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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Armed Services with an amendment to strike out all after the enacting clause and insert:

TITLE I—PROCUREMENT

SEC. 101. Funds are hereby authorized to be appropriated during the fiscal year 1967 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, as authorized by law, in amounts as follows:

Aircraft

For aircraft: for the Army, $612,400,000; for the Navy and the Marine Corps, $1,422,200,000; for the Air Force, $4.016,300,000, of which amount $55,000,000 is authorized only for procurement of, or for maintaining a production capability for, the F–12 aircraft.

Missiles

For missiles: for the Army, $510,000,000, of which amount $153,500,000 is authorized only for preproduction activities for the NIKE–X antiballistic missile system; for the Navy, $367,700,000; for the Marine Corps, $17,700,000; for the Air Force, $1,189,500,000.

Naval vessels

For naval vessels: for the Navy, $1,756,200,000, of which amount $150,000,000 is authorized only for the construction of a nuclear-powered guided missile frigate.

Tracked combat vehicles

For tracked combat vehicles: for the Army $359,200,000; for the Marine Corps, $3,700,000.

TITLE II

Research, development, test, and evaluation

SEC. 201. Funds are hereby authorized to be appropriated during the fiscal year 1967 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

For the Army, $1,528,700,000, of which amount $14,400,000 is authorized only for research, development, and tests related to preproduction activities on the NIKE–X antiballistic missile system.

For the Navy (including the Marine Corps), $1,748,600,000;

For the Air Force, $3,053,800,000; and

For Defense agencies, $549,059,000.

SEC. 202. There is hereby authorized to be appropriated to the Department of Defense during fiscal year 1967 for use as an emergency fund for research, development, test, and evaluation or procurement or production related thereto, $125,000,000.

ADJOURNMENT

Mr. NELSON. 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 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 8 minutes p.m.) the Senate adjourned until tomorrow, Thursday, April 28, 1966, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 27, 1966:

BOARD OF PAROLE

Gerald E. March, of Maine, to be a member of the Board of Parole for the term expiring September 30, 1971. (Reappointment.)

SECURITIES AND EXCHANGE COMMISSION

Francis M. Wheat, of California, to be a member of the Securities and Exchange Commission for the term of 5 years expiring June 5, 1971. (Reappointment.)

UNITED NATIONS

James M. Nabrit, Jr., of the District of Columbia, to be the Deputy Representative of the United States of America to the United Nations with the rank and status of Ambassador Extraordinary and Plenipotentiary, and Deputy Representative of the United States of America in the Security Council of the United Nations, vice Charles W. Yost.

HOUSE OF REPRESENTATIVES

WEDNESDAY, APRIL 27, 1966

The House met at 12 o'clock noon.

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

In solemn truth I can see that God is no respecter of persons, but that in every nation the man who reverences Him and does what is right is acceptable to Him. And Jesus went about doing good. Acts 10: 34, 38, Phillips translation.

O God, Creator of the world, sustainer of life and the Father of all men, in quietness and reverence we lift our hearts anew to Thee, praying that Thy grace may cleanse us, Thy power may strengthen us, and Thy love develop in us greater good will. Forgive our selfishness, our narrowness, our prejudices, and our pride. Set us free from the bonds which separate us and draw us together in Thee as one people in spirit and in truth. May we become like Him who went about doing good, always good, nothing but good: even Jesus Christ our Lord. Amen.

THE JOURNAL

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

COMMITTEE ON APPROPRIATIONS

Mr. FOGARTY. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations have until midnight Friday to file a report on the Departments of Labor and Health, Education, and Welfare and related agencies appropriation bill, 1967.

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

There was no objection.

Mr. LAIRD. Mr. Speaker, I reserve all points of order on the bill.

NATIONAL UNICEF DAY

Mr. CAMERON. 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. CAMERON. Mr. Speaker, the day after Halloween night is All-Saints Day, and judging from the contributions that American children annually collect for UNICEF through their "trick or treat" drive, I would say that a goodly number of those saints are the youngsters of this country.

In introducing legislation to annually designate October 31 as National UNICEF Day, I wish to emphasize the multifaceted good that this 20-year-old U.N. organization has showered on the children of the world who are so often faced with hunger and disease.

Not only has UNICEF sponsored programs of medical care, disease prevention, and nutrition, but it has helped bind together over 100 of the world's diverse countries in a common effort toward a peaceful goal.

It comes as no surprise that UNICEF received the Nobel Peace Prize in 1965 for its resounding success in the field of humanitarianism. We should feel particularly proud that our country has so long been a cooperative participant in UNICEF's efforts. Our active support has evidenced itself in the annual purchases we make of UNICEF greeting cards and calendars. And, of course, the Halloween "trick or treat" campaign prompted the action called for in my resolution. Anything we can do to encourage the acceptance of this international project as a permanent feature of our lives should be supported, and I hope that Congress will lead the way in voting unanimously for the resolution.

APPOINTMENT OF DR. JAMES M. NABRIT, JR., AS U.S. DEPUTY REPRESENTATIVE TO THE UNITED NATIONS

Mr. O'HARA of Illinois. 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 Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, as one who has enjoyed a rich friendship for many years with Dr. James M. Nabrit, Jr., and served with him at the United Nations, I was very happy to learn of President Johnson's appointment of this outstanding American as the U.S. deputy representative to the United Nations. He will succeed Ambassador Charles W. Yost, who is retiring after a distinguished career of 33 years in the Foreign Service to become senior fellow at the Council on Foreign Relations. Ambassador Yost will carry with him into retirement the gratitude of the American people for services well and faithfully performed on the highest level of efficiency and their every good wish.

Ambassador Nabrit will be second only to Permanent Ambassador Arthur Goldberg in our representation at the United Nations. He is numbered among the great Americans of our times and with the accomplished and charming Mrs. Nabrit has been participant in many activities. Since 1960 he has been president of Howard University. He is now on leave as Howard's president to perform his ambassadorial duties.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. ROGERS of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce be permitted to sit this afternoon during general debate.

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

There was no objection.

A MOST EXCITING AND UNUSUAL PHENOMENON

Mr. CONTE. 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 Massachusetts?

There was no objection.

Mr. CONTE. Mr. Speaker, it is with a great deal of pleasure and satisfaction that I rise to describe a most exciting and unusual phenomenon which I observed on my way to my office this morning. The event gave me a rare thrill and I am most anxious to share it with my distinguished colleagues.

I am well aware that what I observed suggests the incredible and that few of you in this body will perhaps accept my word for it. But I can assure you my eyes did not fail me and, if you can accept my story, I am sure you will agree this is indeed a time for rejoicing.

Mr. Speaker, at a time when bird-watchers are propelled into raptures over sighting of early robins and migrating flocks of game birds overhead, when gardeners wax poetic over blossoming jonquils and daffodils, and when every park bench becomes a rendezvous for young love, I, too, observed a startling "first" this morning.

On my way through Rock Creek Park, I observed a man pouring bituminous concrete. Yes, it is true. He was actually pouring asphalt there among the blinking safety lights and the jungle of steel barricades that have come to be an accepted way of life for so many of us commuters.

Yesterday morning, I had a hint of what was to come. As I picked my way among the lights and crumbled pavement, I first noticed two men in bright orange vests. One carried provisions in the form of a box of popcorn. The other carried two bottles of soft drink. A little further on, I spotted another man carrying several steaming cups of coffee. I rounded a turn and there, sure enough, was a derrick operating over the chopped-up pavement.

I figured it was an official resumption of work on what is surely destined to become the eighth wonder of the world when I noticed the team of observers in their official workmen's overalls and orange vests, braced against their shovels, carefully watching the derrick. Hardly daring to hope, you can imagine my thrill when, this morning at that very spot, I saw steaming asphalt poured on the roadway.

If what I saw does, in fact, mark the resumption of work on the parkway, in keeping with the promises of the National Park Service, then I must extend my compliments and congratulations to those officials. In spite of the fact that it is costing us an additional $40,000 to have that man out there pouring asphalt, and to support his team of observers and provisioners, I say hats off and three cheers.

I must also say my hopes have been rekindled that, unlike the men of ancient Greece and Egypt, we will live to see both the beginning and the completion of this manmade wonder.

COST OF JOB CORPS PER GRADUATE

Mr. MICHEL. 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 Illinois?

There was no objection.

Mr. MICHEL. Mr. Speaker, since I pointed out Monday the cost of the Job Corps per graduate, I have been the recipient of some flak from its defenders. I did not question the aim of the program, I was merely making sure the taxpayers know the size of the weapon being used.

It is interesting to note that the Job Corps is asking $355 million for fiscal 1967. Adding the $278 million of this year, the total is $633 million, well over half a billion dollars. Programs should be judged by results rather than intent. It is obvious that the Job Corps would have to graduate 70,000 by end of fiscal 1967 to meet the administration's stated cost of $9,000 per enrollee—a long way from the 1,061 turned out to date.

We are spending $484 per year on the average per school student. We are spending 18 times as much per individual in the Job Corps. With the war in Vietnam costing us $20 million per day, there is a reasonable question as to the desirability of going into this program on such a scale. Perhaps if there were more Indians and fewer chiefs, the cost of training the underprivileged would more nearly equal the cost of schooling.

CALL OF THE HOUSE

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

The SPEAKER. Evidently, a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 72]

Abbitt	Dorn	Johnson, Okla.
Ashley	Dowdy	Kelly
Beckworth	Farnsley	McMillan
Betts	Fisher	Mathias
Blatnik	Fuqua	Matthews
Bray	Griffin	Mize
Burleson	Gubser	Murray
Callaway	Hansen, Idaho	Nix
Conyers	Hansen, Wash.	Rees
Corman	Harsha	Reuss
Delaney	Holifield	Rivers, Alaska
Diggs	Jarman	Rivers, S.C.
Roberts	Sikes	Williams
Rooney, N.Y.	Teague, Tex.	Willis
Roudebush	Toll	Wilson,
Saylor	Watson	Charles H.
Scott		

The SPEAKER. On this rollcall, 385 Members have answered to their names, a quorum.

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

EQUAL EMPLOYMENT OPPORTUNITY ACT OF 1965

Mr. POWELL. 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. 10065) to more effectively prohibit discrimination in employment because of race, color, religion, sex, or national origin, and for other purposes.

The SPEAKER pro tempore. (Mr. ALBERT). The question is on the motion.

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. 10065, with Mr. O'BRIEN in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from New York [Mr. POWELL] will be recognized for 1 hour and the gentleman from California [Mr. BELL] will be recognized for 1 hour.

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

Mr. POWELL. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, I would like to take this opportunity to thank the chairman of the subcommittee, the gentleman from Pennsylvania [Mr. DENT] for the great work he did on this piece of legislation and also to congratulate my colleague, the gentleman from California [Mr. HAWKINS] as the author of this particular piece of legislation.

Mr. Chairman, I rise to explain the purpose of H.R. 10065, a bill to more effectively prohibit discrimination in employment because of race, color, religion, sex, or national origin.

Mr. Chairman, I insert at this point a compilation of the FEPC bills which I have introduced since January 24, 1945:

COMPILATION OF FEPC BILLS INTRODUCED BY CHAIRMAN POWELL SINCE JANUARY 24, 1945

H.R. 1743. To prohibit discrimination in employment because of race, creed, color, national origin, or ancestry.

Introduced by Mr. POWELL; referred to Committee on Labor, January 24, 1945 (91 CONGRESSIONAL RECORD 461).

H.R. 806. To prohibit discrimination in employment because of race, creed, color, national origin, or ancestry.

Introduced by Mr. POWELL; referred to Committee on Education and Labor, January 10, 1947 (93 CONGRESSIONAL RECORD 263).

H.R. 3105. To prohibit discrimination in employment because of race, religion, color, national origin, or ancestry.

Introduced by Mr. POWELL; referred to Committee on Education and Labor, April 17, 1947 (93 CONGRESSIONAL RECORD 3674).

H.R. 21. To prohibit discrimination in employment because of race, religion, color, national origin, or ancestry.

Introduced by Mr. POWELL; referred to Committee on Education and Labor, January 3, 1949 (95 CONGRESSIONAL RECORD 14).

H.R. 4453. To prohibit discrimination in employment because of race, color, religion, or national origin.

Introduced by Mr. POWELL; referred to Committee on Education and Labor, April 29, 1949 (95 CONGRESSIONAL RECORD 5382).

Reported by Committee with amendment (H. Rept. 1165), August 2, 1949 (95 CONGRESSIONAL RECORD 10647).

Debated, February 22, 1950 (96 CONGRESSIONAL RECORD 2162).

Passed House; title amended ("to establish a Fair Employment Practice Commission and to aid in eliminating discrimination in employment because of race, creed, or color"). February 23, 1950 (96 CONGRESSIONAL RECORD 2301).

Ordered placed on Senate Calendar, February 23, 1950 (96 CONGRESSIONAL RECORD 2298).

Objected to April 19, 1950, August 8, 1950, December 15, 1950 (96 CONGRESSIONAL RECORD 5332, 11962, 16596).

H.R. 6818. To prohibit discrimination in employment because of race, color, religion, or national origin.

Introduced by Mr. POWELL; referred to Committee on Education and Labor, January 17, 1950 (96 CONGRESSIONAL RECORD 503).

H.R. 552. To prohibit discrimination in employment because of race, color, or national origin.

Introduced by Mr. POWELL; referred to Committee on Education and Labor, January 3, 1951 (97 CONGRESSIONAL RECORD 33).

H.R. 170. To prohibit discrimination in employment because of race, color, religion, national origin, or ancestry.

Introduced by Mr. POWELL; referred to Committee on Education and Labor, January 3, 1953 (CONGRESSIONAL RECORD, vol. 99, pt. 1, p. 56).

H.R. 2295. Civil Rights Act, part of which is to prevent discrimination in employment because of race, color, religion, national origin, or ancestry.

Introduced by Mr. POWELL; referred to Committee on the Judiciary, January 29, 1953 (CONGRESSIONAL RECORD, vol. 99, pt. 1, p. 664).

H.R. 4358. To amend the National Labor Relations Act so as to make certain discrimination on the grounds of race, religion, color, or national origin by employers and labor organization an unfair labor practice.

Introduced by Mr. POWELL; referred to Committee on Education and Labor, March 31, 1953 (CONGRESSIONAL RECORD, vol. 99, pt. 2, p. 2589).

H.R. 389. Civil Rights Act, part of which ("Federal Fair Employment Practices Act") is to prevent discrimination in employment because of race, religion, color, national origin, or ancestry.

Introduced by Mr. POWELL; referred to Committee on the Judiciary, January 5, 1955 (CONGRESSIONAL RECORD, vol. 101, pt. 1, p. 39).

H.R. 690. To prevent discrimination in employment because of race, religion, color, national origin, or ancestry.

Introduced by Mr. POWELL; referred to the Committee on Education and Labor, January 5, 1955 (CONGRESSIONAL RECORD, vol. 101, pt. 1, p. 45).

H.R. 9704. To prohibit discrimination in employment because of race, color, religion, national origin, or ancestry.

Introduced by Mr. POWELL; referred to Committee on Education and Labor, January 7, 1958 (CONGRESSIONAL RECORD, vol. 104, pt. 1, p. 37).

H.R. 619. Omnibus Human Rights Act, part of which (Federal Equality of Opportunity in Employment Act) is to prohibit discrimination in employment because of race, religion, color, national origin, or ancestry.

Introduced by Mr. POWELL; referred to the Committee on the Judiciary, January 7, 1959 (CONGRESSIONAL RECORD, vol. 105, pt. 1, p. 41).

H.R. 13023. To prohibit discrimination in employment because of race, religion, color, national origin, or ancestry.

Introduced by Mr. POWELL; referred to the Committee on Education and Labor, August 17, 1960 (CONGRESSIONAL RECORD, vol. 106, pt. 12, p. 16643).

H.R. 540. Omnibus Human Rights Act, part of which (Federal Equality of Opportunity in Employment Act) is to prohibit discrimination in employment because of race, religion, color, national origin, or ancestry; also provides for an Equality of Opportunity in Employment Commission.

Introduced by Mr. POWELL; referred to the Committee on the Judiciary, January 3, 1961 (CONGRESSIONAL RECORD, vol. 107, pt. 1, p. 46).

H.R. 2999. Federal Equal Employment Opportunity Act. To prohibit discrimination in employment in certain cases because of race, religion, color, national origin, ancestry, or age.

Introduced by Mr. POWELL; referred to the Committee on Education and Labor, January 29, 1963 (CONGRESSIONAL RECORD, vol. 109, pt. 1, p. 1207).

For 21 years now, I have been working in Congress to wash the stench of racial discrimination from America's factories and hiring halls.

It was 21 years ago that I first introduced H.R. 2232, a bill to outlaw racial discrimination in employment.

Five years later on February 23, 1950, at 3:30 a.m. in the early morning, I watched the House write legislative history in the passage of its first FEPC by a vote of 240 to 177.

FEPC or the concept of federally enforceable fair employment, finally became the law of the land as title VII of the Civil Rights Act of 1964. That title was originally H.R. 405, sponsored by our beloved former colleague, James Roosevelt, and reported out of this committee with no objections.

Today, I rise again with the bipartisan cooperation and assistance of all the members of the Committee on Education and Labor to ask that the House take another giant step forward in helping many deprived Americans to fully participate in the banquet of life.

Only last week, my distinguished colleague on the other side of the aisle, Congressman GRIFFIN, from Michigan, declared that the "Congress should be considering pending legislation to provide additional reforms in the area of civil rights."

The bill before us today is one such desperately needed reform in the area of civil rights.

Republicans and Democrats alike agree that the passage of this bill, H.R. 10065, is essential to wiping out racial discrimination in employment. There can be no partisan politics in the fulfillment of the rights of man. Three years ago, when H.R. 405 was reported out of this committee, five of my distinguished Republican colleagues, Congressmen AYRES, QUIE, GOODELL, BELL, and Taft wrote in support:

> There is no more crucial right than the right of equal opportunity to work for a living and to acquire the material blessings of life for self and family * * *. Promises without fulfillment have contributed substantially to the racial crisis we face today * * *. This bill is of vital importance to all Americans. We urge its passage without delay and with nominal partisan rancor.

In the bill before us today, H.R. 10065, bipartisan concern and support has likewise been happily involved. Not only does this bill use Republican language in many sections, it is a distillation of H.R. 8998 and H.R. 8999 last year jointly sponsored by former Congressman Roosevelt and our colleague, Congressman REID, of New York.

As H.R. 10065, it was opposed by only two votes when it was reported out of this committee on July 25, 1965, under the sponsorship of Representative HAWKINS, of California.

Many of you here recall the long sessions in February 1964 when we considered and passed title VII of the Civil Rights Act of 1964. Why, it can be fairly asked, are we back again to revise that legislation

The act we passed then applied to less than 4 percent of the employers and to only 32 percent of the workers in this country as of July this year. We have been using a flyswatter to destroy a tiger.

NEW CUTOFF POINT

The new title we propose would set the cutoff point as of July 2, 1967, at employer units containing 8 or more workers, extending the coverage to 37.2 million workers and 786,000 employer units which are not presently covered by title VII of the Civil Rights Act of 1964.

Even if we pass today's amendment, we shall still leave uncovered 49 percent of the total U.S. work force of 73 million workers and 76 percent of the U.S. total of 2,514,000 employer units. But we will have nonetheless moved forward.

NEW ENFORCEMENT POWERS

A second important change in the new title VII gives the Equal Employment Opportunity Commission the same powers possessed by every other Federal regulatory commission. At present, the Commission is fettered by its lack of authority to enforce its own decisions.

As a great conciliator of disputes, the Commission uses the sweet reasonableness of the conference table. Friendly persuasion should always precede enforcement. But what happens when the gentle voice of negotiations is unheeded? This has already happened as 22 percent of the companies investigated at length by the Commission during the past 8 months have stubbornly refused to discontinue their practices of racial discrimination.

Should they be permitted the private luxury of flouting the law with impunity? To those who fear the specter of "big brother" in barring employment discrimination, I submit that the Equal Employment Opportunity Commission is already a neglected stepsister in a field where 31 State FEPC's have greater enforcement powers.

H.R. 10065 would strengthen the Commission in the same manner.

The bill would transform the Commission into a quasi-judicial body with power to: First, issue and hear complaints, and,

second, enforce appropriate orders by petitioning to Federal courts of appeal with such orders subject to judicial review. The Commission's responsibility to conciliate first would remain, but it would also have the same meaningful authority that other Federal regulatory commissions possess, to deal with the nonconciliatory.

DISCRIMINATION IN UNION APPRENTICESHIPS

I must underline the fact that this bill is not aimed solely at management. From my point of view, the most outrageous offenders against minorities in America have been the craft labor unions.

This is particularly disgraceful because the reason for forming unions was to protect, not injure the underdog.

Instead, a profusion of "sweetheart" contracts sadly exists with certain labor unions conspiring with employers as sub rosa contractors to screen out minority group members. From white father to white son and white uncle to white nephew, the craft has been handed down while the jobless black man has been forgotten, only to swell the ranks of the Nation's hard-core unemployed.

Although Negro workers constitute 11 percent of our work force, they represent only 2 percent of all the apprentices in union apprenticeship programs. This is a national disgrace.

Section 17 of H.R. 10065 begins to repair this gross defect in our society's fabric by commanding the Commission to conduct a continuing survey of apprenticeship and on-the-job training programs. This will help to guarantee that the new manpower programs passed to open the door to minorities will not be prejudicially slammed in their faces.

Let me make one important concluding point. In the next few weeks, the House will consider two major pieces of legislation to raise the standard of living of the American workingman—the minimum wage and the war on poverty.

But increasing the minimum wage and providing new opportunities for the poor without doing anything about employment discrimination is to shovel the sand of futility into the ocean of hypocrisy.

In his manpower report to the Congress on March 8, President Johnson declared:

> With unemployment below 4 percent and falling, the attention of the Congress and the Nation must focus on the manpower prospects and problems which emerge as the products of unprecedented prosperity. * * * But we cannot rest on past accomplishments when the unemployment rate for Negroes was still 7 percent in February. * * * Nonwhite workers constitute 11 percent of our labor force, 20 percent of our unemployed and 25 percent of our long-term unemployed.
>
> What more can we do to break down the barriers of discrimination that waste valuable manpower resources?

Gentlemen, a great part of that "more" is the passage of this bill, H.R. 10065, which we have before us today.

It is my privilege and pleasure to yield to the gentleman from Pennsylvania, the chairman of the subcommittee [Mr. DENT] such time as he may consume.

Mr. DENT. Mr. Chairman, H.R. 10065, which has received absolute and enthusiastic support from the distinguished gentleman from New York, the chairman of the Committee on Education and Labor, and which has been introduced by my able colleague from California, who has struggled tirelessly for the cause of equal opportunity for all people, substantially strengthens equal employment opportunity legislation. I wholeheartedly support this much-needed legislation and earnestly urge its adoption.

Three major weaknesses exist in the present law. It is limited in coverage to only 8 percent of the employers in the United States. It is devoid of the typical administrative enforcement provisions. It is inadequate in its treatment of apprenticeship and job training programs.

H.R. 10065 would extend coverage to employers with eight or more employees and labor organizations with eight or more members. This would take effect immediately with regard to labor organizations, but would be staged over 2 years with regard to employers. Coverage would continue to extend to employers with 100 or more employees until July 2, 1966; employers with 50 or more employees would be covered for the year beginning July 2, 1966; and, employers with 8 or more employees would be covered after July 2, 1967. Ultimately more than three-quarters of a million employers with 37 million employees will be covered. The 2½ million employers with fewer than 8 employees, that is the Nation's smallest employers, will not be affected.

The second major deficiency of the existing law is the lamentable weakness of its enforcement provisions. The present act vests no enforcement authority in the Equal Employment Opportunity Commission and its provisions for enforcement by aggrieved persons are complicated. The principal enforcement weapon of title VII is lawsuits by aggrieved individuals. Lawsuits by the Attorney General are provided for certain aggravated cases.

Title VII in its present form places major emphasis on the role of the Commission as conciliator. H.R. 10065 will not change this, for this is as it should be. Intelligent and earnest conciliation is absolutely vital to the achievement of equal job opportunity as the President's Committee's plans for progress have demonstrated.

But methods of polite persuasion are inadequate standing alone. Divorcing conciliation from enforcement is like separating business agreements from the law of contracts. Voluntary compliance may work in the majority of cases, but who doubts the effect of the consequences of noncompliance.

H.R. 10065 provides for administrative hearings such as are found in 29 States and such as are customary in independent Federal agencies. If procedures for obtaining voluntary compliance fail, the Commission shall have power to institute an administrative proceeding by filing a complaint against the respondent. A hearing would then be held before the Commission, a member of the Commission, or a designated agent—who would be a hearing examiner. The hearing would be conducted in accordance with the provisions of the Administrative Procedure Act with respect to adjudicatory proceedings. If the hearing is not before the full Commission, the hearing officer would forward the record and his recommended decision to the Commission, and the Commission or a panel of three members would review it, giving an opportunity to the parties to make further argument and, in its discretion, to offer further testimony. The Commission would then make its findings of fact and if it found that an unlawful employment practice was committed, it could issue a cease and desist order and also authorize affirmative relief, including hiring, reinstatement, and back pay. Such cease and desist orders would be enforceable in the U.S. courts of appeals, which would also have jurisdiction to review Commission orders on petition of the party aggrieved, that is, the respondent or the complainant, as the case may be. The standard for judicial review would be the customary standard of whether the findings were supported by "substantial evidence."

In addition to the enforcement authority placed with the Commission, H.R. 10065 retains the provision for suits by the Attorney General in cases of patterns or practices of discrimination, as now provided in title VII. However, two changes are made. First, the Commission, rather than the Attorney General, must have reasonable cause to believe that the pattern or practice exists, and must recommend suit to the Justice Department. The Department, of course, retains control over litigation and where the Attorney General determines that suit would be imprudent, he need not follow the Commission's recommendation. Second, the Commission may recommend a pattern or practice suit only where there is no agreement with the appropriate State agency ceding jurisdiction or, if there is such an agreement, where the Commission determines that the State agency has failed or is unable to remedy such pattern or practice. Of course, where there is no appropriate State agency with which to enter into an agreement, the Commission may recommend that the Attorney General bring suit.

State agencies have had some 20 years of experience with fair employment practices laws. Presently 36 States and some 80 local governmental units have enacted laws in this area. On one point there is near unanimity of opinion—there is a need for statutory procedures to compel compliance. Twenty-five of the 36 State laws have always provided enforcement procedures. Among the six States which initially relied exclusively upon voluntary procedures, four have subsequently amended their statutes to provide enforcement powers. Experience in Kansas, Wisconsin, Colorado, Indiana, Baltimore, and Cleveland indicate that on the State and local level programs relying solely upon voluntary compliance have generally been ineffective.

Among the States with enforcible fair employment practices laws there is a substantial preference for administrative enforcement. Twenty-seven States provide for enforcement through administrative agencies.

The experience of the State and local agencies, and the experience on the Federal level of the President's Committee on Equal Employment Opportunity, demonstrate that conciliation is most successful when the parties know that effective machinery for enforcement is readily at hand.

The bipartisan Commission on Equal Employment Opportunity has endorsed and firmly supports the enforcement provisions of this bill. The Chairman of the Commission states:

> Stronger enforcement authority in the Commission will be necessary to achieve the progress toward equal employment opportunity which the Congress expects and the Nation demands.

Enforcement provisions for equal employment opportunity legislation have undergone scrutiny and constructive efforts for several years. In the last Congress the Committee on Education and Labor reported a bill with administrative enforcement procedures with substantial bipartisan support. In fact, only four members expressed dissenting views in the Committee's report and only one of them is still with the Committee. Last Congress bill was the product of a bipartisan effort, and this Congress the same bipartisan approach was followed. Only 2 of 31 members of the Committee expressed minority views in the Committee report. The very language of the bill originated from members of both political parties and, in fact, it would be difficult today to pinpoint the source of many of the provisions of the bill.

The third major improvement over existing legislation can be pinpointed as to its origin. It is the development of our distinguished colleague from New York [Mr. REID], a longtime and venerable foe of arbitrary discrimination and a champion of human rights. This provision provides for a continuing survey of the operation of apprenticeship and other training programs, and authorizes the Commission to examine records of such operations. This is a specific area in which compliance with the act is particularly sensitive and important if the act is to have any real meaning. Apprenticeship and job training programs are the doorway to many careers. Barring access to these programs or discriminating in their operation results in segregated occuptions. Access to many trades is dependent upon the reasonable requirements of specific training or apprenticeship, but the utilization of these otherwise reasonable qualifications becomes an unacceptable bar to employment when the training itself is barred because of an individual's race, color, religion, sex, or national origin. The proposal of the gentleman from New York will aid in eliminating unjust, arbitrary discrimination from such programs and will remove one of the most crushing and dispute-producing bars to job opportunity.

It is much too late in our history to debate the wisdom of a Federal policy of equality of opportunity in employment. It is unnecessary to discuss the just and obvious grievances of many Americans regarding invidious discrimination. It would only be stating the obvious to relate unfair and unjust bars to employment to street demonstrations and even riots largely fomented by economic oppression and practical subjugation. But it is not too late to act. And act we must—now.

Mr. Speaker, I urge the adoption of H.R. 10065 and the commencement, at once, of a truly meaningful attack on unfair, unwise, and invidious employment practices.

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

Mr. Chairman, this bill could be called the Roosevelt-Goodell-Reid bill, because they all contributed substantially in getting this legislation to the floor of the House.

Mr. Chairman, in 1963, during the first session of the last Congress, our committee favorably reported H.R. 405, a bill to eliminate racial and religious discrimination by creating an administrative agency, empowered to conduct quasi-judicial proceedings and to issue cease and desist orders and other appropriate remedies.

I, with several other members of the committee on this side of the aisle, supported the measure.

Unfortunately it never became law.

Instead, the last Congress saw fit during the second session to follow a completely different enforcement procedure in its inclusion of title VII in the Civil Rights Act of 1964.

I am pleased that the pending measure is designed to abandon the enforcement approach of title VII, and in practical effect, to return to that of our earlier bill, H.R. 405, of the 88th Congress.

Title VII of the present law denies the Equal Employment Opportunity Commission which it establishes any powers of enforcement.

Its procedure for enforcement requires the aggrieved individual himself to seek relief in the Federal courts except in certain types of cases where the Attorney General is authorized to bring the suit.

This places an almost impossible burden on the victims of discrimination.

Most of these are individuals who possess extremely modest financial resources, and all of them, like the great majority of average Americans, are awed, not to say intimidated, by the prospect of becoming participants in a lawsuit which they themselves are responsible for conducting to a conclusion.

The pending bill removes this frightening burden from the individual by giving the Commission quasi-judicial functions and powers and by charging it with the responsibility for prosecuting the case, issuing cease and desist orders where necessary, and other forms of appropriate relief.

The Commission is also authorized to petition the U.S. courts of appeals for enforcement of its own orders—in other words, the Commission performs most of the important functions which in title VII are left to the victim of discrimination to perform for himself.

There are several other respects in which the pending bill will prove to be far more effective than title VII.

Title VII requires compliance with a number of conditions as a preliminary to filing suit in a Federal court.

This necessarily results in considerable delay before relief is ultimately granted.

And as we all know "justice delayed is justice denied" particularly where the seekers of justice are the poor, the inarticulate, and the victimized.

These preliminary requirements are eliminated in the committee bill.

Again, title VII will ultimately apply only to employers and labor unions employing or having memberships of 25 or more.

Victims of discrimination by employers and labor unions having fewer employees or members are excluded from the coverage of title VII.

This means that hundreds of thousands of individuals are denied protection.

The pending bill, however, is designed to provide protection, ultimately, to those who suffer discrimination by employers or labor unions having eight or more employees or members.

This constitutes a substantial broadening of coverage and offers protection to many of the thousands of individuals who will receive none under title VII.

Finally, the provisions of title VII which authorize the Attorney General to initiate and prosecute actions before the Federal courts in cases where a pattern or practice of discrimination exists, are preserved in the pending bill.

This assures that the full weight of the Federal Government will be brought to bear on situations of longstanding discriminatory conduct in employment or union membership.

Mr. Chairman, I would point out that my own State of California enacted legislation creating a fair employment practice commission in 1959.

In many respects California's commission operates under the same procedures that we are recommending to this body today in H.R. 10065.

The California statute provides the commission with the power to initiate investigations when it has reason to believe that a discriminatory practice exists.

Just as H.R. 10065 provides, an attempt is made to correct the situation through conciliation and persuasion.

If that fails, then the commission is empowered to issue a cease-and-desist order through court proceedings.

California has met with marvelous success under this law.

Over 700 complaints have been filed annually.

Only one-third of the complaints required remedial action.

It is interesting to note that only about 3 percent of the total actions taken were initiated by the commission itself.

I emphasize, however, that even though the power of the commission to initiate action is not commonly used, it is a necessary deterrent and encourages voluntary compliance through conciliation.

Mr. Chairman, H.R. 10065 will go a long way toward the elimination of employment discrimination.

I therefore urge bipartisan support of these amendments.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman from California yield for a question at this point?

Mr. BELL. Yes, I yield.

Mr. ANDERSON of Illinois. The genteman from California described the very successful operating experience of the California Fair Employment Practices Commission and the number of cases that have been filed and successfully brought to a conclusion under that statute.

However, Mr. Chairman, what assurance do we have, if this bill that is pending before the House today is passed, that the commission in California will be able to continue to function and adjudicate charges involving questions of employment discrimination?

Mr. BELL. In this bill the Federal Commission must cooperate with the States. In other words, there is in the bill itself—and the gentleman can see from reading section 9 of the bill wherein it is stated that the Federal Commission shall cooperate with the States, and may utilize the services of local agencies in the administration of this act. In addition, the Commission shall enter into written agreements with a State or local agencies, for cooperative efforts in the operation of the intent of this legislation.

Mr. ANDERSON of Illinois. Well, if the gentleman will yield further, as I read the language of this bill, it provides that the Federal Commission could, if it desired, conclude an agreement ceding jurisdiction to a State commission, but such agreement must be terminable at any time, however, at the will of the Federal Employment Practices Commission. Is that not so?

Mr. BELL. The bill does say that they shall work with the State organization, but during this cooperative effort, the bill does indicate, that if the State organization is willfully attempting to stall or forgo the intended action of the Commission, there is a provision on page 28 of the bill that the Commission can rescind any agreements.

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

Mr. BELL. Yes, I yield to the gentleman from Pennsylvania.

Mr. DENT. Mr. Chairman, I would suggest to the gentleman from Illinois [Mr. ANDERSON], if the gentleman will look at the report, on page 21, and also at the section itself which appears on page 27 of the bill, he will see that all we have really done is put the word "shall" into the language instead of "may" and have made it mandatory upon the part of the Federal Government to cooperate with the States; whereas before they could cooperate if they so desired. However, now they must cooperate, which really, in my opinion, answers the point which the gentleman is trying to make, that they do not have to at the present time but they really must now.

Mr. ANDERSON of Illinois. Mr. Chairman, if the gentleman from California will yield further, there are some 31 States, I believe——

Mr. BELL. That is right.

Mr. ANDERSON of Illinois. That have their own fair employment practices statutes at the present time. Obviously the statutes in the States vary to some extent. How is the Federal Government going to determine whether or not a particular State has a statute that it considers adequate with which to deal with these rights so that there is no necessity to deal with the Federal Fair Employment Practices Commission?

Mr. DENT. Mr. Chairman, will the gentleman from California yield to me in order to respond to the question of the gentleman from Illinois?

Mr. BELL. I yield further to the gentleman from Pennsylvania.

Mr. DENT. If the gentleman from Illinois will take a look at page 26 of the act before him, the gentleman will find that it spells out specifically in language that leaves no room for doubt, and may I quote just a few sentences?

Mr. ANDERSON of Illinois. From where is the gentleman from Pennsylvania reading?

Mr. DENT. I am reading on page 26, line 17, section 8 under the title of "Effect on State Laws," which states as follows:

> Nothing in this act shall be deemed to exempt or relieve any person from any liability, duty, penalty, or punishment provided by any present or future law of any State or political subdivision of a State, other than any such law which purports to require or permit the doing of any act which would be unlawful employment practice under this act.

In other words, this is not a purely preemptive law, taking away from the States rights that the States now enjoy to enforce under the law in the 31 States to which the gentleman has alluded.

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

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

Mr. GOODELL. I believe the gentleman from Pennsylvania [Mr. DENT] and the gentleman from New York [Mr. POWELL] will agree with me that as a matter of legislative history it is not intended, where there is a State law that is operative which will have effect in a given case which comes to the attention of the Commission, that that State, if it will proceed effectively and expeditiously, shall take care of that and the Commission shall withhold action so long as the State is moving to meet the problem and moving toward the solution of it.

It is our intention that the States where they have an operating commission and a fair employment practices law shall be the first and the prior agency to act. If they do not act, the Federal Commission clearly under this bill will have the power to move in.

Mr. DENT. That is exactly the understanding and we want the record to so state in order that there is no misunderstanding on that point. I am sure the gentleman from California [Mr. BELL], the ranking member of the committee, agrees to that.

Mr. BELL. I certainly do agree.

Mr. ANDERSON of Illinois. If the gentleman will indulge me further in just one additional question. The point I am trying to get at is this. The determination is still going to be made in every instance by the Federal Fair Employment Practices Commission as to whether or not a particular State is operating effectively in this area.

If they make that determination, then and only then will they conclude in a formal agreement ceding jurisdiction to the State commission, and that agreement further is terminable at any time if the Federal Commission decides that it should be terminated for one reason or another. Is that a correct statement?

Mr. DENT. That is a correct statement. To further clarify the situation, let it be stated that up until now, operating under the present Civil Rights Act, 419 cases, that is 10 percent of the total number of cases, have been deferred for State action by the FEPC.

Mr. BELL. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. REID].

Mr. REID of New York. Mr. Chairman, I rise in strong support of the bill H.R. 10065. I believe that this Equal Employment Opportunity Act of 1966 is essential. It is clear that the original title VII of the Civil Rights Act of 1964 did not and does not have adequate teeth.

In my judgment, this legislation is of paramount importance to the Nation.

First, as has been stated, it provides important and increased coverage. Ultimately, it will cover a sum total of 37,090,000 protected employees. The present legislation covered employers as of June 2, 1965, if they had 100 or more employees; on June 2, 1966, it will cover employers if they have 75 or more employees; on June 2, 1967, if they have 50 or more employees; and on June 2, 1968, if they have 25 or more employees. Upon enactment of this bill, employers with 100 or more employees will be covered. This figure will be reduced to 50 or more employees after July 2, 1966, and, finally, to 8 or more employees after July 2, 1967. Labor organizations with eight or more members will be covered immediately upon enactment.

Second, I would like to point out that the Equal Employment Opportunity Commission has indicated in testimony before the committee, and this view has been backed up by testimony from expert witnesses, that administrative enforcement machinery is necessary. The bill we have before us today is patterned largely on the New York State Commission for Human Rights and the experiences of that commission.

George Fowler, chairman of the New York State Commission for Human Rights, testified on July 20, 1965, as follows:

> Our experience in New York leads me to believe that an agency operating under the present title VII of the Civil Rights Act of 1964, without administrative enforcement machinery, will not and cannot be as effective as one which has the power to issue an enforceable order after a hearing.

I think this point is clear. But I might add, Mr. Chairman, that in New York, from 1945 through 1965, the facts indicate that some 13,008 cases have been effectively handled by the New York

State Commission for Human Rights, with an additional 406 cases still pending at the end of 1965.

Interestingly enough, only 150 of these cases were ever ordered for a public hearing and the overwhelming majority of these never went to court. They were either settled or discontinued before, during or following the completion of the hearing. Something on the order of a half dozen cases actually reached the courts.

I insert at this point in the RECORD a table indicating the disposition of complaints filed with the New York State Commission for Human Rights, 1945–65:

Disposition of complaints filed with New York State Commission for Human Rights, 1945–65

Disposition	Total	Employment		Public accommodations	Housing	Education
		Age	Other			
Probable cause; specific complaint sustained:						
Adjusted after conference and conciliation	2,818	163	1,441	399	813	2
Ordered for hearing or consent order issued	[1] 183	1	82	17	83	----------
No probable cause found as to specific complaint but other discriminatory practices or policies found and adjusted	1,842	82	1,656	43	61	----------
No probable cause found; specific complaint dismissed and no other discriminatory practices or policies found	6,685	345	5,001	496	827	1
Withdrawn by complainant	463	25	236	51	147	4
Lack of jurisdiction; specific complaint dismissed	1,017	49	427	77	456	8
Total closed	13,008	665	8,843	1,083	2,387	30
Open, Dec. 31, 1965	406	33	204	14	153	2
Total filed	[2] 13,414	698	9,047	1,097	2,540	32

[1] 33 of these complaints were settled by a consent order without being ordered for public hearing. Of the remaining 150, their status as of Dec. 31, 1965, is as follows:

Settled or discontinued before hearing	74
Settled during hearing	33
Hearing completed	26
Pending	17

[2] Includes 8 complaints not related to employment, public accommodations, housing, or education.

So the experience in the State of New York, the State which has had the most experience, demonstrates that conference and conciliation and administrative enforcement procedures are effective. They do the job and they can work.

The provisions of this bill, which I had the privilege initially of coauthoring with our former colleague, James Roosevelt, in H.R. 8999 and H.R. 9061, give enforcement powers that provide as follows:

First, a requirement that the Commission in the first instance "endeavor to eliminate any unlawful employment practice by conference, conciliation and persuasion."

This is basic; this is important; this is the central thesis.

However, if the Commission fails to effect the elimination of such an unlawful practice the Commission has the power to serve a complaint and notice of hearing before the Commission, and if, after a hearing, the Commission finds that the respondent engaged in an unlawful practice, it now will have under this legislation power to issue an order "requiring such person to cease and desist from such unlawful employment practice" and to take appropriate affirmative action such as requiring reinstatement with or without back pay. The order may also require respondents to make reports showing compliance.

Normally that is all that will be required. If, however, compliance is inadequate, the Commission may petition the U.S. court of appeals or the district court, if the court of appeals is in recess, for enforcement of the Commission order and for appropriate temporary relief or restraining order.

Further, a person aggrieved by any order of the Commission may seek and obtain review by the U.S. court of appeals.

I believe the enforcement procedures are sound and equitable, and I believe they will work.

Another central part of this bill will tackle much more effectively than has been the case the problem of discrimination in apprenticeship training. Time and again, as Members know, and as members of the committee have heard, progress in apprenticeship training has been minimal or virtually nonexistent. In testimony before the Ad Hoc Subcommittee on the War on Poverty on March 9 of this year, Secretary Wirtz indicated that amongst all of those undergoing apprenticeship training in these United States today only 2 percent are Negroes. This is shocking. It represents a clear waste of qualified human resources. This legislation specifically directs that:

SEC. 17. (a) The Commission shall conduct a continuing survey of the operation of apprenticeship or other training or retraining programs, including on-the-job training programs, to determine if the employers, labor organizations, or joint labor-management committees controlling such programs are engaged in unlawful employment practices with respect to the operation of such programs.

Our concern is with the admission of qualified individuals to apprenticeship programs. They must be qualified on the merits. If they are, they should not be denied the opportunity on grounds of race, color, religion, sex, or national origin.

Further, this legislation makes abundantly clear that the Commission for the first time shall make a full and complete quarterly report to the Congress containing the results of such survey during the preceding 3 months, and such report shall be made available to the public upon request.

I believe this will open the books and records of apprenticeship training programs and labor-management programs to the public with the requirement of reports to the Congress. This is the area where we have some of our most hard-core unemployment, and the facts should be known clearly and unmistakably to one and all to guarantee and insure for all qualified equal opportunity access to apprenticeship training.

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

Mr. REID of New York. I am happy to yield to the gentleman from California.

Mr. BELL. I commend the gentleman from New York [Mr. REID] for the excellent and effective work which he has done in this bill, as well as in the subcommittee.

Mr. REID of New York. I thank the gentleman from California. Both our States have effective commissions against discrimination. It has been a privilege to serve with the gentleman and with Members on both sides of the aisle who share this clear commitment—as I am sure the Congress will by its vote today—to equal opportunity.

This Nation is engaged in a war on poverty. We are expending billions of dollars and countless man-hours in an effort to train the underprivileged of our society to assume gainful and rightful employment. We will have perpetrated a morally reprehensible hoax if we have trained these Americans merely to have them denied the basic human right to seek and obtain employment on their own merits.

Mr. Chairman, we can assure effective administrative enforcement of our policy of equal employment opportunity by passage of this legislation.

We cannot afford to give less than a full measure of aid to those Americans who are willing to help themselves but who have been denied that basic opportunity.

I strongly urge Members on both sides of the aisle to support this legislation.

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

Mr. REID of New York. I yield to the gentleman.

Mr. DENT. Mr. Chairman, I want to say that the gentleman before us today, the gentleman from New York [Mr. REID] has been one of the most cooperative and one of the most sincere workers in this effort ever since he has been a Member of Congress.

I am very happy to have been associated with him in his efforts to make this legislation a reality. He and the gentleman from California [Mr. BELL], the ranking minority member, have contributed a great deal.

Mr. REID of New York. I thank the gentleman.

Mr. Chairman, I merely add that the intent of this legislation is not to preempt effective State legislation, such as exists in the State of California and the State of New York. It is to encourage these commissions to do the job which they are doing to the fullest, and to place primary and initial reliance on the State commissions where their authority is sufficiently broad to insure their citizens the same protection afforded by the Federal legislation and where they

are operating effectively to implement their laws. The Commission, however, must have the authority to enforce the Federal law where the State agency either has insufficient authority or has failed to enforce its laws effectively.

Mr. DENT. Mr. Chairman, I yield to the sponsor of the bill, the gentleman from California [Mr. HAWKINS], such time as he may consume.

Mr. HAWKINS. Mr. Chairman, H.R. 10065 has received absolute and enthusiastic support from the distinguished gentleman from New York, the chairman of our Committee on Education and Labor, and also from Mr. DENT, the chairman of the subcommittee, as well as from Mr. BELL, Mr. REID, and Mr. GOODELL, and others on the other side.

It is a product of 20 years of experience with similar legislation, both Federal and State. Congressional hearings on the subject have involved over 500 witnesses, 90 days of open hearings, and more than 5,000 printed pages of testimony.

Three major weaknesses exist in the present law. It is limited in coverage to only 8 percent of the employers in the United States. It is devoid of the typical administrative enforcement provisions which experience has proved the most effective. It is inadequate in its treatment of apprenticeship and job training programs.

H.R. 10065 would extend coverage to employers with eight or more employees and labor organizations with eight or more members. This would take effect immediately with regard to labor organizations, but would be staged over 2 years with regard to employers. Coverage would continue to extend to employers with 100 or more employees until July 2, 1966; employers with 50 or more employees would be covered for the year beginning July 2, 1966; and, employers with 8 or more employees would be covered after July 2, 1967. Ultimately more than three-quarters of a million employers with 37 million employees will be covered. The 2½ million employers with fewer than 8 employees, that is the Nation's smallest employers, will not be affected.

The second major deficiency of the existing law is the lamentable weakness of its enforcement provisions. The present act vests no enforcement authority in the Equal Employment Opportunity Commission and its provisions for enforcement by aggrieved persons are complicated. The principal enforcement weapon of title VII is lawsuits by aggrieved individuals. Lawsuits by the Attorney General are provided for certain aggravated cases.

Title VII in its present form places major emphasis on the role of the Commission as conciliator. H.R. 10065 will not change this, for this is as it should be. Intelligent and earnest conciliation is absolutely vital to the achievement of equal job opportunity as the President's Committee's Plans for Progress have demonstrated.

But methods of polite persuasion are inadequate standing alone. Divorcing conciliation from enforcement is like separating business agreements from the law of contracts. Voluntary compliance may work in the majority of cases, but in some it will not work at all, and in all cases it will work better if the power to enforce is present.

