. ICHORD. The gentleman can make his point of order.

Mr. HAYS. I have not got to answer the question for which the gentleman yielded to me to answer.

Mr. ICHORD. I yield to the gentleman from Ohio to answer the question either "yes" or "no."

Mr. HAYS. I do not have to answer the question "yes" or "no."

Mr. ICHORD. Mr. Speaker, regular order.

Mr. HAYS. Well, you can make your point of order.

Mr. ICHORD. I consider that I am involved in it.

Mr. HAYS. You are involved in it.

Mr. ICHORD. And I can tell you this: Do you feel that the gentleman from Louisiana would hire a witness to testify before the House Committee on Un-American Activities?

Mr. HAYS. Do you want me to tell you what I know?

Mr. ICHORD. Yes.

Mr. HAYS. Do you want me to answer the question?

Mr. ICHORD. Yes.

Mr. HAYS. Mr. Speaker, I just want to state actually what started this. I merely asked if either of these two people had ever been on the committee payroll and it was denied. But now it has been admitted that witnesses have subsequently been put under contract. I did not intend to put that information out. You are the one that did it.

Mr. ICHORD. I did not. Let me tell you, Mr. Speaker, that the gentleman from Ohio is raising a red herring, because I see nothing particularly wrong with that.

Mr. HAYS. You and I discussed it in person.

Mr. ICHORD. Mr. Speaker, I refuse to yield further. I shall yield to the gentleman from Ohio in just a moment. But I would say to the gentleman from Ohio that he should get these cases and put them in the RECORD. I personally, desire to look at the cases to which the gentleman is referring.

Mr. Speaker, the gentleman is raising a red herring, for this reason: There is nothing wrong with the committee hiring a witness who might have testified before the committee in regard to Communist activities at an earlier date, because that would be after the fact.

Mr. HAYS. All right, does the gentleman want me to divulge this further information?

Mr. ICHORD. I will yield further to the gentleman in just a minute. Let me finish.

Mr. Speaker, many of the witnesses that appeared before the House Committee on Un-American Activities are FBI informants. They have infiltrated the Communist Party. They are experts on communism, and the House Committee on Un-American Activities primarily deals with communism. So, why should not the director or the chairman or

whoever does the hiring for the House Committee on Un-American Activities, why should not the chairman of the committee or the director feel free to hire those persons?

Mr. HAYS. Well, you and I discussed this privately, and I thought you agreed that they had been hired and placed on the payroll.

Mr. ICHORD. The gentleman from Ohio misunderstood me. The gentleman is attempting to put words in my mouth, words that were perhaps uttered to the gentleman off the floor of the House.

Mr. HAYS. All right.

Mr. ICHORD. The gentleman misunderstood what I said.

Mr. HAYS. You and I discussed it.

Mr. ICHORD. The gentleman from Ohio was talking about another man, the gentleman from Pennsylvania, who is now deceased.

Mr. HAYS. I was not. I said if anyone wants to hire these people, from now on, let him put them on the payroll. What is the purpose of the contract?

Mr. ICHORD. Are you saying I would be absolutely in favor of it. I do not think——

Mr. HAYS. That is what I was trying to say.

Mr. ICHORD. I do not think that I am trying to eliminate——

Mr. HAYS. I do not want the gentleman to conceal the fact that they were used.

Mr. WAGGONNER. Mr. Speaker, regular order.

Mr. ICHORD. I do not want to say that certain techniques might not have been used.

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

Mr. ICHORD. I will yield to the gentleman from Ohio all day long, and I have no objection to the gentleman from Ohio putting the statements in, but I do not want the gentleman to try to use smear techniques in this case.

Mr. WILLIS. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. RYAN].

Mr. RYAN. Mr. Speaker, finally, after 7:30, we have had an admission on the part of the committee that what the gentleman from Ohio said earlier this afternoon was true.

What the gentleman from Ohio said was very clear. He indicated that a certain type of contract had been used to pay certain witnesses who had appeared before the committee, and that this had been done after the witnesses had appeared and testified.

All this afternoon we were led to believe that this was not the case. Now we know that it is the case. This knowledge certainly casts additional doubts on the activities of this committee. The practice of disguising payments to friendly witnesses through contracts should be terminated immediately.

Mr. Speaker, in every session of Congress in which I have served I have opposed the appropriations for this committee.

The appropriation used to run something like one-third of a million dollars a year. This year the appropriation was $425,000. For both sessions of the 89th Congress the figure is $845,000—almost a million dollars.

At least we are beginning to find out something about what happens to the funds which are appropriated for this committee. There ought to be a full accounting made to the House.

I think the debate this afternoon should convince the Members that we have reached the point where this committee should be eliminated. The rules should have been changed long ago, and any alleged legislative function of this committee assigned to the Committee on the Judiciary.

I certainly hope that at the beginning of the next session the Speaker will recognize a motion to amend the rules to abolish this Committee which has repeatedly tarnished the reputation of the House, trampled upon constitutional rights, and served no real legislative function.

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

Mr. RYAN. I yield to the gentleman from Illinois.

Mr. YATES. All that appears so far in the evidence before the House, and upon which we are asked to act, to cite a respondent for contempt, is the testimony of the director of the committee taken from the raw files of the committee without anybody having attempted to verify the material that was in the files. The only thing that appears as justifying this citation is the raw file. I think the Members of the House know what is in the raw files of the House Committee on Un-American Activities.

Mr. RYAN. The gentleman is right. This is hearsay testimony based upon hearsay testimony.

Mr. YATES. All we have to act upon, according to the report of the committee, is the testimony before the committee of the director, without verification of any kind.

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

Mr. RYAN. Mr. Speaker, I do not wish to yield at this point.

Mr. Speaker, this is a classic example of hearsay piled upon hearsay.

The gentleman from Illinois makes a very important point. It has certainly become clear through this debate today that the reason executive sessions were not permitted in these cases was because the committee was indulging in a habit which it has indulged in many times in the past of using the technique of exposure for the sake of exposure.

Mr. Speaker, the particular resolutions before us today arose from hearings held in Chicago during May of 1965. These hearings were conducted in the usual circus manner of the committee. As is the usual custom, names of witnesses to be called before the committee were leaked to the press in advance of the hearing. At the hearing lawyers for the witnesses were treated with callous disrespect. Just recently we have seen the committee conduct hearings in Washington, so we can sympathize with Mayor Daley and others who protested these Chicago hearings. Two of the witnesses called before the committee, Dr. Jeremiah Stamler and Yolanda Hall were represented by one of Illinois' most distinguished attorneys—Albert E. Jenner, Jr. Mr. Jenner is a former chairman of the Illinois Bar Association, an initial member of the U.S. Loyalty Review Board and was a senior counsel with the Warren Commission. After the hearings Mr. Jenner declared:

> The time has come for loyal citizens to stand up and resist the high-handed tactics of this Committee.

The hearings inspired an editorial by the Chicago Daily News entitled, "Fairplay Went Out the Window."

In its editorial of May 29, 1965, the Chicago Daily News said:

> The three-day visit to Chicago of the House Un-American Activities Committee was a disgrace from start to finish and from hearing room to picket line. Nothing positive was accomplished and a great deal of harm was done.

One of the reasons advanced by the witnesses for refusing to testify was that they had initiated a court action testing the constitutionality of the committee This action was pending in the courts at the time of the Chicago hearing.

The hearings in Chicago true to the tradition of this committee were a farce. On that basis alone we should not cite anyone for contempt. In these cases, however, the three individuals in question refused to testify on the advice of counsel that, if they did so, they might jeopardize their legal action. This case, Stamler against Willis, is now pending in the U.S. Court of Appeals for the Seventh Circuit.

Mr. Speaker, we all know that, if these citations for contempt are voted, there is an excellent chance that the court will not uphold this action. The record shows that since 1950 only 10 out of 130 individuals cited for contempt on recommendation of the committee have been convicted and had their convictions upheld. Six cases are presently pending. However, we must not rely on the courts to clear our conscience. By citing for contempt we put individuals through large expenses and anguish. We also support a committee which long ago should have been abolished.

Let us finally say no to a committee which has no legitimate place in American life.

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

Mr. RYAN. I yield to the gentleman from Minnesota.

Mr. FRASER. Mr. Speaker, one thing that struck me about this discussion of hearsay evidence is that there has been nothing presented on this floor here which would identify Dr. Stamler with the Communist Party, or with Communist-front activities since 1961.

In other words, through 1962, 1963, 1964 and 1965. The committee should explain why they thought that they ought to throw the burden on Dr. Stamler. This points out the difficulties that we are operating under at this point.

Mr. Speaker, I thank the gentleman for yielding.

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

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

Mr. EDWARDS of California. Mr. Speaker, I think we ought to straighten out one more thing. When we were considering the citation of Milton Mitchell Cohen it seems to me that one of the members of the House Committee on Un-American Activities stated that the two witnesses who testified in executive session against Milton Mitchell Cohen were employees of the Federal Government, not of the House Committee on Un-American Activities.

I think that we are entitled to know that. And I would ask permission to address this question to the chairman of the committee, or the members who are present.

Were the two witnesses who testified against Milton Mitchell Cohen in the executive session employees of the Federal Government or on the Federal payroll?

Mr. ICHORD. I will state to the gentleman from California, I have just been advised by the staff that Lola Belle Holmes and Mr. Armstrong were FBI informants. That is, they had infiltrated the Communist Party. But they were not paid a living wage. They were paid expenses which they incurred while working within the Communist Party.

The SPEAKER. The time of the gentleman from New York [Mr. RYAN] has expired.

Mr. EDWARDS of California. The question is answered, and I thank the gentleman.

Mr. WILLIS. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. HAYS].

Mr. HAYS. Mr. Speaker, there has never been any doubt in my mind about the integrity of the gentleman from Louisiana [Mr. WILLIS]. I have always considered him one of the best lawyers in the House of Representatives. When he gave me his assurance a while ago, I said I took it without question. But on the other hand, I do not think just because the gentleman from Missouri [Mr. ICHORD] was appointed to this committee that that made him any holier than anybody else around here.

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

Mr. HAYS. Just sit down; you would not yield to me until you got through. So I will yield to you when I can make my statement, and then I will yield to you at the right time, if the right time comes.

Mr. ICHORD. But I did yield to the gentleman.

Mr. HAYS. Gentlemen, all I asked to begin with was the very simple question—had either of these people been on the payroll of the committee—these two witnesses, that is—and the answer was "No."

I asked had they been put on the payroll subsequently, and that is when the gentleman got into the act. That is all I was going to say. I was trying to get a little information for myself.

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

Mr. HAYS. When I get to that point, I will yield.

Let me recite a little history now. When I came to this body 18 years ago, there was a big Democratic class and the only committee assignment I could get, unfortunately, was on the Committee on House Administration. The first thing that was brought to that committee that caused any trouble on that committee was a big bill to pay a woman, whose name, if I recall correctly, was Elizabeth Bentley. It was for $100 a day. And that was a lot of money back in those days, if I remember correctly, for staying over at the Congressional in a big suite—and the meals ran pretty high, too. Being a country boy, I was not used to that kind of high living then, and I questioned it a little bit. Some of the people on the Committee on Un-American Activities staff have had it in their nose for me ever since. And I get reports from time to time of some of the holier-than-thou staff people who have such a big file on Members of the Congress.

Now I have voted for every single appropriation bill for this committee since I have been here. There have been times——

Mr. ICHORD. Mr. Speaker, now, will the gentleman yield?

Mr. HAYS. If I get more time or if I have some time, I will yield to you, but I am going to finish my story.

As I was saying, there have been times in the Committee on House Administration when I questioned whether or not this committee ought to have as much money as they have had. But I have questioned other committees as well. And I will tell the gentleman I have popped up around here from time to time and I am going to continue to pop up whenever I feel like it, and if you do not like it, my dear friend, well, you will not be the first one who has not liked me, and you will not be the last one—I do not expect. Because I did not come down here to win friends and influence people. I just came down here to try to influence people.

Mr. ICHORD. Mr. Speaker, will the gentleman yield now?

Mr. HAYS. I yield to the gentleman.

Mr. ICHORD. So that we perfectly understand one another, I feel the same way as the gentlemen from Ohio feels. But I point out to the gentleman from Ohio that he is talking about a dead horse. This House changes every 2 years. The House Committee on Un-American Activities changes every 2 years. You are talking about something that went on back in the days of Joe McCarthy.

Mr. HAYS. Mr. Speaker, I decline to yield further at this point.

I will tell the gentleman that I have signed contracts this year for the House Committee on Un-American Activities. I have signed several of them without too much question. I do not know who the people were. Maybe I have been remiss in signing these contracts. The gentleman from Louisiana, Mr. WILLIS, has always sent a covering letter saying he needed these people to promote the committee business, and because I have had confidence in him, I have signed the contracts.