H.R. 10065 provides for administrative hearings such as are found in 29 States and such as are customary in independent Federal agencies. If procedures for obtaining voluntary compliance fail, the Commission shall have power to institute an administrative proceeding by filing a complaint against the respondent. A hearing would then be held before the Commission, a member of the Commission, or a designated agent—who would be a hearing examiner. The hearing would be conducted in accordance with the provisions of the Administrative Procedure Act. If the hearing is not before the full Commission, the hearing officer would forward the record and his recommended decision to the Commission, and the Commission or a panel of three members would review it, giving an opportunity to the parties to make further argument and, in its discretion, to offer further testimony. The Commission would then make its findings of fact and if it found that an unlawful employment practice was committed, it could issue a cease-and-desist order and also authorize affirmative relief, including hiring, reinstatement, and back pay. Such cease-and-desist orders would be enforcible in the U.S. courts of appeals, which would also have jurisdiction to review Commission orders on petition of the party aggrieved, that is, the respondent or the complainant, as the case may be. The standard for judicial review would be the customary standard of whether the findings were supported by "substantial evidence."

In addition to the enforcement authority placed with the Commission, H.R. 10065 retains the provision for suits by the Attorney General in cases of patterns or practices of discrimination, as now provided in title VII. However, two changes are made. First, the Commission, rather than the Attorney General, must have reasonable cause to believe that the pattern or practice exists, and must recommend suit to the Justice Department. The Department, of course, retains control over litigation and where the Attorney General determines that suit would be imprudent, he need not follow the Commission's recommendation. Second, the Commission may recommend a pattern or practice suit only where there is no agreement with the appropriate State agency ceding jurisdiction or, if there is such an agreement, where the Commission determines that the State agency has failed or is unable to remedy such pattern or practice. Of course, where there is no appropriate State agency with which to enter into an agreement, the Commission may recommend that the Attorney General bring suit.

State agencies have had some 20 years of experience with fair employment practices laws. Presently 36 States and some 80 local governmental units have enacted laws in this area. On one point there is near unanimity of opinion—there is a need for statutory procedures to compel compliance. Twenty-five of the 36 State laws have always provided enforcement procedures. Among the six States which initially relied exclusively upon voluntary procedures, four have subsequently amended their statutes to provide enforcement powers. Experience in Kansas, Wisconsin, Colorado, Indiana, Baltimore, and Cleveland indicate that on the State and local level, programs relying solely upon voluntary compliance have generally been ineffective.

Among the States with enforcible fair employment practices laws there is a substantial preference for administrative enforcement. Twenty-seven States provide for enforcement through administrative agencies.

The experience of the State and local agencies, and the experience on the Federal level of the President's Committee on Equal Employment Opportunity, demonstrate that conciliation is most successful when the parties know that effective machinery for enforcement is readily at hand.

The bipartisan Commission on Equal Employment Opportunity has endorsed and firmly supports the enforcement provisions of this bill. The Chairman of the Commission stated:

> Stronger enforcement authority in the Commission will be necessary to achieve the progress toward equal employment opportunity which the Congress expects and the Nation demands.

Enforcement provisions for equal employment opportunity legislation have undergone scrutiny and constructive efforts for several years. In the last Congress the Committee on Education and Labor reported a bill with administrative enforcement procedures with substantial bispartisan support. In fact, only four members expressed dissenting views in the committee's report and only one of them is still with the committee. Last Congress' bill was the product of a bipartisan effort, and this Congress the same bipartisan approach was followed. Only 2 of 31 members of the committee expressed minority views in the committee report. The very language of the bill originated from members of both political parties and, in fact, it would be difficult today to pinpoint the source of many of the provisions of the bill.

The third major improvement over existing legislation can be pinpointed as to its origin. It is the development of our distinguished colleague from New York [Mr. REID], a longtime and venerable foe of arbitrary discrimination and a champion of human rights. This provision provides for a continuing survey of the operation of apprenticeship and other training programs, and authorizes the Commission to examine records of such operations. This is a specific area in which compliance with the act is particularly sensitive and important if the act is to have any real meaning. Apprenticeship and job training programs are the doorway to many careers. Barring access to these programs or discriminating in their operation results in segregated occupations. Access to many trades is dependent upon the the rea-

sonable requirements of specific training or apprenticeship, but the utilization of these otherwise reasonable qualifications becomes an unacceptable bar to employment when the training itself is barred because of an individual's race, color, religion, sex, or national origin. The proposal of the gentleman from New York will aid in eliminating unjust, arbitrary discrimination from such programs and will remove one of the most crushing and dispute-producing bars to job opportunity.

It is much too late in our history to debate the wisdom of a Federal policy of equality of opportunity in employment It is unnecessary to discuss the just and obvious grievances of many Americans regarding invidious discrimination. It would only be stating the obvious to relate unfair and unjust bars to employment to street demonstrations and even riots largely fomented by economic oppression and practical subjugation. But it is not too late to act. And act we must—now.

Mr. Chairman, I urge the adoption of H.R. 10065 and the commencement, at once, of a truly meaningful attack on unfair, unwise, and invidious employment practices.

In closing, I should like to make a statement in reference to one subject which has been discussed on this floor, the question of ceding to the States.

I believe we should understand, in considering that portion of the bill in title VII, the committee heard from witnesses who came from various States, including California and New York. It was determined that we would do everything to encourage and support State legislation. For that reason we sought the change which is advocated in this proposal. Some States have excellent programs. There are some 31 States which do have effective laws at the present time, which are being ceded to.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield at that point?

Mr. HAWKINS. Yes. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. You have made the statement that it is the intention to have a Commission cooperate with State and local agencies, as is set forth in section 9(b) of this bill. Now, would that require in the first instance that the Commission determine whether a State has an effective plan and try to set up cooperation between respective States and the Commission as it relates to discrimination? Is that what you have in mind?

Mr. HAWKINS. Yes, Mr. ROGERS. I would read this to mean that the Commission would determine whether a State has an effective law on the statute books. If that condition prevails, then the Commission under this act is mandated to seek to enter into a written agreement with that State.

Mr. ROGERS of Colorado. And if the State would then take the action to eliminate the discrimination or handle the complaint, then the Commission itself would let the State commission do it?

Mr. HAWKINS. We would further presume that the Federal Government, through its Commission, would continue to cooperate with that State and not in any way interfere with the handling of those cases. To state it alternatively and to state why you cannot just completely leave it up to the States, we intend to avoid the situation where a State might, let us say, put a statute on the statute books for that only. Obviously there must be some discretion as to whether that State has an effective law. Assuming it does—and I have indicated that some 31 States now have effective laws, which are already being recognized to the extent that they are now being ceded cases by the Commission—then we would assume those 31 would then sign agreements with this Commission and be given the initial right to handle all of these cases rather than the Commission.

Mr. ROGERS of Colorado. When you say "the initial right," you indicate perhaps the Federal Commission would continue to have at least jurisdiction if in their opinion some action is not taken by the State to eliminate that discretion?

Mr. HAWKINS. Yes. There is contained in the act also the power to recede from such agreement. In other words, the Commission, if it has experience with a State in which the State, let us say, fails to live up to its agreement to prosecute such cases or changes its law and so forth, then the agreement could be receded from. So the power to take away is also lodged with the Commission.

Mr. ROGERS of Colorado. And further under this law at the request of the Commission to the Attorney General of the United States they would request and he would have authority to institute an action in Federal court in the event that the State agency did not take adequate steps to eliminate a pattern or practice of discrimination?

Mr. HAWKINS. Where such cause is found by the Commission, the Attorney General in those instances would have that authority.

Mr. ROGERS of Colorado. This would not give to this Commission or to the Attorney General any authority to help carry out a State antidiscrimination law. As an example, in my State there is a penalty of $250 to refuse to serve persons because of race or color. This would not authorize the Attorney General of the United States to represent that person and institute an action against the person who may have discriminated against him, would it?

Mr. HAWKINS. No. I agree, and I say that this act does not give that authority to the Attorney General.

Mr. ROGERS of Colorado. I thank the gentleman for his answer.

Mr. HUTCHINSON. Mr. Chairman, will the gentleman yield for a question?

Mr. HAWKINS. Yes. I yield to the gentleman.

Mr. HUTCHINSON. I believe the gentleman indicated that under title VII a rather small minority of employers of the country are subject to the present law. If we should adopt the provisions of the present bill, all employers of eight or more employees would be covered. Can the gentleman indicate what percentage of total employers would then be subject to this law and what percentage of the total employees of the country would then be subject to this law?

Mr. HAWKINS. As I recall, if this bill is enacted only 49 percent of the employees would be exempt and some 37.5 million employees would be covered.

Mr. HUTCHINSON. Mr. Chairman, will the gentleman yield further?

Mr. HAWKINS. I am glad to yield further to the gentleman from Michigan.

Mr. HUTCHINSON. That is, out of 70 million or thereabouts?

Mr. HAWKINS. Out of about 73 million, I believe.

However, Mr. Chairman, I shall yield to the gentleman from Pennsylvania [Mr. DENT], who I believe has possibly more accurate statistics on that question.

Mr. DENT. As I understand the question, the gentleman asked as to the percentages?

Mr. HUTCHINSON. Yes, I did.

Mr. DENT. And, they have not been given to you.

As of the 2d of July 1965, 2.4 percent of the total were covered. On the coming July 2, 1967, 4 percent will be covered. When the bill is in full effect, 24 percent, or 786,000 will be covered in the employers who have 8 or more employees.

Then, there will be 58,000 covered in the employers who have 100 or more employees, and 120,000 employers covered in the 50-or-more-employees category.

The total coverage, then, would be 30.4 percent of the work force.

Mr. HUTCHINSON. Of the work force?

Mr. DENT. That is right.

Mr. HUTCHINSON. And, about a majority of the employers—about 51 percent of the employers?

Mr. DENT. Yes. The reason for that is that you have the "under eight" not covered.

Mr. HUTCHINSON. I thank the gentleman from Pennsylvania.

Mr. BELL. Mr. Chairman, I yield 5 minutes to the gentleman from Nebraska [Mr. MARTIN].

Mr. MARTIN of Nebraska. Mr. Chairman, I rise in opposition to H.R. 10065, a bill which would repeal title VII of the Civil Rights Act, enacted in 1964.

Title VII of the Civil Rights Act did not become effective until July 2, 1965; thus we must consider the following circumstances.

Mr. Chairman, only about 2½ days of hearings were held on this bill under the then chairman of the subcommittee the gentleman from California, Mr. Roosevelt. The first hearing was conducted on June 15, 1965. The session was called to order by Mr. Roosevelt at 6:05 p.m. The reason for this, as stated by the subcommittee chairman, was that the chairman of the full committee insisted upon action on this legislation before consideration of the repeal of section 14(b) of the Taft-Hartley Act.

Further hearings were held, briefly, upon the mornings of July 19, 20, and 21 of last year, only 2½ weeks after title VII itself became effective.

Mr. Chairman, we had only a few witnesses during that period of time. Two of the chief witnesses were Andy Biemiller, representing the AFL–CIO,

and Clarence Mitchell, representing the NAACP.

Mr. Chairman, I want to point out, from the hearings, the brief colloquy which occurred between Chairman Roosevelt and Mr. Mitchell in respect to the suggestion that further hearings be held this year, after the Commission itself had had more of an opportunity to evaluate how title VII was going to operate, and I quote from Mr. Roosevelt while he is speaking to Mr. Biemiller and to Mr. Mitchell:

Mr. ROOSEVELT. You gentlemen have brought to us a number of suggestions to expand H.R. 9222, some of which I am sure you will recognize are somewhat controversial. If we proceed with a thorough examination of them, it is really a practical question as to whether we would not then have to hold rather longer hearings. My colleagues all seem to agree they would like to look forward to an early adjournment date. We, therefore, are confronted with a very serious time problem. Would it be wise to take H.R. 9222 as the basis of immediate action, and take the suggestions which you have made here and incorporate them in a further amendment in the next session? Or would you feel that we would have lost our golden opportunity, and we had better do it now or never?

Mr. MITCHELL. Well, I just made a quick check with my colleagues—

That is Mr. Biemiller—

and I think we are in agreement, as we usually are, that we would like to see it done right rather than done on a piecemeal basis. This is usually the problem in civil rights legislation. We undertake to do what is practicable, but what is practicable does not always do the job. We would agree among ourselves that we would like to see the amendments that we proposed enacted into law, even if it meant that we had to have hearings that might be a little longer, and consideration that might be a little more extensive.

After we adjourned the committee meeting that morning, I walked out with Chairman Roosevelt—this was after the meeting had concluded—and Mr. Roosevelt advised me it was then his intention to carry over the hearings until this year and call in the Commissioners from the Equal Employment Opportunity Commission to get the benefit of their experience after several months of operation of title VII itself.

Then it developed on July 22 at a full committee meeting, the gentleman from New York, Chairman POWELL, advised the subcommittee that the common situs picketing legislation would not be brought out of the full committee until the full committee had acted on this fair employment practices legislation.

So, as a consequence of this directive, Mr. Roosevelt changed his mind and on the morning of July 26, at 9:30 a.m. the subcommittee was called into session. This bill was reported out of the subcommittee after about 2 minutes of discussion. It was then taken up 30 minutes later in the full committee and reported out of the full committee with very little discussion in the full committee. That is how we happen to have this bill on the floor today.

You will recall further that this was not brought up through the regular channels after a hearing by the Committee on Rules for them to make a determination on the rule itself, but it was brought up last year under the 21-day rule when we were in session almost until midnight and we had seven bills before us under the 21-day rule.

As I recall, four of those bills were granted a rule. This bill was one of those that came out under the 21-day rule.

You know it seems that the same pattern is being followed this year as was followed in the committee last year in regard to the common situs picketing bill. Perhaps it is only a coincidence, but this legislation is being debated today and it will undoubtedly pass the House today—I doubt very much if it will pass the other body before the Congress adjourns—but we have exactly the same sequence that we have in the full committee. I understand the common situs picketing legislator is going to be scheduled for next Tuesday or next Wednesday on the floor of the House for consideration.

So you see we have the same sort of pattern being followed, and I believe the chairman of the full committee made a statement this afternoon that we were going to have two pieces of labor legislation on the floor of the House within the next 2 weeks and the only two that might be available are the common situs picketing bill and amendments to the Fair Labor Standards Act. So evidently the chairman of the Labor Committee has a great deal to say as to what legislation is scheduled on the floor of the House and the pattern that is followed.

Due to the fact, Mr. Chairman, that this bill has had inadequate hearings and we have not had the benefit of testimony from the Commissioners who have had a sufficient length of time in which to evaluate this program, I must reluctantly oppose it and vote against its enactment today.

Mr. DENT. Mr. Chairman, I yield myself 3 minutes in order that the record may be made at this point. Let me also state some facts in the chronology of action on this legislation.

The first hearings were held on June 15, 1965. Later they were held on July 19, 20, and 21. The statement was made that there was a delay asked by the Commissioner and other interested parties, the request being that the new Commissioner be given an opportunity, and that the civil rights section of the FEPC, or that section of civil rights dealing with FEPC, be given an opportunity to become operative enough so that we could determine whether or not amendments were needed.

That is true. However, the Commissioner at that time was a brandnew Commissioner, Franklin Roosevelt, Jr., appearing before his brother, James Roosevelt, the then chairman of the committee. The delay was requested and a delay was given.

This legislation reached the floor of the House on August 3, 1965. The 21-day rule was invoked. The legislation was not called up until this moment simply because the very person who had asked for the time has now agreed that this legislation is needed.

The Commission favors the legislation. There is no need for further delay in it. It is not part of a pattern. I do not know of anyone that has any knowledge as to when the situs picketing bill will come up except the gentleman from Nebraska, and while he is at it, perhaps he will inform me when he will allow us the opportunity to vote on the Fair Labor Standards Act amendment, since he is now taking over drawing the schedule for the House. I am happy he has done so, so we can get ready for the consideration of that measure.

Mr. MARTIN of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. DENT. I yield to the gentleman from Nebraska.

Mr. MARTIN of Nebraska. The gentleman knows that the Rules Committee has always been very accommodating in hearing Members of Congress who wish to testify in regard to legislation. The gentleman will recall that we have three more witnesses, I believe, who wish to testify before the Rules Committee. The Rules Committee does not make a habit of cutting off witnesses.

Mr. DENT. I am sorry we brought up the question of minimum wage. I know that the gentleman is a member of the Rules Committee and he is one of the remaining witnesses who will testify on the bill before the Rules Committee. That kind of tactics could cause a lot of delay if all members of the Rules Committee would ask to appear before their own Rules Committee. That is the gentleman's privilege. He may appear before it. But my experience with the gentleman is that he has been appearing regularly before the Rules Committee against the bill.

Mr. MARTIN of Nebraska. Mr. Chairman, will the gentleman yield further?

Mr. DENT. I have no more time to yield to the gentleman at this point. I will yield later to him if I have time. At this time I yield 5 minutes to the gentleman from New York [Mr. RYAN].

Mr. RYAN. Mr. Chairman, I rise in support of H.R. 10065, the Equal Employment Opportunity Act of 1966. I wish to take this opportunity to commend the chairman of the Education and Labor Committee, the distinguished chairman of the subcommittee, as well as the gentleman from California [Mr. HAWKINS], for their part in bringing this bill to the floor and presenting us with a bill which will strengthen the Equal Employment Opportunity Commission which was created by title VII of the Civil Rights Act of 1964.

This bill was favorably reported out of committee last August. I think it is high time that we were taking action on it. I am delighted that it is here today. Simple justice demands that Federal law be more effective in insuring that there be no discrimination because of race, color, religion, or sex in all phases of employment, from the application for a job to firing, with special emphasis on apprenticeship training programs and other training programs which open up the doors of opportunity for people to improve their skills and to gain employment.

When I was first elected to the Congress, I introduced far-reaching legislation designed to end discrimination in employment once and for all. It would have expanded the scope of the Civil Rights Commission, giving it authority to investigate complaints of discrimination in employment, housing, and every other area of our national life. The Commission would have the power to issue cease-and-desist orders upon an administrative finding of discrimination and to order an employer or union to take corrective measures.

When Congress finally passed a strong Civil Rights Act in 1964, we included title VII which attempted to deal with equal employment opportunity through another route.

Today we must make it clear that the Equal Employment Opportunity Commission will have the enforcement power to deal effectively with instances of discrimination in employment.

Superficially, title III seemed promising. It established for the first time through Federal action a right to equal opportunity in employment and created a five-member bipartisan Equal Employment Opportunity Commission to help implement this right. Title VII bars unions and employers from discriminating in employment, and in apprentice and training programs, and prohibits unions from keeping segregated seniority lists. Beginning in July of last year, the act covered employers of 100 or more workers, and unions with 100 or more members. In July of this year employers and unions with 75 or more workers or members will be covered. The coverage will be expanded in 1967 to employers and unions of 50 or more workers, and finally, after July 2, 1968, to those with 25 or more workers or members.

After that 1968 date, about 30 million of the Nation's labor force will be covered. Still not covered will be agencies of the Federal, State, and local governments—except the U.S. Employment Service and State local employment services receiving Federal funds—private clubs, educational and religious institutions, and, of course, employers with 24 or fewer employees.

Under title VII, actions are limited for the most part, of action on complaints of individuals. The emphasis is on voluntary compliance with the act. If voluntary compliance, either through efforts of the Equal Employment Opportunity Commission, or through those of State and local fair employment agencies, is not forthcoming, an individual may take his case to a Federal court. In its discretion, the court may allow the U.S. Attorney General to enter the case if he certifies that it is of general public importance. The Attorney General may also initiate a suit if he has reasonable cause to believe there is a pattern or practice of resistance to title VII.

If the court finds discrimination, it will order the employer, employment agency, or union to take corrective measures, which may include hiring or reinstating employees with or without back pay.

Although the Equal Employment Opportunity Commission has been functioning for only a short time, certain deficiencies in title VII are glaringly apparent and cry for correction.

First, there is the lack of enforcement power in the Commission itself.

Second, there is the exemption of firms and unions with less than 25 employees or 25 members. Time and again it has been found that flagrant cases of discrimination are to be found precisely among small businesses in cities and towns around this country.

This bill would do much to plug these loopholes. It is a good approach. There are other loopholes which still remain.

For instance, it would be important to cover the political subdivisions, State and local governments. The Civil Rights Commission reported last fall on how the failure to have antidiscrimination laws resulted in segregation in police and law-enforcement agencies, and the effect of this on civil rights activities.

This is another loophole which should be closed.

Of course, the emphasis under this bill will be on conciliation and persuasion. Nevertheless, persuasion and conciliation are not going to be successful unless they are backed up by enforcement machinery. That is what this bill does.

It grants the Commission directly the power to issue orders to persons subject to the act to desist from unlawful employment practices and to grant affirmative relief. The Chairman of the Commission, Franklin Delano Roosevelt, Jr., pointed out that his commission is the only quasi-judicial Government agency that lacks such enforcement power.

The committee in reporting the bill stated with equal emphasis:

> It is imperative that effective enforcement authority be granted to the Commission. While the justification for this is not new, it is compelling. The history of similar programs established without enforcement provisions is proof enough. A hollow declaration of rights without the means of asserting such rights is a sham which degrades the law and makes a mockery of the declared national policy.

This bill also transfers from the Attorney General to the Equal Employment Opportunity Commission authority to make a determination that there is reasonable cause to believe that discriminatory practices exist. On this basis, the Attorney General can be asked to move in a civil action.

Again, this bill will cover firms with eight or more employees after 2 years, and bring under its coverage now labor unions with eight or more employees. Thus, instead of 21 million members of the Nation's labor force being covered, over 37 million will be covered when this bill is put into effect.

All of us are aware that discrimination in employment is not an isolated issue. Full employment depends on equality of employment. Equality of employment is also related to equality of housing and equality of educational opportunity. Job discrimination is sufficiently serious and sufficiently pervasive throughout our whole economy so that it is essential that there be a Federal commission with a proper staff and sufficient authority to fight discrimination wherever it exists.

I might point out this is not a sectional problem. Discrimination in employment is found in every part of the Nation. It is prevalent not only among employers, but it is also found among labor unions. It is found in employment agencies. These practices are not only immoral they are very costly to the Nation.

We lose the talents of those who are denied the best employment of which they are capable. Discrimination in employment discourage the youth of this Nation, with a resultant increase in school dropouts, juvenile delinquency, crime, and welfare costs.

Reference has been made to the record of my own State of New York in the steps that it has undertaken ever since 1945 to implement a fair nondiscrimination employment policy. New York's Ives-Quinn law, passed in 1945 and amended regularly to broaden its coverage, was far reaching enough that title VII of the Civil Rights Act actually had little additional impact on the operations of the Employment Service in my State. But this is not a matter which can be left to the individual States. A third of the States do not have fair employment practice laws. Where States do have such laws, they vary greatly in coverage and effectiveness. State agencies, further, have difficulty in dealing with the operations of firms doing a large volume of interstate business. It is a national problem. It needs a national solution.

I, therefore, urge that we do more than proclaim our good intentions. I urge that we pass a meaningful bill, an effective bill, one which is designed to deal with the problems of discrimination in employment in a realistic and positive way. Let us approve this bill today.

Mr. BELL. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. ANDERSON].

Mr. ANDERSON of Illinois. Mr. Chairman, I feel a little bit like a voice crying out in the wilderness today, but I want to join the gentleman from Nebraska in expressing my dismay at what I regard as the wholly incredible fashion in which this bill is being brought to the floor of the House of Representatives. I believe, when we deal with a bill of this importance and of this scope, affecting—I believe the figure has been mentioned—39 million workers in this country, that we have a right to expect something better on which to base our judgment than the fragmentary hearings that are before us here today.

The gentleman from Illinois [Mr. PUCINSKI], a member of the House Education and Labor Committee, when these hearings opened on the 15th of June of 1965, which was even before title VII had begun to be effective on the 2d of July of last year, asked a question as to whether or not the new Chairman of the FEPC was going to be there to testify. He said:

> I think we can all agree it is somewhat a rather strange procedure to be amending an act here now that hasn't even seen a single hour of daylight.

The gentleman from California [Mr. HAWKINS] said that there were 500 witnesses who testified on this bill. The gentleman was not talking about the bill

before us today, but was talking about some other piece of legislation, about which I do not happen to know anything because I am not a member of the Committee on Education and Labor. I did not have an opportunity to sit there and to listen to that testimony.

I speak today as one who has no bias against civil rights legislation. I am proud of the fact that I have supported on final passage every single civil rights bill which has been introduced and has come to the floor of the House since I came to Congress in 1960. But when I vote to pass an important bill I like to have something better than the record of hearings I have on the so-called Equal Employment Opportunity Act of 1965.

I tried to develop in a colloquy with the gentleman from Pennsylvania [Mr. DENT] and the gentleman from California [Mr. BELL] the question as to whether State agencies which are functioning in my own State of Illinois and in other States will continue to function and to do the job they are doing today. The gentleman assured me, "Oh, yes, under section 9(b) there is perfectly adequate reason to believe agreements will be entered into between the new Federal Commission and the State commissions." But I am more than a little disturbed when I consult what fragmentary record there is available and find a statement by Mr. Fowler, the Chairman of the New York State Commission for Human Rights. I understand that New York has one of the strongest civil rights acts or fair employment statutes in the country. Mr. Fowler said, as shown on page 62 of the record of the hearings, that he could not go along with this bill:

> I cannot support this change. * * * The Federal Commission will be able to process a complaint from its inception through to a conclusion in the Federal courts, without ever notifying the State agency involved or giving the State agency a chance to act. This procedure may have the effect of weakening State agencies.

This is important, and I underscore it:

> This procedure may have the effect of weakening State agencies.

I wonder, considering the tremendous task which we admittedly face in this country to assure equality of opportunity to all our citizens, which I wholeheartedly support, whether we should take action which may have the effect of weakening the efforts already being made, which have gone on for a number of years in New York, in Illinois, and in 31 States of the Union to correct conditions of that kind. I do not know.

I have been given bland assurances on the floor today that such fears are groundless. I respect the gentlemen who answered my questions, but I fervently wish I had something in the record of hearings on this bill to give me that information. When I vote on this bill—and it is a landmark piece of legislation—I really wish I could have the proper quantum of evidence on which to base a decision which is destined to be so important.

I appreciate the fact that a majority of the Republican members of the House Education and Labor Committee do support this legislation. I am also satisfied that I can rely on their credibility and therefore accept the assurances they have given me to the effect that under section 9(b) an agreement is mandatory between the Federal Government and the Illinois State Fair Employment Practices Commission whereby the latter will assume jurisdiction over any complaints arising out of all allegations of discrimination because of race, color, or creed. Again, I would express the hope that in the future the committee, when it undertakes to report out basic legislation of a fundamental and important nature, will provide such assurances in the form of full and complete hearings. This is surely the best way to fashion sound legislation.

Mr. BELL. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. GOODELL].

Mr. GOODELL. Mr. Chairman, I rise in support of this legislation.

In 1963, when I was the ranking minority member of the subcommittee, Congressman Roosevelt and I cosponsored legislation to give the Commission the power to issue cease-and-desist orders, as contrasted with the court enforcement provision that ultimately went into title VII of the Civil Rights Act.

I will, at the beginning of the 5-minute rule, offer an amendment which will restore this bill to the form taken by the Roosevelt-Goodell bill in 1963. I feel that we should give this Commission a model operating agency that has proven effective in the administration of other laws and other problems. We should in this case follow the pattern that we did with the NLRB. In the 1930's we set up a National Labor Relations Board that was the prosecutor, investigator, judge, and jury. By the mid-1940's we determined that there should be an Office of General Counsel that did the prosecuting and that the Board should exercise its pseudo-judicial functions and not be a prosecutor at the same time.

I think we have in effect created a model-T commission in this act by patterning it after the 1930's NLRB under the Wagner Act. It is my view that in the years ahead we will move to the kind of commission that I will propose today.

It will set up an Office of the Administrator who will be in charge of conciliation and investigation and, if necessary, prosecution before the Commission. The Commission will have the power to issue cease and desist orders. I believe this is a cleaner and a better way to handle the problem.

Mr. Roosevelt, as chairman of the subcommittee back in 1963 and 1964, was in agreement with this view. We had a bipartisan bill. At that time our bill was considerably stronger than the bill that was finally incorporated in the Civil Rights Act as title VII.

Assuming that my substitute, the Roosevelt-Goodell bill, will be turned down, it is my hope that we can have hearings on this kind of a proposal in the next year so that we may move in this direction if experience seems to indicate it would be wise. I would say also that I am sorry we have not had full hearings this year on the operation of the Equal Employment Opportunity Commission. The Equal Employment Opportunity Commission went into effect last July 1. It has court enforcement procedures. We have had no hearings whatsoever with reference to the experience of the Commission or our experience under the Equal Employment Opportunity Act. This is unfortunate. The bill we have before us is a bill based upon hearings held last July when the present act had been in effect since the 1st of July. Obviously those hearings could not tell us anything about the experience under the act thus far. There is really no good reason why we could not have had full and complete hearings this year on the operation of the act thus far. Perhaps they would have resulted in no changes at all in the present proposal, but at least we would know the areas in which we are acting today are based upon facts as they are available to us.

I would like, if I may, as a matter of legislative history—and I have discussed this with my colleagues on both sides of the aisle—to clarify several points in which we are in complete agreement, I believe. No. 1, it is not the intention of the Congress that the Commission shall be able to go into an area and set quotas for hiring. The decisions made by the Commission will be based upon the individual cases and the facts of those cases as they are presented. I would read a section that I had originally intended to offer as an amendment. I have since determined that we have complete agreement on both sides of the aisle. It should not be necessary to have an amendment, but I have discussed it with members of the Commission, and they agree. At this time I will read the language and ask my colleagues on both sides of the aisle if they agree it is our legislative intent. The language reads as follows:

> Beginning on page 11, line 9, section 3(j) is amended to read as follows:
>
> "(j) The existence of any imbalance with respect to the total number of percentage of persons of any race, color, religion, sex, or national origin employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of persons of any such race, color, religion, sex, or national origin in any community, State, section, or other area, or in the available work force in any community, State, section, or other area, shall not constitute or be evidence of an unlawful employment practice under any of the provisions of this Act."

I would ask the gentleman from California [Mr. HAWKINS] if the gentleman agrees that this is a matter of legislative history?

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

Mr. GOODELL. I yield to the gentleman.

Mr. HAWKINS. Mr. Chairman, may I say that we are not only in agreement with the intent of the section that the

gentleman just read, the proposed section which the gentleman has just read, but I would construe that to be already prohibited by the law.

And, Mr. Chairman, I call attention to the act itself, section 3 of the act, under paragraph (J) wherein it states:

> Nothing contained in this Act shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this Act to grant preferential treatment to any individual or to any group because of the race, color, religion, sex, or national origin of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons—

And so forth. Mr. Chairman, I would certainly say that that part of the existing act, which is not only affected or repealed by this proposal, would certainly indicate that we agree with the gentleman from New York [Mr. GOODELL] not only as to the intent, but also we believe that the law itself prohibits it.

Mr. GOODELL. I agree with the gentleman, and that is the reason I do not intend to offer this amendment, because I believe it would be redundant in many respects to some of the language that is contained in the bill. As a matter of repeating our legislative intent, I have again brought this matter to the attention of the House.

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

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

Mr. BELL. Mr. Chairman, in order to further clarify the legislative intent I fully concur with what the gentleman from New York has said, and also what the gentleman from California [Mr. HAWKINS] has said in reading from section 3 of the bill. I believe that language clarifies this point and I further believe that the gentleman from New York is correct in his interpretation.

Mr. GOODELL. I thank the gentleman from California.

Mr. Chairman, I would reiterate here that in simple terms what this means is that the Equal Employment Opportunity Commission, when it comes into an area, will look at the specific facts reported in a specific complaint and will determine whether the individual complaining appears to have been discriminated against.

In other words, Mr. Chairman, it will not look at patterns and other situations in the community or in the plant. But it will look at the facts that are applied and which are applicable to this individual. That, I believe, is important, because we are setting up a system here that has great power, as I want it to have great power, so they can go into matters of this kind and correct injustices.

Mr. Chairman, on the other hand, we do not want them going in saying that, "You have to have 5 percent of one race or another or 10 percent of one race or another."

Mr. O'HARA of Michigan. Mr. Chairman, will the gentleman yield?

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

Mr. O'HARA of Michigan. Does the gentleman agree with the gentleman from California [Mr. HAWKINS] that the legislation, if enacted as it now reads, would not permit a complaint to be based upon an alleged racial imbalance?

Mr. GOODELL. Yes, I agree with the language which the gentleman has read. Also, I feel very strongly that the legislation, as it will be amended, may well continue to preclude this kind of operation about which I am talking.

Mr. O'HARA of Michigan. Mr. Chairman, will the gentleman yield?

Mr. GOODELL. I yield to the gentleman.

Mr. O'HARA of Michigan. I am sorry I stepped out for a few minutes, but does the gentleman plan to offer an amendment that repeats that injunction?

Mr. GOODELL. No. I read the language of the amendment I had prepared last year to clarify this and the gentleman from California has agreed that the law as it is presently written and as it will be amended today will provide exactly this and that it is not necessary to have an amendment.

Mr. O'HARA of Michigan. I thank the gentleman.

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

Mr. O'HARA of Michigan. I yield to the gentleman.

Mr. HAWKINS. May I set forth a set of facts and ask you for your interpretation of the effect of the amendment that you proposed which you have withdrawn?

Let us assume that X company in its employment has considerably more Negroes than whites despite the fact that the general population let us say is the opposite. Let us suppose that a single Negro goes to the factory gate and applies for a job and is refused employment. He alleges discrimination. Let us say that it is upheld that that is discrimination. Would you say, therefore, that X company cannot on the basis that it is already employing considerably more Negroes than whites, and the proportion in the population being the opposite, that they could not then justify their particular pattern so as to prevent that particular type of case being prosecuted under this law?

Mr. GOODELL. I agree one hundred percent. It works inversely here. That would be no defense for a company. If there is an individual case of discrimination present, then the company cannot say that they have a very sizable percentage of Negroes on their work force. This would not be a defense. The case brought before the commission would depend on the proof of the facts as they apply to a particular individual case with reference to that individual's problem and his qualifications for the job for which he was applying or the promotion that he was seeking. That will be the kind of evidence that will have a bearing on such cases and that is the kind of evidence that is pertinent with reference to the decision of the commission. The pattern or the practices in the company or in the general area or in the community are irrelevant.

Mr. HAWKINS. I agree with the gentleman from New York and thank him.

Mr. GOODELL. I would ask the gentleman from Pennsylvania [Mr. DENT] to state for the record and I am sure he would agree with that statement; would he not?

Mr. DENT. I agree with your position on the proposed amendment which we discussed. I think all of us are in agreement and we do want the record to so state.

Mr. GOODELL. I want to say, I think in spite of the fact that we did not have hearings this year on the experience under the present law, this bill should be supported. I believe the experience in States that have strong commissions has been very, very good. We have enough experience from those States and we did have hearings and they were rather full hearings in 1965, 1963, 1962, and for some years back with reference to proposals of this nature.

I would like to clarify one other point with reference to the equal pay for women act and its relationship to the prohibition of discrimination on the basis of sex in this bill and in this act.

I had a rather major role in the equal pay for women act and getting it under the Fair Labor Standards Act. In that bill and in that act we carefully specify the various standards under which discrimination on the basis of sex or certain types of discrimination would be proper. We talked about seniority, effort, and a variety of other factors that properly distinguish one job from another in job evaluations that have been historically accepted in industry.

I believe this act is working out very well. I visited a number of plants where they have a large number of women and where they have had complex problems in negotiating between labor and management and bringing the Labor Department in for advice and guidance. I believe we are going through a very wonderful transition here where we are not hurting the male workers and we are bringing the women workers up to a position of equal pay when they do equal work. But because the Equal Pay Act is working so effectively, I think we ought to make it absolutely clear in the legislative history today that we do not intend that employees who are covered under the Equal Pay Act will be involved in operations of this Commission. Where the Equal Pay Act with all the standards that are set forth covering women's employment and bringing their pay up to an equality for equal work, it is not our intent that the Commission created by this act shall move in and try to enforce other standards of their own incidentally.

Once again, I believe I have discussed this with both sides and we are in agreement that the Equal Pay Act should have a priority in this situation.

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

Mr. GOODELL. I yield to the gentleman from Pennsylvania.

Mr. DENT. The main thrust of the Equal Pay Act is that after they have had an opportunity to become employed, they are treated on an equal basis so far as earnings are concerned. The main

thrust of this legislation is to see that they get the job on an equal-opportunity basis to begin with. Therefore we agree that the Commissioner should not in any way interfere in the workings of another act or statute that has for its main thrust something entirely different from this.

Mr. GOODELL. I agree with the basic statement that the gentleman has made.

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

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

Mr. BELL. I should like to commend the gentleman for his outstanding work and leadership in this committee and the work that is being done on this bill. He has been an outstanding member of the committee and an outstanding lawyer in working out problems involved in this legislation.

Mr. GOODELL. I thank the gentleman. We have had very distinguished leadership from our side of the aisle on this subcommittee in the person of the gentleman from California.

Has the gentleman available 2 or 3 additional minutes?

Mr. BELL. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN. The gentleman from California has 10 minutes remaining.

Mr. BELL. I yield 5 additional minutes to the gentleman from New York.

The CHAIRMAN. The gentleman from New York is recognized for 5 additional minutes.

Mr. GOODELL. I would take this time also to clarify a point of legislative history, if I may have the attention of the gentleman from California. We discussed this earlier in response to some questions with reference to the jurisdiction of State commissions. The language in the bill on page 27 provides that the Commission shall—not may, but shall—cooperate with the State and local agencies.

Then the bill provides, on line 18, further:

> In furtherance of such cooperative efforts, the Commission shall enter into written agreements with such State or local agencies as consent thereto and such agreements shall include provisions under which the Commission shall refrain from processing a charge in any cases or class of cases specified in such agreements—

And so on. Then the final provision is:

> The Commission shall rescind any such agreement whenever it determines that the agreement no longer serves the interest of effective enforcement of this Act.

It is our intent, as I understand it, that where there is a State law that can do a job of eliminating discrimination, the State should do so and the Federal Government should stay out.

It is also our intent that the Commission shall have the final judgment as to whether a State is able to do the job and is willing to do the job. We would hope the Commission would proceed in a way that would encourage all States to set up their own fair employment commissions, because it is our feeling that you can do a more effective job, if you want to do an effective job, locally with your State people and your State agencies.

We also are not so blind as to expect that a number of the States will proceed to do so in the field of civil rights and fair employment practices. But we need this Federal power standing behind to push the States into enforcement.

In the case of New York, California, Illinois, Michigan, and some other States, we have very strong and effective fair employment commissions. I believe it is our hope that the Commission will cede jurisdiction to the fullest extent possible to the State agencies where the State agencies are overlapping in the jurisdiction and can handle the problem.

Does the gentleman from California agree with that under section 9(b) authority?

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

Mr. GOODELL. Yes, I yield to the gentleman.

Mr. HAWKINS. Mr. Chairman, I agree with the gentleman's construction of that section, and indicate further that it was the intent to accomplish what he has expressed; that is, to encourage those States that have moved ahead even of the Federal Government.

Furthermore, I think it should be indicated for the record that of the 36 States which today have laws, and 80 local governmental units, at least 25 of those 36 States have enforcement procedures which basically cover more employees with a stronger enforcement procedure than even this bill proposes. It is in recognition of the fact that these States are moving ahead that we wish to cede this jurisdiction to them. That was the reason for making this cooperative agreement mandatory rather than discretionary, as the present law in title VII does. I agree with the gentleman from New York.

Mr. GOODELL. I thank the gentleman.

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

Mr. GOODELL. I yield to the gentleman.

Mr. REID of New York. Mr. Chairman, I was just calling the attention of the gentleman to page 6 of the report, which I do not believe has been referred to yet, which stresses:

> (1) Close cooperation between the Commission and other Federal, State, and local agencies has been one of the prime goals of the committee in the drafting of this act. Duplication of effort and expense are to be avoided whenever possible.

I think it is very clear from the entire legislative history of this act that the Federal Government is not intending to preempt effective State commissions, provided they are effective and provided there are laws in the several States, as there are in some 30, for commissions that can do the job.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BELL. Mr. Chairman, I yield the gentleman an additional 3 minutes.

Mr. GOODELL. Mr. Chairman, I yield to the gentleman.

Mr. REID of New York. Mr. Chairman, I would just add that the legislative intent about urging States to do an effective job, provided they have the law and the effective commission, is clear. But the Federal Government must have the residual rights, if the States, either by law or in the operation of their commissions, do not do the job in a forthright way to insure equal job opportunity under the law.

Mr. GOODELL. Mr. Chairman, the gentleman has stressed a point which I think is very important.

Mr. Chairman, the gentleman from New York has been chairman of the distinguished commission of New York for 3 years, and has done an outstanding job.

It should not be interpreted from the language of section 9(b) that the Commission must enter into an agreement with a State that has an ineffective law with reference to fair employment practices. The Commission is given the responsibility here to enter into an agreement with the State to the extent that the State can do the job.

I would like to ask the gentleman from California one other question in this connection. Will there be States—presumably—which have effective laws against discrimination in certain areas, but not as broad as the Federal law? Is it not our intention that where a State has an effective law to do part of the job, that we will have them take over the measure of jurisdiction that they can and are able and willing to enforce, and that the part that the State commission does not cover will fall under the Federal Commission's authority?

What it amounts to is that there is not a requirement that the Federal Commission cede 100 percent authority to the State commission. The State commission does not have to have a law that is equal in all its provisions to the Federal law in order to have some cession of jurisdiction.

Mr. HAWKINS. Mr. Chairman, that is exactly right, and I agree with the gentleman. I point out there will be obviously some States, for example, that will not cover certain classes that are covered under the Federal law, let us say "sex."

Obviously, the Commission could not defer to the States and sign an agreement, because the State might not have a law against sex discrimination. Obviously we are speaking only of those where an agreement can be entered into in equal class.

Mr. GOODELL. I thank the gentleman.

Does the gentleman from California agree with that interpretation, as a matter of legislative history?

Mr. BELL. I agree with the interpretation of the gentleman from California [Mr. HAWKINS].

Mr. GOODELL. I thank the gentleman.

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

Mr. GOODELL. I yield to the gentleman from Illinois.

Mr. COLLIER. Is it the gentleman's understanding that whenever and wherever the word "employer" appears in this act this means the Civil Service Commission and the agencies of the Federal Government?

Mr. GOODELL. Is the gentleman asking whether the Federal Government is covered, as an employer?

Mr. COLLIER. That is, in sum and substance, what I am asking.

Mr. GOODELL. No. I believe the Federal Government would be covered under other provisions of law, but the Federal Fair Employment Commission would not proceed against other Federal agencies.

Mr. COLLIER. I would presume that the very best place for a precedent in this field to be set would be the Federal Government, certainly. I would assume from the language that the word "employer" would mean any employer, including Federal agencies.

Mr. GOODELL. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. DENT] to speak on that question.

Mr. DENT. In order to sustain the position, I refer to page 2 of the bill. The gentleman asks a question about the Federal Government being covered. I suggest that the gentleman read the language on page 2, line 8, which says "the United States, a corporation wholly owned by the Government of the United States, an Indian tribe, or a State or political subdivision thereof."

Mr. COLLIER. I was asking for an interpretation of the language which the gentleman has read.

Mr. DENT. It is very specific.

Mr. COLLIER. We should all have a common understanding.

Mr. GOODELL. I appreciate the gentleman's question. The answer is very clearly "No." The Federal Government is not covered as an employer.

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

All time of the gentleman from California has expired.

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

Mr. GOODELL. I yield to the gentleman from North Carolina.

Mr. WHITENER. Mr. Chairman, I am astounded that a committee of the Congress would bring forth such a monstrosity as H.R. 10065. Already a majority of the Congress has written into our statutes title VII of the Civil Rights Act of 1964. Enactment of that title was bad; to enact H.R. 10065 would be horrendous.

As our young Americans today defend the principle of individual freedom in military combat it ill behooves Members of this body to destroy freedom so recklessly as is proposed in this bill. Are we today willing to depart so far from the principle of freedom of choice by individuals who employ others in their business operations? I would hope not.

Totalitarianism anywhere is indefensible. Totalitarianism in our beloved America, as is proposed in this legislation, is even more abhorrent in view of the history of the United States in combating such doctrine throughout the world.

My vote today shall be for freedom as I proudly cast it against approval of H.R. 10065.

Mr. BELL. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. GRIFFIN] may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. GRIFFIN. Mr. Chairman, although I cannot be present when the vote on H.R. 10065 is taken later in the day, I want the RECORD to reflect that if I were here I would vote for passage of the bill.

I wish to make it clear, however, that I am not altogether satisfied with the legislation in its present form. For example, if the Equal Employment Opportunity Commission is to have adjudicatory powers, then I believe a separate and independent agency should perform the role of prosecutor. Unfortunately, under the pending bill, the Commission would function as investigator, conciliator, prosecutor, judge, and jury. I hope that this defect in the present legislation can be corrected.

In a number of other important respects the legislation strengthens the machinery and purposes of the 1964 Civil Rights Act. On balance, therefore, I believe the pending legislation deserves support.

Mr. BELL. Mr. Chairman, I ask unanimous consent that the gentlewoman from Washington [Mrs. MAY] may be granted 1 minute in order to ask a question.

The CHAIRMAN. The gentleman from Pennsylvania has 20 minutes remaining.

Mr. DENT. Mr. Chairman, I am happy to yield 1 minute to the gentlewoman from Washington.

Mrs. MAY. Mr. Chairman, I rise to direct a question to the author of the bill, the distinguished gentleman from California [Mr. HAWKINS].

Title VII of the Civil Rights Act of 1964 gave women the same protection against discrimination in employment as is given to other individuals on the basis of race or creed. This particular portion of that title was and is very important not only to workingwomen but to all women.

I should like to ask the distinguished author of this bill whether under the legislation before us today, or any amendments to be considered, the present provisions against discrimination in employment on account of sex will be affected in any way?

Mr. HAWKINS. Mr. Chairman, if the gentlewoman will yield, we are simply extending jurisdiction. Certainly we are not in any way adversely affecting existing provisions. Many of the fine ladies who have been worried about this bill being debated at this time, and worried that it might lead to an amendment, can be assured that certainly such was not our intent. Certainly we would never under any circumstances do anything to hurt the ladies.

Mrs. MAY. I thank the gentleman for that reassurance.

Mr. DENT. Mr. Chairman, I yield myself 1 minute, and I yield to the gentleman from New York [Mr. GOODELL] for an answer to the question.

Mr. GOODELL. Mr. Chairman, in further response to the question asked by the gentlewoman from Washington [Mrs. MAY], we had a colloquy earlier and had an agreement that to the extent the Equal Pay for Women Act was effective in covering the women and protecting the women in respect to equal pay for equal work we did not expect this Commission to move in and try to supersede or intervene, because procedures are working out quite well under the Equal Pay for Women Act, which were carefully laid out in the legislation.

It is quite possible that someone might assume that this bill would give away jurisdiction. It probably does give the Commission, technically, authority to move in and to overlap jurisdiction under the Equal Pay for Women Act.

However, we do not feel that this was done, and the Equal Pay for Women Act is working out quite well.

Mrs. MAY. I thank the gentleman from New York for that explanation.

Mr. DENT. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. O'HARA].

Mr. O'HARA of Michigan. Mr. Chairman, I would like to say to the gentlewoman from Washington and the gentleman from New York [Mr. GOODELL] that while certain features of this act and of title VII of the Civil Rights Act of 1964, cover some of the same discriminatory practices as the Equal Pay Act and some others in addition, I could not agree that the committee has any particular intent as to which of the acts should apply in those areas subject to the sanctions of both acts. It would be up to the administering agencies to work out some modus operandi under which they would handle complaints that might be a violation of both acts. I do not believe, though, we should say as a matter of legislative intent that we do not cover any practice that is covered elsewhere. Perhaps there is some overlapping. So be it.

Mr. DENT. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. WAGGONNER].

Mr. WAGGONNER. Mr. Chairman, I appreciate the gentleman from Pennsylvania yielding me this time. I would like to ask some questions of the gentleman from Pennsylvania or the gentleman from California, the author of the bill [Mr. HAWKINS].