Mr. WILLIS. May I say that is absolutely true, and I appreciate the gentleman doing that.

Mr. HAYS. This is not back in the dead age. We are signing these all the time. Let me tell the House further about this. I hope the gentleman will yield me another minute or two if I need it. We had this Contracts Committee. I did not seek it. I did not seek it. I do not think it is really very much of a job. It is not a very pleasant one. But it was set up because committees were sending up to the House Administration Committee contracts by the bale.

Then the chairman of that committee had to decide whether or not he should sign them. They were almost being signed automatically, and he decided he could not do that any longer, and he set up this little committee, and the fact that the committee was set up cut down the number of contracts coming up there by 90 percent.

We just told the committee chairman——

The SPEAKER. The time of the gentleman has expired.

Mr. HAYS. Mr. Speaker, will the gentleman yield me 2 more minutes?

Mr. WILLIS. I am glad to yield 2 more minutes to the gentleman from Ohio.

Mr. HAYS. I want to say in all fairness the reason that this committee was set up was not because the Un-American Activities Committee particularly was abusing it, because they were not sending us that many contracts. It was other committees. We sort of took the position, and Mr. BURLESON, the chairman, took the position that if these people on these committees really wanted the services of these folks, except in cases where they were under retirement and could not be put on the payroll without sacrificing something, they ought to put them on the payroll and let everyone know about it and have a record on it in the Office of the Clerk of the House. You do not have that with these contracts.

All this ruckus started this afternoon because I simply wanted to know, as guidance for myself in voting on these resolutions—and I have voted for every one you brought in here—I just wanted to know whether these people have been or ever were under contract. That is all.

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

Mr. HAYS. I yield to the gentleman from Missouri.

Mr. ICHORD. I am very glad the gentleman from Ohio cleared up what he meant, because perhaps I was mistaken. I thought the gentleman from Ohio was implying that I or the gentleman from Louisiana would do such a thing.

Mr. HAYS. The gentleman was too quick to infer, but it did take a great deal of doing to get the fact brought out. The news ticker said that I alleged that witnesses subsequently were put on the payroll, and the news ticker said this was denied. But now it has been admitted. So I was not a liar after all.

Mr. ICHORD. I am sure that was not the purpose of the gentleman making the statement, to put it on the ticker.

Mr. HAYS. No, I have been here 18 years, have been trying to keep it a secret but I have not been able to.

Mr. ST GERMAIN. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Rhode Island.

Mr. ST GERMAIN. The gentleman from Missouri makes the statement that the House Un-American Activities Committee changes every two years, as does the Congress. But, since the gentleman is on the Committee on House Administration, I ask this question: As far as this committee is concerned, the staff does not change every two years, does it?

Mr. HAYS. I cannot answer that question. I do not think so.

Mr. KUPFERMAN. Mr. Speaker, the discussion has made it obvious, especially the points made by the gentleman from New Hampshire [Mr. CLEVELAND] that this is not really the appropriate forum for this determination. All the more so when the validity of the procedure followed, as to which a great deal of heat has been engendered here today, is pending in the Court of Appeals for the Seventh Circuit.

Until such time as the court has ruled on the question, I see no point in our considering the matter here. I cannot, therefore, vote for the contempt citation.

The passage of time cannot affect the situation, because the offense, if any, occurred more than a year ago on May 27, 1965, and all of this occurred before I was even elected. Whatever information the committee seeks, and for which it attempts to enforce this sanction, will not be elicited in any timely way. The committee voted to take action on January 13, 1966, and only brings this up at this eleventh hour of the 89th Congress.

Mr. MOORHEAD. Mr. Speaker, I believe that these citations should be returned to the committee to hear the witness in executive session in accordance with rule 26(m) of the rules of the House.

I take this position with some reluctance because I believe that the dignity and the power of the Congress to carry on proper investigations should be upheld.

As a matter of fact it is for this very reason—my belief in the dignity and authority of the Congress—that I take this position.

Almost invariably the courts reject citations voted by the Congress. According to the New York Times—

> In the past fifteen years the Un-American Activities Committee has asked the house to cite 129 individuals for contempt and the House has acceded to every request. Yet only nine of these citations resulted in final convictions.

Certainly it does not uphold the dignity and power of the Congress when the courts overrule our action.

In this connection, I would point out further that the three witnesses whom we are asked to cite for contempt took their case to court even before they appeared before the committee. Their case is now before a U.S. court of appeals. It makes good sense for us to await judicial determination of the very cases now before us.

The Congress need not act now and unnecessarily embarrass itself.

We should send these contempt citations back to committee to be sure that a proper legal basis has been laid, a legal basis that will be upheld by the courts.

There is, to say the least, grave doubt as to whether the Committee on Un-American Activities has made such a record in these cases.

Therefore, these cases should be sent back to the committee.

However, I understand that a motion to recommit will be offered.

If the witnesses are properly recalled and asked questions within the proper purview of the committee and still refuse to answer I would support a contempt citation.

However, I understand that there will be a motion to send these citations to a special select committee for review.

I support this motion.

Mr. RUMSFELD. Mr. Speaker, 1½ years ago I introduced a bill to create a select committee of the House to review all contempt citations required by any committee of the House, prior to the bringing of such contempt citation requests to the House for consideration.

The motion to recommit, which will be offered today, on one or more of the three citation requests to be considered will contain instructions to send the proposed citations to a review committee as proposed in my bill.

It is my intention to support each such motion to recommit with instructions providing for review by a select committee. I am hopeful that they will prevail because I believe that that is the proper procedure for the House to establish regardless of the fact pattern in any specific case. This is how I voted when the KKK citations were before the House. And, as in the KKK cases, it is my intention to support each of the citations in the event that the motion to recommit fails. My concern here is with procedures.

Mr. WILLIS. Mr. Speaker, I ask unanimous consent that all Members be permitted to extend their remarks on the three citations presented today.

The SPEAKER. Is there objection?

There was no objection.

Mr. WILLIS. Mr. Speaker, I have no further requests for time. I move the previous question.

The previous question was ordered.

MOTION TO RECOMMIT

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

The SPEAKER. Is the gentleman opposed to the resolution?

Mr. YATES. I am, Mr. Speaker.

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

The Clerk read as follows:

> Mr. YATES moves to recommit the resolution to the Committee on Un-American Activities.

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

There was no objection.

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

The question was taken; and the Speaker announced that the "nays" appeared to have it.