To try to put in proper perspective where we stand now on the legislative intent of this proposal I would like to ask first of all, am I correct in assuming that this bill repeals title VII of the Civil Rights Act of 1964?

Mr. DENT. Will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman.

Mr. DENT. It does.

Mr. WAGGONNER. Does this proposal, H.R. 10065, retain the Commission on Equal Employment Opportunity provided for in the Civil Rights Act of 1964?

Mr. DENT. It does.

Mr. WAGGONNER. Would the gentleman as concisely as possible tell me what is provided for in this proposal not provided for in title VII of the Civil Rights Act of 1964? What does this bill do that title VII does not do?

Mr. DENT. Well, it extends the coverage to employers of 8 or more rather than 25 or more as was contained in the

previous act. It sets up machinery for enforcement that was not contained in the previous act, and it makes it mandatory by substituting the word "shall" for the word "may" in compelling the Commission to cooperate with the States in every instance in the enforcement of this particular act. It does not in any way supersede or displace the State acts but makes it possible and practically mandatory, in other words, that we do operate and cooperate with the States that now have such legislation.

Mr. WAGGONNER. The gentleman said that this act sets up machinery for enforcement which does not exist in the Civil Rights Act of 1964. Am I correct in assuming that authority for administering this act is placed directly in the five-man Equal Employment Commission and is removed from the due process of law in that the courts must accept the findings of the Commission with respect to questions of fact as conclusive?

Mr. DENT. We never remove any violation of any law from the courts when a violation is found. The only thing it does do is give an opportunity for conciliatory explorations on the part of the Commission and an employee aggrieved does not immediately have to go to court for any kind of justice in the matter of discrimination. He can appeal to the board at a hearing and get the usual board action we have under other agencies and commissions of the Government rather than put enforcement directly in a court action.

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

Mr. DENT. Mr. Chairman, I yield 1 additional minute to the gentleman from Louisiana.

Mr. WAGGONNER. The gentleman from Pennsylvania makes reference to the "board."

Mr. DENT. Commission.

Mr. WAGGONNER. Is the gentleman referring to the Equal Employment Opportunity Commission?

Mr. DENT. That is right.

Mr. WAGGONNER. Could the gentleman from Pennsylvania tell me under what conditions the Equal Employment Opportunity Commission, having the authority which this act grants seek the services of the Attorney General? Under what conditions and when could the Attorney General become a party in such disputes?

Mr. DENT. Mr. Chairman, if the gentleman will yield further, they are both Federal agencies. Only where there is a practice or a pattern of discrimination that the Attorney General may feel—and I would imagine it would be that when the Commission has reason—it must have some reason, cause, or concern to believe—a person or group of persons—and I believe the language itself is not clear and I would like to at least give the gentleman a part of the language which I believe does cover the gentleman's question wherein it states, "engaged in a pattern or practice of discrimination." At that point they could intervene.

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

Mr. DENT. Mr. Chairman, I yield 1 additional minute to the gentleman from Louisiana.

Mr. WAGGONNER. In effect, then, the Equal Employment Opportunity Commission would make an initial determination, in instances where it felt discrimination did exist guided by the Administrative Procedure Act.

Mr. DENT. That is right.

Mr. WAGGONNER. And only an appeal to the Federal courts then would set aside an opinion of the Equal Employment Opportunity Commission?

Mr. DENT. That is true. In any case where a Commission has a finding and a determination of fact, that would be true in this particular case.

Mr. WAGGONNER. I thank the gentleman from Pennsylvania.

Mr. DENT. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. COHELAN].

Mr. COHELAN. Mr. Chairman, the requirement for a strong Federal Equal Employment Opportunity Commission, with appropriate and effective enforcement powers, is urgent.

For years some of us have urged such a Commission, and the Civil Rights Act of 1964 included a provision which some of us had long supported. This was the establishment of a Federal enforcement Commission to redress the discrimination which has so regularly plagued our Negro fellow citizens.

For the ugly fact remains that discrimination in employment because of race and color is a pervasive practice. It exists in almost every area of employment and in every area of our country. And it falls with special cruelty on minority groups.

The unemployment rate of Negro workers continues to be twice that of the working force as a whole. And this discrimination and unemployment create an atmosphere of frustration, resentment, and unrest which forms the basis for some of the most basic and serious problems confronting our communities today.

THE 1964 ACT IS INADEQUATE

Unfortunately, the legislation establishing the Equal Employment Opportunity Commission 2 years ago fell far short of what we had originally proposed. Its fine title and objectives were not matched by its tools. Its ability to deter discrimination was emasculated before it even got underway.

It established the principle of equal employment opportunity enforcement at the Federal level but it left us with the question of whether we could afford to be satisfied with "tokenism." It left us with the question of whether the symbol of equal employment is enough or whether we must be prepared to provide the machinery which can really make it work.

NEW POWERS ARE NEEDED

If we are concerned with results—and morally, socially, and economically I believe we must be—then we have to correct the two glaring weaknesses of the present act. These flaws, which would restrict and restrain the efforts of even the most dedicated men, are first, its limited coverage, and second, the weakness of its enforcement provisions.

As originally enacted, only the employees of organizations with 100 or more workers were covered. Obviously, this standard is inadequate and unreasonable. It must be raised substantially and this legislation before us today would do so. By July of 1967 it would include all organizations employing 8 or more workers, and this would mean protection for the employees of approximately 92 percent of this Nation's employers.

Perhaps even more important, this bill grants the enforcement power which is missing in the present act.

Many problems of employment discrimination can best be worked out through informal and voluntary means. Such has been the experience in my own State of California.

ENFORCEMENT ESSENTIAL

But the record is very clear that conciliation is most successful when the parties know that effective machinery for enforcement and compliance is at hand. Of the 35 State fair employment laws now on the books, 28, again including California, have always provided enforcement procedures, and 4 of the remaining 7 have subsequently added them. So this bill, by including compliance machinery, is being wholly consistent with what in practice has been found necessary and effective at State and community levels.

JOB OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

The serious and persistent employment problems confronting minority group members, and Negroes in particular, will not, of course, be resolved solely or even primarily through commissions such as this, no matter how effective they may be. We desperately need to concentrate on creating more jobs, on providing better education and on developing more broadly based job training programs.

But equal employment opportunity commissions are important if new jobs and better training are not to be thwarted at the employment office. The time has come—it is long past due—when we should mobilize all of our resources to insure first-class citizenship for every American.

Mr. Chairman, I urge that this bill be approved as a matter of fairness, equity, and responsibility. I urge that it be approved so that the constitutional guarantee of equal opportunity may be realized by all of our people.

Mr. DENT. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. BURTON].

Mr. BURTON of California. Mr. Chairman, I would like at this time to pay tribute to my distinguished colleague, the gentleman from California [Mr. HAWKINS]. Congressman HAWKINS has been a leader in the broad area of civil rights, although today we deal with the more limited area of equal employment opportunities, throughout his entire career of legislative service. I might add, Mr. Chairman, that it has been a most distinguished service, both in the House of Representatives and in the State Legislature of California, where he was the father of the California fair employment practices law.

It is most appropriate that such a skilled and dedicated colleague of ours be the author of this legislation and the floor manager in the House of Representatives for this very important and desirable bill.

Mr. Chairman, this bill opens further the door of opportunity in all phases of our economic and social life. It makes it possible for those formerly deprived to make greater contributions as citizens and removes an atmosphere of frustration, resentment, and unrest. It provides for a more effective utilization of our manpower. The Council of Economic Advisers has estimated that employment discrimination combined with poorer educational opportunities costs us, as a nation, up to $20 billion a year in potential production.

The human cost cannot be calculated. With the passage of this bill, the less skilled and those entering the labor market for the first time are encouraged to prepare for useful careers. Higher motivation can be accomplished where achievement is recognized and the shadow of discrimination is removed.

The improvements in this bill over section VII of the Civil Rights Act are real. The Federal Equal Employment Opportunity Act is continued but statutory procedures are added for compliance. Such enforcement powers are universally given investigative commissions; otherwise, a mere statement of policy would be without practical effect. Effective conciliation by the Commission is not possible when an employer knows that the Commission has no power beyond making an investigation. All State fair employment practice laws provide for such enforcement. Under H.R. 10065, the Federal Equal Employment Opportunity Commission is given equal power, which is reviewable in the courts.

If the Commission finds that a respondent has engaged in an unlawful employment practice, it will have authority to issue a cease-and-desist order or any appropriate affirmative order, including an order to reinstate or hire an employee, with or without back pay. Such an order could be enforced on application to a U.S. court of appeals, or to a district court, if a court of appeals were not sitting at that time. Such order could be reviewed by a U.S. court of appeals upon application of any party.

Another change in H.R. 10065 from present law is to extend coverage from employers employing 25 or more persons to employers employing 8 or more. This adds somewhat less than 11.5 million to coverage to a total of 37 million employees covered by the act. This bill is sound. There is no logic in excluding this substantial area of business.

Mr. Chairman, I urge support of this vital legislation.

Mr. DENT. Mr. Chairman, I yield to the gentleman from Alabama.

Mr. GLENN ANDREWS. Mr. Chairman, this is an ill-timed and unnecessary bill which was introduced, briefly considered, and reported in order that the chairman of this committee could make a personal political display in connection with the unfortunate action of the House in repealing section 14(b) of the Taft-Hartley Act.

I do not agree with any part of title VII of the so-called Civil Rights Act of 1964. It is a naked use of Federal power to compel by law that which should only come from the natural and voluntary process of persuasion.

This bill enlarges the powers of the Equal Opportunity Commission created in the 1964 act. It empowers the Commission of five, collectively or individually, to initiate complaints, hear complaints, judge complaints, and mete out punishment for the least understood and most indefinable of crimes. No limitation of the Commission's powers appears in the bill. The respondent or victim in the unlawful employment practice charge is given the opportunity of appealing to the courts when he feels unjustly punished.

There is no tyranny in the history of this century—and it is in many ways a bleak history of totalitarian brutality of both the "left" and the "right" on a massive scale—which has not pronounced grand aims of human betterment to be achieved through force. It is not consistent with the historic American design of individual freedom and choice that a government have the powers to compel all things that a majority believes to be morally right. Such objectives are better and more surely reached without governmental compulsions.

This bill would extend the compulsory process—which is at heart a totalitarian device—by taking power from the courts and vesting it in a politically oriented administrative tribunal. By narrowing the scope down to the smallest enterprise in the smallest town which employed eight or more persons, another totalitarian form becomes familiar; namely, that all means of earning a living are the specific property of government. Justice Douglas suggested what could become the end of private enterprise when in his "sit-in" decision he declared:

> When a person is issued a license by a State or local government, he becomes subject to certain rules and regulations and supervision of his performance.

I am aware that the great American experiment cannot endure with two classes of citizenship. I have not, however, and shall never accept the doctrine that, as government extends its mantle over the economic lives of all its people, it requires a surrender of all private rights. I reject the principle that to be touched at all by government is to become automatically clothed with a public interest requiring that the individual touched become a vassal to whatever the majority may demand.

When an individual risks his own capital and employs eight people, his capital, and his alone, is at stake and it is not a matter of public concern that he fail or not fail. The prerogative should be entirely his and whomever he hires is an important part of his success or failure. The proprietor of a business is entitled to a full responsibility for his business venture. It is wrong that a public Fair Employment Commission sit with him on his executive board and direct his employment. They are not a stockholder in his enterprise simply because he might have borrowed from a national bank, or Government directly, or may manufacture a product and paint it with a lacquer which has traveled once across a State line.

Most responsible Americans, and absolutely including the decent and responsible citizens of my State and region, believe in fair employment practices. We may be a long way from that goal—in New York as well as in Alabama—but attempts at compulsion which reach into the private lives and businesses of our citizens harvest more rancor and resentment than equality of employment opportunity.

The President has pointed out that unemployment today among Negro young people is five times that of the white, which was not true 30 years ago. These statistics suggest that something more important than discrimination is at work. Employment today requires increasing degrees of education and skill. Manual and unskilled jobs are disappearing at an accelerated rate.

Education and training of all our people is the only sound approach to equal employment opportunities. As a Congressman I have and will continue to support constructive legislation such as manpower development and vocational rehabilitation. I even expressed clearly in the debate on the floor of the House my approval of the poverty bill, provided it was not turned into a political fiesta.

This Nation shall endure; the land and the people, God willing, shall be here a hundred years and a thousand years from today. The question is whether freedom shall endure and whether individual and personal responsibility and liberty shall endure, and it is not an easy question to answer in the affirmative. If we vest such powers in government, for whatever purposes, that all things are coerced, then we shall have destroyed the fundamentals of personal liberty. In that awful result, neither Negro nor white citizen will enjoy the fruits of liberty; neither will share the unique spiritual and moral benefits of freemen in a free society. The light we all helped light and keep lit shall have been extinguished in a drab world of enforced conformity.

Mr. DEVINE. Mr. Chairman, will the gentleman from Pennsylvania yield for a question?

Mr. DENT. We have to yield.

Mr. DEVINE. I would like to invite your attention specifically to section 3 of this legislation. For the purpose of making the legislative history, this section 3 as you know covers discrimination because of sex and so on. Is it the intent of this legislation to follow the historic employment practices in those instances where certain factors constitute bona fide occupational qualifications? What I am thinking of in this regard has to do with the historical and traditional qualifications of those very lovely persons, the stewardesses on airlines. Will this require any different standards to be set

or may the airlines still follow the patterns of employing attractive young ladies in an age bracket of say between 21 and 35?

Mr. DENT. I would say that many of us would be concerned about that. As I understand, if you will look at page 5 of the report of the committee referring to subsection paragraph (d) it quotes from sections 3 and 4 of the act and it describes acts that are unlawful employment practices under this act. Subsection (e) of section 3—and I believe that is the subsection you are talking about—provides—quoting the report:

Subsection (e) of section 3 provides that notwithstanding any other provision of the act, the employment of persons of a particular religion, sex, or national origin in limited situations where religion, sex, or national origin is a bona fide occupational qualification on that specific business, shall not be an unlawful employment practice. This language is meant to apply in those rare circumstances where a reasonable, good faith, cause exists to justify occupational distinctions based upon religion or national origin, or the more common circumstances, widely accepted by contemporary standards, where a reasonable, good faith, and justifiable ground exists to perpetuate occupational distinctions based upon sex.

I believe that the language of the report is clear in that respect, that hostesses, for instance, will not be replaced by hosts.

Mr. DEVINE. I appreciate the gentleman's explanation. I would then say that it is not the intention of the authors of this legislation to require an equal number of men who are qualified to fill positions traditionally held by women, to be employed.

Mr. DENT. I think the language is clear not only in respect to women in that instance but also I understand that in some particular restaurant operations which cater to certain types of food dispensing will hire, for example, in a place that features sukiyaki, Japanese, and Japanese-type persons.

Mr. DEVINE. I thank the gentleman.

Mr. O'HARA of Michigan. Mr. Chairman, will the gentleman yield?

Mr. DENT. I yield to the gentelman from Michigan.

Mr. O'HARA of Michigan. With respect to the question put by the gentleman from Ohio, the provision of the 1964 Civil Rights Act, title VII, setting forth exceptions with regard to bona fide occupational qualifications is retained in this legislation with the same meaning, but I do not think any one of us wants to set ourselves up as the judges. The Congress is not the judge of what are "bona fide occupational qualifications." I do not think it would be wise for us to go through a roster and say what is a bona fide occupational qualification and what is not. That is a subject to be decided by the Commission and by the courts in the light of all the evidence presented to them on the particular occupation involved.

Furthermore, I say to the gentleman his comment that you would not have to hire equal numbers of men and women for a particular job is inappropriate. Under other provisions of the act already referred to by the gentleman from Pennsylvania, we have made it clear that there shall be no quota system and no righting of imbalances, and no enforcement based upon an alleged imbalance.

With respect to the airline stewardesses, whether or not that is a bona fide occupational qualification is something I would prefer to leave to the courts and to the Commission.

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

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

Mr. DEVINE. My only purpose in asking the question is that perhaps you would give some direction to the Commission as to the intention of the authors of this particular legislation and the intention of the Congress that airline stewardesses are not to be considered as being disturbed by this particular legislation.

Mr. DENT. I think the language of the report is very clear.

Mr. DANIELS. Mr. Chairman, I rise in support of H.R. 10065, the Equal Employment Opportunity Act of 1966. So much has been said by so many in support of this worthwhile legislation that I shall be very brief in my remarks.

Mr. Chairman, as a Member of this body, I have consistently supported legislation which has created equal opportunity for all Americans. As a member of the Education and Labor Committee, I have worked in behalf of hundreds of measures which, in my view, extended an opportunity to those who previously had opportunity denied to them. This Nation will remain great and its greatness will be in direct proportion to its ability to fully utilize the energy and talents of all our people. By giving children from the slums the chances to better their lot in their lives, we are helping to build a better America. Probably no other committee of this House has hewed more faithfully to the line that opportunity should be extended to all Americans than the Committee on Education and Labor. I am proud to have been able to play a small part in this process.

Today, Mr. Chairman, we are implementing the far-reaching principles embodied in the Civil Rights Act. By striking at discrimination in employment we are, in effect, broadening opportunity for those Americans who suffer discrimination through no fault of their own but because of race, color, sex, religion, or national origin.

Mr. Chairman, I strongly support this measure and I urge all Members, those from the South as well as those from the North, to join with us today in support of this significant piece of legislation.

Mr. SICKLES. Mr. Chairman, I rise to support H.R. 10065, reported by the Committee on Education and Labor, to strengthen and make more effective our present law on equal employment opportunity.

Speaking at the White House Conference on Equal Employment Opportunity last August, President Johnson called our present law "a key to hope for millions of our fellow Americans," a key with which "we can begin to open the gates that now enclose the ghettos of despair."

We who support this bill, too, think of it as a key, one which will unlock more doors faster and with less burden on those discriminated against than the present act. Persuasive evidence discloses that the pervasive evil of race discrimination is not yielding and will not yield to the present enforcement of the law.

It will not yield because the Equal Employment Opportunity Commission can only investigate and conciliate; it cannot issue orders directing the discriminating employer or union to cease and desist. Imagine if you will, the plight of the workingman in this country if the National Labor Relations Board could only say "please" to an employer or union and if we had to rely on enforcement by suit of the aggrieved party.

Imagine. We have a law, a national law, directed against racial discrimination in employment and, except for a specialized circumstance, we rely on the people among us most unable to bring suit to enforce that law in court.

We are capable, Mr. Chairman, of developing a better key than that.

In the second place, such discrimination will not yield because the coverage of the act is not extensive enough. The act will eventually reach all employers with 25 or more employees and unions with 25 or more members. The bill would make that figure eight.

We are in urgent need of this legislation, Mr. Chairman. The events of the last year indicate that unrest and despair is growing in the racial ghettos. Even with the substantial reduction in the unemployment rate, the rate for Negroes in every occupation continues far above that for white workers. Negro income increases at a much lower rate than income earned by whites.

And at this point technology and automation are wiping out many of the unskilled jobs in which Negroes have found jobs, however inadequate they have been. The demand for unskilled and semiskilled labor is falling and that for professional, managerial, clerical, and sales jobs is growing.

But that demand is of little help to the Negro, because to too many people in this country these jobs are simply not for Negroes and for too many million others who would under ideal circumstances hire Negroes the price of voluntary compliance means harassment and undercutting either by competitors or customers or both.

Thus, the problem quite simply is one of a choice between effectively applying a national policy of nondiscrimination across the board or allowing a willy-nilly, catch-as-catch-can sort of enforcement which means spotty results and, worse, loss of faith in the efficacy of the law and in the good faith of the Federal Government.

We must move forward, not only because of the justice and morality of the cause but because of the inevitable explosion from the seething discontent if we do not. We must move forward because this matter of jobs is only one link in the whole chain of wrongs with which the Negro has so long been bound.

It is agreed, I think, that in the development of the young, of learning and will to learn, we must look for improvement of the instruction in the next generation and the next. We advance that hope by this legislation, because, as so many have pointed out, discrimination is so endemic it causes too many Negro youngsters to drop out of school or discontinue plans for advanced education since they can see no point in it. As Dr. Hansen, the District Superintendent has explained it:

> Education is a difficult enough process under any condition, because educational effort is primarily an expression of hope on the part of the student. The Negro pupil is obliged to be more hopeful than the white student. He is asked to have faith and confidence which at the moment he is in school seems unreasonable and unjustifiable.

With this legislation, we have a chance to make more reasonable and more justifiable that hope. We have a chance to bring more justice into the marketplace.

Let us do it.

The bill, if enacted, should facilitate general and widespread compliance. The policy is not only just and fair and truly American, but it should contribute mightily to the more effective utilization of our total manpower and thus be a boon to the entire economy.

I think it should also be made completely clear to this body that H.R. 10065 in no way affects or changes the congressional mandate to the Commission to deal with discrimination because of sex on the same basis as it deals with racial discrimination. As of February 25, 1966, some 747 of the 4,200 complaints received and analyzed by the Commission dealt with discrimination focused upon the sex of the employee involved. That is between 15 and 20 percent of the Commission's entire caseload. I know we can expect that, with the passage of H.R. 10065, this proper emphasis on protecting women and men from being refused employment or promotion or training or from being fired or laid off because they are women and men will continue.

Mr. GONZALEZ. Mr. Chairman, I rise to support H.R. 10065, to amend title VII of the Civil Rights Act of 1965, pertaining to the Federal Equal Employment Opportunity Commission. This bill is the result of 10 months of experience with title VII. It is intended to improve on the provisions enacted last year by expanding coverage and improving enforcement.

There is no doubt in my mind about the need and desirability for these modifications. In the area of enforcement, I can cite a concrete—perhaps I should say paper—example involving the newspapers in my community. Those of my colleagues who reside in the North where many newspapers have voluntarily agreed to refuse to print racially classified advertising may not appreciate the fact that such discriminatory practices are still very much used in other areas. In San Antonio, it is most common to find racially classified help wanted ads in the daily newspapers.

These ads will state, "Help wanted, Anglo only," or "white only" or "Latin only." They are obnoxious to read. They insult the integrity of the ethnic groups referred to and convey a distinct sense of racial prejudice. They should not be permitted because they are wrong.

Such racially classified advertising is also unlawful, in my opinion, under title VII of the Civil Rights Act of 1965. But because of the difficulties of enforcement under the present language, complaints against such violations often go unheeded. It would be better, of course, for newspapers such as the ones in my community which permit racially classified advertising to voluntarily prohibit their further use. But since voluntary compliance has not been forthcoming and does not seem likely it is incumbent upon we Members of the Congress to do everything we can to make sure that the laws we have enacted and the policies we have framed can be fully implemented.

It is a rudimentary element of fairness in any society that employment opportunities be equally distributed to those persons, regardless of race, color, religion, sex, or national origin, who are qualified to do the job.

If we are to have a truly great society we must rid ourselves of those outdated and primitive practices which assure to a self-appointed dominant group or ruling class special privileges or more than equal opportunities. We often boast of being a free people, not afraid of competition. Let us give substance to that boast by enabling the Federal Equal Employment Opportunity Commission to do the job it was intended to do.

I might add, as I have stated on other occasions, that the Southwest section of the Nation has been generally overlooked with respect to the special problems of discrimination that are found there. Previously I have spoken at some length of the problems of poverty in the Southwest. The problems of discrimination for the minority groups in this region are, of course, interrelated. Inasmuch as discriminatory practices prevent otherwise qualified persons from pursuing job opportunities, it is more than a matter of interrelationship. It is a matter of cause and effect. There are many Negroes in the Southwest and the serious problem of racial prejudice against the Negro has been widely recognized. We in Congress have condemned and acted against these practices. But there are also substantial numbers of persons of Mexican descent and other Spanish-speaking peoples who suffer from prejudice and discrimination. The problems for these people are not necessarily the same as for the Negro. But the results in terms of denial of equal opportunities, in jobs, housing, education, and other areas, are often similar. It is no accident that the high rates of unemployment for the Negro in Texas apply equally for the person of Mexican descent. In fact, many studies show that the rate of unemployment is even higher for the person of Mexican descent than it is for the Negro. Of course, the unemployment rates are higher for both the Negro and the person of Mexican descent than they are for the dominant ethnic group.

Yet the American of Mexican descent has often been overlooked in the implementation of those programs enacted by Congress in order to fight poverty and discrimination. I intend to speak at greater length on this matter.

Mr. DORN. Mr. Chairman, this bill is really a vote of no confidence in the great American free enterprise system. We today have virtually full employment. We are producing over one-half of the world's automobiles, radios, and television sets. Our economy is moving ahead; it is the most dynamic economy in the world. We enjoy good relations between capital and labor. We are winning the cold war in the field of economics with Russia and China. Our Communist enemies believe in peonage, slavery, and colonialism.

If we adopt this bill, we will be turning the clock back to a socialized, centralized Government and dictatorial control over our economy from Washington. Free people, full employment, and economic opportunity are the answers to the employment problems of the world. We cannot move forward by adopting totalitarianism. This country has become the arsenal of democracy and the heart and core of the free world through the private enterprise system. We have become great with a minimum of Government control. To me, it would be a blow to democracy and progress if we would adopt this bill which would further encircle private enterprise and labor with the strong oppressive arm of a Federal bureaucracy.

Indeed, under this bill, Government agents could sit in on the management of businesses large and small. Government agents could sit in on labor meetings. They could become Gestapo-type regulators of employment. They could become an instrumentality of harassment, intimidation, and prejudice.

This bill is un-American and I will vote against it.

Mr. DONOHUE. Mr. Chairman, I most earnestly hope that this bill before us, H.R. 10065, to prohibit discrimination in employment because of race, color, religion, sex, or national origin will be overwhelmingly approved by this House.

We have heard, this afternoon, compelling testimony, and concrete evidence from recognized authorities, that employment discrimination in this country, because of race, color, religion, sex, or national origin is, unfortunately, widespread throughout every area of the country—North, South, East, and West.

Mr. Chairman, this corrective legislation is not directed at or upon any single section of the country and it is trusted that no one, after listening to the evidence this afternoon, will think otherwise.

Certainly, at this critical and challenging point of our history, it is imperatively important that this Congress project a redeclaration and implementation of a national policy on equal employment opportunity predicated upon individual merit, competence, and capability. It is equally imperative that effective enforcement authority be granted to the Employment Opportunity Commission as, otherwise, a mere declaration of policy would be a hollow mockery.

Mr. Chairman, this country and the free world is now, indeed, being very

gravely challenged, on all fronts, by the Communist philosophy and way of life. Perhaps there is no other area of our own life in which we are more vulnerable to this challenge than this boasted area of equal opportunity for all. We have, in this hour, an historical chance to make this boast a reality. In the national interest, both now and for the future, let us seize this opportunity and adopt this measure without further delay.

Mr. WALKER of Mississippi. Mr. Chairman, the consideration of H.R. 10065 by this body at this time is both unwise and untimely. First, I feel it unwise because it, in my estimation, is as unconstitutional as the Civil Rights Act itself, because it further usurps the power from the States and further centralizes the strength of the already power-heavy administration.

Another point that I would like to emphasize in my opposition to this proposal is the typical "ramrod" tactics used in getting this measure through the committee.

According to reports from several of my colleagues sitting on the Education and Labor Committee, this proposal was a result of "congressional blackmail." That is, the proposal itself would likely not have been considered when it was, but the chairman of the committee had announced that another prominent piece of legislation would not be seriously considered until this measure was favorably acted upon.

Mr. Chairman, I feel that it is not in the best interest of the American people to allow this type of congressional activity. To allow any single Member of this body to use any measure as a club with which to brow-beat other members of the committee into yielding to his desires is certainly not the nature of this distinguished body.

Mr. Chairman, I respectfully urge that my colleagues join with me in rejecting this proposal and in doing so, denounce the methods responsible for getting this measure to the floor.

Mr. VIVIAN. Mr. Chairman, I am pleased to speak in support of H.R. 10065, for with others I introduced similar legislation last year.

The intent of this bill is to strengthen the power of the Federal Equal Employment Opportunity Commission to carry out the role the Congress delegated to it in 1965—that is, to assure each American that he or she will be employed on the basis of ability to do the job, and not be denied the opportunity to market his skills because of national origin, sex, or color.

Mr. Chairman, during the few months the Commission has been in operation, cooperation from employers has been exceptional.

Why, then, is this legislation needed?

First, Mr. Chairman, H.R. 10065 will ultimately bring almost 16 million additional employees under the protection of the Commission. The bill should be passed for this reason alone.

Second, this bill establishes procedures to discourage, as well as prevent, unlawful employment practices, with emphasis on informal, voluntary, and conciliatory methods of eliminating unlawful employment practices. As a former businessman and corporate officer, I am very pleased at the emphasis such methods are given in the bill, for I am convinced that most businessmen personally support the concept of equal opportunity in employment.

Third, the commonsense approach taken in regard to Federal-State cooperation in section 9(b) of this bill deserves support. The Commission is directed to seek agreements with State or local agencies to cede Federal jurisdiction where a State or a local agency has the power and determination to eliminate discrimination in employment. Thus, State and local agencies are given the first opportunity to assume responsibility. But if this responsibility is not accepted, the Federal Commission has the right and the duty to take action. This is a creative approach to Federal-State relations, and I wholeheartedly approve of it.

Fourth, Mr. Chairman, this bill deals bluntly and effectively with discrimination in apprenticeship and training programs. H.R. 10065 explicitly prohibits labor organizations or employers from discriminating in apprenticeship and training programs.

Finally, it directs the Commission to conduct a continuing survey of these programs, to check whether unlawful practices are being committed. The emphasis on this subject certainly is needed. The unfortunate person who is rejected for trade and industrial jobs for lack of a skill which he is prevented from acquiring will never escape this limbo until discriminatory practices in the selection of persons to be trained are stopped. The hope that, at long last, opportunity to gain access to industrial and trade training will be open to all possessed of the ability and the desire to succeed, is a hope that must be honored.

Mr. COLLIER. Mr. Chairman, the bill before us today, known as the Equal Employment Opportunity Act of 1966, is entirely premature and, in my opinion, void of any basic understanding of what is going to be involved in its enforcement. There is no question in my mind that it can open the door to create one type of discrimination while under the guise of curing another, and I could cite instance after instance of the accuracy of this statement.

In the first place, we should remember that title VII of the Civil Rights Act dealing with equal employment opportunity and nondiscrimination became effective July 2, 1965. That is less than 10 months ago, and certainly no one has had an opportunity to see how the present law works. Certainly we have a responsibility to do this before we pass new and far-reaching legislation which has some dangerous implications.

In the State of Illinois, for example, we have a Fair Employment Practices Commission. At present the State commissions have Federal jurisdiction of 60 days in which to process cases before they go to Federal authorities. This certainly seems like a reasonable time because of the complexities of many of these problems. Specifically, for example, they now have the notorious Motorola case. Under the bill before us today, this right would be denied. While it is true that the Federal Commission can enter into an agreement with the State that would allow the particular State involved to process its own cases, the fact remains that the bill stipulates that "the Federal Commission shall rescind such agreement whenever it determines that this agreement no longer serves the interest of effective enforcement of this act." Hence, this bill in essence eliminates the State from the fair employment field. Remember, if you will, that there is no obligation on the part of the Federal Commission to enter into any agreement with the State, regardless of whether such State commissions are or are not effectively dealing with the fair employment problem. It is entirely a matter of Federal discretion. If there is any question in anyone's mind as to why I take this position, I call the attention of the House to the fact that title VII of the civil rights bill makes such agreements possible, but that a progressive State like Illinois and the Federal Equal Employment Opportunity Commission have not yet entered into such an agreement. I submit that this problem of discrimination in employment, whether it be racial, on the basis of age, or even on the basis of sex, is a sensitive one and, admittedly, one into which we have moved belatedly but I fear that the provisions of this bill will create strife in a field where past success has been measured by compromise rather than by public hearings, cease-and-desist orders, or similar other arbitrary proceedings.

While everyone is certainly opposed to discriminatory practices in the field of employment such as we have experienced from time to time over the years, we have laid a sound foundation in the Civil Rights Act to deal with it and should move cautiously and carefully before upsetting a proposal which has been in effect less than approximately 10 months. Discrimination against older workers is a serious problem with which the bill does not reckon and is one which is as prevalent as instances of discriminatory practices because of race, color, creed, or national origin.

I believe this bill will open the door to harassment of employers by the unqualified and shiftless workers who hide behind the discrimination argument when they are either denied employment because of their past record or when they are discharged because of unsatisfactory performance. Certainly everyone understands that the small businessman who hires only a few people simply cannot satisfy all the demands of various groups; yet, under this bill, he would be subject to Federal action if he failed to hire someone from each of the categories provided in this bill in order to show that he is free from bias.

Beginning July 2, 1966, under this bill, employers with 50 or more employees will be covered and those with 8 or more would be covered beginning July 2, 1967. I wonder how many of the Members of this House are aware that under the provisions of this bill there need not even be a specific grievance filed against an employer nor need he be faced by his accuser

which has long been recognized even in Supreme Court decisions as fundamental in any allegation of a violation of the law. Instead, any Commissioner of the Equal Employment Opportunity Commission may himself file a complaint or a charge against a small businessman for alleged discriminatory practices, be it on the basis of race or any other factor stated in this bill. This type of thinking is frightening to me.

Even as one who believes deeply in the need for sound equal employment opportunity and who supported the civil rights bill which embraced such provision, I regret that the Congress is moving so hastily in the direction that it appears to be today. It would seem to me that good judgment would dictate that we give title VII of the Civil Rights Act at least another year and 2 months to operate so that we would be in a better position to determine the type of implementary legislation which might be necessary. Such legislation might then be tailored to those areas where State commissions have either not been established or are operating ineffectively. Was this not the position of many of the proponents of this bill when we dealt with voting rights legislation, even though the formula was in itself discriminatory and based upon conclusion rather than actual evidence in many cases? The fact remains that it was directed to those areas from where the States had multiple complaints.

In conclusion, let me say that under this bill the Federal Equal Employment Opportunity Commission will have the power of policing, as well as being the complainant, and the judge and jury in cases involving alleged discriminatory practices which will reach down to those places with only as many as eight employees by July 2, 1967. It seems to me we ought to think about what we are doing in enacting this legislation, lest the cure becomes more infectious than the disease itself.

Mr. WHITE of Texas. Mr. Chairman, the House will probably approve H.R. 10065, a bill altering existing law on equal opportunity employment practices. I oppose passage of this bill at this time for the following reasons.

I would like to state for the record that I deplore discrimination in employment because of race, color, religion, sex, or national origin, and I favor proper measures conducive to working out fair employment practices in industry and business in my district and throughout the United States. I particularly favor cooperative, voluntary arrangements.

This particular legislation, however, is submitted prematurely. The subcommittee completed hearings on H.R. 10065 only 2½ weeks after the effective date of title VII of the Civil Rights Act of 1965. H.R. 10065 repeals that title. Very brief hearings were held by the subcommittee, and during those hearings both Clarence Mitchell, of the NAACP, and Andrew Biemiller, of the AFL–CIO, stated their belief that it was then too early to make corrections in the law, and that they would favor hearings in depth and an overall review of the legislation once actual data was available. The subcommittee decided to report this bill immediately, however, and the full committee reported it out with only the briefest consideration. Thus there was no time for proper experience with the newly enacted bill, or for an opportunity to analyze the workings of that bill.

The 1965 act provided for coverage for firms with 100 or more employees on the date of enactment, with 75 or more employees on July 2, 1966, with 50 or more employees on June 2, 1967, and with 25 or more employees on June 2, 1968. The Congress, in approving this legislation, felt that implementing the provisions in these increments would best allow for realistic working out of problems, provide employers with adequate advance notice, and allow for administrative and technical problems to be resolved as the coverage was extended. I believe in giving legislation the chance to work before immediately amending it and altering the intent of the Congress.

I know from direct experience that implementation of the current law has not been easy, and that there are many questions to be resolved in the Southwest section of our country. This new legislation would compound the problems of a new agency which is still resolving many difficulties, including those of proper representation of minorities on the Commission itself.

The new bill changes the law so that any employer in interstate commerce with 50 or more employees on June 2, 1966, will be covered, and on June 2, 1967, any firm with 8 or more employees. Labor unions would be covered on the date of enactment. The Equal Employment Opportunity Commission will receive power to issue antidiscrimination orders, a power now held by the courts, where it more properly should be.

In my district I have encouraged employers to exert every effort toward fair employment regardless of the number of employees and whether or not the firm is engaged in interstate commerce. Very fine progress has been made, and we are well on the road to working out this difficult problem.

If the Congress finds, after due consideration and evaluation, that a piece of legislation is inadequate or faulty, then I believe that the Congress should correct such defects to the satisfaction of the people. It may be that major revision of the Civil Rights Act of 1965 will prove necessary to effectively implement the goals which that legislation represents. Hasty action on one section of the law, however, without regard for working data and experience, does not make for wise lawmaking or thoughtful attention to these important questions.

Mr. DENT. Mr. Chairman, how can we judge the need of the present legislation based on 10 months' experience by the EEOC?

The Commission may be young in the matter of time, but it is no infant in the matter of experience. I do not call receipt and handling of more than 5,000 complaints a lack of experience.

In the first place, the experience of State agencies for over 20 years has proven the need for strong enforcement powers in any FEP legislation. Second, the Federal Commission has now had enough experience to show that what has been true at the State level is true at the Federal level as well.

As of March 25, 1966, the EEOC had received 4,900 complaints, and investigations had been completed on 821; conciliation was attempted with 31 companies, and 7 have proven unsuccessful. Conciliation efforts are underway with another 91 firms and, if the current ratio of success and failure is any criteria, then soon we will add 22 more failures to the books. And keep in mind these are failures at conciliation in cases where employment discrimination was found to exist after thorough investigation, the discriminatory practices were discussed with company officials, but the company refused to take the steps necessary to end job bias.

Looking at this from the individual complainant's side, the attempted conciliations to date, 31, have involved complaints from 99 persons, while the conciliation failures involved 40 people whose grievances were found to have merit; that is 40 percent. Now, carrying that out to the number of cases which have already been found to warrant investigation—that is, approximately 2,000—we would find that close to 800 individuals may not be able to gain redress for their grievances because the company refuses to conciliate.

And what is left for these individuals? They can take the company to court within 30 days.

In answer to the criticism of Mr. MARTIN concerning the position of the Commissioner, I include the Commissioner's statement at this point in the RECORD:

STATEMENT BY HON. FRANKLIN D. ROOSEVELT, JR., CHAIRMAN, EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, BEFORE THE GENERAL SUBCOMMITTEE ON LABOR, JULY 21, 1965

Gentlemen, I was pleased to receive and accept your invitation to appear here today. I have followed with interest your very ambitious schedule this session and I know it is true to say that, under the forceful and effective leadership of Chairman POWELL, no committee of the Congress in recent sessions has been more engaged or successful in promoting needed social gains than the Committee on Education and Labor. Also, I know I speak for many Americans when I commend you on your work and accomplishments this session.

My fellow Commissioners and myself, along with those contributing legal services to the Commission, have studied closely H.R. 9222. I look forward to our discussion and your questions on this bill. But first, Mr. Chairman, since your subcommittee was in effect the birthplace of the legislation which established the Equal Employment Opportunity Commission, I would like to tell you briefly of our activities since my fellow Commissioners and myself were sworn to duty on June 1.

We are temporarily located at 1730 K Street NW., and expect to remain there for a few weeks until our permanent quarters at 1800 G Street NW. are made available. Our staffing of top policymaking positions has proceeded slowly because of the close review being given to the highly qualified persons recommended to us. This task is now nearly completed and my colleagues and myself are very proud of both the dedication and talent which we have been able to gather around us.

Four task forces headed by Vice Chairman Holcomb and Commissioners Jackson, Hernandez, and Graham have moved us well along the road in the areas of initial responsibility. Procedural rules and regulations have been published; planning for the President's national conference is underway; a research program is being developed, and proposals for recordkeeping and reporting systems are being studied. Posters and other publications have been designed and drafted and consultations on future relations have been held with the directors of 32 State human rights agencies. In addition, our budget was prepared and testimony on it has been given before the appropriate Senate subcommittee. A 4-day seminar for 65 field representatives recruited temporarily from several State and Federal agencies has been conducted and these persons stand ready to assist the Commission during the next few months while our own field staff is formed. Also, a program to insure the prompt handling of complaints has been developed. And finally, in addition to the leadership they have provided in these areas, the Commissioners have participated in employer, union, and civil rights conferences in many sections of the country securing first hand the thoughts and suggestions of leaders in these fields.

Now let me turn to the business at hand, H.R. 9222. While it is not yet possible to draw from the experience in action of the Equal Employment Opportunity Commission, we have done considerable research into the problems encountered and accomplishments made by State FEP commissions during the past 20 years.

As you know, New York and New Jersey enacted the first modern State fair employment practices laws in 1945. Since then 33 States and some 80 local governmental units have enacted legislation in this area. These laws have differed, both in coverage and enforcement procedures. From the body of experience developed in the social laboratories of the States, we can get some idea of what can be expected from the Federal law.

One point on which there is surely general agreement is that there is a need for statutory procedures to compel compliance. Of the 33 State laws presently on the books, 23 have always provided enforcement procedures. Of the six States which initially relied exclusively on voluntary procedures, four have since amended their statutes to provide enforcement powers. The history of the Kansas Commission seems to be a case in point. Under the initial State statute, action was confined to investigation and confidential mediation which, during the first 8 years, proved ineffectual. As a result, the statute was rewritten to enable the commission to hold public hearings and to issue cease and desist orders in addition to ordering the respondent to hire or reinstate a complainant with or without back pay. Similar experiences in Wisconsin, Colorado, Indiana, Baltimore, and Cleveland also indicate that on the State and local level voluntary programs have generally been ineffective.

Among those States with enforceable fair employment practices laws there is a substantial preference for administrative enforcement. While 5 States merely make employment discrimination a criminal offense, the laws of 27 States provide for enforcement through administrative agencies. Such agencies have powers of investigation and conciliation, and also authority, where conciliation fails, to hold public hearings, and, where appropriate, to issue cease and desist orders enforceable in the courts.

Title VII differs markedly from the State statutes I have discussed; it is in some ways unique. While title VII provides a procedure for enforcing compliance, the principal enforcement weapon is lawsuits by aggrieved individuals. Lawsuits by the Attorney General are provided for certain aggravated cases. Thus, unlike the comparable State commissions, the Equal Employment Opportunity Commission itself has only a limited control over the compliance procedure.

Title VII in its present form places a major emphasis on the role of the Commission as a conciliator. This is as it should be, for intelligent, patient, understanding conciliation is an absolutely vital part of the job of achieving equality of opportunity in employment. But to divorce the conciliation function from the enforcement function, as Title VII has done, seems to me a questionable decision. Education, conciliation, and enforcement should not be viewed as alternative means of effecting compliance; they serve to complement each other. The experience of the State and local agencies, and the experience on the Federal level of the President's Committee on Equal Employment Opportunity, demonstrate that conciliation is most successful when the parties know that effective machinery for enforcement is readily at hand. Mr. Theodore Kheel, a distinguished labor relations arbitrator, in a report prepared for the President's Committee spoke of the Committee's enforcement and voluntary programs as follows: "Enforcement and persuasion are not separate and distinct, nor incompatible, but related parts of the same program. They are opposite sides of the same coin. Both are necessary and indispensable to the other."

Discrimination in employment is a wrong to the individual victim; it is also a wrong to society. Fair employment legislation should not only offer effective redress to the individual; it should establish and protect the public right to seek enforcement. The enforcement provisions in H.R. 9222 are the type which the States have found necessary to make their laws effective. For that reason alone they merit the serious consideration of this committee. While no one can state with any assurance what the Commission's experience will be with the enforcement procedures of title VII and while we intend to use our present authority as wisely and effectively as possible, I must say in all candor that it seems likely that some stronger enforcement authority in the Commission will be necessary to achieve the progress toward equal employment opportunity which the Congress expects and the Nation demands.

Now I would like to identify several provisions in title VII and H.R. 9222 which, from the Commission's study of the statute and very brief experience, appear to deserve consideration relative to possible future amendment.

For example, clarification of the Commission's reporting and recordkeeping powers with respect to persons under the jurisdiction of State and local agencies. Section 709(d) of title VII in its present form apparently assumes State reporting and recordkeeping requirements which do not in fact exist.

Also, you may want to give consideration to clarifying, limiting, or deleting the exemption provision in section 702 for educational institutions. Not only is the scope of the term "educational institution" rather vague, but it is hard to find compelling justification for the special treatment which the section extends to the employment policies of these institutions.

Further, it appears that additional consideration should be given to the matter of employment discrimination based on sex. As you know, the sex provisions of title VII were added to the civil rights bill on the floor of the House. Debate on the amendment was in fairly general terms. As a result legislative history is lacking as to the application to particular situations of the general principle of nondiscrimination on account of sex. While the Commission has the initial responsibility for interpreting the statute as it stands, and we will bear that responsibility to the best of our ability, we would welcome such clarification as Congress may choose to give of its intent with respect to sex discrimination. I would suggest that attention be focused on three particular areas of difficulty: The relationship between title VII and State or local laws and regulations respecting the employment of women; the status of private retirement and pension plans which provide different terms or benefits for men and women; and the relationship between title VII and the Equal Pay Act.

I know that as the Commission's experience grows, other areas of mutual concern in addition to those touched on above, will be identified. In this regard I want this committee to know that the Commission is ready to cooperate in every possible way.

I hope our appearance here today proves of some help to you in your deliberations on H.R. 9222. On behalf of my fellow Commissioners and myself, thank you for your courtesies.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. All time has expired. The Clerk will read.

The Clerk proceeded to read.

Mr. DENT (interrupting the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read and open for amendment or discussion at any point.

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

Mr. GROSS. Mr. Chairman, reserving the right to object, we have had some unhappy experiences here with the chairman of the Committee on Labor and Education in drastically cutting down time for debate on previous bills. I have no desire to prolong consideration of this bill. My suggestion to the gentleman would be, so that reasonable debate will not be precluded by the gentleman from New York [Mr. POWELL], that the gentleman from Pennsylvania ask unanimous consent as we come to each section of the bill that further reading of that section be dispensed with, and that the section be open to amendment at any point. That would not then preclude Members, if they do desire, from having a few minutes to speak to each section of the bill.

Mr. DENT. There is no objection to that, and I certainly agree to that.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania as modified?

The Chair hears none, and it is so ordered.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of this Act—

(a) The term "person" includes one or more individuals, labor unions, partnerships, associations, corporations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, or receivers.

(b) The term "employer" means a person engaged in an industry affecting commerce who—

(1) has one hundred or more employees,

(2) after July 2, 1966, has fifty or more employees, or

(3) after July 2, 1967, has eight or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, and any agent of such a person, but such term does not include (A) the United States, a corporation wholly owned by the Government of the United States, an Indian tribe, or a State or political subdivision thereof, and (B) a bona fide private membership club (other than a labor organization) which is exempt from taxation under section 501(c) of the Internal Revenue Code of 1954: *Provided,* That it shall be the policy of the United States to insure equal employment opportunities for Federal employees without discrimination because of race, color, religion, sex, or national origin and the President shall utilize his existing authority to effectuate this policy.

(c) The term "employment agency" means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer and includes an agent of such a person; but shall not include an agency of the United States or an agency of a State or political subdivision of a State, except that such term shall include the United States Employment Service and the system of State and local employment services receiving Federal assistance.

(d) The term "labor organization" means a labor organization engaged in an industry affecting commerce, and any agent of such an organization, and includes any organization of any kind, any agency, or employee representation committee, group, association, or plan so engaged in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment, and any conference, general committee, joint or system board, or joint council so engaged which is subordinate to a national or international labor organization.