Mr. YATES. 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 54, nays 182, not voting 196, as follows:

[Roll No. 375]

YEAS—54

| | | |
|---|---|---|
| Annunzio | Gonzalez | Powell |
| Bingham | Green, Pa. | Rees |
| Blatnik | Holifield | Reid, N.Y. |
| Brademas | Horton | Reuss |
| Burke | Kastenmeier | Rodino |
| Burton, Calif. | Krebs | Ronan |
| Cohelan | Kupferman | Rosenthal |
| Conte | Monagan | Rostenkowski |
| Culver | Moorhead | Roybal |
| Dawson | Morse | Ryan |
| Diggs | Multer | St Germain |
| Donohue | Murphy, Ill. | St. Onge |
| Dow | Nedzi | Scheuer |
| Edwards, Calif. | O'Hara, Ill. | Sickles |
| Fogarty | O'Neill, Mass. | Stalbaum |
| Fraser | Ottinger | Tenzer |
| Giaimo | Patten | Vivian |
| Gilbert | Philbin | Yates |

NAYS—182

| | | |
|---|---|---|
| Abbitt | Fulton, Tenn. | Minshall |
| Andrews, George W. | Garmatz | Mize |
| | Gathings | Moore |
| Andrews, N. Dak. | Gettys | Morgan |
| | Gibbons | Morris |
| Arends | Grabowski | Morrison |
| Ashmore | Gray | Murphy, N.Y. |
| Ayres | Griffiths | Natcher |
| Bandstra | Grover | Nelsen |
| Bates | Gubser | O'Hara, Mich. |
| Battin | Gurney | Olson, Minn. |
| Beckworth | Hagen, Calif. | O'Neal, Ga. |
| Bell | Hall | Patman |
| Bennett | Hamilton | Pelly |
| Brock | Hanley | Pepper |
| Brooks | Hardy | Perkins |
| Broyhill, N.C. | Harsha | Pickle |
| Buchanan | Hathaway | Pike |
| Burleson | Hays | Poage |
| Burton, Utah | Hechler | Poff |
| Byrne, Pa. | Henderson | Price |
| Byrnes, Wis. | Herlong | Quie |
| Cabell | Hosmer | Quillen |
| Callan | Hull | Race |
| Cameron | Hutchinson | Redlin |
| Casey | Ichord | Reid, Ill. |
| Cederberg | Irwin | Reifel |
| Clancy | Jarman | Rhodes, Ariz. |
| Clark | Jennings | Rhodes, Pa. |
| Clausen, Don H. | Joelson | Rivers, S.C. |
| | Johnson, Calif. | Rogers, Colo. |
| Cleveland | Johnson, Okla. | Rogers, Fla. |
| Collier | Johnson, Pa. | Rooney, N.Y. |
| Corbett | Jonas | Rumsfeld |
| Cramer | Jones, Ala. | Satterfield |
| Cunningham | Jones, Mo. | Saylor |
| Curtis | Karsten | Schweiker |
| Dague | Karth | Secrest |
| de la Garza | Kee | Selden |
| Delaney | Keogh | Slack |
| Dent | King, Calif. | Smith, Calif. |
| Dingell | Kunkel | Smith, Iowa |
| Dole | Landrum | Springer |
| Dorn | Langen | Staggers |
| Downing | Latta | Stubblefield |
| Dulski | Lennon | Teague, Tex. |
| Duncan, Tenn. | Lipscomb | Tuck |
| Dwyer | Long, Md. | Tuten |
| Edmondson | McClory | Van Deerlin |
| Edwards, La. | McCulloch | Vanik |
| Erlenborn | McDade | Vigorito |
| Everett | McFall | Waggonner |
| Fallon | MacGregor | Waldie |
| Fascell | Machen | Watson |
| Feighan | Mahon | Weltner |
| Flood | Marsh | White, Tex. |
| Ford, William D. | Matthews | Whitener |
| | May | Williams |
| Fountain | Mills | Willis |
| Friedel | Minish | Wilson, Bob |

| | | |
|---|---|---|
| Wilson, Charles H. | Wydler | Zablocki |
| Wyatt | Young | |
| | Younger | |

NOT VOTING—196

| | | |
|---|---|---|
| Abernethy | Foley | Murray |
| Adair | Ford, Gerald R. | Nix |
| Adams | Frelinghuysen | O'Brien |
| Addabbo | Fulton, Pa. | O'Konski |
| Albert | Fuqua | Olsen, Mont. |
| Anderson, Ill. | Gallagher | Passman |
| Anderson, Tenn. | Gilligan | Pirnie |
| | Goodell | Pool |
| Andrews, Glenn | Green, Oreg. | Pucinski |
| | Greigg | Purcell |
| Ashbrook | Grider | Randall |
| Ashley | Gross | Reinecke |
| Aspinall | Hagan, Ga. | Resnick |
| Baring | Haley | Rivers, Alaska |
| Barrett | Halleck | Roberts |
| Belcher | Halpern | Robison |
| Berry | Hanna | Rogers, Tex. |
| Betts | Hansen, Idaho | Roncalio |
| Boggs | Hansen, Iowa | Rooney, Pa. |
| Boland | Hansen, Wash. | Roudebush |
| Bolling | Harvey, Ind. | Roush |
| Bolton | Harvey, Mich. | Schisler |
| Bow | Hawkins | Schmidhauser |
| Bray | Hébert | Schneebeli |
| Broomfield | Helstoski | Scott |
| Brown, Calif. | Hicks | Senner |
| Brown, Clarence J., Jr. | Holland | Shipley |
| | Howard | Shriver |
| Broyhill, Va. | Hungate | Sikes |
| Cahill | Huot | Sisk |
| Callaway | Jacobs | Skubitz |
| Carey | Jones, N.C. | Smith, N.Y. |
| Carter | Keith | Smith, Va. |
| Celler | Kelly | Stafford |
| Chamberlain | King, N.Y. | Stanton |
| Chelf | King, Utah | Steed |
| Clawson, Del | Kirwan | Stephens |
| Clevenger | Kluczynski | Stratton |
| Colmer | Kornegay | Sullivan |
| Conable | Laird | Sweeney |
| Conyers | Leggett | Talcott |
| Cooley | Long, La. | Taylor |
| Corman | Love | Teague, Calif. |
| Craley | McCarthy | Thomas |
| Curtin | McDowell | Thompson, N.J. |
| Daddario | McEwen | Thompson, Tex. |
| Daniels | McGrath | Thomson, Wis. |
| Davis, Ga. | McMillan | Todd |
| Davis, Wis. | McVicker | Toll |
| Denton | Macdonald | Trimble |
| Derwinski | Mackay | Tunney |
| Devine | Mackie | Tupper |
| Dickinson | Madden | Udall |
| Dowdy | Mailliard | Ullman |
| Duncan, Oreg. | Martin, Ala. | Utt |
| Dyal | Martin, Mass. | Walker, Miss. |
| Edwards, Ala. | Martin, Nebr. | Walker, N. Mex. |
| Ellsworth | Mathias | Watkins |
| Evans, Colo. | Matsunaga | Watts |
| Evins, Tenn. | Meeds | Whalley |
| Farbstein | Michel | White, Idaho |
| Farnsley | Miller | Whitten |
| Farnum | Mink | Widnall |
| Findley | Moeller | Wolff |
| Fino | Morton | Wright |
| Fisher | Mosher | |
| Flynt | Moss | |