(e) A labor organization shall be deemed to be engaged in an industry affecting commerce if (1) it maintains or operates a hiring hall or hiring office which procures employees for an employer or procures for employees opportunities to work for an employer, or (2) the number of its members (or, where it is a labor organization composed of other labor organizations or their representatives, if the aggregate number of the members of such other labor organization) is eight or more and such labor organization—

(1) is the certified representative of employees under the provisions of the National Labor Relations Act, as amended, or the Railway Labor Act, as amended;

(2) although not certified, is a national or international labor organization or a local labor organization recognized or acting as the representative of employees of an employer or employers engaged in an industry affecting commerce; or

(3) has chartered a local labor organization or subsidiary body which is representing or actively seeking to represent employees of employers within the meaning of paragraph (1) or (2); or

(4) has been chartered by a labor organization representing or actively seeking to represent employees within the meaning of paragraph (1) or (2) as the local or subordinate body through which such employees may enjoy membership or become affiliated with such labor organization; or

(5) is a conference, general committee, joint or system board, or joint council subordinate to a national or international labor organization, which includes a labor organization engaged in an industry affecting commerce within the meaning of any of the preceding paragraphs of this subsection.

(f) The term "employee" means an individual employed by an employer.

(g) The term "commerce" means trade, traffic, commerce, transportation, transmission, or communication among the several States; or between points in the same State outside thereof; or within the District of Columbia, or a possession of the United States; or between points in the same State but through a point outside thereof.

(h) The term "industry affecting commerce" means any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce and includes any activity or industry "affecting commerce" within the meaning of the Labor-Management Reporting and Disclosure Act of 1959.

(i) The term "State" includes a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act.

The CHAIRMAN. Are there any amendments to section 1?

AMENDMENT OFFERED BY MR. GOODELL

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

The Clerk read as follows:

Amendment offered by Mr. GOODELL: Strike out all after the enacting clause and insert in lieu thereof the following:

"That, for the purposes of this Act—

"(a) The term 'person' includes one or more individuals, labor unions, partnerships, associations, corporations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, or receivers.

"(b) The term 'employer' means a person engaged in an industry affecting commerce who—

"(1) has one hundred or more employees,

"(2) after July 2, 1966, has fifty or more employees, or

"(3) after July 2, 1967, has eight or more employees

for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, and any agent of such a person, but such term does not include (A) the United States, a corporation wholly owned by the Government of the United States, an Indian tribe, or a State or political subdivision thereof, and (B) a bona fide private membership club (other than a labor organization) which is exempt from taxation under section 501(c) of the Internal Revenue Code of 1954: *Provided,* That it shall be the policy of the United States to insure equal employment opportunities for Federal employees without discrimination because of race, color, religion, sex, or national origin and the President shall utilize his existing authority to effectuate this policy.

"(c) The term 'employment agency' means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer and includes an agent of such a person; but shall not include an agency of the United States, or an agency of a State or political subdivision of a State, except that such term shall include the United States Employment Service and the system of State and local employment services receiving Federal assistance.

"(d) The term 'labor organization' means a labor organization engaged in an industry affecting commerce, and any agent of such an organization, and includes any organization of any kind, any agency, or employee representation committee, group, association, or plan so engaged in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment, and any conference, general committee, joint or system board, or joint council so engaged which is subordinate to a national or international labor organization.

"(e) A labor organization shall be deemed to be engaged in an industry affecting commerce if (1) it maintains or operates a hiring hall or hiring office which procures employees for an employer or procures for employees opportunities to work for an employer, or (2) the number of its members (or, where it is a labor organization composed of other labor organizations or their representatives, if the aggregate number of the members of such other labor organization) is eight or more and such labor organization—

"(1) is the certified representative of employees under the provisions of the National Labor Relations Act, as amended, or the Railway Labor Act, as amended;

"(2) although not certified, is a national or international labor organization or a local labor organization recognized or acting as the representative of employees of an employer or employers engaged in an industry affecting commerce; or

"(3) has chartered a local labor organization or subsidiary body which is representing or actively seeking to represent employees of employers within the meaning of paragraph (1) or (2); or

"(4) has been chartered by a labor organization representing or actively seeking to represent employees within the meaning of paragraph (1) or (2) as the local or subordinate body through which such employees may enjoy membership or become affiliated with such labor organization; or

"(5) is a conference, general committee, joint or system board, or joint council subordinate to a national or international labor organization, which includes a labor organization engaged in an industry affecting commerce within the meaning of any of the preceding paragraphs of this subsection.

"(f) The term 'employee' means an individual employed by an employer.

"(g) The term "commerce" means trade, traffic, commerce, transportation, transmission, or communication among the several States; or between a State and any place outside thereof; or within the District of Columbia, or a possession of the United States; or between points in the same State but through a point outside thereof.

"(h) The term 'industry affecting commerce' means any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce and includes any activity or industry 'affecting commerce' within the meaning of the Labor-Management Reporting and Disclosure Act of 1959.

"(i) The term 'State' includes a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act.

"EXEMPTION

"SEC. 2. This Act shall not apply to an employer with respect to the employment of aliens outside any State, or to a religious corporation, association, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, or society of its religious activities or to an educational institution with respect to the employment of individuals to perform work connected with the educational activities of such institution.

"DISCRIMINATION BECAUSE OF RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN

"SEC. 3. (a) It shall be an unlawful employment practice for an employer—

"(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or

"(2) to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin.

"(b) It shall be an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of his race, color, religion, sex, or national origin, or to classify or refer for employment any individual on the basis of his race, color, religion, sex, or national origin.

"(c) It shall be an unlawful employment practice for a labor organization—

"(1) to exclude or to expel from its membership, or otherwise to discriminate against, any individual because of his race, color, religion, sex, or national origin;

"(2) to limit, segregate, or classify its membership, or to classify or fail or refuse to refer for employment any individual, in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, because of such individual's race, color, religion, sex, or national origin; or

"(3) to cause or attempt to cause an employer to discriminate against an individual in violation of this section.

"(d) It shall be an unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs to discriminate against any individual because of his race, color, religion, sex, or national origin in admission to, or employment in, any program established to provide apprenticeship or other training.

"(e) Notwithstanding any other provision of this Act, (1) it shall not be an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify, or refer for employment any individual, for a labor organization to classify its membership or to classify or refer for employment any individual, or for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ any individual in any such program, on the basis of his religion, sex, or national origin in those certain instances where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise, and (2) it shall not be an unlawful employment practice for a school, college, university, or other educational institution or institution of learning to hire and employ employees of a particular religion if such school, college, university, or other educational institution or institution of learning is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society, or if the curriculum of such school, college, university, or other educational institution or institution of learning is directed toward the propagation of a particular religion.

"(f) As used in this Act, the phrase 'unlawful employment practice' shall not be deemed to include any action or measure taken by an employer, labor organization, joint labor-management committee, or employment agency with respect to an individual who is a member of the Communist Party of the United States or of any other organization required to register as a Communist-action or Communist-front organization by final order of the Subversive Activities Control Board pursuant to the Subversive Activities Control Act of 1950.

"(g) Notwithstanding any other provision of this Act, it shall not be an unlawful employment practice for an employer to fail or refuse to hire and employ any individual for any position, for an employer to discharge any individual from any position, or for an employment agency to fail or refuse to refer any individual for employment in any position, or for a labor organization to fail or refuse to refer any individual for employment in any position, if—

"(1) the occupancy of such position, or access to the premises in or upon which any part of the duties of such position is performed or is to be performed, is subject to any requirement imposed in the interest of the national security of the United States under any security program in effect pursuant to or administered under any statute of the United States or any Executive order of the President; and

"(2) such individual has not fulfilled or has ceased to fulfill that requirement.

"(h) Notwithstanding any other provision of this Act, it shall not be an unlawful employment practice for an employer to apply different standards of compensation, or different terms, conditions, or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production or to employees who work in different locations, provided that such differences are not the result of an intention to discriminate because of race, color, religion, sex, or national origin, nor shall it be an unlawful employment practice for an employer to give and to act upon the results of any professionally developed ability test provided that such test, its administration or action upon the results is not designed, intended, or used to discriminate because of race, color, religion, sex, or national origin. It shall not be an unlawful employment practice under this Act for any employer to differentiate upon the basis of sex in determining the amount of the wages or compensation paid or to be paid to employees of such employer if such differentiation is authorized by the provisions of section 6(d) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 206(d)).

"(i) Nothing contained in this Act shall apply to any business or enterprise on or near an Indian reservation with respect to any publicly announced employment practice of such business or enterprise under which a preferential treatment is given to any individual because he is an Indian living on or near a reservation.

"(j) Nothing contained in this Act shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this Act to grant preferential treatment to any individual or to any group because of the race, color, religion, sex, or national origin of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex, or national origin employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, color, religion, sex, or national origin in any community, State, section, or other area, or in the available work force in any community, State, section, or other area.

"OTHER UNLAWFUL EMPLOYMENT PRACTICES

"SEC. 4. (a) It shall be an unlawful employment practice for an employer to discriminate against any of his employees or applicants for employment, for an employment agency to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership because he has opposed any practice made an unlawful employment practice by this Act, or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this Act.

"(b) It shall be an unlawful employment practice for an employer, labor organization, or employment agency to print or publish or cause to be printed or published any notice or advertisement relating to employment by such an employer or membership in or any classification or referral for employment by such a labor organization, or relating to any classification or referral for employment by such an employment agency, indicating any preference, limitation, specification, or discrimination, based on race, color, religion, sex, or national origin, except that such a notice or advertisement may indicate a preference, limitation, specification, or discrimination based on religion, sex, or national origin when religion, sex, or national origin is a bona fide occupational qualification for employment.

"EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

"SEC. 5. The Equal Employment Opportunity Commission created by section 705 of the Civil Rights Act of 1964 is hereby established as an independent agency to be known as the Equal Employment Opportunity Commission, and shall consist of an Equal Employment Board (hereinafter referred to as the 'Board'), and, in addition thereto, an Office of the Administrator of the Equal Employment Opportunity Commission (hereinafter referred to as the 'Office') which shall be headed by an Administrator of the Equal Employment Opportunity Commission (hereinafter referred to as the 'Administrator').

"EQUAL EMPLOYMENT OPPORTUNITY BOARD

"SEC. 6. (a) It shall be the function of the Board to hear and determine complaints involving unlawful employment practices brought before it under this Act by the Administrator, and to issue appropriate orders in connection therewith to enforce this Act.

"(b) The Board shall be composed of five members, not more than three of whom are members of the same political party, who shall be appointed by the President, by and with the advice and consent of the Senate. Members currently serving on the Equal Employment Opportunity Commission on the date of enactment of this Act shall continue to serve for the remainder of the terms for which they were originally appointed. The successors to such members shall be appointed for terms of five years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as chairman of the Board, and one member to serve as vice chairman. The vice chairman shall act as chairman in the absence or disability of the chairman or in the event of a vacancy in that office.

"(c) A vacancy in the Board shall not impair the right of the remaining members to exercise all the powers of the Board, and three members thereof shall constitute a quorum. The Board shall have a seal which shall be judicially noticed.

"(d) Each member of the Board shall receive a salary of $27,000 per year, except that the chairman shall receive a salary of $27,500. The Board shall employ a Secretary of the Board and such other officers and employees as it deems necessary.

"(e) The Board shall at the close of each fiscal year report to the Congress and to the President concerning the action it has taken; and shall make such further reports on the cause of and means of eliminating discrimination and such recommendations for further legislation as may appear desirable.

"(f) All officers, agents, attorneys, and employees of the Commission shall be subject to the provisions of section 9 of the Act of August 2, 1939, as amended (the Hatch Act), notwithstanding any exemption contained in such section.

"(g) The principal office of the Board shall be in the District of Columbia, but it may meet or exercise any or all of its powers at any other place.

"ADMINISTRATOR OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

"SEC. 7. (a) The Office shall be composed of the Administrator and such officers and employees appointed by him as may be necessary to enable him to carry out his functions. The Administrator shall be appointed by the President, by and with the advice and consent of the Senate, for a term of four years, and shall be eligible for reappointment. The Administrator shall receive a salary of $27,500 per year.

"(b) The Administrator shall have power—

"(1) to cooperate with and utilize regional, State, local, and other agencies, both public and private, and individuals;

"(2) to pay to witnesses whose depositions are taken or who are summoned before the Administrator or any of his agents the same witness and mileage fees as are paid to witnesses in the courts of the United States;

"(3) to furnish to persons subject to this Act such technical assistance as they may request to further their compliance with this Act or an order issued thereunder;

"(4) upon the request of any employer, whose employees or some of them refuse or threaten to refuse to cooperate in effectuating the provisions of this Act, to assist in such effectuation by conciliation or other remedial action;

"(5) to make such technical studies as are appropriate to effectuate the purposes and policies of this Act and to make the results of such studies available to interested governmental and nongovernmental agencies; and

"(6) to refer matters to the Attorney General with recommendations for the institution of a civil action by the Attorney General under section 10, and to advise, consult, and assist the Attorney General on such matters.

"(c) Attorneys appointed under this section may, at the direction of the Administrator, appear for and represent the Board or Administrator in any case in court.

"(d) The Administrator shall, in any of his educational or promotional activities, cooperate with other departments and agencies in the performance of such educational and promotional activities.

"PREVENTION OF UNLAWFUL EMPLOYMENT PRACTICES

"SEC. 8. (a) The Commission is empowered, as hereinafter provided, to prevent any person from engaging in any unlawful employment practice as set forth in sections 3 and 4.

"(b) Whenever a verified written charge has been filed by or on behalf of any person claiming to be aggrieved, or a verified written charge has been filed by the Administrator where he has reasonable cause to believe a violation of this Act has occurred, that any person subject to the Act has engaged in any unlawful employment practice, the Administrator shall notify the person charged with the commission of an unlawful employment practice (hereinafter referred to as the "respondent") of such charge and shall investigate such charge and if he shall determine after such preliminary investigation that probable cause exists for crediting such written charge, he shall endeavor to eliminate any unlawful employment practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during and as a part of such endeavors may be used as evidence in any subsequent proceeding.

"(c) If the Administrator fails to effect the elimination of such unlawful practice and to obtain voluntary compliance with this Act, or in advance thereof if circumstances warrant, the Administrator shall issue and cause to be served upon the respondent a complaint stating the charges in that respect, together with a notice of hearing before the Board, or a member thereof, or before a designated agent, at a place therein fixed, not less than ten days after the service of such complaint. In the event the Administrator shall fail or refuse to issue such complaint within a reasonable time, tht person filing such charge may petition the District Court of the United States for the District of Columbia, or a district court of the United States within any district wherein the unfair employment practice in question is alleged to have occurred or wherein such person resides or transacts business, and such courts shall have jurisdiction to require the Administrator to issue such complaint. No complaint shall issue based upon any unlawful employment practice occurring more than six months prior to the filing of the charge with the Board unless the person aggrieved thereby was prevented from filing such charge by reason of service in the Armed Forces, in which event the period of military service shall not be included in computing the six-month period.

"(d) The respondent shall have the right to file a verified answer to such complaint and to appear at such hearing in person or otherwise, with or without counsel, to present evidence and to examine and cross-examine witnesses.

"(e) The Administrator shall have the power reasonably and fairly to amend any complaint, and the respondent shall have like power to amend its answer.

"(f) All testimony shall be taken under oath.

"(g) At the conclusion of a hearing before a member or designated agent of the Board, such member or agent shall transfer the entire record thereof to the Board, together with his recommended decision and copies thereof shall be served upon the parties. The Board, or a panel of three qualified members designated by it to sit and act as the Board in such case, shall afford the parties an opportunity to be heard on such record, including oral argument, at a time and place to be specified upon reasonable notice. In its discretion, the Board upon notice may take further testimony. In the event a member of the Board conducts the hearing specified in subsection (c) of this section, such member shall be disqualified from participating in further proceedings before the Board concerning the case in which he has been acting as hearing officer.

"(h) With the approval of the member or designated agent conducting the hearing, a case may be ended at any time prior to the transfer of the record thereof to the Board by agreement between the parties for the elimination of the alleged unlawful employment practice on mutually satisfactory terms.

"(i) If, upon the preponderance of the evidence, including all the testimony taken, the Board shall find that the respondent engaged in any unlawful employment practice, the Board shall state its findings of fact and shall issue and cause to be served on such person and other parties an order requiring such person to cease and desist from such unlawful employment practice and to take such affirmative action, including reinstatement or hiring of employees, with or without back pay (payable by the employer, employment agency, or labor organization, or any of them, as the case may be, to the extent responsible for the discrimination), as will effectuate the policies of the Act: *Provided*, That interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable. Such order may further require such respondent to make reports from time to time showing the extent to which it has complied with the order. If the Board shall find that the respondent has not engaged in any unlawful employment practice, the Board shall state its findings of fact and shall issue and cause to be served on such person and other parties an order dismissing the complaint. No order of the Board shall require the admission or reinstatement of an individual as a member of a union or the hiring, reinstatement, or promotion of an individual as an employee, or the payment to him of any back pay, if such individual was refused admission, suspended, or expelled or was refused employment or advancement or was suspended or discharged for any reason other than discrimination on account of race, color, religion, sex, or national origin.

"(j) Until a transcript of the record in a case shall have been filed in a court, as hereinafter provided, the case may at any time be ended by agreement between the parties, approved by the Board, for the elimination of the alleged unlawful employment practice on mutually satisfactory terms, and the Board may, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

"(k) The proceedings held pursuant to this section shall be conducted in conformity with the standards and limitations of sections 5, 6, 7, 8, and 11 of the Administrative Procedure Act.

"JUDICIAL REVIEW

"SEC. 9. (a) The Administrator shall have power to petition any United States court of appeals or, if the court of appeals to which application might be made is in vacation any district court within any circuit or district, respectively, wherein the unlawful employment practices in question occurred for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court to which petition is made a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was entered and the findings and the order of the Board. Upon such filing the court shall conduct further proceedings in conformity with the standards, procedures, and limitations established by section 10 of the Administrative Procedure Act.

"(b) Upon such filing the court shall cause notice thereof to be served upon such respondents and thereupon shall have jurisdiction of the proceeding and of the question determined therein and shall have power to grant such temporary relief or restraining order as it deems just and proper and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Board.

"(c) No objection that has not been urged before the Board, its member, or agent shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances.

"(d) The findings of the Board with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive.

"(e) If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Board, its member, or agent, the court may order such additional evidence to be taken before the Board, its member, or agent, and to be made a part of the transcript.

"(f) The Board may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact it supported by substantial evidence on the record considered as a whole shall be conclusive, and its recommendations, if any, for the modification or setting aside of its original order.

"(g) The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the appropriate United States court of appeals, if application was made to the district court or other United States court as hereinabove provided, and by the Supreme Court of the United States as provided in title 28, United States Code, section 1254.

"(h) Any person aggrieved by a final order of the Board may obtain a review of such order in any United States court of appeals of the judicial circuit wherein the unlawful employment practice in question was alleged to have been engaged in by filing in such court a written petition praying that the order of the Board be modified or set aside. A copy of such petition shall be forthwith served upon the Board and thereupon the Administrator shall file in the court a transcript of the entire record in the proceeding certified by the Board, including the pleadings and testimony upon which the order complained of was entered and the findings and order of the Board. Upon such filing, the court shall proceed in the same manner as in the case of an application by the Administrator under subsections (a), (b), (c), (d), (e), and (f), and shall have the same exclusive jurisdiction to grant to the petitioners or to the Board such temporary relief or restraining order as it deems just and proper, and in like manner to make and enter a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part the order of the Board.

"(i) Upon such filing by a person aggrieved the reviewing court shall conduct further proceedings in conformity with the standards, procedures, and limitations established by section 10 of the Administrative Procedure Act.

"(j) The commencement of proceedings under this section shall not, unless specifically ordered by the court, operate as a stay of the Board's order.

"(k) When granting appropriate temporary relief or a restraining order, or making and entering a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part an order of the Board, as provided in this section, the jurisdiction of courts sitting in equity shall not be limited by the Act entitled 'An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes', approved March 23, 1932 (29 U.S.C. 101–115).

"(l) Petitions filed under this Act shall be heard expeditiously.

"CIVIL ACTIONS BY ATTORNEY GENERAL

"SEC. 10. (a) Whenever the Administrator has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights secured by this Act, and that the pattern or practice is of such a nature and is intended to deny the full exercise of the rights herein described, and no agreement has been made under section 9(b) with the appropriate State agency in the State in which such pattern or practice occurred, or if such agreement has been made but such State agency has failed or is unable to remedy such pattern or practice, the Administrator may request the Attorney General to, bring a civil action in the appropriate district court of the United States by filing with it a complaint (1) signed by him (or in his absence the Acting Attorney General), (2) setting forth facts pertaining to such pattern or practice, and (3) requesting such relief, including an application for a permanent or temporary injunction, restraining order, or other order against the person or persons responsible for such pattern or practice, as he deems necessary to insure the full enjoyment of the rights herein described.

"(b) The district courts of the United States shall have and shall exercise jurisdiction of proceedings instituted pursuant to this section, and in any such proceeding the Attorney General may file with the clerk of such court a request that a court of three judges be convened to hear and determine the case. Such request by the Attorney General shall be accompanied by a certificate that, in his opinion, the case is of general public importance. A copy of the certificate and request for a three-judge court shall be immediately furnished by such clerk to the chief judge of the circuit (or, in his absence, the presiding circuit judge of the circuit) in which the case is pending. Upon receipt of such request it shall be the duty of the chief judge of the circuit or the presiding circuit judge, as the case may be, to designate immediately three judges in such circuit, of whom at least one shall be a circuit judge and another of whom shall be a district judge of the court in which the proceeding was instituted, to hear and determine such case, and it shall be the duty of the judges so designated to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited. An appeal from the final judgment of such court will lie to the Supreme Court.

"In the event the Attorney General fails to file such a request in any such proceeding, it shall be the duty of the chief judge of the district (or in his absence, the acting chief judge) in which the case is pending immediately to designate a judge in such district to hear and determine the case. In the event that no judge in the district is available to hear and determine the case, the chief judge of the district, or the acting chief judge, as the case may be, shall certify this fact to the chief judge of the circuit (or in his absence, the acting chief judge) who shall then designate a district or circuit judge of the circuit to hear and determine the case.

"It shall be the duty of the judge designated pursuant to this section to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited.

"EFFECT ON STATE LAWS

"SEC. 11. Nothing in this Act shall be deemed to exempt or relieve any person from any liability, duty, penalty, or punishment provided by any present or future law of any State or political subdivision of a State, other than any such law which purports to require or permit the doing of any act which would be an unlawful employment practice under this Act.

"INVESTIGATIONS, INSPECTIONS, RECORDS, STATE AGENCIES

"SEC. 12. (a) In connection with any investigation of a charge filed under section 8, the Administrator or his designated representative shall at all reasonable times have access to, for the purposes of examination, and the right to copy any evidence of any person being investigated or proceeded against that relates to unlawful employment practices covered by this Act and is relevant to the charge under investigation.

"(b) The Commission shall cooperate with State and local agencies charged with the administration of State fair employment practices laws and, with the consent of such agencies, may for the purpose of carrying out its functions and duties under this Act and within the limitation of funds appropriated specifically for such purpose, utilize the services of such agencies and their employees and, notwithstanding any other provision of law, may reimburse such agencies and their employees for services rendered to assist the Commission in carrying out this Act. In furtherance of such cooperative efforts, the Board shall enter into written agreements with such State or local agencies as consent thereto and such agreements shall include provisions under which the Commission shall refrain from processing a charge in any cases or class of cases specified in such agreements and under which no person may file a complaint under section 8(b) in any cases or class of cases so specified, or under which the Commission shall relieve any person or class of persons in such State or locality from requirements imposed under this section. The Board shall rescind any such agreement whenever it determines that the agreement no longer serves the interest of effective enforcement of this Act.

"(c) Except as provided in subsection (d), every employer, employment agency, and labor organization subject to this Act shall (1) make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed, (2) preserve such records for such periods, and (3) make such reports therefrom, as the Board shall prescribe by regulation or order, after public hearing, as reasonable, necessary, or appropriate for the enforcement of this Act or the regulations or orders thereunder. The Board shall, by regulation, require each employer, labor organization, and joint labor-management committee subject to this Act which controls an apprenticeship or other training program to maintain such records as are reasonably necessary to carry out the purpose of this Act, including, but not limited to, a list of applicants who wish to participate in such program, including the chronological order in which such applications were received, and shall furnish to the Commission, upon request, a detailed description of the manner in which persons are selected to participate in the apprenticeship or other training program. Any employer, employment agency, labor organization, or joint labor-management committee which believes that the application to it of any regulation or order issued under this section would result in undue hardship may (1) apply to the Board for an exemption from the application of such regulation or order, or (2) bring a civil action in the United States district court for the district where such records are kept. If the Board or the court, as the case may be, finds that the application of the regulation or order to the employer, employment agency, or labor organization in question would impose an undue hardship, the Board or the court, as the case may be, may grant appropriate relief.

"(d) The provisions of subsection (c) shall not apply to any employer, employment agency, labor organization, or joint labor-management committee with respect to matters occurring in any State or political subdivision thereof which has a fair employment practice law during any period in which such employer, employment agency, labor organization, or joint labor-management committee is subject to such law, except that the Board may require such notations on records which such employer, em-

ployment agency, labor organization, or joint labor-management committee keeps or is required to keep as are necessary because of differences in coverage or methods of enforcement between the State or local law and the provisions of this Act. Where an employer is required by Executive Order 10925, issued March 6, 1961, or by any other Executive order prescribing fair employment practices for Government contractors and subcontractors, or by rules or regulations issued thereunder, to file reports relating to his employment practices with any Federal agency or committee, and he is substantially in compliance with such requirements, the Board shall not require him to file additional reports pursuant to subsection (c) of this section.

"(e) It shall be unlawful for any officer or employee of the Commission to make public in any manner whatever any information obtained by the Commission pursuant to its authority under this section prior to the institution of any proceeding under this Act involving such information. Any officer or employee of the Commission who shall make public in any manner whatever any information in violation of this subsection shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not more than $1,000, or imprisoned not more than one year.

"INVESTIGATORY POWERS

"SEC. 13. (a) For the purposes of any investigation or survey provided for in this Act, the provisions of sections 9 and 10 of the Federal Trade Commission Act of September 16, 1914, as amended (15 U.S.C. 49, 50), are hereby made applicable to the jurisdiction, power, and duties of the Commission, except that the attendance of a witness may not be required outside of the State where he is found, resides, or transacts business, and the production of evidence may not be required outside the State where such evidence is kept.

"(b) The several departments and agencies of the Government, when directed by the President, shall furnish the Commission, upon its request, all records, papers, and information in their possession relating to any matter before the Commission.

"NOTICES TO BE POSTED

"SEC. 14. (a) Every employer, employment agency, and labor organization, as the case may be, shall post and keep posted in conspicuous places upon its premises where notices to employees, applicants for employment, and members are customarily posted a notice to be prepared or approved by the Board setting forth excerpts from, or summaries of, the pertinent provisions of this Act and information pertinent to the filing of a complaint.

"(b) A willful violation of this section shall be punishable by a fine of not more than $100 for each separate offense.

"VETERANS' PREFERENCE

"SEC. 15. Nothing contained in this Act shall be construed to repeal or modify any Federal, State, territorial, or local law creating special rights or preference for veterans.

"RULES AND REGULATIONS

"SEC. 16. (a) The Board shall have authority from time to time to issue, amend, or rescind suitable procedural regulations to carry out the provisions of this Act. Regulations issued under this section shall be in conformity with the standards and limitations of the Administrative Procedure Act.

"(b) In any action or proceeding based on any alleged unlawful employment practice, no person shall be subject to any liability or punishment for or on account of (1) the commission by such person of an unlawful employment practice if he pleads and proves that the act or omission complained of was in good faith, in conformity with, and in reliance on any written interpretation or opinion of the Board, or (2) the failure of such person to publish and file any information required by any provision of this Act if he pleads and proves that he failed to publish and file such information in good faith, in conformity with the instructions of the Board issued under this Act regarding the filing of such information. Such a defense, if established, shall be a bar to the action or proceeding, notwithstanding that (A) after such act or omission, such interpretation or opinion is modified or rescinded or is determined by judicial authority to be invalid or of no legal effect, or (B) after publishing or filing the description and annual reports, such publication or filing is determined by judicial authority not to be in conformity with the requirements of this Act.

"FORCIBLY RESISTING THE COMMISSION OR ITS REPRESENTATIVES

"SEC. 17. The provisions of section 111, title 18, United States Code, shall apply to officers, agents, and employees of the Commission in the performance of their official duties.

"SEC. 18. The President shall, as soon as feasible after the enactment of this Act, convene one or more conferences for the purpose of enabling the leaders of groups whose members will be affected by this Act to become familiar with the rights afforded and obligations imposed by its provisions, and for the purpose of making plans which will result in the fair and effective administration of this Act. The President shall invite the participation in such conference or conferences of (1) the members of the President's Committee on Equal Employment Opportunity, (2) the members of the Commission on Civil Rights, (3) representatives of State and local agencies engaged in furthering equal employment opportunity, (4) representatives of private agencies engaged in furthering equal employment opportunity, and (5) representatives of employers, labor organizations, and employment agencies who will be subject to this Act.

"REPEAL OF TITLE VII OF THE CIVIL RIGHTS ACT OF 1964; EFFECT THEREOF

"SEC. 19. (a) Title VII of the Civil Rights Act of 1964 is repealed.

"(b) All orders, determinations, rules, regulations, and certificates which have been issued or made by the Commission, the Attorney General, or any court of competent jurisdiction, under any provision of law repealed or amended by this Act, and which are in effect at the time this section takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Commission or the Attorney General, as the case may be, or by any court of competent jurisdiction, or by operation of law.

"(c) Proceedings pending before the Commission at the time this section takes effect shall be continued before the Commission, but the provisions of this Act shall apply with respect to such proceedings.

"(d) The provisions of this Act shall not affect suits commenced prior to the date of enactment of this Act by an aggrieved person pursuant to section 706(e) of the Civil Rights Act of 1964, or by the Attorney General pursuant to section 707 of such Act, and all such suits shall be continued by such aggrieved person or the Attorney General, as the case may be, proceedings therein had, appeals therein taken, and judgments therein rendered, in the same manner and with the same effect as if this Act had not been passed.

"(e) Such of the unexpended balances of appropriations available for use by the Commission to carry out title VII of the Civil Rights Act of 1964 shall be available for use in connection with the exercise and performance of the powers and duties vested in and imposed upon the Commission by this Act.

"(f) Nothing in this Act shall change the status of the officers and employees under the jurisdiction of the Commission on the date of enactment of this Act.

"SURVEY BY ADMINISTRATOR OF APPRENTICESHIP OR OTHER TRAINING PROGRAMS

"SEC. 20. (a) The Administrator shall conduct a continuing survey of the operation of apprenticeship or other training or retraining programs, including on-the-job training programs, to determine if the employers, labor organizations, or joint labor-management committees controlling such programs are engaged in unlawful employment practices with respect to the operation of such programs.

"(b) Notwithstanding any provision of section 11, in conducting such survey, the Administrator shall at all reasonable times have access to any records maintained by an employer, labor organization, or joint labor-management committee pursuant to (1) the regulations prescribed by the Board under the second sentence of section 9(c), or (2) any fair employment practice law of a State or political subdivision thereof.

"(c) The Administrator shall make a full and complete quarterly report to the Congress, containing the results of such survey during the preceding three months, and such report shall be made available to the public upon request. Section 11(e) shall not apply to the publication of any report under this subsection.

"SHORT TITLE

"SEC. 21. This Act may be cited as the 'Equal Employment Opportunity Act of 1965'."

Mr. GOODELL (interrupting the reading). Mr. Chairman, I ask unanimous consent that the reading of the substitute amendment be dispensed with, and that it be printed at this point in the RECORD.

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

There was no objection.

Mr. GOODELL. Mr. Chairman, because the amendment that I am offering permeates the whole bill in various places, and requires the change of words in a large number of the situations, it is offered in the form of a substitute, but as a practical matter it is a simple amendment to the legislation—of serious consequence, but simple to describe.

It would separate the functions of the Equal Employment Opportunity Commission to judge, prosecute, conciliate, and investigate. It would set up an Administrator who would have the responsibility of investigation, conciliation, and prosecution before the Commission. The Commission would have all the powers that the present Commission has, with the exception of those that are granted to the Administrator.

This is patterned after the present National Labor Relations Board, where the General Counsel has the authority to prosecute before the Board.

It is my view that we are saddling very important and good legislation with an archaic—if you will, model T—type of structure. We are giving the Commission the same kind of authority and responsibility that the old NLRB had in the 1930's, where all these functions were combined under one board. I think administrative history and experience since the 1930's have demonstrated the value of separating these functions and

the fairness of separating these functions.

In 1963 there was pending in the Rules Committee essentially the bill that I have incorporated in this substitute. It was sponsored by Mr. Roosevelt. It had full hearings before our subcommittee. We reported it out in the form that I now offer as a substitute. It separated the functions between an administrator and a commission.

At that time it was called too radical a bill. Mr. Roosevelt and I together wrote to the Judiciary Committee. We joined on a bipartisan basis, to ask the Judiciary Commission to incorporate an equal employment opportunity section in the general Civil Rights Act of 1964. We did this because we were quite sure our equal employment opportunity proposal that was before the Rules Committee would not be acted upon by the House and by the Senate in a year when we had major civil rights legislation in a different form.

As a result, a watered-down version of the Equal Employment Opportunity Commission was put into title VII of the Civil Rights Act. That is the situation that we are moving to correct here. But, unfortunately, in my opinion, we are moving to correct this situation by going back to a full Commission with authority and responsibility for doing all the job. We are not accepting the proposal that emerged from our hearings and our careful deliberations in 1963 in the Roosevelt subcommittee.

I believe that if this substitute is rejected today, we will, within a very limited period of time, come back to change the structure of this law, and to change the responsibilities of the Commission.

The Administrator would be appointed by the President for a term of 4 years, subject to Senate confirmation, very comparable to the General Counsel of the National Labor Relations Board. It would take no power, no authority, away from the Federal agency as a whole. It would simply separate the responsibilities and the authority between an Administrator and a Commission.

I believe it is the sensible approach to strengthening the Equal Employment Opportunity Commission, and I hope it will have the support of the membership today.

Mr. O'HARA of Michigan. Mr. Chairman, I rise in opposition to the amendment.

First I should like to direct a question to the gentleman from New York, the sponsor of the substitute amendment.

I wonder whether the gentleman from New York can tell us, since he has indicated he is making really only one change in the bill, but has offered the amendment as a substitute, if the remainder of his substitute amendment is identical, word for word, with the bill before us?

Mr. GOODELL. Yes, it is. I have a number of other minor points, which were discussed in the legislative history. It was proposed to me that perhaps I should incorporate them in this substitute amendment. I have not. The only change made in the substitute is to separate the authority between the Administrator and the Commission and related changes to that.

Mr. O'HARA of Michigan. The remainder is, word for word, the bill which is before us?

Mr. GOODELL. That is correct.

Mr. O'HARA of Michigan. I will say to the gentleman that I feel better about the substitute, with that assurance, because I would have been very worried about the interpretation which might have been put by the courts on any changes made in the bill before us other than the one the gentleman is talking about.

I should like to direct my attention to the change which the gentleman described. I believe on a theoretical basis that a good deal could be said for the type of change which the gentleman suggests; that is, separating the functions of counsel from that of Commission in its adjudicatory role.

The gentleman has pointed to the NLRB as an example. I find that a little difficult to take, because I have become sort of a defender of the NLRB, without willing it, and have been called upon frequently to defend the NLRB from attacks mostly from the gentleman's side of the aisle. The critics contend that the NLRB, after which he wants to model this Commission, has not produced fair results and has not carried out the intent of the Congress. Although I contend it has, I am not persuaded that the structure of the NLRB has produced any greater public confidence in its decisions than in the decisions of other quasi-judicial agencies.

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

Mr. O'HARA of Michigan. I yield to the gentleman from New York.

Mr. GOODELL. I would say in one sentence, I believe the NLRB we now have is an improvement over the Wagner Act NLRB of the 1930's. I believe there are many ways in which we could today improve the performance of the NLRB.

What we will be doing under this bill is going back to the 1930's and setting up a little NLRB to enforce, in instances of discrimination in employment, under the type of structure of the Wagner Act.

Mr. O'HARA of Michigan. The gentleman is entitled to his opinion. That may be correct; I am not prepared to argue about it.

We will not be going back to the 1930's, however. What we will be doing is following a tried and true, proven system which has been used by the States in their fair employment practice laws.

I should like to point out to the members of the committee that to date, after nearly a year of operation under the present enforcement procedure, which the gentleman from New York and I agree is cumbersome and impractical, there has not yet been one single enforcement procedure completed.

We both want to change that. My preference would be not to use this Commission to demonstrate new ways of doing things. Its functions are urgent and critical. Let us instead adopt that system which has proved to be successful in the States, and then get the Commission rolling and get the law implemented.

Then, perhaps, we could consider the suggestion of the gentleman from New York in a broader context, not merely with respect to equal employment opportunities but also with respect to the Administrative Procedure Act generally. Should we, as a matter of principle, make this change throughout Federal administrative tribunals? That is the context in which we ought to take up this question rather than in the context of trying again something new with the kind of legislation we have before us now.

We should stick with methods which have proved to be successful in the States, the method provided in the bill before us today, of which the gentleman from California [Mr. HAWKINS], is the author.

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

Mr. O'HARA of Michigan. I yield to the gentleman from Illinois.

Mr. PUCINSKI. As an admitted and acknowledged expert on the NLRB, would not the gentleman agree that introducing this procedure that the gentleman from New York is suggesting would bring in, by the very nature of the procedure, tremendous delays and additional legal costs?

Mr. O'HARA of Michigan. First, I want to disclaim I am an expert on the NLRB. I make no such claim. I thank the gentleman for his kind words, but I dispute them.

I am not so sure that it would result in any particular delay. It would result in certain additional difficulties, but the gentleman from New York contends that they would be worth it in improved results. I am not at all sure of that. I say, let us take up that question as one which is distinct by itself and not appropriate to to this bill only.

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

Mr. Chairman, I think the gentleman from New York's proposal has a great deal of merit. I think it deserves serious consideration by the committee. I believe this would work in a similar manner as the present NLRB is working. I see a distinct advantage in having definitive areas of authority in a program like this, separating the administrative officer's authority and duties from those of the quasi-judicial body. So I want to say, Mr. Chairman, that I support the gentleman's amendment.

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

Mr. Chairman, in addition to what my distinguished colleague from Michigan [Mr. O'HARA] said in opposition to this amendment, may I say that I, too, would like to commend the gentleman from New York [Mr. GOODELL] for the wonderful work that he has done in this particular field. Perhaps I think there is some merit in his offering this suggestion, but I submit if reforms are needed in the administrative procedures, we should not entertain those reforms at this particular time without giving it more thorough discussion.

I also submit that some 36 States in following the Federal pattern of leadership have enacted State laws and have done so as a result of the Federal pattern. So, if we at this time switch that leadership or change that leadership and change to a different pattern, it seems to me we throw into some confusion and chaos the pattern of administrative procedure as it exists in these States. We would actually be enacting a law which sets up or continues a commission with the power to cede jurisdiction to the States and having a pattern which is basically different from those of the States. I would say, therefore, while this proposal may have some merit to it—and I certainly think it does—it is both untimely and also conducive to creating confusion and chaos.

For that reason I think it should be opposed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. GOODELL].

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

EXEMPTION

SEC. 2. This Act shall not apply to an employer with respect to the employment of aliens outside any State, or to a religious corporation, association, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, or society of its religious activities or to an educational institution with respect to the employment of individuals to perform work connected with the educational activities of such institution.

DISCRIMINATION BECAUSE OF RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN

SEC. 3. (a) It shall be unlawful employment practice for an employer—

(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or

(2) to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin.

(b) It shall be an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of his race, color, religion, sex, or national origin, or to classify or refer for employment any individual on the basis of his race, color, religion, sex, or national origin.

(c) It shall be an unlawful employment practice for a labor organization—

(1) to exclude or to expel from its membership, or otherwise to discriminate against, any individual because of his race, color, religion, sex, or national origin;

(2) to limit, segregate, or classify its membership, or to classify or fail or refuse to refer for employment any individual, in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, because of such individual's race, color, religion, sex, or national origin; or

(3) to cause or attempt to cause an employer to discriminate against an individual in violation of this section.

(d) It shall be an unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs to discriminate against any individual because of his race, color, religion, sex, or national origin in admission to, or employment in, any program established to provide apprenticeship or other training.

(e) Notwithstanding any other provision of this Act, (1) it shall not be an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify, or refer for employment any individual, for a labor organization to classify its membership or to classify or refer for employment any individual, or for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ any individual in any such program on the basis of his religion, sex, or national origin in those certain instances where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise, and (2) it shall not be an unlawful employment practice for a school, college, university, or other educational institution or institution of learning to hire and employ employees of a particular religion if such school, college, university, or other educational institution or institution of learning is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society, or if the curriculum of such school, college, university, or other educational institution or institution of learning is directed toward the propagation of a particular religion.

(f) As used in this Act, the phrase "unlawful employment practice" shall not be deemed to include any action or measure taken by an employer, labor organization, joint labor-management committee, or employment agency with respect to an individual who is a member of the Communist Party of the United States or of any other organization required to register as a Communist-action or Communist-front organization by final order of the Subversive Activities Control Board pursuant to the Subversive Activities Control Act of 1950.

(g) Notwithstanding any other provision of this Act, it shall not be an unlawful employment practice for an employer to fail or refuse to hire and employ any individual for any position, for an employer to discharge any individual from any position, or for an employment agency to fail or refuse to refer any individual for employment in any position, or for a labor organization to fail or refuse to refer any individual for employment in any position, if—

(1) the occupancy of such position, or access to the premises in or upon which any part of the duties of such position is performed or is to be performed, is subject to any requirement imposed in the interest of the national security of the United States under any security program in effect pursuant to or administered under any statute of the United States or any Executive order of the President; and

(2) such individual has not fulfilled or has ceased to fulfill that requirement.

(h) Notwithstanding any other provision of this Act, it shall not be an unlawful employment practice for an employer to apply different standards of compensation, or different terms, conditions, or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production or to employees who work in different locations, provided that such differences are not the result of an intention to discriminate because of race, color, religion, sex, or national origin, nor shall it be an unlawful employment practice for an employer to give and to act upon the results of any professionally developed ability test provided that such test, its administration or action upon the results is not designed, intended, or used to discriminate because of race, color, religion, sex, or national origin. It shall not be an unlawful employment practice under this Act for an employer to differentiate upon the basis of sex in determining the amount of the wages or compensation paid or to be paid to employees of such employer if such differentiation is authorized by the provisions of section 6(d) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 206(d)).

(i) Nothing contained in this Act shall apply to any business or enterprise on or near an Indian reservation with respect to any publicly announced employment practice of such business or enterprise under which a preferential treatment is given to any individual because he is an Indian living on or near a reservation.

(j) Nothing contained in this Act shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this Act to grant preferential treatment to any individual or to any group because of the race, color, religion, sex, or national origin of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex, or national origin employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, color, religion, sex, or national origin in any community, State, section, or other area, or in the available work force in any community, State, section, or other area.

OTHER UNLAWFUL EMPLOYMENT PRACTICES

Mr. DENT (interrupting the reading of the bill). Mr. Chairman, I ask unanimous consent that section 2 be considered as read and open to amendment.

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

There was no objection.

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

Mr. Chairman, at the time this bill was before the committee I suggested that we add to section 2 a prohibition on discriminating because of age. This bill has done a great deal of good throughout the country. It now bars discrimination because of race, religion, national origin, or sex. But age is excluded. We see here from the first year of operation of the Commission that age continues to be a serious problem. The commission points out that out of 4,893 complaints handled to date by the Commission, 1,359 were not recommended for investigation or referred to a State or local agency. The main reason for rejecting these cases has been because they were not covered by title VII mainly because they involved age discrimination complaints.

Mr. Chairman, it is significant that the commission lists age as the No. 1 reason.

Certainly, Mr. Chairman, as we look over the want ads today in this era of labor shortages and job surpluses, we find repeatedly advertisements for employment which restrict the prospective employee to an age, usually under 40.

So, Mr. Chairman, this continues to be, perhaps, one of the most serious problems in this particular period when we have record-breaking employment, and still we have 3.5 million people unemployed.

Mr. Chairman, it is rather significant that the two extremes in the unemployed field are represented by those who are beyond 45 and by those who are under 21 years of age.

Mr. Chairman, our study here in the District of Columbia shows 46 percent of those unemployed in the District of Columbia are between the age of 18 and 21, young people who for the most part are not being employed because of their draft status. It is not that the employers are afraid they will lose these young men to the draft, but they assume a legal obligation for a period of 2 years while the young man is serving his obligation and must have a job waiting for him when he comes back. They do not want to assume this legal obligation. Therefore, they take the easy way out and do not hire him.

Also, Mr. Chairman, as we know, more and more concerns are adopting the policy of not hiring people who are beyond the age of 40. This is because of the cost of the various pension plans and other benefit plans. Some of the insurance people sell employers a package of insurance dealing with health, welfare, and retirement pension, based upon a single premium for employees up to the age of 40. However, the premium escalates after the age of 40.

So, certainly, Mr. Chairman, we have a problem.

I am not going to offer an amendment to put "age" into the bill now, because this is a very complicated problem. But, Mr. Chairman, I wonder if I may have the attention of the chairman of the subcommittee handling this legislation, the gentleman from Pennsylvania [Mr. DENT], who I know agrees with me that the problem of age is a serious problem.

I wonder if we cannot get some agreement to the effect that the committee is going to look into the extent of this problem, and see what legislation is necessary in order to deal with this problem, or whether there are other ways of dealing with it, not necessarily in the field of legislation?

Certainly, Mr. Chairman, this is a problem, and it would seem to me that the committee would perform a great public service by looking into the extent of the problem and seeing what solutions can be developed in order to meet it.

Otherwise, Mr. Chairman, this legislation will continue to have a very large hole in it so long as there is discrimination because of age. We really are not carrying out the great promise of America.

I hope the committee can bring before the House a plan which will eliminate discrimination because of age.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DISCRIMINATION BECAUSE OF RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN

SEC. 3. (a) It shall be an unlawful employment practice for an employer—

(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or

(2) to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin.

(b) It shall be an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of his race, color, religion, sex, or national origin, or to classify or refer for employment any individual on the basis of his race, color, religion, sex, or national origin.

(c) It shall be an unlawful employment practice for a labor organization—

(1) to exclude or to expel from its membership, or otherwise to discriminate against, any individual because of his race, color, religion, sex, or national origin;

(2) to limit, segregate, or classify its membership, or to classify or fail or refuse to refer for employment any individual, in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, because of such individual's race, color, religion, sex, or national origin; or

(3) to cause or attempt to cause an employer to discriminate against an individual in violation of this section.

(d) It shall be an unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs to discriminate against any individual because of his race, color, religion, sex, or national origin in admission to, or employment in, any program established to provide apprenticeship or other training.

(e) Notwithstanding any other provision of this Act (1) it shall not be an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify, or refer for employment any individual, for a labor organization to classify its membership or to classify or refer for employment any individual, or for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ any individual in any such program, on the basis of his religion, sex, or national origin in those certain instances where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise, and (2) it shall not be an unlawful employment practice for a school, college, university, or other educational institution or institution of learning to hire and employ employees of a particular religion if such school, college, university, or other educational institution or institution of learning is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society, or if the curriculum of such school, college, university, or other educational institution or institution of learning is directed toward the propagation of a particular religion.

(f) As used in this Act, the phrase "unlawful employment practice" shall not be deemed to include any action or measure taken by an employer, labor organization, joint labor-management committee, or employment agency with respect to an individual who is a member of the Communist Party of the United States or of any other organization required to register as a Communist-action or Communist-front organization by final order of the Subversive Activities Control Board pursuant to the Subversive Activities Control Act of 1950.

(g) Notwithstanding any other provision of this Act, it shall not be an unlawful employment practice for an employer to fail or refuse to hire and employ any individual for any position, for an employer to discharge any individual from any position, or for an employment agency to fail or refuse to refer any individual for employment in any position, or for a labor organization to fail or refuse to refer any individual for employment in any position, if—

(1) the occupancy of such position, or access to the premises in or upon which any part of the duties of such position is performed or is to be performed, is subject to any requirement imposed in the interest of the national security of the United States under any security program in effect pursuant to or administered under any statute of the United States or any Executive order of the President; and

(2) such individual has not fulfilled or has ceased to fulfill that requirement.

(h) Notwithstanding any other provision of this Act, it shall not be an unlawful employment practice for an employer to apply different standards of compensation, or different terms, conditions, or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production or to employees who work in different locations, provided that such differences are not the result of an intention to discriminate because of race, color, religion, sex, or national origin, nor shall it be an unlawful employment practice for an employer to give and to act upon the results of any professionally developed ability test provided that such test, its administration or action upon the results is not designed, intended, or used to discriminate because of race, color, religion, sex, or national origin. It shall not be an unlawful employment practice under this Act for any employer to differentiate upon the basis of sex in determining the amount of the wages or compensation paid or to be paid to employees of such employer if such differentiation is authorized by the provisions of section 6(d) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 206(d)).

(i) Nothing contained in this Act shall apply to any business or enterprise on or near an Indian reservation with respect to any publicly announced employment practice of such business or enterprise under which a preferential treatment is given to any individual because he is an Indian living on or near a reservation.

(j) Nothing contained in this Act shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this Act to grant preferential treatment to any individual or to any group because of the race, color, religion, sex, or national origin of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex, or national origin employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of persons of such

race, color, religion, sex, or national origin in any community, State, section, or other area, or in the available work force in any community, State, section, or other area.

Mr. DENT (during reading of section 3). Mr. Chairman, I ask unanimous consent that section 3 be considered as read and open for amendment.

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

There was no objection.

The CHAIRMAN. Are there any amendments to section 3?

If not, the Clerk will read.

The Clerk read as follows:

OTHER UNLAWFUL EMPLOYMENT PRACTICES

SEC. 4. (a) It shall be an unlawful employment practice for an employer to discriminate against any of his employees or applicants for employment, for an employment agency to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership because he has opposed any practice made an unlawful employment practice by this Act, or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this Act.

(b) It shall be an unlawful employment practice for an employer, labor organization, or employment agency to print or publish or cause to be printed or published any notice or advertisement relating to employment by such an employer or membership in or any classification or referral for employment by such a labor organization, or relating to any classification or referral for employment by such an employment agency, indicating any preference, limitation, specification, or discrimination, based on race, color, religion, sex, or national origin, except that such a notice or advertisement may indicate a preference, limitation, specification, or discrimination based on religion, sex, or national origin when religion, sex, or national origin is a bona fide occupational qualification for employment.

Mr. DENT (during reading of section 4). Mr. Chairman, I ask unanimous consent that section 4 be considered as read, and open for amendment.

The CHAIRMAN. In there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. Are there any amendments to section 4?

If not, the Clerk will read.

The Clerk read as follows:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SEC. 5. (a) The Equal Employment Opportunity Commission created and established by section 705 of the Civil Rights Act of 1964 is hereby continued as an agency of the United States, and shall be composed of five members, not more than three of whom shall be members of the same political party, appointed by the President, by and with the advice and consent of the Senate. Members serving on such Commission on the date of enactment of this Act shall continue to serve for the remainder of the terms for which they were originally appointed. The successors to such members shall be appointed for terms of five years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Commission, and one member to serve as Vice Chairman. The Chairman shall be responsible on behalf of the Commission for the administrative operations of the Commission, and shall appoint, in accordance with the civil service laws, such officers, agents, attorneys, and employees as it deems necessary to assist it in the performance of its functions and to fix their compensation in accordance with the Classification Act of 1949, as amended. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman or in the event of a vacancy in that office.

(b) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission and three members thereof shall constitute a quorum.

(c) The Commission shall have an official seal which shall be judicially noticed.

(d) The Commission shall at the close of each fiscal year report to the Congress and to the President concerning the action it has taken; the names, salaries, and duties of all individuals in its employ and the moneys it has disbursed; and shall make such further reports on the cause of and means of eliminating discrimination and such recommendations for further legislation as may appear desirable.

(e) The Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2201–2209), is further amended—

(1) by adding to section 105 thereof (5 U.S.C. 2204) the following clause:

"(32) Chairman, Equal Employment Opportunity Commission"; and

(2) by adding to clause (45) of section 106(a) thereof (5 U.S.C. 2205(a)) the following: "Equal Employment Opportunity Commission (4)."

(f) The principal office of the Commission shall be in or near the District of Columbia, but it may meet or exercise any or all its powers at any other place. The Commission may establish such regional or State offices as it deems necessary to accomplish the purpose of this Act.

(g) The Commission shall have power—

(1) to cooperate with and, with their consent, utilize regional, State, local, and other agencies both public and private, and individuals;

(2) to pay to witnesses whose depositions are taken or who are summoned before the Commission or any of its agents the same witness and mileage fees as are paid to witnesses in the courts of the United States;

(3) to furnish to persons subject to this Act such technical assistance as they may request to further their compliance with this Act or any order issued thereunder;

(4) upon the request of (i) any employer, whose employees or some of them, or (ii) any labor organization, whose members or some of them, refuse or threaten to refuse to cooperate in effectuating the provisions of this Act, to assist in such effectuation by conciliation or such other remedial action as is provided by this Act;

(5) to make such technical studies as are appropriate to effectuate the purposes and policies of this Act and to make the results of such studies available to the public;

(6) to refer matters to the Attorney General with recommendations for the institution of a civil action by the Attorney General under section 7, and to advise, consult, and assist the Attorney General on such matters.

(h) Attorneys appointed under this section may, at the direction of the Commission, appear for and represent the Commission in any case in court.

(i) The Commission shall, in any of its educational or promotional activities, cooperate with other departments and agencies in the performance of such educational and promotional activities.

(j) All officers, agents, attorneys, and employees of the Commission shall be subject to the provisions of section 9 of the Act of August 2, 1939, as amended (the Hatch Act), notwithstanding any exemption contained in such section.

Mr. DENT (during reading of section 5). Mr. Chairman, I ask unanimous consent that section 5 be considered as read and open for amendment.

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

There was no objection.

The CHAIRMAN. Are there any amendments to section 5?

If not, the Clerk will read.

The Clerk read as follows:

PREVENTION OF UNLAWFUL EMPLOYMENT PRACTICES

SEC. 6. (a) The Commission is empowered, as hereinafter provided, to prevent any person from engaging in any unlawful employment practice as set forth in section 3 or 4.

(b) Whenever a written charge has been filed by or on behalf of any person claiming to be aggrieved, or a written charge has been filed by a member of the Commission, that any person subject to the Act has engaged in any unlawful employment practice, the Commission shall notify the person charged with the commission of an unlawful employment practice (hereinafter referred to as the "respondent") of such charge and shall investigate such charge and if it shall determine after such preliminary investigation that probable cause exists for crediting such written charge, it shall endeavor to eliminate any unlawful employment practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during and as a part of such endeavors may be used as evidence in any subsequent proceeding.

(c)(1) If the Commission fails to effect the elimination of such unlawful practice and to obtain voluntary compliance with this Act, or in advance thereof if circumstances warrant, the Commission shall have power to issue and cause to be served upon the respondent a complaint stating the charges in that respect, together with a notice of hearing before the Commission, or a member thereof, or before a designated agent, at a place therein fixed, not less than ten days after the service of such complaint. No complaint shall issue based upon any unlawful employment practice occurring more than one year prior to the filing of the charge with the Commission unless the person aggrieved thereby was prevented from filing such charge by reason of service in the Armed Forces, in which event the period of military service shall not be included in computing the one-year period.

(2) The respondent shall have the right to file a verified answer to such complaint and to appear at such hearing in person or otherwise, with or without counsel, to present evidence and to examine and cross-examine witnesses.

(d)(1) The Commission or member or designated agent conducting such hearing shall have the power reasonably and fairly to amend any complaint, and the respondent shall have like power to amend its answer.

(2) All testimony shall be taken under oath.

(3) The member of the Commission who filed a charge shall not participate in a hearing thereon.

(4) At the conclusion of a hearing before a member or designated agent of the Commission, such member or agent shall transfer the entire record thereof to the Commission, together with his recommended decision and copies thereof shall be served upon the parties. The Commission, or a panel of three qualified members designated by it to sit and act as the Commission in such case, shall afford the parties an opportunity to be heard

on such record at a time and place to be specified upon reasonable notice. In its discretion, the Commission upon notice may take further testimony.

(e) With the approval of the member or designated agent conducting the hearing, a case may be ended at any time prior to the transfer of the record thereof to the Commission by agreement between the parties for the elimination of the alleged unlawful employment practice on mutually satisfactory terms.

(f) If, upon the preponderance of the evidence, including all the testimony taken, the Commission shall find that the respondent engaged in any unlawful employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on such person and other parties an order requiring such persons to cease and desist from such unlawful employment practice and to take such affirmative action, including reinstatement or hiring of employees, with or without backpay (payable by the employer, employment agency, or labor organization, as the case may be, responsible for the discrimination), as will effectuate the policies of the Act: *Provided*, That interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the backpay otherwise allowable. Such order may further require such respondent to make reports from time to time showing the extent to which it has complied with the order. If the Commission shall find that the respondent has not engaged in any unlawful employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on such person and other parties an order dismissing the complaint.

(g) Until a transcript of the record in a case shall have been filed in a court, as hereinafter provided, the case may at any time be ended by agreement between the parties, approved by the Commission, for the elimination of the alleged unlawful employment practice on mutually satisfactory terms, and the Commission may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

(h) The proceedings held pursuant to the preceding subsections of this section shall be conducted in conformity with the standards and limitations of sections 5, 6, 7, 8, and 11 of the Administrative Procedure Act.

(i) (1) The Commission shall have power to petition any United States court of appeals or, if the court of appeals to which application might be made is in vacation, any district court within any circuit or district, respectively, wherein the unlawful employment practice in question occurred, or wherein the respondent resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court to which petition is made a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was entered and the findings and the order of the Commission. Upon such filing, the court shall conduct further proceedings in conformity with the standards, procedures, and limitations established by section 10 of the Administrative Procedure Act.

(2) Upon such filing the court shall cause notice thereof to be served upon such respondent and thereupon shall have jurisdiction of the proceeding and of the question determined therein and shall have power to grant such temporary relief or restraining order as it deems just and proper and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Commission.

(3) No objection that has not been urged before the Commission, its member, or agent shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances.

(4) The findings of the Commission with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive.

(5) If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Commission, its member, or agent, the court may order such additional evidence to be taken before the Commission, its member, or agent, and to be made a part of the transcript.

(6) The Commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive, and its recommendations, if any, for the modification or setting aside of its original order.

(7) The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the appropriate United States court of appeals, if application was made to the district court or other United States court as hereinabove provided, and by the Supreme Court of the United States as provided in title 28, United States Code, section 1254.

(j) (1) Any person aggrieved by a final order of the Commission may obtain a review of such order in any United States court of appeals of the judicial circuit wherein the unlawful employment practice in question was alleged to have been engaged in or wherein such person resides or transacts business or the Court of Appeals for the District of Columbia, by filing in such court a written petition praying that the order of the Commission be modified or set aside. A copy of such petition shall be forthwith served upon the Commission and thereupon the aggrieved party shall file in the court a transcript of the entire record in the proceeding certified by the Commission, including the pleadings and testimony upon which the order complained of was entered and the findings and order of the Commission. Upon such filing, the court shall proceed in the same manner as in the case of an application by the Commission under subsection (i), and shall have the same exclusive jurisdiction to grant to the petitioners or to the Commission such temporary relief or restraining order as it deems just and proper, and in like manner to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Commission.

(2) Upon such filing by a person aggrieved the reviewing court shall conduct further proceedings in conformity with the standards, procedures, and limitations established by section 10 of the Administrative Procedure Act.

(k) The commencement of proceedings under this section shall not, unless specifically ordered by the court, operate as a stay of the Commission's order.

(l) When granting appropriate temporary relief or a restraining order, or making and entering a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part an order of the Commission, as provided in this section, the jurisdiction of courts sitting in equity shall not be limited by the Act entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes", approved March 23, 1932 (29 U.S.C. 101–115).

(m) Petitions filed under this Act shall be heard expeditiously.

Mr. DENT (during reading of section 6). Mr. Chairman, I ask unanimous consent that section 6 be considered as read and open for amendment.

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

There was no objection.

AMENDMENT OFFERED BY MR. GLENN ANDREWS

Mr. GLENN ANDREWS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GLENN ANDREWS: On page 16, line 22 through line 23, strike out the words "or a written charge has been filed by a member of the Commission", and on page 18 strike out all of lines 13 and 14, and on line 15 strike out "(4)" and insert "(3)".

Mr. GLENN ANDREWS. Mr. Chairman, I am interested in the third set of responsibilities that have been imposed on this Commission, and I refer particularly to the language contained on page 16 of the bill, lines 22 and 23 which states: "or a written charge has been filed by a member of the Commission,".

According to my interpretation of this language, this gives the Commission or any member of the Commission the right and the responsibility to go touring around through the country looking for whatever they may find in the way of what they judge to be an unlawful employment practice. It would, to my way of thinking, allow him to walk into any firm and say: "You have an imbalanced ratio of employment."

I do not know whether this is what is intended by this language. But if you put in the hands of the Commission the judicial function and the prosecuting function and if you put into their hands such a police function, it will allow them to walk down through any section of any city and to walk into any building and simply say: "You do not have the proper sort of balance so far as the races are concerned in your organization, and therefore I charge you with an unfair employment practice."

I think there are three powers involved in the functions of this Commission. We have tried to eliminate one of them already. But it seems to me the investigation, or police function of this Commission, should be limited by taking out of this proposed bill their authority to walk into any organization, on their own volition, and simply say, "You are guilty of unfair employment practices."

Where there is no grievance or complaint registered I think that is most un-American that this Commission should have the right and the power to be able to initiate the complaints, hear the complaints, judge the complaints, and mete out the punishment for the crime.

Perhaps some may say that that is a figment of my imagination and that this could not happen. I call your attention to the activities of other commissions, particularly having to do with integra-

tion in the public schools. I think the commissions that have been involved in that have been going into some States saying, "You do not have the proper sets of ratios." I do not think it is beyond the realm of possibility to see this Commission doing exactly the same thing. If that is what this committee intends by this bill, since they have written this language in the bill, my suggestion is that that language be stricken from the bill.

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

Mr. Chairman, I believe if the gentleman had been aboard and had listened to the discussion of the bill during debate he would have learned that this act does not intend to put into the hands of the Commission the enforcement machinery whereby they could create a situation where they would declare it to be an unlawful practice because of an imbalance in the numbers of persons employed according to race, color, creed, or sex or anything else. That, of course, answers the major part of the argument he made against the Commissioner being permitted to go into a situation and on his own volition enter a plant. You find it necessary—and the committee found it is necessary to give to the Commission this power simply because we are dealing with a great number of persons who have not in many instances the courage, as it were, the physical courage to go in and make a written complaint or employ anybody locally to make an open complaint. But they would have the courage to contact a Commissioner and have him make the complaint for them in writing. That is all that is intended here. The Commissioner will not be running around all over the country on a white horse going into everybody's business and trying to create conditions at any time and demanding that a balance be made in a situation where a number is greater than another number because of color.

The situation with reference to school integration is entirely different. It is based entirely on the basis of nonintegration on account of color alone. It is a different situation.

Mr. GLENN ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. DENT. I yield to the gentleman.

Mr. GLENN ANDREWS. If it is the intention of the gentleman by this language in the bill to hide a complainant, is it not unreasonable to really feel that his complainant will be unsafe if he walks into the Commissioner's office and registers a complaint? Will he not ultimately have to be identified by the Commissioner?

Is that the point of the language in the bill? Do you intend to hide the complainant when a Commissioner goes in and makes the complaint himself? Do you intend that they hide the complainant or the aggrieved person?

Mr. DENT. I do not quite get the gist of your discussion. You speak of a complainant walking into the Commissioner's office. That is the point. He would probably live in a place far distant from where the Commissioner is situated and he would not be able to walk in. He can write and ask that the Commissioner make an investigation without making a specific complaint. Who would make the investigation? The agent or the Commissioner. But the agent would not then make the written complaint against the employer. The Commissioner himself would not be allowed to be seated on the panel considering the complaint, which is a safeguard that we gave to the so-called employer, as it were, against whom the complaint might be made.

I note that you intend to strike that provision from the act also.

Mr. GLENN ANDREWS. That has a very definite bearing on the problem. It is the same thing. It is an auxiliary to the amendment. Let me ask the gentleman this question: Is there any provision in this bill which would prevent any member of the Commission from using the power as I have just described it? Your assurances that the Commissioners will be kind and good is really hard to take when recently we received from the Secretary of Commerce all sorts of assurances under the highway beautification bill as to what he intended to do, and shortly after the passage of the bill we saw him going out and doing something else. Is there anything in this bill which would prevent an individual Commissioner from walking into an establishment in any State of the Union and saying, "You have been guilty of unlawful employment practices. I have no complaint at all, because I am trying to hide the complainant because he is filled with fears of reprisals. I simply feel that you have been guilty of unfair employment practices."

Is there any provision in the bill which would prevent this arbitrary use of the Commissioner's power?

Mr. DENT. I do not think anything in the bill would prevent the action which you have described. But the history of the matter is contrary to your proposal, for the simple reason that up until now there has not been any such occurrence, and to date there has not been any suspicion that it will happen in the future. You are building up a case for a condition that has not existed and will not exist.

But if you ask whether the Commissioner has a right to go in and investigate a condition and then make a written complaint, that is what the bill now provides.

The CHAIRMAN. The question is on the amendment of the gentleman from Alabama.

The amendment was rejected.

Mr. GOODELL. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

Mr. GOODELL. Mr. Chairman, I take this time to clarify one action that is being taken in this bill. We are deleting old section 706(b) and 706(c). Those are the provisions of the present law that require a 60-day waiting period on the part of the Federal Commission to permit the States to take action. They are also the sections which require notification to the State when Federal action or complaints are underway. I would merely like to clarify, as a matter of legislative history, what our intent is. We have taken out the 60-day requirement only because we wanted to free the Commission to go into situations where they felt it was obvious that no action was going to be taken. We did not feel that they should be prevented during this period from moving in and giving expeditious justice.

However, in States such as California, New York, Illinois, and a variety of others that have effective laws upon these subjects, it is not our intent that the Federal Government should proceed without notifying the States.

It is not our intent that they should proceed without giving an ample period to the States to act themselves—it might be 60 days, it might even be 90 days or more, depending on the circumstances. In some ways this gives more flexibility to the Commission in permitting the States and pressing the States to take action.

I would ask the gentleman from California and the gentleman from Pennsylvania, particularly, if they agree with me on this point?

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

Mr. GOODELL. Yes, I yield to the gentleman. I am not offering an amendment to restore these sections.

Mr. HAWKINS. Mr. Chairman, I agree with the intent that has been expressed by the gentleman. I certainly believe that we should give deference to the States that have moved even ahead of Congress in enacting the FEPC laws. I would certainly hope, if this motion is adopted, that this matter will be handled by rule and regulation, and that among those rules will certainly be a period of time in which they will be set up in those instances in which there is no agreement.

However, I cannot envision, in such States as you have mentioned, any reason why the Commission will not have written agreements with those States which would set this out. But, assuming that that does not happen—which I cannot really envision not happening—I certainly believe that, in lieu of that, there will be some provision whereby a State, such as New York or California, with which the Commission will not have an agreement, will be given a certain period of time in which to act.

Mr. GOODELL. Mr. Chairman, I would say with reference to the old section 706 proceeding, it requires, when a complaint of charges is filed, that they notify appropriate State or local officials. I think it is our intent that State or local officials should be notified, in these instances where they have any agency of any kind that might move into the situation. The intent of this is only to make sure that there is not an undue delay in States where there is obviously no intention to do the job.

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

Mr. GOODELL. I yield to the gentleman.

Mr. HAWKINS. Mr. Chairman, I would hope that we would not by implication say that in States that drag their

feet, without enacting these laws, they would neither ask nor receive such favorable treatment, because they have not moved to have such acts on their statute books. This does not imply that this Commission in those instances has to wait for any particular period of time, inasmuch as those States have not acted to have an effective law on the statute books.

Mr. GOODELL. Exactly. We are deleting these two sections to give the Commission flexibility. We expect the Commission to proceed as they have in most instances where there is a State law.

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

Mr. GOODELL. I yield to the gentleman.

Mr. DENT. Mr. Chairman, the Commission has assured the committee that it intends to follow the very procedure the gentleman mentioned.

Mr. GOODELL. Mr. Chairman, I have taken this time to explain because, for instance, Mr. George Fowler, the New York State chairman, has expressed concern, and there was concern expressed earlier, that these two sections might damage harmonious relationships between States that have been doing an effective job and the Federal Commission.

I believe, with this legislative history, that will not come to pass.

The CHAIRMAN. Are there any amendments to be proposed to section 6?

Mr. POWELL. Mr. Chairman, how many amendments are at the desk?

The CHAIRMAN. The Chair would say he has no present knowledge of any amendments, but they could be offered.

Mr. POWELL. Mr. Chairman, may I inquire of the gentleman from California if he has any amendments?

Mr. BELL. Mr. Chairman, if the gentleman will yield, there are no further amendments on this side.

Mr. POWELL. Mr. Chairman, in view of this, I ask unanimous consent that the bill be considered as read and open for amendment?

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

Mr. HALEY. Mr. Chairman, I object. We agreed it would be read.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CIVIL ACTIONS BY ATTORNEY GENERAL

SEC. 7. (a) Whenever the Commission has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights secured by this Act, and that the pattern or practice is of such a nature and is intended to deny the full exercise of the rights herein described, and no agreement has been made under section 9(b) with the appropriate State agency in the State in which such pattern or practice occurred, or if such agreement has been made but such State agency has failed or is unable to remedy such pattern or practice, the Commission may request the Attorney General to, bring a civil action in the appropriate district court of the United States by filing with it a complaint (1) signed by him (or in his absence the Acting Attorney General), (2) setting forth facts pertaining to such pattern or practice, and (3) requesting such relief, including an application for a permanent or temporary injunction, restraining order, or other order against the person or persons responsible for such pattern or practice, as he deems necessary to insure the full enjoyment of the rights herein described.

(b) The district courts of the United States shall have and shall exercise jurisdiction of proceedings instituted pursuant to this section, and in any such proceeding the Attorney General may file with the clerk of such court a request that a court of three judges be convened to hear and determine the case. Such request by the Attorney General shall be accompanied by a certificate that, in his opinion, the case is of general public importance. A copy of the certificate and request for a three-judge court shall be immediately furnished by such clerk to the chief judge of the circuit (or, in his absence, the presiding circuit judge of the circuit) in which the case is pending. Upon receipt of such request it shall be the duty of the chief judge of the circuit or the presiding circuit judge, as the case may be, to designate immediately three judges in such circuit, of whom at least one shall be a circuit judge and another of whom shall be a district judge of the court in which the proceeding was instituted, to hear and determine such case, and it shall be the duty of the judges so designated to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited. An appeal from the final judgment of such court will lie to the Supreme Court.

In the event the Attorney General fails to file such a request in any such proceeding, it shall be the duty of the chief judge of the district (or in his absence, the acting chief judge) in which the case is pending immediately to designate a judge in such district to hear and determine the case. In the event that no judge in the district is available to hear and determine the case, the chief judge of the district, or the acting chief judge, as the case may be, shall certify this fact to the chief judge of the circuit (or in his absence, the acting chief judge) who shall then designate a district or circuit judge of the circuit to hear and determine the case.

It shall be the duty of the judge designated pursuant to this section to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited.

Mr. DENT (interrupting the reading). Mr. Chairman, I ask unanimous consent that section 7 be considered as read, printed in the RECORD, and open to amendment.

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

There was no objection.

The CHAIRMAN. Are there any amendments to be proposed to section 7? If not, the Clerk will read.

The Clerk read as follows:

EFFECT ON STATE LAWS

SEC. 8. Nothing in this Act shall be deemed to exempt or relieve any person from any liability, duty, penalty, or punishment provided by any present or future law of any State or political subdivision of a State, other than any such law which purports to require or permit the doing of any act which would be an unlawful employment practice under this Act.

Mr. DENT (interrupting the reading). Mr. Chairman, I ask unanimous consent that section 8 be considered as read, printed in the RECORD, and open to amendment.

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

There was no objection.

The CHAIRMAN. Are there any amendments to be proposed to section 8? If not, the Clerk will read.

The Clerk read as follows:

INVESTIGATIONS, INSPECTIONS, RECORDS, STATE AGENCIES

SEC. 9. (a) In connection with any investigation of a charge filed under section 6, the Commission or its designated representative shall at all reasonable times have access to, for the purposes of examination, and the right to copy any evidence of any person being investigated or proceeded against that relates to unlawful employment practices covered by this Act and is relevant to the charge under investigation.

(b) The Commission shall cooperate with State and local agencies charged with the administration of State fair employment practices laws and, with the consent of such agencies, may for the purpose of carrying out its functions and duties under this Act and within the limitation of funds appropriated specifically for such purpose, utilize the services of such agencies and their employees and, notwithstanding any other provision of law, may reimburse such agencies and their employees for services rendered to assist the Commission in carrying out this Act. In furtherance of such cooperative efforts, the Commission shall enter into written agreements with such State or local agencies as consent thereto and such agreements shall include provisions under which the Commission shall refrain from processing a charge in any cases or class of cases specified in such agreements and under which no person may file a complaint under section 6(b) in any cases or class of cases so specified, or under which the Commission shall relieve any person or class of persons in such State or locality from requirements imposed under this section. The Commission shall rescind any such agreement whenever it determines that the agreement no longer serves the interest of effective enforcement of this Act.

(c) Except as provided in subsection (d), every employer, employment agency, and labor organization subject to this Act shall (1) make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed, (2) preserve such records for such periods, and (3) make such reports therefrom, as the Commission shall prescribe by regulation or order, after public hearing, as reasonable, necessary, or appropriate for the enforcement of this Act or the regulations or orders thereunder. The Commission shall, by regulation, require each employer, labor organization, and joint labor-management committee subject to this Act which controls an apprenticeship or other training program to maintain such records as are reasonably necessary to carry out the purpose of this Act, including, but not limited to, a list of applicants who wish to participate in such program, including the chronological order in which such applications were received, and shall furnish to the Commission, upon request, a detailed description of the manner in which persons are selected to participate in the apprenticeship or other training program. Any employer, employment agency, labor organization, or joint labor-management committee which believes that the application to it of any regulation or order issued under this section would result in undue hardship may (1) apply to the Commission for an exemption from the application of such regulation or order, or (2) bring a civil action in the United States district court

for the district where such records are kept. If the Commission or the court, as the case may be, finds that the application of the regulation or order to the employer, employment agency, or labor organization in question would impose an undue hardship, the Commission or the court, as the case may be, may grant appropriate relief.

(d) The provisions of subsection (c) shall not apply to any employer, employment agency, labor organization, or joint labor-management committee with respect to matters occurring in any State or political subdivision thereof which has a fair employment practice law during any period in which such employer, employment agency, labor organization, or joint labor-management committee is subject to such law, except that the Commission may require such notations on records which such employer, employment agency, labor organization, or joint labor-management committee keeps or is required to keep as are necessary because of differences in coverage or methods of enforcement between the State or local law and the provisions of this Act. Where an employer is required by Executive Order 10925, issued March 6, 1961, or by any other Executive order prescribing fair employment practices for Government contractors and subcontractors, or by rules or regulations issued thereunder, to file reports relating to his employment practices with any Federal agency or committee, and he is substantially in compliance with such requirements, the Commission shall not require him to file additional reports pursuant to subsection (c) of this section.

(e) It shall be unlawful for any officer or employee of the Commission to make public in any manner whatever any information obtained by the Commission pursuant to its authority under this section prior to the institution of any proceeding under this Act involving such information. Any officer or employee of the Commission who shall make public in any manner whatever any information in violation of this subsection shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not more than $1,000, or imprisoned not more than one year.

Mr. DENT (interrupting the reading). Mr. Chairman, I ask unanimous consent that section 9 be considered as read, printed in the RECORD, and open to amendment.

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

There was no objection.

The CHAIRMAN. Are there any amendments to be proposed to section 9? If not, the Clerk will read.

The Clerk read as follows:

INVESTIGATORY POWERS

SEC. 10. (a) For the purposes of any investigation or survey provided for in this Act, the provisions of sections 9 and 10 of the Federal Trade Commission Act of September 16, 1914, as amended (15 U.S.C. 49, 50), are hereby made applicable to the jurisdiction, powers, and duties of the Commission, except that the attendance of a witness may not be required outside of the State where he is found, resides, or transacts business, and the production of evidence may not be required outside the State where such evidence is kept.

(b) The several departments and agencies of the Government, when directed by the President, shall furnish the Commission, upon its request, all records, papers, and information in their possession relating to any matter before the Commission.

Mr. DENT (interrupting the reading). Mr. Chairman, I ask unanimous consent that section 10 be considered as read, printed in the RECORD, and open to amendment.

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

There was no objection.

The CHAIRMAN. Are there any amendments to be proposed to section 10? If not, the Clerk will read.

The Clerk read as follows:

NOTICES TO BE POSTED

SEC. 11. (a) Every employer, employment agency, and labor organization, as the case may be, shall post and keep posted in conspicuous places upon its premises where notices to employees, applicants for employment, and members are customarily posted a notice to be prepared or approved by the Commission setting forth excerpts from, or summaries of, the pertinent provisions of this Act and information pertinent to the filing of a complaint.

(b) A willful violation of this section shall be punishable by a fine of not more than $100 for each separate offense.

Mr. DENT (interrupting the reading). Mr. Chairman, I ask unanimous consent that section 11 be considered as read, printed in the RECORD, and open to amendment.

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

There was no objection.

The CHAIRMAN. Are there any amendments to be proposed to section 11? If not, the Clerk will read.

The Clerk read as follows:

VETERANS' PREFERENCE

SEC. 12. Nothing contained in this Act shall be construed to repeal or modify any Federal, State, territorial, or local law creating special rights or preference for veterans.

Mr. DENT (interrupting the reading). Mr. Chairman, I ask unanimous consent that section 12 be considered as read, printed in the RECORD, and open to amendment.

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

There was no objection.

The CHAIRMAN. Are there any amendments to be proposed to section 12? If not, the Clerk will read.

The Clerk read as follows:

RULES AND REGULATIONS

SEC. 13. (a) The Commission shall have authority from time to time to issue, amend, or rescind suitable procedural regulations to carry out the provisions of this Act. Regulations issued under this section shall be in conformity with the standards and limitations of the Administrative Procedure Act.

(b) In any action or proceeding based on any alleged unlawful employment practice, no person shall be subject to any liability or punishment for or on account of (1) the commission by such person of an unlawful employment practice if he pleads and proves that the act or omission complained of was in good faith, in conformity with, and in reliance on any written interpretation or opinion of the Commission, or (2) the failure of such person to publish and file any information required by any provision of this Act if he pleads and proves that he failed to publish and file such information in good faith, in conformity with the instructions of the Commission issued under this Act regarding the filing of such information. Such a defense, if established, shall be a bar to the action or proceeding, notwithstanding that (A) after such act or omission, such interpretation or opinion is modified or rescinded or is determined by judicial authority to be invalid or of no legal effect, or (B) after publishing or filing the description and annual reports, such publication or filing is determined by judicial authority not to be in conformity with the requirements of this Act.

Mr. DENT (interrupting the reading). Mr. Chairman, I ask unanimous consent that section 13 be considered as read, printed in the RECORD, and open to amendment.

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

There was no objection.

The CHAIRMAN. Are there any amendments to be proposed to section 13? If not, the Clerk will read.

The Clerk read as follows:

FORCIBLY RESISTING THE COMMISSION OR ITS REPRESENTATIVES

SEC. 14. The provisions of section 111, title 18, United States Code, shall apply to officers, agents, and employees of the Commission in the performance of their official duties.

Mr. DENT (interrupting the reading). Mr. Chairman, I ask unanimous consent that section 14 be considered as read, printed in the RECORD, and open to amendment.

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

There was no objection.

The CHAIRMAN. Are there any amendments to be proposed to section 14? If not, the Clerk will read.

The Clerk read as follows:

SEC. 15. The President shall, as soon as feasible after the enactment of this Act, convene one or more conferences for the purpose of enabling the leaders of groups whose members will be affected by this Act to become familiar with the rights afforded and obligations imposed by its provisions, and for the purpose of making plans which will result in the fair and effective administration of this Act. The President shall invite the participation in such conference or conferences of (1) the members of the President's Committee on Equal Employment Opportunity, (2) the members of the Commission on Civil Rights, (3) representatives of State and local agencies engaged in furthering equal employment opportunity, (4) representatives of private agencies engaged in furthering equal employment opportunity, and (5) representatives of employers, labor organizations, and employment agencies who will be subject to this Act.

Mr. DENT (interrupting the reading). Mr. Chairman, I ask unanimous consent that section 15 be considered as read, printed in the RECORD, and open to amendment.

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

There was no objection.

The CHAIRMAN. Are there any amendments to be proposed to section 15? If not, the Clerk will read.

The Clerk read as follows:

REPEAL OF TITLE VII OF THE CIVIL RIGHTS ACT OF 1964; EFFECT THEREOF

SEC. 16. (a) Title VII of the Civil Rights Act of 1964 is repealed.

(b) All orders, determinations, rules, regulations, and certificates which have been issued or made by the Commission, the Attorney General, or any court of competent jurisdiction, under any provision of law repealed or amended by this Act, and which are in effect at the time this section takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Commission or the Attorney General, as the case may be, or by any court of competent jurisdiction, or by operation of law.

(c) Proceedings pending before the Commission at the time this section takes effect shall be continued before the Commission, but the provisions of this Act shall apply with respect to such proceedings.

(d) The provisions of this Act shall not affect suits commenced prior to the date of enactment of this Act by an aggrieved person pursuant to section 706(e) of the Civil Rights Act of 1964, or by the Attorney General pursuant to section 707 of such Act, and all such suits shall be continued by such aggrieved person or the Attorney General, as the case may be, proceedings therein had, appeals therein taken, and judgments therein rendered, in the same manner and with the same effect as if this Act had not been passed.

(e) Such of the unexpended balances of appropriations available for use by the Commission to carry out title VII of the Civil Rights Act of 1964 shall be available for use in connection with the exercise and performance of the powers and duties vested in and imposed upon the Commission by this Act.

(f) Nothing in this Act shall change the status of the officers and employees under the jurisdiction of the Commission on the date of enactment of this Act.

Mr. DENT (interrupting the reading). Mr. Chairman, I ask unanimous consent that section 16 be considered as read, printed in the RECORD, and open to amendment.

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

There was no objection.

The CHAIRMAN. Are there any amendments to be proposed to section 16?

Mr. WAGGONNER. Mr. Chairman, I move to strike the last word.

Mr. Chairman and Members of the Committee, it is inconceivable to me that this body would, on an afternoon such as this, sit idly by with so few present and with an air of indifference see passed into law a piece of legislation as far sweeping and as far reaching as is this proposal.

It is a matter of record if we are to believe the hearings that insufficient evidence exists to warrant repeal of title VII of the Civil Rights Act of 1964. Title VII has not had a chance to work.

The main difference it appears to me between title VII of the Civil Rights Act of 1964 and this proposal lies in the authority to be given the Equal Employment Opportunity Commission. Granted to five men, who are appointive and not elective, is to be raw power and authority which we here in the Congress day in and day out complain about in one Federal agency or another. It will be misused as it is even now misused.

Mr. Biemiller of the AFL–CIO and Clarence Mitchell of the NAACP, during the hearings in the committee on this proposal, themselves said that sufficient experience with title VII of the Civil Rights Act did not exist to warrant changes at this time. This legislation is premature.

I say to you in all sincerity that that situation still exists today, although this statement was made months ago.

Mr. Chairman, if we grant this Equal Employment Opportunity Commission, these five men who are appointed, the authority proposed in this act, we are going to see this authority abused and we are going to have the equal of that which exists now in the Department of HEW wherein appointive and not elected officials are going to do what HEW has been doing in proposing new guidelines for school integration. It seems over there in HEW they have lost sight of the fact that schools were created to educate the youth of this land and not to accomplish somebodys version of social reform. I question their concern for education. It is a matter of do as I say or else whether statutory authority exists or not. I know as I stand here and speak I am being termed a racist, but this bill is nothing else. There is no real concern for any race except the Negro. No other has been mentioned. Religion is mentioned for window dressing. The truth is most of you cringe with fear when there is a tinge of civil rights. No Federal agency should have the authority granted this Commission on Equal Employment Opportunity, but because it has the tinge of civil rights, emotion sweeps aside reason and judgment. We are making a mistake when we in the name of preventing discrimination destroy the great cornerstone of freedom of choice which has been the bedrock of individual freedom. If it is wrong to say you cannot it is wrong to say you must. We make a serious mistake in extending Federal power at the expense of private rights. You are being short sighted. In the long run the public interest will not be served. This is, however, a matter of political expediency with too many. It is in fact the price required for passage of minimum wage legislation and common situs picketing legislation. Labor unions are not the offenders some believe in this matter.

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

Mr. WAGGONNER. I am glad to yield to my friend from Texas.

Mr. PICKLE. I think the gentleman is making a good point in the debate at this stage. I do not know that I support all of the statements he has made with respect to "racism," but I would like to point out that I am not sure but what we may be traveling too fast in this direction. I supported the civil rights measure in 1964. That was not an easy vote to cast coming from the Deep South and Southwest, but I think it is one of the best votes I ever cast. I supported as such, title VII of the Civil Rights Act. I think that section has worked reasonably well. It has in my part of the country. I am concerned about the speed with which we are moving in this direction. You are reducing it down to eight persons now. We all agreed in 1964 that it should not be at that rate of acceleration. Arbitration and negotiation between employers and employees has worked out well in my section of the country. Now I have great concern that we are moving too fast. I certainly agree with the general objectives of this measure, but I think perhaps we are exercising too much speed.

Mr. Chairman, I think the gentleman from Louisiana is making a good point.

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

Mr. HALEY. Mr. Chairman, I ask unanimous consent that the gentleman from Louisiana [Mr. WAGGONNER] may proceed for 2 additional minutes.

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

There was no objection.

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

Mr. WAGGONNER. I am glad to yield to the gentleman from Florida.

Mr. HALEY. Does not the gentleman from Louisiana think we have now reached a point in the Congress where for some people some kind of civil rights or so-called civil rights is thought to be necessary?

Mr. WAGGONNER. I would certainly agree with the gentleman.

Mr. HALEY. And certainly this is moving along at a rapid pace where the legislation that has been passed by the Congress has not had an ample chance to work for many of its provisions are yet to be implemented.

Mr. WAGGONNER. Mr. Chairman, I think the gentleman from Texas [Mr. PICKLE], and the gentleman from Florida [Mr. HALEY] have both amply stated the crux of this matter here today. We are moving too fast at this point, and we do have insufficient evidence to warrant this acceleration of the fair employment practice legislation. We should look with caution upon deserting prerogatives which are ours and giving to appointive officials authority which is going to give them life-and-death authority over businessmen both large and small in this country. The legislation as proposed gives power to the Commission to petition U.S. courts of appeals or U.S. district courts for enforcement of their orders and the court is restricted to conducting further proceedings under the limitations of the Administrative Procedure Act. The court has no authority. Absolute authority is vested in the Commission. Read section 6, subparagraph (i) (4) on page 21 which clearly states:

> The findings of the Commission with respect to questions of fact shall be conclusive.

Vote for this bill and add your support to a drab world of enforced conformity. Freedom, however, cannot continue to endure if you continue to support such legislation.

Mr. YATES. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the first time I spoke in favor of the fair employment practices bill was in 1950 when FEPC first came to the floor of the House.

It was a hotly contested bill, a time for a showdown for the opposition had been bitter and we had relentlessly sought to bring the bill to the floor in

spite of the opposition of the Rules Committee. Our recourse was the Calendar Wednesday procedure.

At that time I remember very vividly that Calendar Wednesday fell on Washington's Birthday. The House waited tensely and expectantly through the reading of Washington's Farewell Address.

At the end of the address one of the gentlemen from Georgia got up and declared that in accordance with the great tradition of the House he moved that the House do now adjourn. He hoped thereby to avoid consideration of the FEPC bill.

That was the beginning of daylong and nightlong fight. As a result of various types of dilatory tactics, we were not able to begin reading the bill until 11 o'clock that night, when our late, great, and beloved Speaker, the Honorable Sam Rayburn, finally overruled as dilatory a point of no quorum. Thereupon, we went into the Committee of the Whole and passed the bill at 3 o'clock in the morning.

That day is past. The bitter opposition to civil rights which marked that debate has in great measure disappeared. We have made progress. But we still hear statements made on this floor that we are moving too fast. Moving too fast? How fast have we moved since 1950? How much time do the gentlemen who oppose this bill want? This bill will bring nearer to fruition the great American ideal of equality of opportunity. The chance to make a living is the birthright of every American and this bill will do much to assure its fulfillment.

Mr. Chairman, even at that time the facts showed that great corporations which were operating under FEPC laws in various States when queried pointed out that they had excellent cooperation under the FEPC State laws. It helped labor relations and community relations. None of the fears that had been voiced in opposition to the bill had been justified.

So I say, Mr. Chairman, we have not moved too fast and that we are not moving too fast. This is the time to move ahead. It is time that we provided for equal opportunity for employment of all Americans. I urge passage of this bill.

The CHAIRMAN. Are there any amendments to section 16? If not, the Clerk will read.

The Clerk read as follows:

SURVEY BY COMMISSION OF APPRENTICESHIP OR OTHER TRAINING PROGRAMS

SEC. 17. (a) The Commission shall conduct a continuing survey of the operation of apprenticeship or other training or retraining programs, including on-the-job training programs, to determine if the employers, labor organizations, or joint labor-management committees controlling such programs are engaged in unlawful employment practices with respect to the operation of such programs.

(b) Notwithstanding any provision of section 9, in conducting such survey the Commission shall at all reasonable times have access to any records maintained by an employer, labor organization, or joint labor-management committee pursuant to (1) the regulations prescribed by the Commission under the second sentence of section 9(c), or (2) any fair employment practice law of a State or political subdivision thereof.

(c) The Commission shall make a full and complete quarterly report to the Congress, containing the results of such survey during the preceding three months, and such report shall be made available to the public upon request. Section 9(e) shall not apply to the publication of any report under this subsection.

Mr. DENT (during reading of section 17). Mr. Chairman, I ask unanimous consent that section 17 be considered as read and open for amendment.

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

There was no objection.

The CHAIRMAN. Are there any amendments to section 17? If not, the Clerk will read.

The Clerk read as follows:

SHORT TITLE

SEC. 18. This Act may be cited as the "Equal Employment Opportunity Act of 1965".

AMENDMENT OFFERED BY MR. DENT

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

The Clerk read as follows:

Amendment offered by Mr. DENT: On page 36, line 14, strike out "1965" and insert "1966".

Mr. DENT. Mr. Chairman, I do not desire to speak on this amendment but move its adoption.

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. O'BRIEN, 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. 10065) to more effectively prohibit discrimination in employment because of race, color, religion, sex, or national origin, and for other purposes, pursuant to House Resolution 506, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 73]

Abbitt	Halpern	Pool
Ashley	Harsha	Reuss
Beckworth	Jarman	Rivers, Alaska
Betts	Johnson, Calif.	Roberts
Boggs	Johnson, Okla.	Rooney, N.Y.
Burleson	Karth	Roudebush
Callaway	Kelly	Scott
Curtis	McMillan	Sisk
Delaney	Mathias	Teague, Tex.
Dingell	Matthews	Toll
Dowdy	Mize	Williams
Fuqua	Murray	Willis
Griffin	Nix	Wright

The SPEAKER. On this rollcall 393 Members have answered to their names, a quorum.

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

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.

MOTION TO RECOMMIT

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

The SPEAKER. Is the gentleman opposed to the bill?

Mr. WAGGONNER. I am, Mr. Speaker.

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

The Clerk read as follows:

Mr. WAGGONNER moves to recommit the bill H.R. 10065 to the Committee on Education and Labor.

Mr. POWELL. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

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

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

The yeas and nays were refused.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

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

The yeas and nays were ordered.

The question was taken; and there were—yeas 300, nays 93, not voting 39, as follows:

[Roll No. 74]

YEAS—300

Adair	Cederberg	Evans, Colo.
Adams	Celler	Evins, Tenn.
Addabbo	Chamberlain	Fallon
Albert	Chelf	Farbstein
Anderson, Ill.	Clancy	Farnsley
Anderson, Tenn.	Clark	Farnum
Andrews, N. Dak.	Clausen, Don H.	Fascell
Annunzio	Cleveland	Feighan
Arends	Clevenger	Findley
Aspinall	Cohelan	Fino
Ayres	Conable	Flood
Bandstra	Conte	Fogarty
Barrett	Conyers	Foley
Bates	Corbett	Ford, Gerald R.
Battin	Corman	Ford, William D.
Bell	Craley	Fraser
Berry	Culver	Frelinghuysen
Bingham	Cunningham	Friedel
Blatnik	Curtin	Fulton, Pa.
Boland	Daddario	Fulton, Tenn.
Bolling	Dague	Gallagher
Bolton	Daniels	Garmatz
Bow	Dawson	Giaimo
Brademas	de la Garza	Gibbons
Brooks	Dent	Gilbert
Broomfield	Denton	Gilligan
Brown, Calif.	Derwinski	Gonzalez
Brown, Clarence J., Jr.	Devine	Goodell
Burke	Diggs	Grabowski
Burton, Calif.	Donohue	Gray
Burton, Utah	Dow	Green, Oreg.
Byrne, Pa.	Dulski	Green, Pa.
Cahill	Duncan, Oreg.	Greigg
Callan	Dwyer	Grider
Cameron	Dyal	Griffiths
Carey	Edmondson	Gross
Carter	Edwards, Calif.	Grover
	Ellsworth	Gubser
	Erlenborn	Hagen, Calif.