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Adair.
Mr. Albert with Mr. Gerald R. Ford.
Mr. Foley with Mr. Bray.
Mr. Schmidhauser with Mr. Skubitz.
Mr. Kornegay with Mr. Devine.
Mr. Matsunaga with Mr. Smith of New York.
Mr. Dyal with Mr. Reinecke.
Mr. Daddario with Mr. Michel.
Mr. Kirwan with Mr. Goodell.
Mr. Barrett with Mr. McEwen.
Mr. Nix with Mr. Harvey of Michigan.
Mr. Wolff with Mr. Ellsworth.
Mr. Thompson of New Jersey with Mr. Belcher.
Mr. Steed with Mr. Broomfield.
Mr. Senner with Mr. Dickinson.
Mr. Shipley with Mr. Halleck.
Mr. Aspinall with Mr. Harvey of Indiana.
Mr. Abernethy with Mr. Fino.
Mrs. Kelly with Mr. Halpern.
Mr. Addabbo with Mr. Del Clawson.
Mr. Carey with Mr. Derwinski.
Mr. Denton with Mr. Pirnie.
Mr. Davis of Georgia with Mr. Robison.
Mr. Meeds with Mr. Keith.
Mr. Moss with Mr. Edwards of Alabama.
Mr. Gallagher with Mr. Hansen of Idaho.
Mr. Gilligan with Mr. Betts.
Mr. Rivers of Alaska with Mr. Bow.
Mr. Pool with Mr. Martin of Alabama.
Mr. Evins of Tennessee with Mr. Stafford.
Mr. Cooley with Mr. Berry.
Mr. Colmer with Mr. O'Konski.
Mr. Love with Mr. Martin of Nebraska.
Mr. Craley with Mr. Talcott.
Mr. Holland with Mr. Martin of Massachusetts.
Mr. Roberts with Mr. Watkins.
Mr. Anderson of Tennessee with Mr. Glenn Andrews.
Mr. Hawkins with Mr. Curtin.
Mr. Rooney of Pennsylvania with Mr. King of New York.
Mr. Hungate with Mr. Anderson of Illinois.
Mr. Boggs with Mr. Frelinghuysen.
Mr. Brown of California with Mr. Davis of Wisconsin.
Mr. Celler with Mr. Conable.
Mr. King of Utah with Mr. Morton.
Mr. McVicker with Mrs. Bolton.
Mr. Corman with Mr. Schneebeli.
Mr. Clevenger with Mr. Ashbrook.
Mr. Farbstein with Mr. Thomson of Wisconsin.
Mr. Passman with Mr. Broyhill of Virginia.
Mr. Fuqua with Mr. Widnall.
Mr. Flynt with Mr. Mailliard.
Mr. Fisher with Mr. Laird.
Mr. Grider with Mr. Cahill.
Mr. Miller with Mr. Chamberlain.
Mr. Madden with Mr. Mathias.
Mr. Taylor with Mr. Brown of Ohio.
Mr. Trimble with Mr. Shriver.
Mr. Mackie with Mr. Callaway.
Mr. Schisler with Mr. Roudebush.
Mr. Mackay with Mr. Mosher.
Mr. Roush with Mr. Stanton.
Mr. Boland with Mr. Utt.
Mr. Moeller with Mr. Carter.
Mr. Pucinski with Mr. Walker of Mississippi.
Mr. Resnick with Mr. Findley.
Mr. Purcell with Mr. Fulton of Pennsylvania.
Mr. Hagan of Georgia with Mr. Teague of California.
Mr. Randall with Mr. Olsen of Montana.
Mr. Evans of Colorado with Mr. Farnum.
Mr. Daniels with Mr. Duncan of Oregon.
Mr. McDowell with Mrs. Mink.
Mr. Helstoski with Mr. Rogers of Texas.
Mr. Hicks with Mr. Huot.
Mr. Jacobs with Mr. Ashley.
Mr. Baring with Mr. Scott.
Mr. Sikes with Mr. Chelf.
Mr. Sisk with Mr. Stratton.
Mrs. Sullivan with Mr. Thompson of Texas.
Mr. Ullman with Mr. Watts.
Mr. Udall with Mr. Long of Louisiana.
Mr. Leggett with Mr. Walker of New Mexico.
Mr. Kluczynski wtih Mr. Smith of Virigina.
Mr. Jones of North Carolina with Mr. Adams.
Mr. Howard with Mr. Roncalio.
Mr. Conyers with Mr. Hanna.
Mr. Hansen of Iowa with Mrs. Green of Oregon.
Mr. Greigg with Mrs. Hansen of Washington.
Mr. Dowdy with Mr. McMillan.
Mr. Stephens with Mr. Sweeney.
Mrs. Thomas with Mr. Todd.
Mr. Tunney with Mr. Farnsley.
Mr. O'Brien with Mr. Macdonald.
Mr. McCarthy with Mr. Toll.
Mr. White of Idaho with Mr. Whitten.
Mr. Wright with Mr. Murray.

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

Mr. WYATT 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 resolution.

The question was taken; and the Speaker announced that the "ayes" appeared to have it.

Mr. WILLIAMS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. 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 174, nays 37, not voting 221, as follows:

[Roll No. 376]

YEAS—174

| | | |
|---|---|---|
| Abbitt | Gibbons | Natcher |
| Andrews, George W. | Gray | Nelsen |
| | Griffiths | O'Hara, Mich. |
| Andrews, N. Dak. | Grover | Olson, Minn. |
| | Gubser | O'Neal, Ga. |
| Arends | Gurney | Patman |
| Ashmore | Hagen, Calif. | Patten |
| Ayres | Hall | Pelly |
| Bandstra | Hamilton | Pepper |
| Bates | Hanley | Perkins |
| Battin | Hardy | Pickle |
| Beckworth | Harsha | Pike |
| Bell | Hathaway | Poage |
| Bennett | Hays | Poff |
| Brock | Hechler | Price |
| Brooks | Herlong | Quie |
| Broyhill, N.C. | Hosmer | Quillen |
| Buchanan | Hull | Race |
| Burleson | Hutchinson | Redlin |
| Burton, Utah | Ichord | Reid, Ill. |
| Byrne, Pa. | Jarman | Reifel |
| Byrnes, Wis. | Jennings | Rhodes, Ariz. |
| Cabell | Joelson | Rhodes, Pa. |
| Callan | Johnson, Calif. | Rivers, S.C. |
| Cameron | Johnson, Okla. | Rogers, Colo. |
| Casey | Johnson, Pa. | Rogers, Fla. |
| Cederberg | Jonas | Rumsfeld |
| Clancy | Jones, Ala. | Satterfield |
| Clark | Jones, Mo. | Schweiker |
| Clausen, Don H. | Karsten | Secrest |
| | Karth | Selden |
| Cleveland | Kee | Sikes |
| Collier | King, Calif. | Slack |
| Corbett | Kunkel | Smith, Calif. |
| Cunningham | Landrum | Smith, Iowa |
| Dague | Langen | Springer |
| de la Garza | Latta | Staggers |
| Delaney | Leggett | Stubblefield |
| Dent | Lipscomb | Teague, Tex. |
| Dingell | Long, La. | Tuck |
| Dole | Long, Md. | Tuten |
| Dorn | McClory | Vanik |
| Downing | McCulloch | Vigorito |
| Dulski | McDade | Waggonner |
| Duncan, Tenn. | McFall | Waldie |
| Dwyer | MacGregor | Watson |
| Edmondson | Machen | Weltner |
| Edwards, La. | Mahon | White, Tex. |
| Erlenborn | Marsh | Whitener |
| Everett | Matthews | Williams |
| Fallon | Miller | Wilson, Bob |
| Fascell | Mills | Wilson, Charles H. |
| Feighan | Minish | |
| Flood | Minshall | Wyatt |
| Fountain | Mize | Wydler |
| Friedel | Moore | Young |
| Fulton, Tenn. | Morgan | Younger |
| Garmatz | Morris | Zablocki |
| Gathings | Morrison | |
| Gettys | Murphy, N.Y. | |

NAYS—37

| | | |
|---|---|---|
| Annunzio | Horton | Philbin |
| Bingham | Irwin | Rees |
| Blatnik | Krebs | Reid, N.Y. |
| Brademas | Kupferman | Reuss |
| Burke | May | Ronan |
| Conte | Monagan | Rostenkowski |
| Curtis | Moorhead | Roybal |
| Dawson | Morse | Ryan |
| Donohue | Multer | St Germain |
| Fogarty | Murphy, Ill. | St. Onge |
| Gilbert | O'Hara, Ill. | Yates |
| Gonzalez | O'Neill, Mass. | |
| Green, Pa. | Ottinger | |

NOT VOTING—221

| | | |
|---|---|---|
| Abernethy | Ford, Gerald R. | Nix |
| Adair | Ford, William D. | O'Brien |
| Adams | Fraser | O'Konski |
| Addabbo | Frelinghuysen | Olsen, Mont. |
| Albert | Fulton, Pa. | Passman |
| Anderson, Ill. | Fuqua | Pirnie |
| Anderson, Tenn. | Gallagher | Pool |
| Andrews, Glenn | Giaimo | Powell |
| Ashbrook | Gilligan | Pucinski |
| Ashley | Goodell | Purcell |
| Aspinall | Grabowski | Randall |
| Baring | Green, Oreg. | Reinecke |
| Barrett | Greigg | Resnick |
| Belcher | Grider | Rivers, Alaska |
| Berry | Gross | Roberts |
| Betts | Hagan, Ga. | Robison |
| Boggs | Haley | Rodino |
| Boland | Halleck | Rogers, Tex. |
| Bolling | Halpern | Roncalio |
| Bolton | Hanna | Rooney, N.Y. |
| Bow | Hansen, Idaho | Rooney, Pa. |
| Bray | Hansen, Iowa | Rosenthal |
| Broomfield | Hansen, Wash. | Roudebush |
| Brown, Calif. | Harvey, Ind. | Roush |
| Brown, Clarence J., Jr. | Harvey, Mich. | Saylor |
| Broyhill, Va. | Hawkins | Scheuer |
| Burton, Calif. | Hébert | Schisler |
| Cahill | Helstoski | Schmidhauser |
| Callaway | Henderson | Schneebeli |
| Carey | Hicks | Scott |
| Carter | Holifield | Senner |
| Celler | Holland | Shipley |
| Chamberlain | Howard | Shriver |
| Chelf | Hungate | Sickles |
| Clawson, Del | Huot | Sisk |
| Clevenger | Jacobs | Skubitz |
| Cohelan | Jones, N.C. | Smith, N.Y. |
| Colmer | Kastenmeier | Smith, Va. |
| Conable | Keith | Stafford |
| Conyers | Kelly | Stalbaum |
| Cooley | Keogh | Stanton |
| Corman | King, N.Y. | Steed |
| Craley | King, Utah | Stephens |
| Cramer | Kirwan | Stratton |
| Culver | Kluczynski | Sullivan |
| Curtin | Kornegay | Sweeney |
| Daddario | Laird | Talcott |
| Daniels | Lennon | Taylor |
| Davis, Ga. | Love | Teague, Calif. |
| Davis, Wis. | McCarthy | Tenzer |
| Denton | McDowell | Thomas |
| Derwinski | McEwen | Thompson, N.J. |
| Devine | McGrath | Thompson, Tex. |
| Dickinson | McMillan | Thomson, Wis. |
| Diggs | McVicker | Todd |
| Dow | Macdonald | Toll |
| Dowdy | Mackay | Trimble |
| Duncan, Oreg. | Mackie | Tunney |
| Dyal | Madden | Tupper |
| Edwards, Ala. | Mailliard | Udall |
| Edwards, Calif. | Martin, Ala. | Ullman |
| Ellsworth | Martin, Mass. | Utt |
| Evans, Colo. | Martin, Nebr. | Van Deerlin |
| Evins, Tenn. | Mathias | Vivian |
| Farbstein | Matsunaga | Walker, Miss. |
| Farnsley | Meeds | Walker, N. Mex. |
| Farnum | Michel | Watkins |
| Findley | Mink | Watts |
| Fino | Moeller | Whalley |
| Fisher | Morton | White, Idaho |
| Flynt | Mosher | Whitten |
| Foley | Moss | Widnall |
| | Murray | Willis |
| | Nedzi | Wolff |
| | | Wright |

Mr. YATES (interrupting the rollcall). Regular order.