Halleck	Mackie	Rostenkowski
Hamilton	Madden	Roush
Hanley	Mailliard	Roybal
Hanna	Martin, Mass.	Rumsfeld
Hansen, Iowa	Matsunaga	Ryan
Hansen, Wash.	May	St Germain
Harsha	Meeds	St. Onge
Harvey, Ind.	Michel	Saylor
Harvey, Mich.	Miller	Scheuer
Hathaway	Minish	Schisler
Hawkins	Mink	Schmidhauser
Hays	Minshall	Schneebeli
Hechler	Monagan	Schweiker
Helstoski	Moore	Secrest
Hicks	Moorhead	Senner
Holifield	Morgan	Shipley
Holland	Morris	Shriver
Horton	Morrison	Sickles
Hosmer	Morse	Sisk
Howard	Morton	Skubitz
Hungate	Mosher	Slack
Huot	Moss	Smith, Iowa
Hutchinson	Multer	Smith, N.Y.
Ichord	Murphy, Ill.	Springer
Irwin	Murphy, N.Y.	Stafford
Jacobs	Natcher	Staggers
Joelson	Nedzi	Stalbaum
Johnson, Calif.	Nelsen	Stanton
Johnson, Pa.	O'Brien	Steed
Karsten	O'Hara, Ill.	Stratton
Karth	O'Hara, Mich.	Sullivan
Kastenmeier	O'Konski	Sweeney
Kee	Olsen, Mont.	Tenzer
Keith	Olson, Minn.	Thomas
Keogh	O'Neill, Mass.	Thompson, N.J.
King, Calif.	Ottinger	Thomson, Wis.
King, N.Y.	Patten	Todd
King, Utah	Pelly	Tunney
Kirwan	Pepper	Tupper
Kluczynski	Perkins	Udall
Krebs	Philbin	Ullman
Kunkel	Pike	Van Deerlin
Kupferman	Pirnie	Vanik
Laird	Powell	Vigorito
Langen	Price	Vivian
Latta	Pucinski	Walker, N. Mex.
Leggett	Quie	Watkins
Long, Md.	Race	Weltner
Love	Randall	Whalley
McCarthy	Redlin	White, Idaho
McClory	Rees	Widnall
McCulloch	Reid, N.Y.	Wilson, Bob
McDade	Reifel	Wilson, Charles H.
McDowell	Reinecke	Wolff
McEwen	Resnick	Wright
McFall	Rhodes, Pa.	Wyatt
McGrath	Robison	Wydler
McVicker	Rodino	Yates
Macdonald	Ronan	Young
MacGregor	Roncalio	Younger
Machen	Rooney, Pa.	Zablocki
Mackay	Rosenthal	

NAYS—93

Abernethy	Fisher	Poff
Andrews, George W.	Flynt	Pool
	Fountain	Purcell
Andrews, Glenn	Gathings	Quillen
	Gettys	Reid, Ill.
Ashbrook	Gurney	Rhodes, Ariz.
Ashmore	Hagan, Ga.	Rivers, S.C.
Baring	Haley	Rogers, Fla.
Belcher	Hansen, Idaho	Rogers, Tex.
Bennett	Hardy	Satterfield
Brock	Henderson	Selden
Broyhill, N.C.	Herlong	Sikes
Broyhill, Va.	Hull	Smith, Calif.
Buchanan	Jennings	Smith, Va.
Byrnes, Wis.	Jonas	Stephens
Cabell	Jones, Ala.	Stubblefield
Casey	Jones, Mo.	Talcott
Clawson, Del	Jones, N.C.	Taylor
Collier	Kornegay	Teague, Calif.
Colmer	Landrum	Thompson, Tex.
Cooley	Lennon	Trimble
Cramer	Lipscomb	Tuck
Davis, Ga.	Long, La.	Tuten
Davis, Wis.	Mahon	Utt
Dickinson	Marsh	Waggonner
Dole	Martin, Ala.	Walker, Miss.
Dorn	Martin, Nebr.	Watson
Downing	Mills	Watts
Duncan, Tenn.	O'Neal, Ga.	White, Tex.
Edwards, Ala.	Patman	Whitener
Edwards, La.	Pickle	Whitten
Everett	Poage	

NOT VOTING—39

Abbitt	Callaway	Hall
Ashley	Curtis	Halpern
Beckworth	Delaney	Hébert
Betts	Dingell	Jarman
Boggs	Dowdy	Johnson, Okla.
Bray	Fuqua	Kelly
Burleson	Griffin	McMillan
Mathias	Passman	Roudebush
Matthews	Reuss	Scott
Mize	Rivers, Alaska	Teague, Tex.
Moeller	Roberts	Toll
Murray	Rogers, Colo.	Williams
Nix	Rooney, N.Y.	Willis

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Rooney of New York for, with Mr. Hébert against.

Mr. Moeller for, with Mr. Teague of Texas against.

Mr. Dingell for, with Mr. Dowdy against.

Mr. Delaney for, with Mr. Scott against.

Mrs. Kelly for, with Mr. Williams against.

Mr. Roudebush for, with Mr. Callaway against.

Mr. Nix for, with Mr. Murray against.

Mr. Ashley for, with Mr. Matthews against.

Mr. Toll for, with Mr. Abbitt against.

Mr. Reuss for, with Mr. Passman against.

Mr. Boggs for, with Mr. McMillan against.

Until further notice:

Mr. Rivers of Alaska with Mr. Betts.

Mr. Willis with Mr. Mize.

Mr. Burleson with Mr. Hall.

Mr. Beckworth with Mr. Halpern.

Mr. Roberts with Mr. Bray.

Mr. Rogers of Colorado with Mr. Curtis.

Mr. Fuqua with Mr. Mathias.

Mr. Jarman with Mr. Griffin.

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. SICKLES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the bill just passed.

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

There was no objection.

CONSTITUTIONAL AMENDMENT CURBING THE POWER OF THE SUPREME COURT

Mr. CABELL. 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 Texas?

There was no objection.

Mr. CABELL. Mr. Speaker, I am today introducing a joint resolution for amending our Constitution, which, in my opinion, will do more to promote public confidence and respect for our Supreme Court and our judicial system than any action taken within our memory.

This amendment is extremely simple in that its only provision is to require a two-thirds concurring vote of the Supreme Court in nullifying, as unconstitutional, an act of the Congress or an act of a State legislature.

Sober reflection of this resolution will lead to the inevitable conclusion that it is entirely consistent with our American concept of justice.

Why should an act of the Congress, after due process of legislative study and debate, and agreed to by a majority of 535 Members, be subject to overturn by 5 members of the Court, and in many cases, an actual minority of that Court?

Why should the unanimous vote of a 12-man jury be required to resolve a case involving only 1 man or 1 issue be required, and then permit an issue involving an entire State, or even the well-being of the entire Nation, be resolved by 5, or less, members of the Supreme Court.

Mr. Speaker, and Members of the House, passage of this resolution would stop, once and for all, any possible contention that any action by our Supreme Court is capricious or taken without due consideration of the case at hand. It would demonstrate that actions by the Court are the actions of a preponderant majority.

I urge the early adoption of this resolution and its submission to the several States for their ratification.

The amendment is as follows:

ARTICLE —

The Supreme Court shall not have the power to decide that an Act of the Congress, an Act of the legislature of any State, or any provision of a State constitution, or any part thereof, is invalid because it is in violation of any provision of this Constitution, except upon the concurring votes of at least two-thirds of the members of the full Court.

DECISION OF INTERNATIONAL COURT ON SOUTH-WEST AFRICA MAY RAISE QUESTION OF SANCTIONS

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include the testimony of Representative BINGHAM before the Subcommittee on Foreign Affairs.

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

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, by unanimous consent I am extending my remarks to include the statement of the Honorable JONATHAN B. BINGHAM at the hearing on American relations with South Africa before the Subcommittee on Africa of the Committee on Foreign Affairs. Congressman BINGHAM before his election to the House was a delegate to the United Nations with ambassadorial rank. His statement follows:

TESTIMONY OF REPRESENTATIVE JONATHAN B. BINGHAM BEFORE THE SUBCOMMITTEE OF AFRICA OF THE HOUSE FOREIGN AFFAIRS COMMITTEE, APRIL 26, 1966

Mr. Chairman, I appreciate the opportunity of appearing before this distinguished subcommittee and should like to compliment you, Mr. Chairman, and the members of the subcommittee for holding these hearings on the critical problems now facing us in southern Africa.

There is a tendency these days for us to concentrate our attention in the foreign field almost exclusively on the grim situation which confronts us in Vietnam. It is natural enough that this should be so, since a de facto war is going on in Vietnam and lives are being lost there, including the lives of Americans.

But it would be wrong and shortsighted of us to forget that there are other areas of the world where at some time in the not too distant future there may be explosions of violence of an intensity and destructiveness far surpassing what is happening today in Vietnam. It is imperative that we seek ways to use our influence as a nation, both politically and in economic terms, in an effort to find ways to prevent such an explosion in southern Africa. I take it that it is to such and end that this distinguished subcommittee is directing its efforts in these hearings.

My purpose today is not to discuss South Africa as such. Other witnesses have dealt at length with the seemingly intractable problem of South Africa's racial policies. I should like to commend in particular the statement submitted by Mr. Waldemar A. Nielsen of the African-American Institute. It seemed to me that his recommendations for immediate action that might be taken by the United States in an effort to press upon the Government of South Africa the dangerous isolation of its present course were constructive and wise.

QUESTION OF ECONOMIC SANCTIONS

Until very recently, the question of whether or not economic sanctions should be applied to South Africa in an effort to compel that country to abandon its racist policies has been largely a theoretical one. Whatever the merits of the arguments on both sides of the issue there has been little likelihood as a practical matter that such sanctions would be imposed. Economic sanctions would have limited impact unless the United Kingdom were to go along and any such action on Britain's part would inevitably be a grievous blow to Britain's own economy.

Clearly, an effective program of sanctions against South Africa could not be conducted on a voluntary basis. Even if strong recommendations are made by the United Nations, countries whose trade with South Africa is important to them simply will not stop that trade if they know other countries are proceeding to trade. Thus, in recent years countries that have made the most vigorous appeals at the U.N. for economic boycotts against South Africa have themselves continued to sell their products to South African buyers. This has been true of various Communist countries, as well as of numerous nonalined countries.

Perhaps South Africa's exports are hurt more than is generally supposed by the cumulative effect of an informal boycott by people who, like myself and my wife, will not knowingly purchase a South African product. But certainly such hit-or-miss action is not going to have any concrete results in terms of changing South Africa's stubbornly held policies.

From time to time at the United Nations, speakers from Asia and Africa and from Communist states have urged that the Security Council should make a finding that a threat to the peace exists in South Africa under chapter 7 of the charter, so as to lay the foundation for the imposition of mandatory sanctions, but until now there has been no very solid basis for such action.

Now, in this year of 1966, this situation may well change because of dramatic new developments in Rhodesia or with respect to South-West Africa, or both.

SIGNIFICANCE OF RHODESIA PRECEDENT

The efforts of the United Kingdom to bring down the racist Smith regime in Rhodesia, and the weaknesses of a program of voluntary sanctions against Rhodesia have already caused the British, with the support of the United States, to take the precedent-shattering step of asking the Security Council to authorize the use of force to prevent tankers from unloading oil in the port of Beira for transshipment to Rhodesia. While the resolution did not specify that chapter 7 was being invoked, it was understood that such drastic action could not be authorized except under chapter 7. By this step, an important bridge has been crossed. If the Smith regime does not fall soon (and that seems unlikely) we may well soon see the development of a full-blown program of mandatory sanctions applied against the Smith regime in Rhodesia. Since South Africa will probably not cooperate with any such program, the next step might be the imposition of at least limited sanctions against South Africa itself. These would not be aimed at the policy of apartheid as such, but rather at the refusal of South Africa to carry out the decisions of the Security Council.

The other development this year which may provide a foundation for a program of mandatory sanctions against South Africa would be a decision of the International Court of Justice in the South-West Africa case which the Security Council would decide to enforce against South Africa under the provisions of article 94 of the charter.

This case (strictly speaking, two identical cases brought by Ethiopia and Liberia against South Africa) is probably the most potentially significant case ever brought before the World Court. A decision is expected shortly. While it would be wrong for me to attempt to predict what the decision will be, I believe it would contribute to these hearings for me to discuss briefly the background of the case, to explain its significance, and finally to discuss what line I believe the United States and the United Nations should take if the decision is at least partly favorable to Ethiopia and Liberia.

Background: South-West Africa is a huge and largely barren area, two-thirds the size of South Africa itself, with a population of about half a million, more than 80 percent of them black. A former German colony, it was conquered by South Africa during World War II and became a mandate under the Treaty of Versailles, with South Africa undertaking certain obligations as "the mandatory." Most important in the case before the World Court is South Africa's promise "to promote to the utmost the material and moral well-being and the social progress of the inhabitants."

SOUTH-WEST AFRICA SOLE EXCEPTION

Under the Charter of the United Nations, it was contemplated that all League of Nations mandates would be converted to trust territories under the provisions of the charter. This expectation was realized in the case of all the mandates except that of South-West Africa. The Government of South Africa refused to enter into the necessary trusteeship agreement with regard to South-West Africa, in spite of repeated pleas in resolutions adopted by the General Assembly of the United Nations. In 1947 South Africa submitted to the U.N. General Assembly a report on the administration of South-West Africa for the year 1946, but this was the last such report it submitted and by November of 1948 South Africa was insisting that the mandate has expired.

Pursuant to a request from the General Assembly, the International Court of Justice in 1950 rendered an advisory opinion to the effect that the mandate was still in effect and that the supervisory functions formerly exercised by the League of Nations were now the responsibility of the United Nations.

In an effort to exercise these supervisory responsibilities, the General Assembly established various committees on South-West Africa, but the Government of South Africa gave to these committees very limited cooperation.

In November 1960 the Governments of Ethiopia and Liberia, being the only two African states south of the Sahara (except for South Africa itself) which had been members of the League of Nations, instituted so-called contentious proceedings in the International Court. The essential questions presented in these cases are whether, and the degree to which, South Africa is subject to United Nations supervision in its administration of South-West Africa and whether its application of the apartheid system to the territory is a violation of the mandate.

CLOSE VOTE OF EIGHT TO SEVEN

In 1961 South Africa formally challenged the jurisdiction of the Court and in December of 1962 the Court, by eight votes to seven, ruled against South Africa on this point and decided that it had jurisdiction to judge the merits of the dispute.

Elaborate written pleadings have been submitted to the court and extensive oral proceedings were conducted during the year 1965.

During the course of the proceedings, South Africa made very considerable efforts to show that the Government policies of South Africa, including apartheid, as applied to South-West Africa did in fact promote the well-being of the inhabitants of the territory. Indeed, South Africa invited the Court to make an on-the-spot inspection of the territory and of other African states for the purpose of judging the facts.

Ethiopia and Liberia, speaking through their able and distinguished counsel Ernest A. Gross (a former American Ambassador at the United Nations) argued that the racist policy of apartheid was inherently unlawful and in conflict with the obligations of the mandate and in support of this position pointed to the overwhelming acceptance by the international community of nations of the principle that apartheid is in conflict with international standards and legal norms.

Thus as the applicant states, Liberia and Ethiopia, view the case, there are no substantial issues of fact before the Court since the existence of laws and regulations applying the policy of apartheid in the territory, and the methods and measures by which they were put into effect, are uncontested facts of record.

In November 1965 the case was closed and shortly thereafter the Court decided against making an inspection either of South-West Africa or of other independent states in Africa. The final judgment of the Court is expected sometime before the middle of July.

SIGNIFICANCE OF SOUTH-WEST AFRICA CASE

Because the legality of apartheid has been so squarely presented as an issue before the Court, the Court has an opportunity to make a decision affecting the conduct of governments comparable in importance to the decision of the Supreme Court of the United States in *Brown* v. *Board of Education*.

A decision against South Africa on this point would not, of course, have the effect of declaring apartheid illegal in South Africa itself. But it would mean that, since the international community as represented by the Assembly of the United Nations has repeatedly condemned apartheid, the continued application of the policy of apartheid can be effectively prohibited in a situation where the administering power has international obligations.

In an excellent article in the April 4, 1966, issue of The Nation, the editors of that distinguished publication summarize the importance of the South-West Africa cases as follows:

"The South-West Africa cases are important for the resolution of the dispute between the United Nations and South Africa on the issue of apartheid; they are important as a battle against vestiges of the colonial system, insofar as South African governs South-West Africa as a dependent possession; they are important in the struggle to build up a human rights law to help in the fight against racial discrimination, and they are important to enhance the prestige of the World Court and to strengthen the capability of the

organs of the United Nations to promote, by their formal acts, the growth of international law."

ENFORCEMENT OF COURT'S DECISION

It would be inappropriate for me to attempt to predict what the International Court will decide in the South-West Africa case. It is possible to say, however, that there are many possible alternatives before the Court. At one extreme, the Court might hold that South Africa is in no effective sense subject to the supervision or control of the Court or of the United Nations with regard to its administration of South-West Africa. At the other extreme, the Court might declare that apartheid is in violation of the continuing obligations of the mandate and that South Africa should proceed not only to eliminate apartheid in South-West Africa but to take steps toward the realization of self-determination for the inhabitants of South-West Africa. In between these extremes are a variety of possible combinations.

Most of the possible decisions the Court might make would present South-West Africa with the question of whether or not to abide by the Court's decision. Although South Africa participated in the proceedings before the Court with great energy and attention to detail, it has never, to my knowledge, clearly indicated that it would accept the Court's decision.

The issue of South-West Africa is regularly debated each year in the Fourth or Trusteeship Committee of the General Assembly of the United Nations. In 1961 and 1962 I was privileged to be the U.S. representative on that Committee. Regularly, the delegation of South Africa has contended that the General Assembly should not attempt to deal with the issue of South-West Africa because it was "subjudice," i.e., it was currently under consideration in the International Court. Nevertheless, when asked whether this claim meant that South Africa would abide by the decision when made—and I for one put such a question to the South African delegate—the answer was evasive.

While we do not know whether or not South Africa will obey the Court's decision, it is high time, in my view, that our Government and others should be giving consideration to the question of what steps should be taken to enforce the judgment of the Court, if in fact the Government of South Africa refuses to obey it.

In this regard, it is important to recall that article 94 of the U.N. Charter reads as follows:

"1. Each member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.

"2. If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment."

If the Court does render a decision of major significance in the history of the development of the enforcement of international standards of conduct, it would, in my judgment, be of the utmost importance that the United Nations Security Council take all necessary steps to see to it that the decision is obeyed. Any other course would be to affirm the helplessness of the international community to enforce its own decisions. A strong decision of the Court, allowed to remain unenforced, would be almost worse than a weak decision.

MANDATORY SANCTIONS A POSSIBILITY

Presumably, the steps the Security Council might take in enforcing a decision of the Court might well include sanctions, and these sanctions would not be voluntary but would be mandatory.

If in fact the decision of the Court accepts the view of Ethiopia and Liberia that apartheid is an illegal violation of the mandatory powers obligation, such sanctions would then in effect be aimed at the system of apartheid, at least to the extent that it is practiced in South-West Africa. This would give to the imposition of sanctions against apartheid a far more solid legal foundation than any conceivable set of circumstances in which sanctions might be sought to be imposed against South Africa because of the practice of apartheid in South Africa proper.

A word of caution should be noted here: For this situation to arise, in which mandatory sanctions are ordered to be imposed within a framework of impeccable legality, it is important that the various United Nations organs concerned should cooperate in the attainment of this objective and should not take any rash steps which might be incompatible with it, for example, a declaration that the mandate has terminated.

This is not a purely theoretical danger. For years now, a number of states at the U.N. have felt that the mandate is a relic from the distant past and is inappropriate to the situation of today when one African territory after another is obtaining independence; these states have urged that the General Assembly, acting on recommendation of the Fourth Committee, should declare the mandate at an end and call upon the Government of South Africa to proceed forthwith to grant full independence to South-West Africa. In fact, the resolutions on this subject adopted by the General Assembly in recent years have paid less and less attention to the South-West Africa case and to the existence of the mandate and have tended to deal with the situation in South-West Africa as if it were simply another "non-self-governing territory" and not a mandate or trust territory under international supervision.

Nevertheless, under pressure from the United States and other member states, including particularly Ethiopia and Liberia, the Afro-Asian nations at the United Nations have been dissuaded from pushing through any resolution that would clearly and unequivocally express the thought that the mandate is terminated. Thus, no damage has as yet been done to the concept that the decision of the Court in the South-West Africa cases will be valid, insofar as the United Nations is concerned, and subject to the enforcement procedures of article 94 of the charter.

POSSIBILITY OF RASH ACTION

I see this danger, however: If the decision of the International Court falls short of what Ethiopia and Liberia have been seeking, there may be a strong tendency at the United Nations on the part of the newly independent states particularly to ignore the Court's decision and to proceed to declare the mandate at an end and South-West Africa independent. This, in my judgment, would be a grievous mistake, since any such course of action would destroy the value of the precedent of a decision of the International Court, in a difficult case with political overtones, being accepted and enforced by the international community.

In other words, if the member states of the United Nations truly want to extend the application of the rule of law to international affairs, they will have to accept the decisions of the International Court as valid and enforcible, whether or not they accept the reasoning behind them.

In this sense, the South-West Africa cases, and the manner in which the decision in these cases is accepted and, if need be, enforced, may well prove to be a landmark in mankind's long march toward establishing the rule of law in international society.

A HOUSEWIFE LOOKS AT THE GREAT SOCIETY

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, not long ago I received a letter from a Granby, Mo., housewife which offered a different perspective on the so-called Great Society.

Mrs. Cecil C. Stafford is one of those millions of Americans who do not believe we can rid the Nation of poverty by robbing its people of the pleasure of individual accomplishment.

I thought her letter so persuasive that I forwarded it to the President in accordance with her wishes.

A short time later, Mrs. Stafford received a reply from the White House. As might be expected, the White House missed the entire point of the letter and suggested several ways in which the Stafford family might get on the Federal gravy train.

I believe Mrs. Stafford's further response is worth the attention of my colleagues, who every day are being asked to approve larger and larger domestic expenditures, and who, by so doing, place greater and greater burdens on the average family, which is trying to make its own way in life. The entire exchange of correspondence follows:

GRANBY, MO.,
January 26, 1966.

MR. DURWARD HALL,
House of Representatives,
Washington, D.C.

DEAR MR. HALL: It has been interesting to me, as I have heard bits of news concerning the new national budget, that the only cutbacks I have heard discussed are the reduction in milk and lunch subsidies for schoolchildren. This it is said will save millions of dollars. The theory here is to concentrate on the poor children even to include breakfast as well as a hot lunch, and I suppose increase the charge to the rich children.

MR. HALL, our family has been blessed with good health (except for a handicapped child who to our sorrow lived only 10 years). My husband has never been out of work (25 years this summer with North American Aviation). He has what in this area is considered a good income. We neither drink, smoke, or frequent expensive nightspots. We attend church and support various charitable activities. Each year we see larger amounts coming from our paycheck. We have just received a 25-cent-an-hour raise to be spread over 3 years, this I believe will just about cover the raise in social security tax. The union (we are not under union) also bargained and got the company to pay more on our insurance, yet, more was taken out after the new contract than before (the insurance rates went up).

We have one daughter through college and teaching school, as well as 13-, 10- and 8-year-old children. We hope to give these children a college education. However if the costs of college continue to rise (as predicted) and we continue to have increased taxes, we are not going to have the money to educate our children.

It seems we are the middle man, above the poverty level (so no one gives us anything). And we are below the rich people who have enough in reserve to be prepared for the added expense of three college educations in a 10-year period.

I am getting just a little tired of seeing men and women sitting around collecting welfare and producing children. Living in rural areas where they could have gardens, a cow and chickens, yet not lifting a hand to do so. Example:

1. One-quarter mile from us is one family. A family of nine children (last count). The father is probably 70 years old, the mother may be 35, the children from 1 to 17. Big healthy children. No garden, no cow, no chickens. Welfare.

2. One-quarter mile in another direction, a widow lady almost 70 years old, 5 feet tall, 200 pounds, has a heart condition, lives alone, has a garden each year, makes jam and jelly by the gallon, as well as canning all her garden vegetables. She has lived her whole married life on the 120 acres she now lives on alone. Without welfare.

My husband and I have a theory "you can do anything you want to do." I believe the average person will work for anything if he wants it enough. But now no one has to work to get things—if he can "get on welfare." So the children never learn to work because their parents don't work. If my children saw their parents sitting around the house all their lives why should they not expect to do the same?

Now it seems as if they aren't even going to have to get up and fix breakfast for their children. Now I love children, and can't stand the thought of them hungry—but, can't we just give them the eggs and oatmeal and at least let them cook it for their children? Maybe I am just upset because I have a hidden desire to sleep in the morning instead of getting up and cooking oatmeal for my children. But how far are we going to go with this give, give, give business.

I am about ready to decide these children should be put in State homes, their mothers be put to work in these homes and their fathers put to work, or left to care for themselves.

Please don't think I am blaming you, but if you could get word to L.B.J. for me I would appreciate it.

Yours sincerely,

Mrs. CECIL C. STAFFORD.

P.S.—I am told that since the youth program began it is practically impossible to get anyone to put bailed hay in the barn. Who wants to lift those heavy bales when you can get $1.25 an hour for "goofing off" for someone who doesn't care whether you do a good job or not, since the Government is paying your salary anyway. My 8- and 10-year-old boys helped their dad and I put our hay in the barn, 1 cent a bail to each of them, and they were proud of themselves and their salary. Maybe they will be physically fit enough to pass the Army tests in a few years so they can get shot at.

FEBRUARY 16, 1966.

Mrs. CECIL C. STAFFORD,
Granby, Mo.

DEAR MRS. STAFFORD: Occasionally among the hundreds of letters I receive each week, one comes along which can only be classified as "a real gem," such as a letter I received from you today (which incidentally is dated January 26 but not postmarked until February 12).

It is one of the finest letters I have ever read and you have said in a concise and precise term the nub of the problem. I will, of course, be happy to call your comments to the attention of the President, though I must forewarn you that they will probably receive scant attention, since the President is convinced the Great Society is what the voters want and principle apparently matters very little. I would like to go one step further and place your letter in the CONGRESSIONAL RECORD for all my colleagues to read and ponder. Before doing so, however, I would, of course, need your permission. In the event that placing your letter in the CONGRESSIONAL RECORD would cause you any personal embarrassment, please let me know and I will insert it without your signature.

It hardly needs to be said that I agree wholeheartedly with your comments, and only hope those of us who still believe in individual incentive and responsibilities will have our numbers increased in the Congress next November.

Sincerely,

DURWARD G. HALL,
Member of Congress.

THE WHITE HOUSE,
Washington, February 17, 1966.

Hon. DURWARD G. HALL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: Thank you for your letter of February 16 enclosing a copy of Mrs. Cecil C. Stafford's recent letter to you regarding the administration's economic opportunity programs.

While Mrs. Stafford's criticisms were largely directed at the philosophy underlying the aim of the antipoverty program—to break the cycle of poverty handed down from one generation to the next—I am referring her letter to the appropriate officials of the Department of Agriculture so that her comments about the special milk and school lunch programs can be considered.

We have noted Mrs. Stafford's comments about the financial difficulty she anticipates in providing higher education for her children, and would like to suggest that she investigate the aid to college students provided by the National Defense Education and Higher Education Acts.

With our appreciation for your interest in making your constituent's letter available for consideration.

Sincerely,

HENRY H. WILSON, Jr.,
Administrative Assistant
to the President.

GRANBY, MO.,
February 23, 1966.

President LYNDON JOHNSON,
Administrative Assistant,
The White House,
Washington, D.C.
(Attention: Mr. Henry H. Wilson, Jr.)

DEAR MR. WILSON: I am writing you in an attempt to better explain the thoughts I expressed in a letter directed to Mr. HALL and forwarded to the President's desk by him.

In your letter to Mr. HALL you indicated that I misunderstood the philosophy behind the antipoverty program (to break the cycle of poverty). I am sure much thought has been given to this by many people. But are you sure that giving more to more will increase independence? From my observations it works just the opposite. I don't believe any amount of money we can give these people will make a difference until we go into the homes and clean up the squalor many of them live in. No amount of Operations Headstart or youth programs can combat the influence of filth, laziness, foul language, immorality and ignorance in which these children spend most of their time. If babies were not income to these people, they would not have so many. A man on a salary considers how he will feed, clothe, and educate a child before he brings it into the world. The man on public assistance welcomes each new addition as a $30 to $50 a month tax free pay increase. Can't there be some sort of requirements as to living conditions before these people become eligible for help? If we as taxpayers are paying these people to care for their children can we not expect that they at least keep these children clean and decently clothed and fed. It takes much more work than money to sweep and scrub floors, wash, iron, mend and hem clothes, shampoo heads and bathe children. I have noted that a threat to withdraw Government contracts brings cooperation from manufacturers. Would withholding of assistance checks work the same with people?

There are numerous service organizations, social clubs, and church groups who would welcome the opportunity to cooperate in cleaning up some of these problems, but except for giving food and clothing our hands are tied. I have not had the opportunity to discuss this with a representative of the welfare service, I suppose their hands are also tied, but somewhere, perhaps way up there where you sit, something can be done. This is the reason for this letter. I am not a politician—I hope I don't appear to merely gripe. I am an example of a frustrated citizen, and there are more of us. I wrote Mr. HALL because he is our Representative, not because he is a Republican.

Thank you for your suggestion for aid in the higher education of our children still at home. Some of our friends have received help in this manner. I think this is a wonderful opportunity for those young people who, because of tragedy such as sickness or death of a parent, would be unable to continue their education. However, as long as Mr. Stafford and I are physically able we do not feel that our children should be a burden on the taxpayers. We believe the education of our children is as much our responsibility as their food and clothing. It has been a source of great satisfaction that we were able to educate our older daughter, the gratification of completing a job that began the day she was born. Perhaps it compares to winning a race (or even an election), it is a wonderful feeling, one that we hope to experience three more times.

Thank you for taking the time to read this—I hope sincerely that this great country can rid its people of poverty, but not rob its people of the pleasure of individual accomplishment. The man (or men) who can do this will be truly great.

Yours sincerely,

Mrs. CECIL C. STAFFORD.

GRANBY, MO.
February 20, 1966.

Hon. DURWARD G. HALL,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. HALL: Thank you so much for your response, I am overcome with surprise and pleasure that you took the time to even read my letter much less answer it personally. (The most I had hoped for was a form letter in reply.)

In explanation of the conflicting dates on the letter and postmark—it took me that long to become brave enough to mail it after I wrote it. You see this was my first correspondence with a Government representative. Though writing letters has long been an effective therapy for me most are never posted. I find it a harmless way of working off frustrations of many sorts, and the state of our country is becoming a source of frustration to me. If this is the case with me, who knows so little, I am sure your frustrations are many. I hope that you, and those who share your beliefs, will not become "weary of well doing." However, when I hear people express such shortsighted views on our country's well-being I should not blame you if you threw up your hands and returned to private life. But please don't, someone is going to have to be around to pick up the pieces when we finally become convinced it won't work. (And commonsense tells me it won't.)

You asked for my permission to use the before mentioned letter. I am pleased that you judge it worth "sharing." I certainly have no objections to you using it in any way you see fit—nor to you using my name. The thoughts I expressed to you are things which I believe, and except for estimates on ages and weights everything I said is factual. I have no figures on the social security tax increase either but from previous examples it is reasonable to assume that there will not be a decrease. Please correct any and all grammatical and (or) spelling errors, I would have been more careful had I known it would actually reach your desk.

Thank you again for your consideration. If Mr. Stafford and I can be of service to you in this locality we will be happy to help to the extent of our abilities.

Yours sincerely,

Mrs. CECIL C. STAFFORD.

WIN THE PEACE BY WINNING THE PEOPLE

Mr. ADAIR. 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 Indiana?

There was no objection.

Mr. ADAIR. Mr. Speaker, "Win the Peace by Winning the People" is the inspiring theme of a program for relief for the war-stricken people of Vietnam.

On Sunday, May 1, the people of Fort Wayne will join in a unique experiment in human relations sponsored by the International Union of Electrical, Radio & Machine Workers. This will be an open meeting at the War Memorial Coliseum on the outskirts of Fort Wayne, Ind., for all interested citizens. The purpose of the gathering will be to stimulate interest in the construction of a refugee settlement in Vietnam. Many of the civic- and social-minded organizations of the community are cooperating in this project. The money raised in connection with this effort will be used to create a resettlement village for the Vietnamese refugees and reunite their families and establish homes in an environment of safety and security.

May 1 also is Law Day and the Fort Wayne Bar Association is participating in this humanitarian endeavor.

The idea of this resettlement village was inspired by a group of the IUE members who recently visited Vietnam and saw at first hand the desperate plight of the more than 1 million Vietnamese refugees. From the heart and sympathies of the people of Hoosierland, there has come a great outpouring of contributions to help in the rebuilding of a good life for these people. Climaxing the relief effort will be this program on May Day.

Working with the people of Vietnam, Americans will see that these refugee villages have new schools, medical facilities, and tools to operate farms and provide jobs for their economic and social well-being.

It is a fine example of the humanism of Americans. Moreover, it illustrates the manner in which we have always tried to help our neighbors when they are in need. I am sure everyone throughout the Nation will take pride in this work of good will toward these Vietnamese.

I know that all good Americans will be watching with great interest this splendid evidence of community cooperation by the people of Fort Wayne. It will make it possible truly to lend a friendly and helping hand to the people of Vietnam who have suffered so much at the hands of the Communist aggressors.

DEPRESSED HOUSING CONSTRUCTION INDUSTRY

Mr. DUNCAN of Tennessee. 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 Tennessee?

There was no objection.

Mr. DUNCAN of Tennessee. Mr. Speaker, I am sure most of my colleagues are aware of the present depressed status of the housing construction industry. I am sure there are many factors relating to this condition. However, the chief responsibility for this depressed economy rests clearly upon those who are responsible for the fiscal policies of our Nation.

Indications are ample that the housing industry is being made the whipping boy for the administration's own inflationary policies. These policies have not solved the problem, but rather have produced a tight home market resulting in depressing a vital segment of our economy.

On April 1, the Federal National Mortgage Association took action that will result in further depression of the home construction industry. By limiting their purchase to $15,000 per mortgage per family unit, FNMA has compounded the already tight situation.

Mr. Speaker, FNMA's decision will not only be detrimental to my district in Tennessee, but to the entire Nation. A survey of the present market makes abundantly obvious the unreality of such a decision.

Since the Federal Reserve Board increased their rediscount rate this past December, FNMA has served as a major support to the FHA and VA loan market.

I have received numerous communications from leaders in the homebuilding industry in Tennessee seeking my help in bringing this matter to the attention of the Congress, and the various appropriate Federal agencies.

As a result of these policies we are already suffering high rates of unemployment in the home construction trade. We must also consider further the unemployment impact, because it has been said that for each person employed in construction there are two and a half persons employed as an indirect result of the industry.

In regard to the Federal Reserve Board's action last December in raising the discount, as it would apply to the home construction industry, I am inserting at this point a letter I have received from the Federal Reserve Board:

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
Washington, April 14, 1966.

Hon. JOHN DUNCAN,
House of Representatives,
Washington, D.C.

DEAR MR. DUNCAN: The Board's action last December in raising the discount rate, to which Mr. Brown refers, was not directed specifically at the real estate industry. The fact is that the action was designed to prevent an excessively rapid expansion in money and credit at a time when general demands for goods and services were beginning to press on the available industrial capacity and labor resources of the economy. The cost and price stability of recent years has become increasingly precarious as the margin of available resources has narrowed, threatening the sustainability of the domestic expansion and the hard-won improvements in our international balance of payments.

Given the diversity of economic activity and the differing supply and demand factors involved, inevitably any action to moderate the pace of overall expansion must be undertaken in a situation where changes in individual types of activity are not proceeding at the same rate or necessarily in the same direction. Even within the construction industry as a whole, a moderate decline in residential starts has been accompanied by a massive increase in nonresidential building activity. And within residential building alone, the level and trend of activity have varied widely among individual cities. Shortages of skilled carpenters and related workers have been reported in some cities, such as Detroit, even as a number of western cities have continued to experience slack after an extended housing boom.

That problems have developed in some segments of the housing industry is undeniable. But these are attributable in large part to demographic factors, which recently have tended to limit household formation and particularly demands for single-family houses. Rising construction costs and land prices also have limited effective consumer demands, and overbuilding in some areas has been followed by periods of temporary retrenchment.

By and large, credit availability has not been a problem. Until very recently, the mortgage market of the 1960's was clearly a borrower's market: mortgage funds were unusually ample and both downpayment and maturity terms were liberalized further, while mortgage debt expanded rapidly and interest rates paid by borrowers remained under downward pressure.

In fact, many observers have blamed the ample availability of credit for a deterioration in the quality of loans made, and for stimulating a substantial rise in housing costs. While the over-all level of housing starts has not been exceptionally high in recent years, the uptrend in construction prices and costs has been pronounced, and land costs have continued to climb sharply. Over the past 5 years, for example, building costs—excluding land—have advanced 13 percent, faster than in the preceding 5-year period, on the basis of data used to deflate the current dollar figures for the construction component of the gross national product accounts. This advance in building costs contrasts sharply with the movement of prices of other goods and services, which from 1961 to 1964 showed remarkable stability. Moreover, the rate of rise in residential costs has been accelerating; during 1965 the increase was 3.8 percent.

A major factor in the over-all increase in costs has been the rise in wages for construction workers under conditions where pro-

ductivity increases are, for various reasons, difficult to effect. Employment in contract construction as a whole increased to a record high last year and wage rates also rose further. In recent years, the wage rise has been more rapid than in most other sectors of the economy and at a rate higher than the 3.2 percent guidepost for noninflationary increases. Between 1960 and 1965, the rise averaged 3.6 percent per year, and in the fourth quarter of last year it was up 4.2 percent from a year earlier. (If allowance is made for increased pension and other benefits, the average would probably be up slightly further.) Moreover, many of the construction contracts signed last year provided for relatively large additional increases in 1966 and 1967.

This is not to assert that the construction industry is the only area in which inflationary developments have appeared. Nor is it to assert that a rise in interest rates is all that is needed to avoid inflation. Altogether, the entire armory of governmental economic weapons must be brought to bear on the problem of excessive demands in a situation with mounting defense efforts superimposed on a booming civilian economy. What is clear is that the economy as a whole, and construction activity as well, ultimately have more to lose from a general inflation than from higher taxes and higher interest rates.

Sincerely yours,

WM. MCC. MARTIN, JR.

REGULATION OF DEALERS OF ANIMALS USED IN RESEARCH

Mrs. BOLTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Mrs. BOLTON. Mr. Speaker, the revelations in national magazines, the press, and other media of the abuse and stealing of animals by certain dealers who sell them to laboratories has shocked and outraged people throughout our country. Through the mail and by personal contact our constituents are demanding that effective legislation be passed to deal with the inhuman conditions under which certain dealers now collect, hold, and transport animals.

The bill reported by the Committee on Agriculture—H.R. 13881—has been described as being too weak to stop the present practices and it is a disappointment to many people. On the other hand, there is an alternative bill pending which has had overwhelming support in every part of the country. This is the bill I have sponsored—H.R. 13346—which is identical to the one introduced by the distinguished gentleman from New Jersey [Mr. HELSTOSKI] and other Members of the House. Following are some of the objections to the committee's bill:

First. It permits the continued sale at auction and by body weight. I am informed by highly reliable sources, people who have witnessed such auctions, that this method of sale of dogs, cats, and other animals—such as pigeons—for research is where the worst abuses occur. It is also a method of sale in which a great many stolen and fraudulently acquired animals change hands quickly—then to be rushed to another part of the State or across State lines so that the frantic owner has no hope of recovering his animal.

Second. It fails to give the legislative intent of the humane standards the Secretary of Agriculture would be required to promulgate.

Third. It fails to require bills of sale as a safeguard against the theft and fraudulent acquisition of animals by dealers.

Fourth. It fails to require inspection of dealers' facilities and transport.

Fifth. It calls for the licensing of both the dealer and the laboratory. Since the licensing of the laboratory would be only in its capacity as a purchaser the dual licensing would seem to be unnecessary and confusing.

On the other hand, the bill I have sponsored along with other Members would do the following:

It would license dealers only and require laboratories to purchase animals from licensed dealers only; prohibit the sale of animals at auction or by weight; protect not only dogs and cats but also other animals whose suffering is no less than that of cats and dogs; provide the legislative intent of the standards the Secretary of Agriculture would be required to promulgate to insure the humane housing, handling, and transport of animals by dealers; require legitimate bills of sale to prevent the theft and fraudulent acquisition of animals by dealers; require Federal inspection of dealers' premises and transport of animals.

The features of the bill I have introduced along with others are the very minimum required to effect the regulation of dealers. I hope that its provisions will be substituted for the committee bill. At the appropriate time I hope to make a motion to recommit the committee bill, with instructions to report back forth with the text of my bill, H.R. 13346.

It speaks well for our country that the public is outraged by the activities of conscienceless dealers who steal and maltreat animals. The public voice on this subject is testimony of the fact that we as a nation are mindful of the rights not only of mankind but also of the defenseless and inarticulate creatures of the animal world.

OUR VIETNAM POLICY

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include an editorial.

The SPEAKER. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mrs. GREEN of Oregon. Mr. Speaker, it has often been stated that one of the purposes of our Vietnam policy is to prove to Red China that aggression, exemplified by "wars of national liberation" will not work. The assumption of such a statement, of course, is that the Vietnamese Communists are the lackeys of the Chinese, without independent national goals of their own. This is an assumption open to serious question, especially in view of the North Vietnamese delegation's attendance at the 23d Congress of the Soviet Communist Party—an international Communist meeting which the Chinese themselves vituperatively spurned. However, if one accepts this assumption the next obvious question is whether our policy is proving what is claimed it proves. An article appearing in the March 28 Evening Star concludes that the very opposite is the case. Since it is most important that our actions at least be fitting to our stated aims, I would like to include the full text of the article as one deserving thoughtful study:

[From the Evening Star, Mar. 28, 1966]

DIVIDENDS FOR COMMUNIST CHINA

(By Clayton Fritchey)

If, as the administration insists, both North Vietnam and the Vietcong are under the thumb of Communist China, there is little or no prospect of a negotiated peace, for, as matters stand, China has everything to gain and little to lose.

The United States is supposedly "containing" China, but in reality China is rapidly expanding both its economic and nuclear power (which is all that matters with a modern power), while at the same time bleeding and depleting the United States at an ever increasing rate, and at no cost to itself.

It is one of the most unfavorable positions the United States has ever found itself in. The huge, expensive military effort in Vietnam is, in the final analysis, primarily aimed at China, but so far it has cost China nothing of consequence, and probably won't unless the conflict escalates into a world war.

This side of that eventuality, Peking can keep on draining the United States indefinitely at no sacrifice to itself. The war in Vietnam has been escalating for 5 years, but all the Chinese have contributed so far is mostly encouragement to Hanoi and the Vietcong. Up to now, the war has cost Peking no casualties, and little in the way of supplies except relatively insignificant quantities of small arms and ammunition. For years the Vietcong was largely equipped with captured or surrendered American arms.

So now while China sits watchfully, but safely, on the sidelines as the fighting mounts in Vietnam, how is the United States faring? The answer is that American casualties are steadily rising, and no doubt will increase as more U.S. troops are poured into the battlefront.

The Chinese know, of course, that the defense budget exceeds $60 billion; they know we are alarmed over inflation, and are soon going to have to raise taxes on everybody. It is no secret that the war has bitterly divided the American people, and that its rising cost is beginning to injure the domestic economy.

Another dividend for the Chinese is the division between the United States and many of its allies and friends over the Vietnam policy, especially among such Asian powers as Pakistan, India, and Japan. Even more important to the Chinese is the way Vietnam has chilled the detente between Russia and the United States and prevented a united front against her.

Military observers here and abroad also are fearful that Vietnam is distorting our military posture around the world. "The Nation's armed services," newspaper correspondent, Hanson Baldwin reports, "have almost exhausted their trained and ready military units, with all available forces spread dangerously thin in Vietnam and elsewhere." Gen. James M. Gavin also feels the United

States has become so "mesmerized" with Vietnam that it has permitted the commitment there to become "alarmingly out of balance." Defense Secretary McNamara, however, firmly denies this.

There is no doubt, though, that China is profiting from the foreign reaction to U.S. policy. General de Gaulle, who is determined to remove France's forces from NATO, charged that American involvement in local conflicts was a danger to Europe. Because of escalation, he said, Europe could find itself drawn automatically into such a conflict unless she managed to have a European strategy of her own as distinct from the strategy that the United States now imposes on her through NATO.

Another depressing factor is that the United Statees will have to go it alone on any new escalation for most of our allies do not intend to share the cost either in money or men. In fact, instead of joining us in isolating China, they are now stepping up trade with her. Just recently, West Germany and a European consortium agreed to finance a new steel plant for Peiping.

In the face of all this, the President can only promise an increasingly painful war for the foreseeable future. Since this costs China nothing, why should it encourage Hanoi and the Vietcong to negotiate? After all, China has suffered setbacks everywhere else in the world during the last few years, so why should it try to bring to an end the only success it has going for it?

HOUSE SHOULD ACT ON ETHICS LEGISLATION

Mr. BENNETT. 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. BENNETT. Mr. Speaker, the Nation is again very puzzled and shocked about the recent disclosures concerning the personal and political finances of a member of Congress.

Right or wrong, whatever the facts develop, this situation is highly embarrassing to every member of the House and Senate, and I am sure the careful and unbiased deliberations by the Senate Committee on Standards and Conduct will result in a fair decision to the persons involved and the public interest.

Since I entered Congress in 1949 I have worked for a code of ethics for all Government employees which had the teeth of enforcement and a positive deterrent to abuses. In 1958 a number of us were successful in enacting a code of ethics for Government service which includes all Government employees, including Members of Congress and their staffs. But this code of ethics does not have sufficient teeth to back it up. It is a set of principles to live by in our work for the public interest. It was a difficult bill to pass, even without adequate teeth.

During the Senate Rules Committee hearings in 1964, considering the case of the former secretary to the Senate majority leader, I urged the committee to adopt legislation which I have pushed for many years in the House. I am proud to say that my idea to establish a policing body in the Congress was adopted, at least in the Senate. Senator JOHN SHERMAN COOPER of Kentucky was successful in his efforts to set up a Senate Committee on Standards and Conduct, which I presented to the Senate Rules Committee.

Today, I am calling for speedy action on three legislative proposals in the field of ethics, which I have worked on over the last decade. I list them here and urge that the House give serious attention to the adoption of the proposals to prevent abuses of the Code of Ethics for Government Service:

First. House Joint Resolution 36, to establish a Commission on Ethics in the Federal Government. This Commission would have investigative powers and would advise senior officials in the executive, legislative, and judicial branches of breaches of ethics for appropriate disciplinary action.

Second. House Resolution 18, to establish a House Committee on Grievances. This committee in the House of Representatives would be authorized to require Members of the House to make a full and complete disclosure of their personal income and investments, and would have investigative powers leading to recommendations for censure, expulsion, impeachment, or prosecution in case of wrong doings. I have joined other Members of Congress in filing a statement of assets with the Clerk of the House.

Third. H. R. 9626, a bill to tighten the lobbying laws by turning over the administration of lobbying procedures and reporting to the Comptroller General of the United States, to enforce the lobbying law, which is not now being done.

FISH PROTEIN CONCENTRATE PLANTS

Mr. HUTCHINSON. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. KEITH] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. KEITH. Mr. Speaker, hundreds of millions of people all over the world are suffering from malnutrition—famine threatens in India and uncounted numbers go to bed hungry each night. Millions of children in underdeveloped areas suffer from a disease known as kwashiorkor, a severe form of protein deficiency. It is painful and debilitating and is a major cause of death. If these children could have adequate protein in their diets, this dread disease would vanish.

We in this country are nearing a technological solution to a large portion of this problem in our development of fish protein concentrate. This powdered extract from fish is 80 percent protein, and it can be produced for about 13 cents a pound. The product does not spoil. It is ordorless and tasteless and therefore can be combined with flour to make bread or added to soups or cereals. It can be made to taste like eggs, meat, or virtually any desired food. A mere million tons could fill the annual protein requirements of 100 million people.

Fish protein concentrate, or FPC as it is called, could well become a major part of the world's food supply. It can be made from the many species of fish that are now little used because they are too bony or otherwise inappropriate for human consumption. Moreover, the total world fishery resources are at present underutilized. For example our own coastal waters are yielding about 5 billion pounds of fish though they could sustain an annual yield of 28 billion pounds—a more than fivefold increase. If we can get fish protein concentrate into large scale production, we cannot only perform an important service to the world, but we can also give a boost to our fishing industry. Moreover, we have a balance-of-payments deficit in fishery products at this time of $500 million a year, and fish protein concentrate could help to right that situation.

This entire question is one which has long been of particular concern to me. In 1961 I visited Peru and Mexico to see some of the scientific work being done there with fish protein concentrate. I saw firsthand some of the remarkable results this protein rich food supplement can produce in starving children.

It has been nearly 5 years since my visit and I am still coming to Congress to ask that something be done. The program has been set back enormously by an absurd statement of the Food and Drug Administration in 1962 which termed fish protein concentrate unacceptable on esthetic grounds because it is made from whole fish. This statement has served to discourage much of the potential industrial growth in the production of fish protein concentrate as well as to make it virtually impossible to send it abroad to the hungry nations of the world. It is very poor public relations to give anyone food we will not eat ourselves.

Today the prevailing view is that this opinion of the FDA was irrational since we eat whole sardines and oysters without even processing or purifying them. The Bureau of Commercial Fisheries has been developing several processes and doing carefully controlled bacteriological and toxicological analyses simultaneously. The Bureau has submitted at least one of the methods to the FDA for approval, but we have yet to hear their decision. We are hopeful that at long last the response will be favorable. We cannot afford to wait much longer.