Mr. HALL. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. HALL. I demand that the well be cleared.

Mr. YATES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. YATES. What is the regular order?

The SPEAKER. The regular order is that a rollcall is underway.

Mr. HALL. Mr. Speaker, I renew my request.

The SPEAKER. The well appears to be clear. However, the Chair sees several Members here who apparently have not voted.

Mr. HALL. Mr. Speaker, I move that the Sergeant at Arms——

The SPEAKER. The Chair will not entertain that motion.

Mr. DENT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DENT. Am I correct that if we do not have a quorum present on the vote, tomorrow the first order of business will be a vote on the same question?

The SPEAKER. Exactly.

Mr. DENT. Then I would advise those Members who are hiding to come out and vote.

Mr. WELTNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. WELTNER. Mr. Speaker, in the event that the result of the vote is announced and it appears that less than a quorum, or less than 218 Members, have voted, and unanimous consent is not given to dispense with further proceedings under the call, am I correct in understanding that the Sergeant at Arms will then be under an obligation to produce the nonvoting Members?

The SPEAKER. The Chair will state, in response to the inquiry, that if a quorum is not present one of two alternatives remain; one, to adjourn the House, and the other, to instruct the Sergeant at Arms.

The Chair wants to state, frankly, the Chair would not instruct the Sergeant at Arms.

The Chair might state that recognizing Members for parliamentary inquiries at this stage is not to be considered as a precedent in the future.

Mr. HALL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. HALL. In the event of the stipulations made by the Speaker as to whom he would recognize and not recognize, if further proceedings under the call of the House are not dispensed with, would it not be automatic that the Sergeant at Arms would be instructed by the Speaker to enjoin a quorum in the House?

The SPEAKER. The Chair will state that this is an automatic rollcall on the adoption of the resolution. The question of dispensing with further proceedings under the call would not be involved.

In answer to the second part of the gentleman's inquiry, that would not automatically follow.

Mr. HALL. I thank the Speaker.

Mr. ARENDS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. ARENDS. If it should happen that a quorum does not develop tonight, the unfinished business tomorrow would be the retaking of this same vote?

The SPEAKER. Exactly. That would be the first order of business.

Mr. ARENDS. Like the Speaker, I hope the people will come out of the woodwork. Let us finish our business and keep on going.

The SPEAKER. Apparently they are not going to.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum not being present, this matter will be taken up as the first order of business tomorrow.

## ELEMENTARY AND SECONDARY EDUCATION ACT AMENDMENTS OF 1966—CONFERENCE REPORT

Mr. POWELL submitted a conference report and statement on the bill H.R. 13161, the Elementary and Secondary Education Act Amendments of 1966.

## ADJOURNMENT

Mr. MILLS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock p.m.) the House adjourned until tomorrow, Wednesday, October 19, 1966, 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:

2825. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a report that the appropriation to the Veterans' Administration for "Compensation and pensions" for the fiscal year 1967, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriations, pursuant to the provisions of 31 U.S.C. 665; to the Committee on Appropriations.

2826. A letter from the Director, Office of Emergency Planning, Executive Office of the President, transmitting a report on borrowing authority for the period ending June 30, 1966, pursuant to the provisions of section 304(b) of the Defense Production Act of 1950, as amended; to the Committee on Banking and Currency.

2827. A letter from the Assistant Secretary of the Interior, transmitting the application of the Malad Valley Irrigating Co. of Malad City, Oneida County, Idaho, for a loan and grant, pursuant to the provisions of 70 Stat. 1044, as amended; to the Committee on Interior and Insular Affairs.

2828. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a report of visa petitions approved, according certain beneficiaries third preference and sixth preference classification, pursuant to the provisions of section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

## 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. MILLS: Committee on Ways and Means. H.R. 7030. A bill to amend the Internal Revenue Code of 1954 to allow a farmer a deduction from gross income for water assessments levied by irrigation ditch companies; with amendments (Rept. No. 2299). Referred to the Committee of the Whole House on the State of the Union.

Mr. RHODES of Pennsylvania: Committee on Ways and Means. H.R. 13455. A bill to amend title XVIII of the Social Security Act to provide payment for podiatrists' services

under the program of supplementary medical insurance benefits for the aged; with amendment (Rept. No. 2300). Referred to the Committee of the Whole House on the State of the Union.

Mr. PATMAN: Committee of conference. S. 3708. An act to assist comprehensive city demonstration programs for rebuilding slum and blighted areas and for providing the public facilities and services necessary to improve the general welfare of the people who live in those areas, to assist and encourage planned metropolitan development, and for other purposes (Rept. No. 2301). Ordered to be printed.

Mr. WILLIS: Committee on Un-American Activities. Report citing Milton Mitchell Cohen; without amendment (Rept. No. 2302). Ordered to be printed.

Mrs. GRIFFITHS: Committee on Ways and Means. H.R. 13116. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on certain nonmalleable iron castings; with amendment (Rept. No. 2303). Referred to the Committee of the Whole House on the State of the Union.

Mr. COOLEY: Committee of conference. H.R. 14929. An act to promote international trade in agricultural commodities, to combat hunger and malnutrition, to further economic development, and for other purposes (Rept. No. 2304). Ordered to be printed.

Mr. WILLIS: Committee on Un-American Activities. Report citing Yolanda Hall; without amendment (Rept. No. 2305). Ordered to be printed.

Mr. WILLIS: Committee on Un-American Activities. Report citing Jeremiah Stamler; without amendment (Rept. No. 2306). Ordered to be printed.

Mr. YOUNG: Committee on Rules. House Resolution 1063. Resolution providing for the consideration of Senate Joint Resolution 167, joint resolution to enable the United States to organize and hold an International Conference on Water for Peace in the United States in 1967 and authorize an appropriation therefor (Rept. No. 2307). Referred to the House Calendar.

Mr. MILLS: Committee of conference. H.R. 17607. An act to suspend the investment credit and the allowance of accelerated depreciation in the case of certain real property (Rept. No. 2308). Ordered to be printed.