Before this country can really get into large-scale production of fish protein concentrate, however, engineering and economic feasibility studies must be done. Therefore I am filing a bill today to provide for the construction and operation of sufficient number of pilot plants to test the different processes for production of fish protein concentrate and to take into account types of fish and their availability in different areas. My bill, unlike others that have been filed, does not set a limit on the number of plants because I wish to assure adequate authorization for enough plants to test all methods of producing fish protein concentrate. Probably about five plants would be required eventually, each costing about a million dollars.

Naturally each time a process is ready to be put into pilot plant production, the Secretary of the Interior would have to come to Congress for the appropriation. And the total funds for plant construction would not be requested all at once, but rather over a period of several years, as laboratory research is completed on the various processes.

A number of possible methods of fish protein concentrate production exist, which fall into the basic categories of biological, chemical, and physical. Moreover lean and fatty fish may well require radically different reduction methods. We will not be able to determine the most economical methods until the pilot plants have been in operation. Therefore, in the interest of economy we must give them all a chance.

It may be asked why the Government should invest in plants as opposed to private industry carrying the ball alone. I have given considerable thought to this problem because my inclination would be to keep the Government out of this potentially profitable enterprise for industry. However, we are not dealing here with a simple problem of a commercial enterprise. We are also dealing with a question of international politics. Recently I made a tour of Russian fishing and oceanographic facilities for the Merchant Marine and Fisheries Committee, and there is not any doubt in my mind that the Russians could easily preempt the fish protein concentrate field if they decided to do so. The state of their technology in fish protein concentrate is similar to ours. They produce large quantities of fish meal for fertilizer and animal feed. Moreover, their fishing industry is expanding rapidly—250 percent since 1953. They would probably have little trouble bringing in the necessary increased catch. If they did so we might lose a valuable tool in international politics. This then is another reason for urgency beyond the purely humane considerations we might have in supplying fish protein concentrate to protein-starved nations.

A pilot plant is not, by its very nature, an economical operation, and unfortunately, there is little indication that private industry is prepared at this time to undertake the major investment in large-scale research which would be required to determine which is the most economical method of producing fish protein concentrate. The bill I propose would limit Government participation to a maximum of 10 years from the date of the act. By that time all plants would have to be phased out.

Rapid development of fish protein concentrate is demanded by the world situation. The unnecessary delay that we have had should give some urgency to this project. The bill, incidentally, would call for an appropriation over several years of only a few million dollars. This may well be compared with the three and a half billion dollars that have been requested for the coming year alone in agricultural subsidies for products that will be sent abroad.

My bill differs from other bills that have been filed here in that it provides that fish protein concentrate will be eligible for distribution under the provisions of the Food for Freedom Act. Other bills refer to Public Law 480 of the 83d Congress. This statute is due to expire soon and probably be replaced by the food for freedom program. Fish protein concentrate must be included in any food assistance program for it to have its maximum value.

I feel strongly that passage of this bill would produce a great deal of benefit per tax dollar expended, in terms of international good will, improving our balance of payments and boosting our fishing industry. These are all worthwhile investments which, I believe, will pay off in the long run.

EQUAL EMPLOYMENT OPPORTUNITY ACT OF 1965

Mr. HUTCHINSON. Mr. Speaker, I ask unanimous consent that the gentleman from Arizona [Mr. RHODES] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. RHODES of Arizona. Mr. Speaker, at the April 26, 1966, meeting of the House Republican policy committee a policy statement regarding H.R. 10065, the Equal Employment Opportunity Act of 1965, was adopted. As chairman of the policy committee, I would like to include at this point in the RECORD the complete text of this statement.

REPUBLICAN POLICY COMMITTEE STATEMENT ON EQUAL EMPLOYMENT OPPORTUNITY ACT OF 1965, H.R. 10065

The Republican Party and the Republican Members of the House of Representatives stand second to none in their dedication to the cause of civil rights. Year after year, our actions with respect to strong and effective legislation have more than matched our words.

It may be that full and complete hearings would indicate that certain changes in title VII of the Civil Rights Act of 1964 should be made. However, we question the advisability of considering this particular bill at this time. Title VII of the Civil Rights Act did not go into effect until July 2, 1965. The only hearings on the broad and sweeping provisions of H.R. 10065 were held almost simultaneously in June and July of 1965. At that time the Equal Employment Opportunity Commission clearly did not have sufficient experience under the new act to testify with any real authority. And yet, to date, no additional hearings have been scheduled or held. Certainly, guesses and speculation are no substitute for experience and facts.

This bill would transform the Equal Employment Opportunity Commission into an agency that would rival the old National Labor Relations Board under the Wagner Act and before the Taft-Hartley amendments. As a result, the employer, labor union, or employment agency that is charged with an unfair employment practice, would find that the same Commission that filed the charge, investigated the case, determined there was merit to the charge, attempted conciliation, issued a complaint, and conducted the hearing to determine the facts, would have the power to make the final determination of guilt or innocence and to issue an appropriate cease-and-desist order which could include a backpay assessment, reinstatement, initial hiring, or promotion. This is like having the prosecuting attorney after he has submitted his evidence, don a judicial robe and decide the case.

In the drafting of this bill, we should benefit from the experience that has been gained in the field of administrative law. Effective administration and fair and even-handed enforcement demand the separation of the investigative-administrative functions and the hearing and decision-making role. The Commissioners should hear cases and formulate policy. The administrative, investigate, and prosecutive functions should be performed by an independent general counsel or administrator. The National Labor Relations Board has had the greatest difficulty in overcoming the suspicion and distrust engendered during the time it was structured along the lines of the proposed bill. The same mistake should not be made with respect to the Equal Employment Opportunity Commission. The work of this Commission is far too important for it to be handicapped with a "Model T" administrative procedure.

The representatives of the New York, Michigan, California, and Illinois Commissions also recommended the retention of section 706(b) and (c) of title VII, which allows States with effective nondiscrimination laws 60 to 120 days to act on all complaints within their States before the Federal Commission proceeds. As the chairman of the New York State Commission on Human Rights stated:

"We do feel, however, that a more harmonious relationship and more effective enforcement of the laws, both State and Federal, will result if the State involved receives notice of a charge and a stated period of time within which to act, before the Federal Commission becomes actively involved."

Despite these recommendations, the provisions of section 706(b) and (c) would be deleted by H.R. 10065. Certainly, careful thought and serious consideration should be given to a change of this type—a change that would so dramatically affect the role of the State Commissions.

We are also concerned by the manner in which this legislation was handled by the Democratic majority on the Education and Labor Committee. The unusual procedure, the extreme haste and pressure under which this bill was heard and reported last year is detailed and explained in this colloquy between Congresswoman GREEN and the then subcommittee chairman:

Mrs. GREEN. May I ask the reason for hearings at 6:15 this evening, why the apparent haste, and what is the chairman's wish as to further hearings and the speed with which you want final consideration of this?

Mr. ROOSEVELT. In answer to the gentlelady's well-put question, it is simply because the chairman of the full committee requested that certain steps be taken to bring this before the full committee at its meeting on Thursday of this week. He felt that if we could draw legislation which would have little or no opposition, that this might facilitate the passage of the repeal of 14(b), and that he would therefore request this subcommittee to hear views on legislation and pass on whether or not we would recommend this legislation to the full committee by Thursday of this week. Obviously there was no other way to do it except by this procedure * * * the chairman did make a statement which, in essence, said that unless some other action to improve the enforcement of title VII was taken, he would not take any action with respect to requesting consideration of the repeal bill by the Rules Committee.

All can agree that this type of procedure is an affront to the legislative process and an unwarranted reflection on this bill and the worthy purpose it seeks to accomplish.

We hope that as soon as possible adequate hearings based upon actual experience can be completed. When this is done, the action taken can be in keeping with the demonstrated need and such action will help, not harm, the cause of equal rights—a cause that all Republicans seek to serve and to support.

SECURITY OF CONFIDENTIAL BUSINESS INFORMATION SUBMITTED TO THE TRADE INFORMATION COMMITTEE

Mr. HUTCHINSON. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. CURTIS. Mr. Speaker, to firms who have provided or been asked to provide information to the Trade Information Committee, an interagency committee chaired by a member of the Office of the Special Representative for Trade Negotiations, and consisting of representatives from the Departments of Agriculture, Commerce, Defense, Interior, Labor, State, and Treasury, the problem of confidentiality of sensitive business information is very important. The company secretary or general counsel concerned that his organization's business plans remain secret will be reassured to know that procedures have been established governing use of such material and are tightly enforced by Gov. Christian Herter, the Special Representative for Trade Negotiations, and the Chairman of the Trade Information Committee, Mr. Louis Krauthoff.

I ask unanimous consent that my letter to Governor Herter asking how such material is treated and Governor Herter's reply be included in the RECORD immediately following my remarks.

MARCH 24, 1966.

Hon. CHRISTIAN A. HERTER,
Special Representative for Trade Negotiations, Washington, D.C.

DEAR GOVERNOR HERTER: Reports have come to my attention that certain U.S. industries are concerned that the materials supplied to your office through the Trade Information Committee (TIC) containing confidential business data are not adequately safe from perusal by other Government agencies. The implication is that it is possible that such confidential data could be used against the supplying firm in antitrust actions, or in cases where the administration might choose to take action against a firm for one reason or another. More specific is the allegation that such information is available to the White House when the White House chooses to obtain it.

In order to evaluate the soundness of such reports, I would appreciate having your account of the procedures used and conditions imposed when TIC obtains such confidential data, the storage of the data, its uses in the trade negotiations, and the possibilities of its being obtained and misused by persons outside your immediate office for purposes other than the negotiations.

With best wishes.

Sincerely,

THOMAS B. CURTIS.

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS,
Washington, April 18, 1966.

Hon. THOMAS B. CURTIS,
House of Representatives,
Washington, D.C.

DEAR TOM: Thank you for your letter of March 24, 1966, concerning the manner in which the Trade Information Committee (TIC) handles confidential business information. In your letter you express several possible apprehensions about the handling of such information and also raise four specific questions concerning this matter.

Let me begin by answering your four specific questions. First, you ask about the procedures used and conditions imposed when the TIC obtains confidential business information. The pertinent procedures and conditions are set out in sections 211.7–211.9 of the published regulations of the TIC, a copy of which I am enclosing for your information. Basically, all information furnished to the TIC is available to the public except business information which is alleged by a private party, and found by the TIC, to be confidential, in accordance with the definition set out in the regulations.

All information, including confidential business information, is available to this Office and to the agencies represented on the TIC and to such other agencies as the TIC may designate. The agencies represented on the TIC are Agriculture, Commerce, Defense, Interior, Labor, State, and Treasury. The other agencies designated by the TIC are the Tariff Commission and the Office of Emergency Planning. The former is involved because of the technical support it provides to our preparation for and participation in the Kennedy round. The latter is involved because it is responsible for examining the allegations made by industries that their products are essential to the national defense of the United States and should therefore not suffer reductions in tariffs.

Second, you ask about the storage of confidential business information provided to the TIC. Such information is stored in filing cabinets which are safeguarded by the staff of the TIC during office hours and are locked at night in a guarded building.

Third, you ask about the uses of confidential business information of the TIC in the trade negotiations. Such information provides especially valuable data on both the sensitivity of firms to import competition and the opportunity for establishing and expanding export markets. Like all other information made available to the TIC, it is reviewed and analyzed in Washington in connection with the formulation of offers of, or requests for, trade concessions.

Fourth, you ask about the possibilities of the confidential business information of the TIC being obtained and misused by persons outside this Office for purposes other than negotiations. While no procedures are foolproof, I think the chances of misuse are very slim indeed. Under our procedures no such information may be divulged or made available to any person who is not employed by this Office or any of the agencies represented on, or designated by, the TIC, who is not directly involved in trade agreements work, and who, in the course of his duties, does not have a clear need to know such information.

Let me now turn to the several possible apprehensions you express in your letter. First, could the confidential business information of the TIC be used against the supplying firms in an antitrust or other kind of action? Being unrelated to trade negotiations, such a use would be completely improper, and I believe that we could successfully resist any attempt made by another agency to obtain the information for such a purpose. Second, is the confidential business information of the TIC available to the White House when it chooses to obtain it? Section 224 of the Trade Expansion Act of 1962 provides that the President shall make offers for tariff reductions only after he receives, among other things, a summary of the TIC hearings. I believe it is implicit in this provision that the President should have access to all information gathered during the TIC hearings so that he may exercise his negotiating authority on an informed basis. But I can state that neither the President nor any member of the White House staff has requested or received any confidential business information possessed by the TIC for any purpose unrelated to trade negotiations.

In general, let me assure you that my Office is fully aware of the importance of maintaining the security of confidential business information, which is of special importance to us in negotiating effectively with our trading partners. I believe that we can assure U.S. firms that the confidentiality of their information has been and will be fully respected.

Best, as ever,

CHRISTIAN A. HERTER,
Special Representative.

STOPPING ILLEGAL SALE OF FAMILY PETS

Mr. HUTCHINSON. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. ELLSWORTH] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. ELLSWORTH. Mr. Speaker, many instances of inhumane abuse have come to the fore during the congressional consideration of legislation to regulate the source and transportation of animals intended for use in scientific research.

I have been concerned about two major questions in connection with this legislation: First, that proper controls be written so that the theft and illegal sale of family pets and their abuse in transit be stopped immediately; and second, that the legislation be drawn in such a manner that scientific research will not be impeded.

H.R. 13881, which will soon come to the floor, will achieve these goals. The bill is designed and intended to bring to an end the racket of unprincipled "dealers" who steal any animals they can catch and transport them by any means available. It is equally clear that while the bill will provide regulation as to source of animals and insure humane treatment during their transport to medical facilities, Congress does not intend that it hamper or restrict scientific research. This is altogether proper for the contributions of medical research are of immeasurable value to human health and happiness.

In my opinion, H.R. 13881 merits support.

THE BALANCE OF INTERNATIONAL PAYMENTS: FOURTH QUARTER AND YEAR 1965

Mr. HUTCHINSON. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. ELLSWORTH] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. ELLSWORTH. Mr. Speaker, although continually inundated by the vast quantity of material published by our Government, I never cease to be amazed at the wealth of useful and important information tucked away in Government publications. Take, for example, the Survey of Current Business, published monthly by the Department of Commerce. Back on page 16 of the March issue, following the regular 40-page section on current business statistics, in fact, in the very last section of the publication, there is an article entitled "The Balance of International Payments: Fourth Quarter and Year 1965."

From my experience on the Joint Economic Committee, I would think this article deserves more prominent display, especially in view of how frequently the subject arises in economic discussions, the sense of urgency usually attached to it and the experience and ability of the article's authors. But it is relegated to the anchor position in the Survey, behind other articles which paint a somewhat rosier if less interesting picture of the economy.

The article itself strikes one as being a fair-minded appraisal of our not-too-encouraging balance-of-payments position at the end of last year and the prospects for the future. And though the entire article is worth reading for its valuable and detailed information on our balance of payments, one section is particularly timely: that covering private merchandise trade.

The administration has maintained recently that an improvement in our trade surplus, for years one of the brightest spots in our international payments position, is in the offing this year. Undaunted by the 46-percent decline in our balance on private trade from calendar 1964 to 1965, administration officials have predicted a $1 billion improvement in our export surplus this year. An interesting analysis in this article relating GNP changes to imports, coupled with recent economic predictions by Government officials, lends very little credibility to this hopeful dream.

Last year's 15.5-percent rise in imports, the largest percentage increase since 1959, is a good example of the high degree of sensitivity of changes in imports to large changes in GNP. Over the past 8 years, whenever GNP has increased more than 3.5 percent a year, the change in imports not only has been positive but has been proportionately greater than the change in GNP. In 1959 and 1962, when GNP increased 8.1 and 7.7 percent, respectively, imports rose 18.2 percent and 11.5 percent. In 1965, when GNP rose 7.6 percent, imports increased about 15.5 percent, twice as much as the percentage increase in GNP. This relationship between GNP increase and import growth continues when we review the GNP and accompanying import growth for the other years since 1958, indicating that a fast-growing economy tends to increase its purchases from abroad more than proportionately.

In view of this analysis, it is interesting to contemplate what the increase in our imports will be in 1966. Reports appear in the newspapers almost daily that administration economic experts have revised their predictions of 1966 GNP substantially upward since the year began. Labor Statistics Commissioner Arthur M. Ross presented a figure of $735 billion as his own estimate of 1966 GNP, according to a speech reported in the March 25 edition of the Washington Post. Employing Commissioner Ross' estimate, the analysis noted in the survey, and a little arithmetic, we can take quite an interesting, if discomforting, look at our balance-of-payments prospects for this year.

A GNP of $735 billion for 1966 would be an 8.7 percent increase over 1965 in current dollars. If imports increase by only the same percentage amount, an assumption the Survey article points out is quite conservative, private purchases from abroad will grow to $23.36 billion. If we duplicate the percentage increase registered last year, when the increase in import growth was more than twice the increase in GNP on a percentage basis, then imports will grow to $24.82 billion in 1966.

Now let us take a look at exports. Last year, nonmilitary merchandise exports, other than those financed by Government grants and capital, grew 4.9 percent. The inflation abroad that the administration has been counting on to boost our exports to Western Europe, Canada, and Japan did not materialize in 1965. In fact, our own wholesale price index rose more last year than that of Belgium, Canada, France, Germany, Italy, Japan, or Switzerland. And there is little reason to expect that our price performance will improve this year, considering the way the administration has continually dragged its heels in proposing effective measures to restrain inflation. In fact, increases in our wholesale price have been accelerating thus far this year.

In addition, there is less incentive in a booming domestic economy to increase export sales. At present, many American companies are having their hands full just satisfying domestic demand for their products. Add to this the possible adverse effects the "voluntary" capital restraints program may have on exports, particularly to American business branches and affiliates overseas, and it appears we will be lucky if we repeat last year's sluggish gain. If exports do increase as much as last year, they will reach $24.73 billion in 1966.

Thus we face a possible decrease in our surplus on merchandise trade, excluding exports financed by Government grants and capital, from the $2.08 billion figure for 1965 to $1.36 billion this year. Or we may even have a $98 million deficit if imports grow at the same rate relative to GNP growth as they did last year.

This possibility of a 34-percent decline, or more, in our private trade surplus should be enough to make everyone concerned with our position in world trade take pause. It has been the trade surplus in recent years which has allowed us to make our large foreign aid commitments without having astronomically large payments deficits. If the world's leading trader and key currency country cannot achieve balance in its international payments, but, in fact, increases its overall deficit as a result of a deteriorating trade balance, the international position of the dollar will be threatened and the entire system of international trade and payments imperiled.

The remedy is obvious, if difficult for the administration to acknowledge. Effective measures to cool somewhat the domestic economic boom and halt price inflation is essential to place the United States again in a competitive trade position. In addition, hard bargaining at the Kennedy round trade talks in Geneva to increase the access of U.S. goods to the European Common Market, particularly agricultural products, is called for.

The bleak prospects for our balance of payments this year proclaims that the time is past for half-baked restrictive measures, and ultimately ineffective and unfair entreaties to business and labor to ignore explicit cost pressures. The time for naive and ill-conceived "voluntary" restraints on capital flows is also running out, for they do more harm than good to our payments position over the long run. At the most, they can only postpone urgent consideration of imaginative and effective measures to make our merchandise and service exports more attractive to foreign consumers and our capital markets more attractive to investment.

TIMING THE TAX RISE

Mr. HUTCHINSON. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. ELLSWORTH] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. ELLSWORTH. Mr. Speaker, an outstanding article appears in today's New York Times entitled "Timing the Tax Rise." Since inflation is no longer a threat but a reality, steps must be taken to bring the forces of inflation under effective control. However, as this article points out, the time has passed for tax increases to be used as an effective tool in controlling inflation.

TIMING THE TAX RISE—FEELING IS GROWING AMONG ECONOMISTS THAT JOHNSON HAS WAITED TOO LONG

(By M. J. Rossant)

The suspicion is growing among economists that the Johnson administration has missed the boat on tax increases.

Many economists, including some former members of the Johnson administration, have called for tax increases to contain inflation.

But some economists believe that the administration has waited too long to make up its mind. They now fear that imposition of

tax increases will do little to check inflation this year and might be an undesirable brake on economic activity in 1967.

William F. Butler, vice president and chief economist of the Chase Manhattan Bank, is one of those who thinks that "the time is running out very fast on tax increases." As he sees it, the expansion would have benefited if tax increases had been in effect but could be jeopardized if taxes are increased this summer or fall.

William C. Freund, chief economist of the Prudential Life Insurance Co., takes a similar view. He urges that the administration take action on taxes quickly if it acts at all, because "enactment later in the year would only shut the barn door after the horse has been stolen."

Mr. Freund explains that there is a considerable timelag before tax increases begin to bite, so there is a risk that belated tax increases will act as a brake just when the economy is slowing of its own accord. He adds that "if a tax increase is made effective only at the end of the year it might be worse than none at all."

Still another critic of the administration's reluctance to make use of fiscal policy to combat inflation is Pierre A. Rinfret, chairman of Lionel D. Edie & Co., Inc., a firm of economic consultants.

In February, Edie's survey of corporate expenditures of new plant and equipment indicated that business would be increasing their outlays by 19 percent this year, a rise that threatened to intensify pressure on prices and wages. This week, Mr. Rinfret reported that a recheck of the corporations queried in the original survey showed that they are sticking to or raising their sights even though President Johnson has called for restraint on capital spending.

Mr. Rinfret now expects a capital spending to show a rise to 20 percent this year mainly because "companies expect higher prices." Noting that price increases are running far ahead of wage increases, he stresses that inaction has produced "the worst kind of taxation—forced savings through inflation."

In charging the administration with fumbling its opportunity to raise taxes, these economists are hitting where it hurts. For the administration's new economists have made a great deal of their ability to act with flexibility and timeliness. According to the critics, they have been at fault on both counts.

President Johnson has held off a decision because he felt that the economy might have been braked too much by a tax increase. But his criticis contentd that he has taken a bigger gamble in waiting than in acting.

They argue that moderate doses of fiscal and monetary restraint would have kept the boom in balance, avoiding inflationary excesses that could result in a recession. Instead, they say, there has been an undue reliance on monetary restraint, which has not prevented inflation from taking hold.

Mr. Edie and others who criticize the administration's "wait-and-see" attitude on taxes agree that the present feverish pace of the economy is likely to undergo a slowing down. But he holds that the braking impact caused by an economy making full use of its resources may well be accompanied by even tighter credit conditions and additional pressure on prices.

In essence, these critics believe that the administration should have been as flexible in restraining the economy as it had been in stimulating it. As Mr. Freund put it, "I don't believe that the new economics is really new or on trial. What is on trial is the willingness of our political leaders and th general public to adopt a flexible attitude."

In his view, though, there is precious little time left in which to demonstrate flexibility.

A MORE UNFAIR DRAFT

Mr. HUTCHINSON. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. ELLSWORTH] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. ELLSWORTH. Mr. Speaker, on March 2, just 8 weeks ago, 30 Republican Members of this House joined to urge an immediate congressional investigation of the draft.

At that time, we pointed to evidence of inefficiency and inequity, and asked the Committee on Armed Services to begin a prompt examination. As far as I know, nothing has been done. Meanwhile, complaints about inefficiencies and inequities in the draft continue to mount. As an example, I include at this point a Life magazine editorial, from the issue dated April 29, 1966.

A MORE UNFAIR DRAFT

"Everyone will now be mobilized, and all boys old enough to carry a spear will be sent to Addis Ababa. Married men will take their wives to carry food and cook. Those without wives will take any woman without a husband * * *. Anyone found at home after the receipt of this order will be hanged."

—Emperor Haile Selassie as Italians invaded Ethiopia in 1935.

A copy of Haile Selassie's crisp edict hangs in the New York City headquarters of the Selective Service System, and many of the young men who stop to read it can reflect that the System that has caught them is not nearly as fair as the emperor's.

America's Selective Service System has become so selective, even with the Vietnam buildup, that this year's registrant has only one chance in six of being drafted (see Life editorial, Oct. 15). For the individual who is that one in six, the system is unfair—and he has good cause to complain when his friends slip untroubled into America's affluent civilian society.

Until recently, the best way to fend off the draft has been to get and hold on to student status. Federal guidelines (used by local boards) have suggested that a college freshman in the top half of the males in his class in a given school should be deferred. This incredible formula equates a Caltech physics major with a water-ski specialist from Nowhere State.

Now, to pile discrimination on illogic, the Selective Service System has scheduled a series of qualifying tests for this spring. Supposedly, the tests would give students ranking in the bottom half of their classes a second chance to obtain deferment. Actually, the tests will discriminate against just those students who stand to gain the most from higher education—Negroes and members of other minorities. Standard achievement tests, of the type about to be used, always favor the white middle-class students because the questions are drawn from and reflect the language and situations of their society.

A chance to make a quick buck has not escaped the notice of some of the faster presses in the publishing business. A number of manuals, designed to help a student score high on the test, have appeared in bookshops and are selling faster than Ian Fleming. Their covers make the pitch that for $1.95 or $2.95, "this vital book can help you to draft deferment."

There is something basically abhorrent in the idea that any man can help send his neighbor off to be shot at instead of himself simply by paying $1.95. Still, it is only a logical outgrowth of the unfairness built into student deferments. It takes money to stay in school, so, by and large, the students who avoid the draft that way are the ones with parents who can afford the tab. The system isn't much different from the one that prevailed in the North during the Civil War—just more expensive. In 1863 a draftee could hire a substitute for $300. Today his family does the same, in effect, by paying college bills that can run over $3,000 a year.

As long as the armed services can use only a sixth of the men available this year, a better way must be found to pick them. It shouldn't be because they are expendable—fair game because they are a little short of education or of money.

Perhaps a lottery is the answer. We have used that system before—with the famous fishbowls of the two World Wars. Rough as lottery justice is, it would be fairer than the system we have today.

WHY INVOKE NEW RESTRICTIONS WHEN OTHERS ARE NOT ENFORCED?

Mr. HUTCHINSON. Mr. Speaker, I ask unanimous consent that the gentleman from Mississippi [Mr. WALKER] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. WALKER of Mississippi. Mr. Speaker, on Sunday, April 24, 1966, there appeared an announcement in the Washington Post that the Department of Interior had set new restrictions on public demonstrations in the vicinity of the White House. These restrictions would prevent public demonstrations of any nature—picketing, camping, and even the passing out of leaflets in certain areas surrounding the White House.

I do not see why the Department of Interior bothers to set new restrictions. The administration does not enforce the laws already existing. The most recent lack of proper enforcement of the law came when a group of so-called poor people, who have refused to accept work, were allowed to set up camp in Lafayette Square in pure defiance of a law which prohibits camping in that area. This is clearly a care of the executive branch of the Government allowing its "consensus government' to take precedence over the law of the land.

The new restrictions set for demonstrations around the White House are very similar to restrictions that prevailed in many States before leftwing civil rights demonstrators started their open defiance of any law they did not like. And, in many cases, the Justice Department stepped in and prohibited the State law enforcement agencies from enforcing the statutes designed to protect the law-abiding citizens of the community.

The stated excuse for this new restriction was for the security of the President. I feel that there was a more important reason—to keep those opposed to Presidential actions from embarrassing him by demonstrating against his various vote-buying schemes.

I would urge my colleagues to use their influence to insist upon the proper enforcement of all laws, regardless of the political views of those defying the law.

"HANFORD DAY," WASHINGTON

The SPEAKER. Under previous order of the House, the gentlewoman from Washington [Mrs. MAY] is recognized for 60 minutes.

Mrs. MAY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

Mrs. MAY. Mr. Speaker, on June 25, 1962, it was my privilege to arrange for a discussion on the floor of the House of the merits of the then proposed inclusion of electric generating facilities at the new production reactor at Hanford, Wash. The members of our Washington State congressional delegation were joined by our friends from Oregon in fully discussing the merits of the project which, my colleagues will remember were not without controversy. In 1962 some doubts were expressed as to whether this project could be the kind of success that those of us in the States of Washington and Oregon foresaw.

Today, Mr. Speaker, it gives me the greatest pleasure to inform the House that its subsequent support and approval of the world's largest nuclear steamplant was completely justified.

The Washington State congressional delegation will be discussing the Hanford project during this special "Hanford Day" hour so that the Congress will be fully informed on the current status of the Hanford project, and so that we of the Washington State congressional delegation may, in some measure, pay tribute to the Congress for its support of the project back in 1962, and so that we may also express our personal congratulations to the managing director of the Washington Public Power Supply System, owner and operator of the plant.

As the representative of the district in which the Hanford project is located, I want to express the gratitude of all of the people of the district to Members of the House who made this huge atomic powerplant possible.

This month, the Hanford powerplant of Washington Public Power Supply System fed its first 200,000 kilowatts of power into the Bonneville Power Administration grid system. Both of Hanford's 430,000-kilowatt generators are expected to be in full operation by September, adding a new block of low-cost power to the Pacific Northwest.

To me, Hanford's success demonstrates what a determined group of local citizens can do if they refuse to accept defeat; it shows that while it may take time to bring all of the facts in a complicated subject such as this atomic powerplant to the attention of all of the Members of Congress, such an effort is worthwhile.

Mr. Speaker, I ask unanimous consent that the gentlewoman from Washington [Mrs. HANSEN] may extend her remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

Mrs. HANSEN of Washington. Mr. Speaker, today I join my colleagues with a genuine sense of pride and accomplishment to talk about the Hanford nuclear steamplant. First I would like to express my appreciation to those of you who, 4 years ago, joined to support this project and joined in spite of those who tried to recreate a spirit of regionalism. The Northwest will always be grateful to the unselfish vision of this Congress and the Nation will be stronger.

Northwest hydroelectric projects built on the abundant rivers and streams which bless that lovely area of our Nation have, since the early 1930's provided the bulk of the region's power supply. Steamplants are few and far between. But, this all-hydropower supply era has come to an end.

Load and resource forecasts indicate that by 1975, just 9 short years from now, the Northwest's firm power requirements necessitate the scheduling of power from thermal sources in addition to other hydro sources and imports not presently specifically scheduled. By 1975 Bonneville Power Administration average firm energy capability is expected to be increased by 3 million kilowatts. But BPA loads at that time are expected to exceed those resources available to BPA. It is estimated that Pacific Northwest average energy deficits will amount to about one quarter of a million kilowatts.

During the 10-year period between 1970 and 1980 more than 5 million kilowatts of additional average firm energy will be required to meet expected regional requirements including 1 million kilowatts to serve new BPA industrial loads Since firm hydropower to serve loads must be based on a critical water year maximum use of installed capacity to serve firm loads can only be achieved by firming up additional energy available in better than critical years. The firming up of this energy by thermal sources could postpone this power insufficiency as well as helping to meet the region's immediate needs.

It is prudent and logical, then, that the first generation of thermal plants in the Northwest should be dedicated to this task. Since no Federal agency possesses or is likely to be granted the authority to add steamplants necessary to firm up these Federal hydroresources, other means to accomplish this same purpose must be considered. The Hanford marketing arrangements have demonstrated practical means of integrating thermal power with the Federal hydrosystem to meet firm power requirements in a manner which will result in an equitable sharing of benefits and risks, orderly scheduling, optimum sizing, selection of plant location based on applicable criteria, maximum transmission coordination, and lowest cost financing.

Any discussion of load forecasts, power needs and resources becomes a rather complex subject. But, the primary point is this: If our region and our Nation are to continue to grow, prosper, and expand both socially and economically, we must provide the power resources which are basic to this expansion.

The Hanford project, when it was originally proposed, was done with this purpose in mind, that is, to firm up the power supply for the Northwest region. The Hanford steamplant is the vanguard project of a new era of power supply production in the Northwest, an era which had to come about if the region is to continue to progress.

There is much to be said about this plant. It is the largest nuclear plant ever constructed. Its electrical capacity, I understand, is sufficient to meet the power needs of two cities the size of Washington, D.C. Its heat source, the new production reactor, is the largest atomic plant in our Nation and the first dual-purpose reactor which our country has built. All of the people in our State of Washington are proud that just a few days ago the first nuclear-produced electricity flowed into the BPA transmission system. And, they have a right to be proud for it was through their grassroots effort that truly made this project a reality. Without this support, Mr. Speaker, I do not hesitate to state that the Hanford project would never have come about.

It is deeply gratifying to me as a Member of Congress to witness such dedication on the part of a great many people which resulted in making reality out of a dream.

I join in extending my hearty congratulations to Owen Hurd who with many others has done so much for the Northwest and the region in meeting electrical needs, to his staff, and to the member public utility districts of his organization for the accomplishment they have made. Someone once said that the impossible just takes a little bit longer. I like to think of Hanford in those terms.

Mrs. MAY. Mr. Speaker, I am pleased to note that Mr. Owen W. Hurd, managing director of the Washington Public Power Supply System, and the president of the system's board of directors, Mr. Walkley, are in the Capitol at the present time, and I would like to extend to them my heartiest congratulations for their efforts in getting the job done, not only personally but on behalf of the people I represent and of the taxpayers of this Nation.

Much credit for the conception, authorization, and completion of the Hanford powerplant is due to Owen Hurd and his staff at Washington Public Power Supply System. They refused to lose faith in the project during the gloomy days of 1962 when the House was reluctant to approve the project.

Mr. PELLY. Mr. Speaker, will my distinguished colleague from the State of Washington yield?

Mrs. MAY. I am delighted to yield to my colleague from the State of Washington.

Mr. PELLY. Mr. Speaker, I am pleased to join with my able colleagues in this discussion involving the world's

largest nuclear-powered steamplant located on the Hanford Reservation in our State of Washington.

Much has been said about this project and its value to our State, the Northwest, and the Nation. My own constituency benefits from it through the facilities of Seattle City Light and Puget Sound Power & Light. There is no doubt but that what has been said is true; the Hanford project is a source of pride to us all.

When this legislation was considered in the House of Representatives in 1962, I am frank to admit that I, like many Members of this body, had certain reservations about the proposal which provided that the Washington Public Power Supply System could build and operate this facility. My main worry at that time centered upon the financing of the project. In 1962, just as today, our domestic monetary situation was such that each and every one of us has a responsibility to protect, as well as possible, the value of our dollar. The supply system's proposal basically provided that they would and could build this project without any Federal monetary participation. In this day and in that day of Government subsidy, handouts and the like, this proposal to me was indeed a remarkable one and I was incredulous that it could be carried out. Yet, the people, the great American people, through 16 public agencies, provided interim financing for this project and the supply system floated a $122 million bond sale on the private market to finance this project. Believe it or not, not one single red penny of Federal funds has been used in the building of this project.

To me, this is remarkable. As I mentioned, I realize this project is important to the maintenance and the strength of our Northwest power supply and I am well aware also of the importance this project will play in the security of our Nation and that it will enhance greatly our country's prestige abroad. But we should not forget the fact that the people themselves had the confidence to push for the authorizing of this project and the courage to provide the necessary financing and the sheer determination to see that the project was constructed properly. Today their efforts have been fulfilled with the generation of the first power by this mammoth facility. I know my constituents would want me to extend to Mr. Owen Hurd, the managing director of the supply system, the 16-member public utility districts who comprise the makeup of the organization and the people of the Northwest our heartiest congratulations for making this plant a reality.

Mrs. MAY. I thank my colleague from Washington for his remarks stressing some very important points to our congressional colleagues with reference to this project.

The 2-year debate over the Hanford nuclear powerplant issue was, by its very nature, beset with complexities. It involved the adding of a giant nuclear steam electric generating plant to our Nation's largest atomic reactor located on the AEC Hanford Reservation in Washington State. On several occasions this proposal was rejected by the House of Representatives and yet, because it was a sound concept, because it was vital to the continued growth and progress of the people of the region and because the people in a true pioneer spirit refused to let the project die, the Hanford nuclear steamplant was authorized. Today, the steamplant is producing electric power bringing a new concept to Northwest power production.

Mr. FOLEY. Mr. Speaker, will the gentlewoman yield?

Mrs. MAY. I am delighted to yield to my colleague, the gentleman from Washington.

Mr. FOLEY. Mr. Speaker, I too would like to join my colleagues in this discussion of the world's largest nuclear steamplant.

I was not a Member of this Congress when this project was considered by the House of Representatives, but I was a staff member of the Senate Committee on Interior and Insular Affairs at that time.

I know what determined effort on the part of the Members of the Washington State delegation in both the House of Representatives and in the U.S. Senate was behind the very great realization of this production reactor. In the Senate, Senator JACKSON and Senator MAGNUSON worked tirelessly to obtain authorization.

There were many points at which the situation appeared hopeless but the goal was never abandoned.

This project received several negative votes in the House of Representatives. First of all, a proposal for Federal construction was turned down flatly. Then, the Washington Public Power Supply System's proposal received several additional negative votes.

During these long months of consideration, all controversial points were clarified and this deliberation and clarification resulted finally in the approval and authorization of the project. In this regard I think the Congress can be rightfully proud of their conscientious participation in the planning and development of this nuclear steam reactor. They did it in a manner that is a credit to them and to the legislative process. No question was left unanswered. Every aspect of the project was examined carefully.

Now we have a reality with a synchronization of the first nuclear-produced electric power flowing into the Bonneville Power Administration transmission system and into the Northwest power pool.

As a member of the Committee on Interior and Insular Affairs, I am particularly interested in conserving our power and developing our power resources in the best possible manner for the greatest number of people. The people whom I represent share this concern with me. The Hanford plant is a resource which should have, by some means or in some manner, been constructed. It would be a waste of natural resources not to construct and authorize the project. Energy produced by the new reactor in the form of steam was being dumped as a waste product before the construction of the nuclear-powered reactor.

There is a parallel here I think with the recent vote on authorization of the third powerplant at the Grand Coulee Dam. Unless this third powerplant is built, we will be wasting in the early 1970's a riverflow which otherwise would generate needed electrical energy.

The Pacific Northwest needs the Hanford project's power. Load forecasts of both the public and private agencies confirm the need. Without the Hanford electric generating plant the Pacific Northwest may not have the firm power capability to meet its power needs during the 1966–67 critical water year.

It has been stated that there is a surplus of power in the Pacific Northwest, but the facts are that this surplus consists of secondary or dump energy and not reliable firm power. In other words, the Pacific Northwest is in the paradoxical position of having a surplus of secondary energy but a shortage of firm power.

The steamplant will have an electric capability of 800,000 kilowatts during periods of reactor use for production of both plutonium and power and this will be increased to 860,000 kilowatts during "power only" operation. As integrated with Federal hydroelectric plants, there will be created a total of 900,000 kilowatts of dependable firm power during the dual-purpose operation and over 1 million kilowatts during "power only" operation. Thus, the Hanford nuclear steamplant will help to insure an adequate and continuing low-cost power supply for the Northwest.

The Hanford project was a challenge. It was a difficult challenge with many first-of-a-kind problems. The people of the West and the people of the Pacific Northwest in particular, welcome challenges. They are proud of their success in meeting this one. For their dedicated actions and the subsequent favorable action of the Congress has provided this Nation with a project which reflects credit to their efforts.

Again, I am pleased to have this opportunity to join with my colleagues in congratulating Mr. Owen Hurd, his staff and the public utilities which make up his organization for a job well done. I think each of the members of the Washington State delegation, and all the Members of this body and the other body who served at the time this project was authorized, can congratulate themselves for their foresight and their judgment, which is proved by the events of this year.

Mr. Speaker, I thank the gentlewoman from Washington.

Mrs. MAY. I thank the gentleman from Washington.

For the benefit of my colleagues and others who might read the record of this special order, it would be interesting to discuss briefly the history of this reactor-steamplant complex. I insert in the RECORD at this point the background history that I have prepared:

The Hanford steamplant had its beginning in the billion-dollar plutonium production program at the Hanford Reservation. This 575-square mile site was selected to become an element of the highly secret Manhattan project in World War II. Eight plutonium production reactors were designed for single

purpose usage only, that is, for the production of plutonium. In 1955–56 the General Electric Co., as the Atomic Energy Commission Hanford project prime contractor, engaged in conceptual studies of an improved and advanced production reactor design. In 1957, primarily as a result of a need for increased weapons grade plutonium production capability, conceptual studies were authorized by Congress and $3 million appropriated for this purpose. In 1958 the design and construction of a convertible plutonium production reactor at Hanford was authorized. This reactor, called the new production reactor or NPR, was unique in design having the capabilities of producing plutonium only or, with the addition of a steamplant, producing electric power, and it could perform these functions either singly or simultaneously.

The original construction of this reactor did not include the addition of a steamplant. However, extensive studies which began in 1956 and extended through 1963 resulted in a number of compelling justifications and incentives for the steamplant addition and these incentives included local, regional, and national benefits. In 1961 the AEC included a budget request to authorize Federal construction of the NPR power conversion, that is, the addition of a federally financed steam generating plant. However, the House turned down this request several times, and it was agreed that a substitute for Federal financing was the only hope for the ultimate success of this needed project.

In November 1961, the Washington Public Power Supply System, a combine of 16 public utility districts located throughout our State of Washington, submitted a proposal to build the steamplant. From the outset the objective of the supply system's proposal was to achieve for the region and the Nation the same benefits which would have resulted had the Federal Government built the steamplant. It was expected that the supply system's proposal would meet with the approval of Congress because first, the requirement for Federal funding was eliminated; second, all risks involved in the undertaking were transferred to the power users of the region; third, the supply system's proposal afforded an opportunity for substantial Federal benefits.

Contracts were entered into between the supply system, the Atomic Energy Commission (AEC), Bonneville Power Administration (BPA) and 76 public and private utilities in the northwest region. It was originally assumed that congressional action could be excluded by the BPA and AEC disclosing to and receiving the concurrence of congressional Appropriations Committee of BPA plans to enter into the proposed power plans and exchange agreements with WPPSS and participants. However, the General Accounting Office Solicitor ruled that the AEC did not have this assumed authority and this opinion started a legislative struggle in 1962 that far exceeded the intensity and effort that characterized attempts to obtain approval for Federal construction of the steamplant. Due to the basic soundness of the supply system's proposal and its obvious advantages to the Federal Government, the final approval of the proposal was achieved after two affirmative votes in the Senate and two negative and one affirmative votes in the House. President John F. Kennedy signed the authorizing bill into law on September 26, 1962. This law authorized the AEC to enter into the proposed contract with the supply system and stipulated that 50 percent of the project output should be offered for sale to private utilities and 50 percent to public agencies. Also, it was made clear that no Federal funds could be utilized in constructing the steamplant.

I have mentioned a few of the people to whom we owe great credit. Certainly a great many individuals performed outstandingly during this period, and although I understand a previous commitment has prevented the then chairman of the Joint Committee on Atomic Energy, Mr. HOLIFIELD of California, from participating directly in today's discussion, I should like to express our gratitude to that distinguished chairman for his continued faith in the Hanford project and for the invaluable leadership he displayed in helping to bring about House approval.

Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. HOLIFIELD] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

Mr. HOLIFIELD. Mr. Speaker, back in 1962, there were a good many people who did not expect to celebrate the generation of power from Hanford, as we are doing here today. And I will admit that all of us who supported the project had some dark moments, as Congress rejected, first, the Federal generating plant, and then, on several occasions, the proposal by Washington Public Power Supply System which finally resulted in construction of the largest nuclear powerplant in the world.

Everyone associated with Hanford, and I include the members of the Joint Committee on Atomic Energy, both Republicans and Democrats, the Pacific Northwest's congressional delegation, Owen Hurd, and other WPPSS leaders, have demonstrated a rare degree of perseverance in bringing this project to completion. The late President Kennedy put the full force of his office behind his personal endorsement of Hanford.

Opposition to the Hanford project was often bitter; sometimes it was irrational. And so I believe we must also pay tribute to great good sense of the Congress in coming to see the value of this project, despite a blizzard of conflicting statements, letters, fact sheets, editorials, and other documents which created more heat than light.

From the very beginning, many members of the Joint Committee were determined to use the vast quantities of waste steam to be produced at the Atomic Energy Commission's new production reactor at Hanford. The alternatives were clear to us: the steam could be discharged into the Columbia River, resulting in the waste of a great resource on which could be placed a specific dollar value, and in the process creating possible pollution problems; or the steam could be used to generate electricity, taking the place of a conventional boiler, huge amounts of fuel, and great expense.

The answer seemed clear. As chairman of the Joint Committee, I came before Congress in 1961 as the committee's direction to get approval for Federal construction and operation of electric generating facilities associated with the NPR. That proposal was defeated.

Then the Washington Public Power Supply System, made up of public utility districts in the State of Washington, came in with its proposal to build and operate the NPR generating facilities at its own expense and without any Federal expenditure. AEC would sell the otherwise wasted NPR byproduct steam under contract to WPPSS at a price, approved by the Federal Power Commission, which would result in the receipt of up to $125 million by AEC over the life of the arrangement.

Participating utilities would turn over the entire output of the generating facilities to Bonneville Power Administration under appropriate power exchange agreements for distribution to public and private utility consumers.

At extensive hearings, the Joint Committee went over the proposed arrangements in great detail with witnesses representing all of the contracting parties. The committee was convinced that the arrangements were sound, and that they would bring great benefits to the Government. And amendments spelling out the arrangements in detail were introduced in the House, with the happy result that the Hanford project was authorized.

Compromises were involved in the Hanford fight; there were some who were not entirely happy with all of the details as they were ironed out; but the important fact is that the project was authorized, it has been financed, it has been built, and this month it produced its first power.

It is a matter of great pride to me to have helped in the creation of the world's largest atomic powerplant. It is gratifying to know that substantial income will be coming into the Treasury as the result of this project, and that additional power for the Pacific Northwest will stimulate new and expanded industry as well as providing for the needs of residential consumers. I am deeply pleased that a valuable resource is being used for a productive purpose.

I am obliged to add that the private utility companies of the Pacific Northwest, who enjoy 50 percent of Hanford power on an equal basis with the publicly owned systems are in a most happy position. Although the former Chairman of the Atomic Energy Commission, Mr. John McCone, offered the waste steam from Hanford to these investor-owned utilities, there were no takers. No one stepped forward until WPPSS, composed of relatively smaller utility systems, undertook to finance this giant enterprise through the sale of revenue bonds. WPPSS has carried through its obligation to obtain financing, to accomplish the construction of the project, and to provide a 50-percent share of Hanford's output to the private utilities, although the publicly owned systems in the Pacific Northwest had indicated their willingness to buy more than 100 percent of it.

I can only hope that the private utilities will demonstrate an equal degree of cooperative spirit toward the public power systems in their planning for future additions to the electric power supply of the Northwest region.

It should be noted that Hanford not only represents a great regional resource in terms of additional power supply, it also will provide a training ground for

the people of the area who already are looking toward the introduction of more thermal power into the predominantly hydrosystem which now provides for the region's needs. There is every reason to believe that much of this thermal power will come from giant nuclear-fired generation plants, and Hanford will lead the way.

Mrs. MAY. I also extend the thanks of all of us to another member of the Joint Committee on Atomic Energy, Mr. HOSMER of California. I recall the wonderful initiative displayed by Mr. HOSMER in bringing to the attention of the House the fact that the second Hanford proposal was a "do-it-yourself" project in which Federal funds would not be spent for construction.

It was this difference that gained the approval of the project by the House.

Mr. HOSMER must certainly share prominently in the credit due to outstanding Members of the House for the role that he played.

Mr. HOSMER. Mr. Speaker, will the gentlewoman yield?

Mrs. MAY. I am delighted to yield to the gentleman from California, whose name I have just mentioned.

Mr. HOSMER. Mr. Speaker, the gentlewoman from Washington is most kind and overly generous in her remarks about me. It should be pointed out that it was her effort and that of her colleagues from Washington, including the former Representative at that time, Jack Westland, who was also a member of the Joint Committee, that enabled the Congress, in its conscience, to enact this Hanford measure.

It was a long struggle, and a particularly difficult one because, as the Hanford project was first presented, it was a project that would have placed upon the Federal Treasury and the taxpayers of the United States the entire technical and economic and other risks of the scheme. That was proposed, and I think properly so, and I think properly defeated.

That defeat only generated in the State of Washington and amongst its able Representatives here a new desire to carry forward this project on a basis of the assumption of risk by the people of the State of Washington, who were to benefit from the project. That was the form in which this bill was enacted.