Mr. POWELL: Committee of conference. H.R. 13161. An act to strengthen and improve programs of assistance for our elementary and secondary schools (Rept. No. 2309). Ordered to be printed.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BURKE:

H.R. 18420. A bill to amend title II of the Social Security Act to provide a 10-percent benefit increase, to provide a minimum $100 a month benefit for certain individuals with 25 years' service, to liberalize the retirement test, and to increase the earnings base for benefit and tax purposes; to the Committee on Ways and Means.

By Mr. BYRNE of Pennsylvania:

H.R. 18421. A bill to authorize the conduct of certain research and development through the Coast Guard in order to develop an effective electronic guidance system; to the Committee on Merchant Marine and Fisheries.

By Mr. FEIGHAN:

H.R. 18422. A bill to amend title II of the Social Security Act to increase to $2,400 the annual amount individuals are permitted to earn without suffering deduction from the monthly insurance benefits payable to them under such title; to the Committee on Ways and Means.

By Mr. GIBBONS:

H.R. 18423. A bill to improve the payroll administration of the House of Representatives, and for other purposes; to the Committee on House Administration.

By Mr. CONYERS:

H.R. 18424. A bill to authorize the merger of two or more professional football leagues, and to protect football contests between secondary schools from professional football telecasts; to the Committee on the Judiciary.

By Mrs. DWYER:

H.R. 18425. A bill to amend title II of the Social Security Act to provide an 8-percent across-the-board benefits increase; to the Committee on Ways and Means.

By Mr. FULTON of Pennsylvania:

H.R. 18426. A bill to provide a deduction for income tax purposes, in the case of a disabled individual, for expenses for transportation to and from work; and to provide an additional exemption for income tax purposes for a taxpayer or spouse who is physically or mentally incapable of caring for himself; to the Committee on Ways and Means.

By Mr. LANDRUM:

H.R. 18427. A bill, to authorize the Secretary of Agriculture to cooperate with States, counties, and local public agencies in the planning and installation of works and measures to control or prevent erosion damages to the roadbeds and rights-of-way of existing State and county roads and highways; to the Committee on Public Works.

By Mr. McCLORY:

H.R. 18428. A bill to authorize the Legislative Reference Service to make use of automatic data processing techniques and equipment in the performance of its functions; to the Committee on House Administration.

By Mr. STAGGERS:

H.R. 18429. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. PATTEN:

H.J. Res. 1319. Joint resolution calling upon the President to proclaim a National Senior Citizens Day; to the Committee on the Judiciary.

By Mr. FARNUM:

H. Con. Res. 1042. Concurrent resolution expressing the sense of the Congress with respect to certain proposed regulations of the Food and Drug Administration relating to the labeling and content of diet foods and diet supplements; to the Committee on Interstate and Foreign Commerce.

By Mr. MORRIS:

H. Con. Res. 1043. Concurrent resolution expressing the sense of the Congress with respect to certain proposed regulations of the Food and Drug Administration relating to the labeling and content of diet foods and diet supplements; to the Committee on Interstate and Foreign Commerce.

By Mr. O'BRIEN:

H. Con. Res. 1044. Concurrent resolution expressing the sense of the Congress with respect to certain proposed regulations of the Food and Drug Administration relating to the labeling and content of diet foods and diet supplements; to the Committee on Interstate and Foreign Commerce.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Illinois:

H.R. 18430. A bill for the relief of Bozidar Racic; to the Committee on the Judiciary.

By Mr. ANNUNZIO:

H.R. 18431. A bill for the relief of Pantelis Vakidis; to the Committee on the Judiciary.

By Mr. BENNETT:

H.R. 18432. A bill for the relief of Fernando Caulos Galang and his wife, Carmelita Pulido Galang; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 18433. A bill for the relief of William Tsarouchis; to the Committee on the Judiciary.

By Mr. GALLAGHER:

H.R. 18434. A bill for the relief of Lolita T. Flores; to the Committee on the Judiciary.

H.R. 18435. A bill for the relief of Carmen Dato Castillo; to the Committee on the Judiciary.

H.R. 18436. A bill for the relief of Lilia Medroso Benaid; to the Committee on the Judiciary.

By Mr. HANLEY:

H.R. 18437. A bill for the relief of Rosette Hamaoui; to the Committee on the Judiciary.

By Mr. IRWIN:

H.R. 18438. A bill for the relief of Carmelo Macauda; to the Committee on the Judiciary.

By Mr. KEE:

H.R. 18439. A bill for the relief of Jew Hing On; to the Committee on the Judiciary.

By Mrs. KELLY:

H.R. 18440. A bill for the relief of Reinhard Christian Bernet; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 18441. A bill for the relief of Cristos Rogaris; to the Committee on the Judiciary.

By Mr. O'BRIEN:

H.R. 18442. A bill for the relief of Peter (Panagiotis) Baltis; to the Committee on the Judiciary.

By Mr. POWELL:

H.R. 18443. A bill for the relief of Calogero Di Maggio; to the Committee on the Judiciary.

H.R. 18444. A bill for the relief of Antonino Randazzo; to the Committee on the Judiciary.

H.R. 18445. A bill for the relief of Maria Luigia Di Giorgio; to the Committee on the Judiciary.

H.R. 18446. A bill for the relief of Lister Arton Bishop; to the Committee on the Judiciary.

H.R. 18447. A bill for the relief of Ruby Gwendolyn Williams; to the Committee on the Judiciary.

H.R. 18448. A bill for the relief of Dennis Lue; to the Committee on the Judiciary.

H.R. 18449. A bill for the relief of Mervyn Wallace; to the Committee on the Judiciary.

H.R. 18450. A bill for the relief of Vida A. Bell; to the Committee on the Judiciary.

H.R. 18451. A bill for the relief of Winston Phillips; to the Committee on the Judiciary.

By Mr. REES:

H.R. 18452. A bill for the relief of Mr. Mohsen Pazirandeh; to the Committee on the Judiciary.

By Mr. SCHEUER:

H.R. 18453. A bill for the relief of Luc Florely Etienne; to the Committee on the Judiciary.

H.R. 18454. A bill for the relief of Irlene Augustin; to the Committee on the Judiciary.

H.R. 18455. A bill for the relief of Frederica E. Barefield; to the Committee on the Judiciary.

By Mr. UTT:

H.R. 18456. A bill for the relief of Our Lady of Pillar Catholic Church in Santa Ana, Calif; to the Committee on the Judiciary.

By Mr. WRIGHT:

H.R. 18457. A bill for the relief of Ibrahim Hassan Sadek; to the Committee on the Judiciary.

By Mr. YATES:

H.R. 18458. A bill for the relief of Alexander Lazar Abraham and Adeline Abraham; to the Committee on the Judiciary.