However, when the bill came back to the Congress in its new form, it came with the same old name. The resistance that had previously been generated for the so-called Hanford project had to be dissipated, and the entire membership had to be informed that this was indeed a project of the same name, but it was a totally different project from that which Congress had previously rejected.

After the bill came back and it was passed, it was a model partnership effort between the Government of the United States and public bodies of the State and municipalities.

Now, after these 4 years, it is becoming an economic reality, and it is making a contribution to the betterment of the economy of the United States of America. On the production side, as distinguished from the power side, the reactor itself, about which the gentlewoman has been talking today, and the generators that are owned and operated by WPPSS were required in order to replace the older reactors at Hanford in order to produce fissionable material for the U.S. atomic energy program. Therein comes the dual purpose and characterization of this reactor. It turns out now not only to have the purpose of producing fissionable material, but also the purpose of producing power for peaceful uses.

If the United States ever should engage in an international treaty barring the further production of fissionable materials for weapons use, nevertheless this installation could still function economically as a single purpose, power-producing, peacetime project.

I believe in this sense we in the Congress as well as the people of Washington, as the generators start to turn, can all take satisfaction from working together to bring about something of value to our country and something of value to the world by way of demonstration of the peaceful possibilities of atomic energy.

I thank the gentlewoman from Washington for permitting me to speak.

Mrs. MAY. I thank the gentleman from California.

Mr. FOLEY. Mr. Speaker, will the gentlewoman yield?

Mrs. MAY. I am glad to yield to my colleague.

Mr. FOLEY. I should like to associate myself with the remarks of the gentlewoman from Washington in expressing appreciation to two very distinguished Members from the State of California, the distinguished gentleman from California [Mr. HOLIFIELD] and the distinguished gentleman from California [Mr. HOSMER].

As I stated in my earlier remarks, I was a staff member of the Committee on Interior and Insular Affairs of the U.S. Senate at the time the bill reached the House. Although not a Member, I followed it very carefully—perhaps anxiously—and I know what strenuous efforts were exerted by the junior Senator from Washington, Mr. HENRY M. JACKSON, and by the senior Senator from Washington, Mr. MAGNUSON, on behalf of this project.

I also know of the work done not only by the Washington State delegation but also by people such as the gentlemen from California [Mr. HOLIFIELD and Mr. HOSMER].

I believe it should be said with respect to the gentleman from California [Mr. HOSMER] that his initial doubts and concerns about this project were, as always, ably expressed, but that when he determined sufficient changes had been made in the original bill—I believe the gentlewoman will bear me out on this—his support of the project was as unstinted, as open and as vigorous, if not more so, than his criticism and objection had been. I believe we all feel that his actions in that final battle were most important and valuable to the success of the project. The tribute paid to the gentleman here by the gentlewoman from Washington is most deserved.

Mrs. MAY. I thank the gentleman for joining me.

Mr. MEEDS. Mr. Speaker, will the gentlewoman yield?

Mrs. MAY. I am glad to yield to my colleague from Washington, Mr. MEEDS.

Mr. MEEDS. I thank the gentlewoman.

Mr. Speaker, I also should like to join in expressing sincere appreciation first to the gentlewoman from Washington [Mrs. MAY], for this opportunity of joining in this tribute to a very worthwhile project.

It should be stated, I believe, that the Washington delegation as composed at the time of the passage of the legislation should be complimented, wherever they are and without regard to politics. All of them took a very vigorous and active part, including my predecessor, Jack Westland, in the passage of this legislation and the enabling action.

I certainly believe that the activity and the actions of the Members of the other body, the senior Senator from Washington, Mr. MAGNUSON, and the junior Senator from Washington, Mr. JACKSON, should not be overlooked, for they played a very important role in regard to this legislation.

Mr. Speaker, I also should like to speak in terms of specifics as to what the reactor and what the power means to us in the Pacific Northwest.

I have the great privilege of representing the Second Congressional District, in which Snohomish County Public Utility District is located. This is the largest single public utility district in that area, and it is the largest single public utility customer of the Bonneville Power Administration.

The Snohomish Public Utility District was one of the original instigators of this Washington power supply system and, as such, is to be a beneficiary from what is happening now at Hanford. Last year, Mr. Speaker, for instance, we consumed 400,000 kilowatts of power in the Snohomish County Public Utility District. Next year we hope that we will consume 1 million kilowatts of power there.

In the Second Congressional District, which I represent at this time, we are presently consuming 1 million kilowatts over the total production of this reactor. In 20 years from now in my congressional district we will be consuming 4 million kilowatts of power. Certainly the addition of these kilowatts at Hanford is very important to us and to our entire State.

Mr. Speaker, I also think we ought not to miss the opportunity to point out the unique combination and cooperation which we have in our State between public power, private power utilities, and the Federal Government. This is a growing example of this cooperation, because in this instance we find the Bonneville Power Administration, the public utility districts such as the ones which I have spoken of, and, of course, the private power companies who are also investors in this reactor project.

So, Mr. Speaker, I am very happy to take this time to pay my compliments to those involved in the passage of this legislation and to thank the Members of Congress, including all of those who

are unable to be with us today, for their activities in this field and also to compliment the Snohomish County Public Utility District for their farsighted efforts as original participators in this action.

Mr. Speaker, today we are celebrating the production of the first power from the giant Hanford atomic powerplant in central Washington. As a citizen of Washington, where low-cost power has played a major role in developing our State's industrial economy, I am very happy to extend congratulations to my fellow Washingtonian, Owen Hurd, and all of his coworkers in Washington Public Power Supply System.

Our public utility districts started out as largely rural electric systems, delivering Federal power from the Columbia River dams to rural and domestic consumers. They performed this task so well, and provided the power users with electricity at such economical rates, that Washington people today enjoy a higher level of all-electric living than the people of any other State.

These small districts have grown along with the populations they serve. And they have had the courage to undertake projects of enormous size, looking toward the future growth of the State.

Hanford represents a major addition to the Northwest's power supply, conceived, financed, and built by many of these utility districts, joining together in our State's unique joint operating agency, Washington Public Power Supply System.

In my own district, I have observed what the coming of low-cost power has meant to the prosperity of its citizens. Rates for electricity in the Second District are the lowest in the Nation, and naturally our citizens use more electricity than almost anyone else in the United States.

Last year the demand for power in the district was more than a million kilowatts. In 20 years, this demand will quadruple—to 4 million kilowatts—or more than four times the capacity of the Hanford plant when it is completed.

Low-cost power has stimulated the growth of industry in northwest Washington. Anacortes and Ferndale now have large oil refineries; International Aluminum Co.—Intalco—is planning an expansion. Our pulp and paper mills, such as Georgia-Pacific, Scott, Simpson-Lee, and Weyerhaeuser will grow with low-cost power. Development of industry on the Olympic Peninsula will require an abundant supply of low-cost power.

I would like to note two examples to indicate how my district depends upon an ample supply of electricity at low rates.

In the Bellingham-Anacortes area, the economy historically has been based on lumber, fishing, and farming. As the Douglas-fir timber was cut, many of us began to feel concern for the future of the area. But pulp and paper mills, served by the investor-owned utility, expanded the use of hemlock, and spruce. Then came three big oil refineries, two at Anacortes, and one at Ferndale, all big oil users. Georgia-Pacific Corp. contracted for 16 kilowatts of Bonneville power for a chlorine and caustic soda plant, and last year Bonneville signed a contract with Intalco for 135,000 kilowatts to start one aluminum potline with an investment of $60 million. This potline will employ 400 persons directly and another 800 indirectly. Intalco is now planning a second potline, to be put into operation by 1967, with another $40 million investment and 230 additional direct jobs.

So the availability of low-cost power has enabled the Bellingham-Anacortes area to balance its economy, with pulp and paper mills, refineries, metals, and chemicals industry. These new industries give jobs to the people of the district and pay substantial State and local taxes.

In Snohomish County, the Snohomish County Public Utility District last year purchased all of its power supply—over 400,000 kilowatts—from Bonneville, more than any other utility district in the State. The district used about 20 percent of these power purchases to serve the big pulp and paper mills in the county—Scott and Simpson-Lee and Weyerhaeuser. These mills employ 3,100 persons directly and last year paid $2.7 million in State and local taxes. Low-cost power produced by the Federal Government and distributed to a progressive and well-managed public utility district have combined to bring to Snohomish County a stable industrial base which is of great importance to the economic well-being of the entire county.

The Hanford nuclear steamplant is now another welcome source of the power needed to keep the economy of the Pacific Northwest moving and growing.

According to the authorizing legislation which allowed this plant to be built, private power companies were to be given the authority to purchase up to 50 percent of the project's power output. The other 50 percent was to be sold to public agencies who before authorization, had already oversubscribed the project's power output 118 percent. This was later adjusted to 50 percent when 5 Northwest investor-owned firms agreed to purchase 50 percent.

It is interesting to me to note that a total of 76 utilities located in the States of Washington, Oregon, Idaho, and Montana, public and private, have purchased Hanford's power output. These 76 agencies represent nearly every utility in the Northwest. The unique financing and marketing arrangements which were necessary to allow this to be done, I believe, are almost as complex as the steamplant itself. For these arrangements are precedent setting and their success have demonstrated a practical means of integrating thermal power with the Federal hydro system to meet firm power requirements in a manner which will result in an equitable sharing of benefits and risks in a project of this type. And, keep in mind, this is the first project of this kind to be built in the Northwest.

According to the marketing agreements entered into between the supply system, the Bonneville Power Administration and the 76 power purchasers, the project's output is sold at cost to the purchasers, who, in turn, have agreed to exchange the nonfirm steamplant power to BPA for an amount of firm power, whose value at BPA rates would equal their payments to WPPSS. Under these arrangements, both private and publicly owned utilities participate together establishing a sound approach which has brought about a new, compatible and efficient concept of marketing electric power from non-Federal projects but in a manner which will provide the same benefits that a Federal project would provide.

Mr. Speaker, I include at this point in the RECORD, a listing of the Hanford electric generating project participating utility system:

HANFORD ELECTRIC GENERATING PROJECT PARTICIPATING UTILITY SYSTEMS

COOPERATIVES

Oregon

Blanchly-Lane County Cooperative Electric Association.
Central Electric Cooperative, Inc.
Columbia Basin Electric Cooperative, Inc.
Columbia Power Cooperative Association.
Consumers Power, Inc.
Coos-Curry Electric Cooperative, Inc.
Douglas Electric Cooperative, Inc.
Eastern Oregon Electric Cooperative.
Harney Electric Cooperative, Inc.
Hood River Electric Cooperative.
Lane County Electric Cooperative, Inc.
Midstate Electric Cooperative, Inc.
Salem Electric.
Surprise Valley Electrification Corp.
Umatilla Electric Cooperative Association.
Wasco Electric Cooperative, Inc.
West Oregon Electric Cooperative, Inc.

Washington

Benton Rural Electric Association, Inc.
Big Bend Electric Cooperative, Inc.
Columbia Rural Electric Association, Inc.
Inland Power & Light Co.
Nespelem Valley Electric Cooperative, Inc.
Orcas Power & Light Co.

Idaho

Clearwater Power Co.
Idaho County Light & Power Cooperative Association, Inc.
Kootenai Rural Electrification Association, Inc.
Northern Lights, Inc.

Montana

Flathead Electric Cooperative, Inc.
Lincoln Electric Cooperative, Inc.
Missoula Electric Cooperative, Inc.
Ravalli County Electric Cooperative, Inc.

PUBLIC AND PEOPLES' UTILITY DISTRICTS

Oregon

Central Lincoln Peoples' Utility District.
Clatskanie Peoples' Utility District.
Northern Wasco County Peoples' Utility District.
Tillamook Peoples' Utility District.

Washington

Public Utility District No. 1 of Benton County.
Public Utility District No. 1 of Chelan County.
Public Utility District No. 1 of Clallam County.
Public Utility District No. 1 of Clark County.
Public Utility District No. 1 of Cowlitz County.
Public Utility District No. 1 of Douglas County.
Public Utility District No. 1 of Ferry County.
Public Utility District No. 1 of Franklin County.

Public Utility District No. 2 of Grant County.
Public Utility District No. 1 of Grays Harbor County.
Public Utility District No. 1 of Klickitat County.
Public Utility District No. 1 of Lewis County.
Public Utility District No. 3 of Mason County.
Public Utility District No. 1 of Okanogan County.
Public Utility District No. 1 of Pacific County.
Public Utility District No. 1 of Skamania County.
Public Utility District No. 1 of Snohomish County.
Public Utility District No. 1 of Wahkiakum County.

MUNICIPALITIES

Oregon

City of Bandon.
Cascade Locks.
Drain.
Eugene.
Forest Grove.
McMinnville.
Milton-Freewater.
Monmouth.
Springfield.
Vera Irrigation District No. 15.

Washington

City of Cheney.
Coulee Dam.
Ellensburg.
Grand Coulee.
Richland.
Seattle.
Tacoma.

Idaho

Village of Bonners Ferry.

PRIVATE UTILITIES

The Montana Power Co.
Pacific Power & Light Co.
Portland General Electric Co.
Puget Sound Power & Light Co.
The Washington Water Power Co.

Snohomish Public Utility District is one of the member districts of Washington Public Power Supply System, and therefore has earned a great deal of the credit for taking part in the planning, financing, and construction of the Hanford plant.

With other districts, Snohomish Public Utility District accepted the challenge that was presented when Congress refused to authorize a Federal generating plant to use waste steam from the new production reactor at Hanford.

Joining with 15 other districts, Snohomish helped to finance the early engineering studies which resulted in a formal proposal to build the generating facilities. During the long fight in Congress to authorize the Hanford powerplant arrangement, all of the member districts of Washington Public Power Supply System gave time and money to the undertaking, without the certainty that they would be able to build the plant.

The member districts and many other consumer-owned electric systems agreed in writing to take the output of the Hanford plant before the $122 million bond issue could be sold to finance it.

It took courage, as well as foresight, on the part of these utilities to commit themselves and their consumers to something that appeared at times to be more dream than reality.

But Hanford is a reality today, and it is a tribute to the sponsoring organizations and, particularly, to the men who make up these organizations. They have every right to be proud of their accomplishment.

Mr. Speaker, I thank the gentlewoman from Washington for yielding.

Mrs. MAY. Mr. Speaker, I thank my colleague from Washington.

I think I should mention that we would be remiss if we did not mention our colleagues in the other body. I would like to make mention at this point that a special observance of the Hanford project is taking place in the other body today which will bring the Hanford Day successes to the attention of that body and, of course, the leaders in that discussion will be our senior Senator, Mr. MAGNUSON, and our junior Senator, Mr. JACKSON.

Of course, Mr. Speaker, congressional approval of the Hanford project was by no means the end to the hard work of Mr. Hurd, managing director of the supply system.

Now, the proposed and tentative commitments and agreements had to be fully executed, financing accomplished, engineering and design firmed up and schedule established before construction would be started. On September 26, 1963, President Kennedy visited the project site and before some 40,000 people broke the first earth marking the project's construction.

Construction of the project has lasted nearly 2 years and reached its partial climax on Tuesday, March 29, 1966, at 4:16 p.m., Pacific standard time, when nuclear steam was used for the first time to roll the first of two 400,000 kilowatt units. On Friday, April 8, 1966, at 5:52 p.m., the first nuclear-produced electricity was synchronized into the Northwest Power Pool and sent into the Bonneville system. This unit will undergo a series of tests and checks during the next several weeks. The second generating unit is expected to "roll" in June. It is expected that both units will begin full commercial operation in the fall.

Mr. HICKS. Mr. Speaker, will the gentlewoman yield?

Mrs. MAY. I will be delighted to yield to my colleague, Mr. HICKS.

Mr. HICKS. Mr. Speaker, at this point, if I may, I want to associate myself with the remarks of all of my colleagues here in the House that have gone on heretofore concerning this Hanford project.

Mr. Speaker, I, like my colleagues, am pleased to join in this discussion of the world's largest nuclear steam plant project. Much has been said about the role this plant will play in meeting the power supply needs of our region. Much has also been said about the other benefits this project will provide and about the manner in which it was constructed. Hanford certainly is a credit to us all. But, there is one point regarding the project that I would like to stress and that is this: the Hanford project makes sense on the grounds of national security. The dual purpose reactor, it has been pointed out, is unique in design in that it manufactures plutonium necessary for our nuclear armament program and, through utilization of the steam generated in the process of this plutonium production, it can produce electric power; and it can perform these functions singly or simultaneously. In other words, as has been pointed out, this dual purpose reactor is both a plowshare and a sword.

Let us suppose, Mr. Speaker, that the day finally arrives when we reach an effective arms control agreement, the type of agreement which would call for an end to the production of plutonium. This reactor and our other production reactors would then stop producing plutonium for weapons but, in the case of the new production reactor, it would be continued to be operated for power production and thus, our investment in it would be protected. Let us suppose further that the arms agreement was broken. In such an event, the dual purpose new production reactor could, in a matter of hours and at a minimum of cost, be put back to work producing plutonium. Several other nations including Russia have dual purpose reactors in operation. The new production reactor is our country's first dual purpose reactor. It gives me, personally, a greater feeling of security to know that in this nuclear age of ours we have matched Russia in this field and so, I point out again, Mr. Speaker, that the addition of the Hanford nuclear steam plant has made a substantial contribution, in effect, to our country's national security. Also, it has enhanced greatly our country's prestige amongst the free world nations. I believe this is another factor in this monumental facility that we cannot afford to overlook.

Mr. Speaker, I thank the gentlewoman from Washington for yielding.

Mrs. MAY. I thank the gentleman for his remarks.

Mr. Speaker, I ask unanimous consent that the gentleman from Washington [Mr. ADAMS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

Mr. ADAMS. Mr. Speaker, it is with a great deal of pleasure that I join my colleagues in the House of Representatives and the Senate in acknowledging the initial power contribution of the Hanford steamplant to the Bonneville Power Administration system.

It was just 3 years ago that contracts were signed by the Atomic Energy Commission, the Bonneville Power Administration, the Washington Public Power Supply System, and 76 public and privately owned utilities, which led to the building of the world's largest nuclear powered steamplant. The initial contribution to the system this month of 200 megawatts of power, although the Hanford project is still in the construction phase, is the first step toward an eventual supply of 800,000 kilowatts. This power will be vital to the Nation, and particularly to the citizens of the Pacific Northwest, in meeting the challenges of industrial and population growth.

The Pacific Northwest is approaching an era of change in the generation and distribution of electrical power. Within the next decade we must begin supplementing our hydroelectric power. The recent national power survey by the Federal Power Commission shows that, in the future, new nonhydro sources of electrical energy will have to be developed to keep pace with the growing Northwest.

This does not mean, however, that we are witnessing the final stages of hydroelectric development in the Northwest. A number of sites remain which can—and should—be developed and integrated into the Columbia River power system.

The Hanford project is the first step in the eventual diversification of power generation in the Northwest. According to the Federal Power Commission, by 1980, the Northwest will be using electrical power produced by more nuclear plants, plus coal burning facilities, and that supplied by further development of our hydroelectric sites.

The challenge for the Northwest today is to plan for the transition from what has been primarily a hydroelectric system to one of diverse generation methods. Hanford represents the first major response to the challenge of diversification, and with careful, reasoned planning the citizens of the Northwest will continue to enjoy the benefits of abundant, low-cost power from future nuclear plants. We are fortunate to be in a situation where the problem is well defined in advance. There will be no necessity for stopgap or emergency measures; the future, not the present, will guide power planning in responding to the challenge of diversification.

It is important to note that the Hanford dual-purpose project, which includes the production of plutonium and electric power, represents an encouraging step toward public and private power cooperation. While the Washington Public Power Supply System is building the generating facilities, the power produced will be available on an equal basis to public and private power utilities. This is of particular importance for the people who live and work in the Seventh Congressional District, which I represent. My district is served by both public and private power utilities. The benefits of increased power availability will be shared throughout the district, and its people may continue to expect an abundant supply of reasonably priced electric power as a result of the cooperation shown by all those who are participating in the Hanford project.

Hanford is more than just a power producing project. If Congress had not had the foresight and judgment to authorize the dual-purpose facilities, the steam produced in the production of plutonium would have been disposed of as waste into the Columbia River. By putting this waste steam to work in producing electric power, the Hanford project is conserving a valuable natural resource. The utilization of this resource is in harmony with all the principles of resource conservation, which the people of the Pacific Northwest have followed in the development of river basins and forest lands.

The Hanford dual-purpose project is the realization of fruitful utilization of our energy resources, and it is also a demonstration of our Nation's leadership in developing the atom for peaceful purposes. In the event of a future disarmament agreement which suspends the production of nuclear weapons material, the Hanford facility will not be lying idle. This valuable asset which has served us well in building our defenses will continue to be used for peacetime purposes.

On behalf of the people of my district, I would like to congratulate those people who made it possible to construct the world's largest nuclear powered steamplant. The citizens of the Pacific Northwest owe a debt of gratitude to Owen W. Hurd, the managing director of the Washington Public Power Supply System, and to those Members of Congress who labored to make the Hanford project a reality.

Mrs. MAY. Mr. Speaker, it was my pleasure to tour the Hanford plant last fall, and I can certainly agree as to the impressive size of this project. It is huge, and again, the construction of the world's largest nuclear steam plant project, in itself, is testimony to the ingenuity of American know-how.

No discussion of the Hanford project would be complete without paying tribute also to the many leaders of the Tri-City area of Washington who went all out to make Hanford possible.

Glenn C. Lee, publisher of the Tri-City Herald, made Hanford a crusade; he assigned his top man—Managing Editor Donald A. Pugnetti—to devote as much time as necessary to digging into the facts of the Hanford proposal and to cover its progress in Washington. For his outstanding work in reporting on the Hanford fight, Mr. Pugnetti won the 1962 Thomas L. Stokes Award, given each year to a newspaperman writing on natural resources or energy policies in the tradition of the late columnist.

Mr. Pugnetti's award citation declared that his news stories and editorials "were instrumental in bringing about congressional approval of the use of waste steam from the giant Hanford reactor for the generation of electricity."

In his vigorous, imaginative, and persistent pursuit of the public interest against long odds and entrenched opposition, Pugnetti acted in the best traditions of Tom Stokes, which the annual Stokes Award seeks to commemorate and perpetuate—

The distinguished panel of judges declared.

So too, did his paper and its publisher Glenn C. Lee, and we commend them for it.

Mr. Speaker, I ask unanimous consent at this point in the RECORD to include an editorial that appeared on April 14 of this year, in which the Tri-City Herald paid tribute to its own Mr. Hurd, the managing director of the Washington Public Power Supply System.

The SPEAKER pro tempore (Mr. PEPPER). Is there objection to the request of the gentlewoman from Washington?

There was no objection.

The editorial referred to follows:

NUCLEAR KILOWATTS

Sometimes words are inadequate. So they were for the successful test of the first generator for the Hanford steamplant.

How can you describe the hopes and dreams, the frustrations and the triumphs, the planning and the work that go into such a great project?

It is sufficient, perhaps, to Owen Hurd, managing director of Washington Public Power Supply System, and the many, many others who have had a hand in building the world's largest dual-purpose reactor, that everything seems to be working properly and that the end appears in sight, at last.

The problems—political, economic, engineering and human—which have been met and solved can only be guessed, they cannot be detailed.

The idea of building a reactor that could produce both plutonium and steam to turn turbines for generating electricity was conceived nearly 10 years ago.

Mr. Hurd only touched on the long gestation when he said:

"With the generation of the first nuclear power, several years of legislative battling, months of construction involving numerous first-of-a-kind problems and many anxious moments were culminated."

There will be more problems before both generators begin full production for the Northwest. But it's doubtful any in the future can be half so troublesome or worrisome as those already met and overcome.

The Tri-Cities, the Northwest, and the Nation can be proud of the Hanford steamplant. So can the Washington Public Power Supply System.

Its success in building the world's largest atomic power plant makes the Washington Public Power Supply System the logical choice to build the Northwest's next nuclear plant—at Hanford of course.

Mrs. MAY. Mr. Speaker, I hasten to add that many other individuals and groups in the Tri-Cities area and throughout the State of Washington gave their support to the project. The Chambers of Commerce of Richland and Pasco in the Tri-Cities area fought for Hanford and rallied support that was most effective. Prominent newspapers throughout the area rallied in support of the project.

Hanford will play its part in keeping the power flowing as it is needed, and the entire region will benefit as a result.

It is a matter of particular pride to me that the Hanford fight was a bipartisan effort, and that the tough-minded decision to utilize a resource, the waste steam from AEC's reactor, came as a result of concern for the public interest, without regard to the pressures that were generated during the controversy.

This is a tribute to the foresight of Congress, as well as to the thousands of people of all political persuasions who gave their full support to this great project.

Mr. Speaker, I say without hesitation that if I can point to any one reason why this project was authorized it would be because of the fact that the people of the Northwest and throughout the Nation who knew the importance of this project and realized its need would simply not let our elected representatives turn it down. Today their faith in us and our legislative processes have been justified. The project which was once a

dream, is now a productive reality. It was built for the people, by the people through the Washington public power supply system. And the Federal Government did not lend or give a single penny to help it along. Today, this plant is working, justifying all the feasibility reports which were made on it previously. It is benefiting our State, region and Nation not only through its contribution in meeting the present and future power supply needs of the Northwest, but through the contribution this nuclear age facility is making to the prestige of our Nation throughout the free world.

Again, we can take pride in the fact that we played a part in providing a significant advancement in our country's efforts to develop the peaceful purposes of the mighty atom.

Mr. Speaker, I ask unanimous consent that the gentleman from Oregon [Mr. WYATT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Washington?

There was no objection?

Mr. WYATT. Mr. Speaker, the introduction of power from the Hanford stream plant into the electrical grid of the Bonneville Power Administration this month is a historic occasion. Although I was not in Congress at the time of the authorization of construction of this facility by the Washington public supply system, I am proud of the fact that the Northwest delegation gave this project its full support, regardless of party.

Gov. Mark O. Hatfield was a strong supporter of the Washington public supply system plan. He pointed out in a letter to Republican Congressmen of other States that Hanford was neither a Republican versus Democratic issue, nor a private power versus public power issue. He said:

> Both parties have a moral obligation to prevent the waste of our national resources. This is the basic issue involved in the Hanford proposal. It is not a question of public versus private power, but of power or no power. It therefore becomes a moral issue of utilizing or wasting a resource. Favorable action would assure full public and private benefits, conserve wasted energy, and enhance the important fishery resource.

Today Hanford is a reality because of this unified effort aimed at insuring that a national resource was not wasted.

Washington columnist A. Robert Smith summed up the story following congressional approval, and concluded:

> The moral of all this is probably that the Northwesterners, working with bipartisan cooperation, won out in the end because they showed political craftsmanship of a high order and resisted all temptations to stand up and beat their breasts indignantly about the terrible forces arrayed against them.
>
> The triumph of the Hanford project was probably the best example of legislative statesmanship affecting the Northwest since Congress enacted the Alaskan statehood bill 5 years ago.

Mrs. MAY. Mr. Speaker, I ask unanimous consent that the gentlewoman from Oregon [Mrs. GREEN] may extend her remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

Mrs. GREEN of Oregon. Mr. Speaker, the authorization and construction of the Hanford project—the world's largest nuclear powerplant—is an achievement of significance not only for the Northwest but also the Nation.

President Kennedy recognized this fact when he signed the AEC authorization bill in 1962. A strong supporter of the Hanford project, the President noted during the White House ceremony the action of Congress making it possible for steam produced at AEC's new plutonium production reactor to be transformed into electricity and distributed to the homes and factories of the Pacific Northwest. He stated:

> It is a source of great satisfaction to me that a way has now been opened for the efficient utilization of this energy resource for the benefit of this growing region. To have permitted this resource to be wasted would have been in conflict with all principles of resource conservation and utilization to which we are committed.

President Kennedy pointed out to those present at the White House that Hanford represents a project for peacetime application of atomic energy. And he said:

> It will give the United States a freer margin for superiority in the peacetime use of atomic energy. I think it will benefit, in that way, the entire country, north and south and west, so I want to compliment those Members of Congress and the Joint Committee and the Interior Committee and others who have played an important role in the great passing of this legislation. I particularly congratulate CHET HOLIFIELD and Senator JACKSON for their part in this effort.

What are the benefits of the Hanford project? President Kennedy summed them up when he declared:

> The proposal of the Washington public power supply system to utilize the Hanford steam for the production of power presents an opportunity, clearly in the public interest, to obtain the maximum benefits from the public investment already committed for this facility and to demonstrate national leadership in resources development while furthering national defense objectives.

The President declared:

> The arrangements contemplated by this legislation will provide assurance that the interests of taxpayers, consumers, and other producers of electric power will be adequately protected.
>
> Enactment of this legislation is a highly significant achievement, and the Members of both Houses of Congress—in particular the members of the Joint Committee on Atomic Energy—are to be congratulated on the success of their unremitting efforts to bring about the utilization of the major national resource represented by the byproduct energy of the Hanford reactor.

Mr. Speaker, I ask that the complete text of President Kennedy's remarks be incorporated in the RECORD at the conclusion of my remarks.

Hanford is a notable landmark in the history of conservation of energy. It will be remembered in the same way that Bonneville and Grand Coulee are remembered—as part of the continuing struggle to insure that our national resources are put to their highest use. I am proud to have played a part in making the Hanford project a reality.

REMARKS OF THE PRESIDENT UPON THE SIGNING OF H.R. 11974, ATOMIC ENERGY COMMISSION 1963 AUTHORIZATION BILL (HANFORD REACTOR)

I am pleased to sign H.R. 11974, the Atomic Energy Commission 1963 authorization bill.

One portion of this legislation—for which we have waited for quite some time—will make it possible for the steam produced by the Hanford new production reactor to be transformed into electricity and distributed to the homes and factories of the Pacific Northwest.

It is a source of great satisfaction to me that a way has now been opened for the efficient utilization of this energy resource for the benefit of this growing region. To have permitted this resource to be wasted would have been in conflict with all principles of resource conservation and utilization to which we are committed.

This project is for peacetime application and atomic heat for electricity which will produce a million kilowatts, approximately. It will be four times larger than any other project in the world. It will give the United States a freer margin for superiority in the peacetime use of atomic energy. I think that it will benefit, in that way, the entire country, North and South and West, so I want to compliment those Members of Congress and the Joint Committee and the Interior Committee and others who have played an important role in the great passing of this legislation. I particularly congratulate CHET HOLIFIELD and Senator JACKSON for their part in this effort.

As I stated in my letter of July 13, 1962, to Chairman HOLIFIELD, of the Joint Committee on Atomic Energy, the proposal of the Washington Public Power Supply System to utilize the Hanford steam for the production of power presents an opportunity, clearly in the public interest, to obtain the maximum benefits from the public investment already committed for this facility and to demonstrate national leadership in resources development while furthering national defense objectives.

The arrangements contemplated by this legislation will provide assurance that the interests of taxpayers, consumers, and other producers of electric power will be adequately protected.

Enactment of this legislation is a highly significant achievement, and the Members of both Houses of Congress—in particular the members of the Joint Committee on Atomic Energy—are to be congratulated on the success of their unremitting efforts to bring about the utilization of the major national resource represented by the by-product energy of the Hanford reactor.

Congratulations to all those involved.

Mrs. MAY. Mr. Speaker, I ask unanimous consent that the gentleman from Oregon [Mr. ULLMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

Mr. ULLMAN. Mr. Speaker, as we celebrate the completion of the Hanford powerplant here today, I am sure that many Members of the House are remembering the long and discouraging struggle which preceded the authorization of this project.

A good many of us recognized the need for some practical application for the vast quantities of steam which would be produced by the Atomic Energy Commission's new production reactor, which was authorized in 1958. In the process of splitting the atom, this reactor creates enormous quantities of heat which represents raw energy.

It was proposed that this steam be utilized in a new Federal steam generating plant, to be operated in conjunction with the reactor. When sufficient support for a Federal plant could not be mustered in the House in 1961, it appeared that the steam would simply be dumped into the Columbia River—a waste of raw energy of enormous proportions.

The members of Washington Public Power Supply System, all operating public utility districts, came up with their plan to build the Hanford project, pledging their own funds and credit, in order to use this waste steam for a constructive purpose. Certainly all of us here in the House owe a debt of gratitude to these progressive and public-spirited utility operators.

Next, the congressional Joint Committee on Atomic Energy, under the leadership of the gentleman from California [Mr. HOLIFIELD], gave its active support to the proposal. With the economic feasibility of the plan firmly established by studies conducted by the Atomic Energy Commission, Hanford supporters went to work to win the approval of Congress.

Most of us remember the many rollcall votes on the Hanford issue here in the House, as the Senate continued to support the project and the House failed, by small margins, to vote the necessary authorization. The tug-of-war continued during the long, hot summer of 1962 and it was not until September of that year that the House approved legislation permitting AEC to enter into the proposed contract with Washington Public Power Supply System. The legislation stipulated that 50 percent of the project's output should be offered for sale to private utilities and 50 percent to public agencies. Although some of the private utilities, nationwide, fought the authorization of Hanford while it was in Congress, it is gratifying to know that the utilities of the Northwest have joined the effort by agreeing to purchase a portion of the power output. Not all of the private utilities seem to believe that public power is poisonous, at least not after it has been purified by being intermingled with the private variety which they themselves produce.

It took a great deal of courage for a group of 16 public utility districts, some of them quite small and serving sparsely populated areas, to undertake a project of the magnitude of Hanford, and in case some of the doubters who thought in 1962 that it could not be done are still around, I want to thank Owen Hurd and the rest of the Washington Public Power Supply System people for making it possible for me to say, "I told you so."

While the Hanford plan had some enemies, it had some very good friends, including President John F. Kennedy, who supported the project through the summer of 1962 and signed it into law in September of that year. A year later, President Kennedy personally visited the Hanford site, waved an atomic wand, and started an unmanned crane which moved the first shovelful of earth for the project's construction. I was proud to have the privilege of being with him on that occasion.

Hanford will provide many benefits to the Pacific Northwest and the Nation, in addition to the supply of low-cost power which is its primary purpose. It can serve as a technical training ground for nuclear powerplant operators and technicians of the future; it can demonstrate the feasibility of large-scale nuclear units in integrated, predominantly hydroelectric systems.

Not the least of its benefits will be the sense of pride which the American people can feel in this plant, the largest nuclear powerplant in the world.

And I personally take a good deal of pride in prudent management of resources, which I believe is involved in this development of economical electric power, using byproduct steam—a resource which almost was wasted.

Hanford has demonstrated a new kind of joint action in the electric utility industry and, although it is not in itself intended as a model for other developments—involving as it does a unique situation—I believe it does indicate that there are many types of agreements and arrangements which can be called into use where there is determination to get a job done.

It is perhaps the resourcefulness of the Hanford sponsors which offers the best model for future joint efforts by utilities which involve Federal, non-Federal public, and private power entities. New techniques and mechanisms will be needed as our electric industry becomes more and more interconnected and interdependent, and the Hanford project has indicated that it is possible to develop arrangements which protect all parties concerned—and this includes the American consumers, who are most directly concerned of all.

Mrs. MAY. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. PRICE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

Mr. PRICE. Mr. Speaker, the first unit of the Washington public power supply system's Hanford steamplant began producing power on April 8. It was a milestone event in a decade-long struggle to put waste heat to work at AEC's new plutonium production reactor.

If any single Member of Congress deserves credit for this achievement, I believe that it is the distinguished gentleman from California, the chairman of the Joint Committee on Atomic Energy, CHET HOLIFIELD.

CHET HOLIFIELD, believed in the dual-purpose concept of Hanford. He encouraged the technical and economic studies which were necessary to insure its feasibility. He stimulated the interest of others in this worthwhile project. He fought for the conservation principles involved. He laid his reputation on the line to secure congressional approval. He never gave up in his efforts to secure authorization.

This month's production of power at Hanford is, in a way, a personal accomplishment for CHET HOLIFIELD. He helped engineer this project in the areas where the problems were the most difficult. He succeeded in convincing a majority of his colleagues that he was right, and he got a number of them to actually change their minds in the face of previous record votes.

Hanford is in large measure a monument to CHET HOLIFIELD. Because of his continuing, and unrelenting work, it is today a reality.

The two units at Hanford have a combined capacity of 800,000 kilowatts during the use of the AEC's new plutonium production reactor for the production of weapons grade plutonium and other products. Should AEC decide not to continue use of the new power reactor for such purposes, Washington public power supply system would lease the new power reactor and continue its use for the production of power, in which case the output would be increased with a power-only capability of 860,000 kilowatts.

Although nuclear plants with a greater capacity than the Washington public power supply system Hanford steam plant are planned, it is expected that its distinction as the world's largest will be retained for several years.

The modifications and additions to the AEC convertible new power reactor to achieve optimum power production have been made by Washington public power supply system at a cost expected to exceed $12 million and at no expense to the Government. In addition, Washington, public power supply system purchases the waste byproduct heat from the new power reactor. Steam payments by Washington public power supply system to the AEC will amount to $30 million in the first 10 years of dual purpose operation and $6.7 million per year thereafter.

The Hanford steam plant transmission lines required for integration with the Northwest power pool and new power reactor additions and modifications were financed by a Washington public power supply system $122 million revenue bond issue secured by contracts with both Northwest public and private power distributors. Through exchange arrangements with the Bonneville Power Administration, the power output of the Hanford plant has resulted in an addition of 900,000 kilowatts of dependable power to the region and will exceed 1 million kilowatts during new power reactor power-only operation.

Hanford is an outstanding example of cooperation of Federal and local public agencies which has achieved many benefits to the Nation, the region, and the local community through utilization of an energy resource which would have otherwise been wasted.

The people of the Hanford area, the Pacific Northwest, and the Nation, owe CHET HOLIFIELD a debt of gratitude for

his statesmanlike activities on their benefit in generating the support necessary to bring into being this worthy project.

REPORT ON VIETNAM

The SPEAKER pro tempore (Mr. PEPPER). Under previous order of the House, the gentleman from New York [Mr. STRATTON] is recognized for 60 minutes.

Mr. STRATTON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

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

There was no objection.

Mr. STRATTON. Mr. Speaker, during the Easter recess a special subcommittee of the Committee on Armed Services made an on-the-spot inspection trip to the combat fronts of Vietnam. I had the honor to be chairman of that group, which included the gentleman from Michigan [Mr. CHAMBERLAIN], the gentleman from California [Mr. LEGGETT], the gentleman from Vermont [Mr. STAFFORD], and the gentleman from Washington [Mr. HICKS]. Our visit was directed by the distinguished chairman of our full committee, the gentleman from South Carolina [Mr. RIVERS], in line with a continuing policy of our committee to keep ourselves fully and currently informed of the progress of all our military activities in Vietnam. Specifically, Chairman RIVERS requested our subcommittee to pay particular attention to our river patrols, our barrier patrols, the development of port and airfield construction, troop morale, the adequacy of equipment, ammunition, and clothing, and any research and development projects that ought to be accelerated to meet urgent needs of our forces in Vietnam.

Carrying out Chairman RIVERS' assignment, our subcommittee left Friendship Airport on Thursday, April 7, and returned to Dulles in the early hours of April 19, having spent slightly more than 10 days on our journey. Of those 10 days, 4 were spent in South Vietnam, 2 in Thailand, and the remaining 4 in transit to and from southeast Asia. Because of the political demonstrations that had been taking place in parts of South Vietnam before we were scheduled to leave, Ambassador Lodge expressed some concern about the safety of our group and suggested that the visit might be postponed until conditions had been stabilized. Chairman RIVERS, however, felt that the visit was most essential if the full committee was to discharge its constitutional responsibilities properly, and arrangements were finally worked out so that the subcommittee concentrated its attention entirely on military activities in the field and completely avoided both Saigon and Da Nang.

During the course of our 4 days in South Vietnam we traveled partly by plane but mostly by armed helicopter. We visited all four major Vietnamese Army Corps areas, two special forces camps, three separate American Army divisions in the field, including one that was then engaged in jungle combat operation, inspected a major portion of the area being held by Marine Corps forces, inspected the brilliant South Korean combat division now fighting in Vietnam, spent a night on board the carrier *Enterprise*, inspected the huge American supply base at Cam Ranh Bay, visited six major tactical airfields, including the field at Tan Son Nhut the day after the recent Vietcong mortar attack, accompanied the Navy and the Coast Guard on a demonstration of river patrol tactics, spent one night with American troops in the field while artillery shells whizzed overhead, and visited a major field hospital.

During this period we also conferred with two Vietnamese corps commanders, and one Province chief, with the assistant commander of the Republic of Korea's crack Capital Division, with three American division commanders in field command posts, with the general in command of our military supply operations at Cam Ranh Bay, with the deputy commander of all our air operations in Vietnam, and with the admiral in charge of our Navy carrier operations. We also conferred in the field with Lieutenant General Walt, commander of the Marine Amphibious Force, and visited several Vietnamese hamlets in company with him. General Westmoreland came from Saigon to the Bien Hoa Air Base to confer with us for more than 2 hours. On the way out to Vietnam we met for 2 hours in Honolulu with U.S. Pacific Commander, Adm. U. S. Grant Sharp and his full staff.

In Thailand we met with Gen. Joseph Stillwell, commander of the Military Assistance Command, Thailand, and with the U.S. Ambassador to Thailand, Mr. Graham Martin, the U.S. Ambassador to Laos, Mr. Richard Sullivan, and the U.S. Ambassador to the Philippines, Mr. William Blair. In Japan on the way back we also met for an hour with Ambassador Edwin O. Reischauer. Besides these individuals the subcommittee talked with a large number of American soldiers, sailors, and airmen of all ranks, as well as with Vietnamese military and civilians, in various locations and assignments.

Mr. Speaker, a good deal has been happening in recent weeks in Vietnam, and judging from what has been said here in the House and in the other body, these events have caused some concern as to our position in Vietnam. Without going into all the details of the various matters on which our subcommittee has been asked to report in detail to Chairman RIVERS and the members of the full committee, members may find of interest some of the general observations and conclusions which our group arrived at as a result of our rather extensive survey of Vietnam.

I think I speak for all the members of our group, Mr. Speaker, in saying that we have come back from southeast Asia tremendously impressed with the progress of the fighting there and with the prospects for achieving a satisfactory solution to our problems there.

The war in Vietnam is going very well indeed, much better in fact than most of us realize in just reading the day-to-day press accounts. We have been losing sight of the forest for the trees, I am afraid. We have had our attention called to one specific battle after another. But we have been missing the most essential news, which is that our forces are giving an excellent account of themselves, and have clearly begun to break the back of the Vietcong aggression in all parts of South Vietnam. The area controlled by friendly forces has dramatically increased. The oil spots are very definitely spreading. Many of the highways and other lines of communication are now being opened up. What is even more important, the vast underground network of tunnels and hidden sanctuaries, even ringing the capital at Saigon, from which the Vietcong have operated with impunity for years, is now being successfully broken up and disrupted by the aggressive, persistent, and increasingly more shrewd and ingenious application of American and allied military power.

Make no mistake about it, we certainly can win this war in Vietnam and we are winning it. And I am convinced myself that we will win it a whole lot sooner than many of us now think possible. There are, of course, enemy sanctuary areas that have not yet been penetrated. There may be more enemy attacks to come. The infiltration routes from the north have not yet been fully interdicted. We may even need still more American troops to wind up the job more quickly. But it is now perfectly clear that our forces have largely taken over the initiative. We are building up the steady momentum of victory. The enemy's elaborate military organization has been seriously disrupted. We must certainly make sure that we press this present advantage fully and quickly through to a successful conclusion. Let us make clear our view that the Vietnam war is not, as some have suggested, an open-ended situation in Vietnam. We are not the French in Vietnam and the sooner we realize that fact the better. Our position is vastly better than theirs.

Contrary to popular impression, the Vietcong forces are not just a ragtail outfit of poorly armed and poorly equipped soldiers, carrying only a rifle and a small bag of rice. These forces are carefully organized, very fully supplied, mostly with Red Chinese and Soviet weapons, even carrying several changes of uniform or disguises. They are supported by vast underground staging and rest and rehabilitation networks. In these tunnel structures are located elaborate military hospitals, with top-grade surgical instruments, and even printing presses for turning out propaganda material. But we have met this force, Mr. Speaker. And we are today outthinking and outguessing them, even at their own special game of guerrilla warfare.

One of the items on which Chairman RIVERS asked us to report specifically, was the adequacy of our equipment in Vietnam. To answer this question we visited our major supply bases at Cam Ranh Bay and we questioned almost every officer or man we met on the matter of shortages. We have been hearing

a lot lately, Mr. Speaker, about possible shortages in Vietnam. Let me say that our committee, searching as carefully as possible, could find no serious shortages in Vietnam, none certainly that have impaired our combat capabilities or washed out combat missions. On the contrary, our supply situation is moving along with amazing success. A few months ago ships were backed up for weeks waiting to come alongside to be unloaded in Cam Ranh Bay The day we were there there was one pier berth actually unoccupied at the base. As anybody knows who has had any practical experience with warfare, you cannot always put your hands, at every moment in every possible location, on all the items you might like to make use of. Some things run out more rapidly than others, and have to be resupplied. You may find yourself using one kind of ammunition more rapidly than some other. Vietnam is no exception to this rule. Some items have occasionally been in short supply in some locations. But these shortages have only been temporary. The problems have been mostly in distribution or unloading. Adjustments have occasionally been made, and schedules, shifted around but the job has continued. What was truly amazing to the committee was the remarkable speed with which we have built up our supplies to the present level so as to support a vastly increased troop commitment. This has been another remarkable American achievement, and we can be justly proud of it.

Of course, Mr. Speaker, as we all know, the problem we face in Vietnam is not exclusively a military problem. The military aggression of the Vietcong, masterminded and directed from North Vietnam, must be broken as we are now in the process of breaking it, with increasing speed and effectiveness. But South Vietnam will not be completely free and secure until an orderly society can be created there, and a start made on building a stable economy and political structure. This is the "other" Vietnamese war to which Vice President HUMPHREY has recently referred. How did our subcommittee find that other war progressing?

Clearly, it will take a longer time to win this other, nonmilitary war. The problems which face any South Vietnamese Government are monumental, as indeed they are in almost any other Asian nation. The jobs to be done in ending poverty, improving education, wiping out disease, creating an effective working democracy are, indeed, staggering in their scope. Headway is being made in this war, too, but it will not be completely won this week or this year, or perhaps for many a year to come.

But it was the firm impression of our subcommittee that there has been a tendency here in America to overlook the clear distinction that exists between the military operations against the Vietcong, now progressing so successfully, and the longer, tougher, essentially civilian job that lies ahead of building, indeed, creating, a free society in Vietnam. Because the problems of building this free society almost from scratch are so obviously vast and could take so long to solve completely, we have been inclined to think that the war itself is equally interminable, something that could possibly go on and on for years without any end. That, our subcommittee believes, is a serious and dangerous mistake to make, one that could undermine the support which our forces in the field deserve to have from us back here at home.

As I have already said, we believe we can win the military war in the foreseeable future. This will not, of course, automatically solve all the remaining questions of public order, economic prosperity, and representative democracy. But it is not correct to suggest that until all those problems have been solved the military victory itself cannot be won. If the American people can understand that the military war, in which we are primarily involved, is being won and that our fighting men need not be bogged down indefinitely in Vietnam until the last economic and political problem has been solved, then I believe they will be far more willing to give our commitment there the fullest and most enthusiastic support.

In the military war our forces are taking, as I have indicated, an increasing share of the leadership and responsibility, with the results we have already noted and with a successful conclusion, the so-called light at the end of the tunnel, clearly in sight. But when it comes to the other aspects of Vietnam—maintaining local security and order, building a successful economy, establishing a working democracy, then we can and must look primarily to the Vietnamese forces and people themselves to take over the major burden of the job. Of course, we will have to continue to help them in this. But we should also be able to look toward other agencies, the United Nations perhaps and other Asian countries, Japan, for instance, that has had such dramatic economic success, giving South Vietnam substantial help and assistance.

I do not think we need to be too disturbed at the prospect that it could take some time before all of these security and economic and political problems are solved in Vietnam. After all, even here in America we have not entirely solved our problems of poverty and general education. And there are still American cities in which one cannot feel completely safe and secure walking down the street at night.

At the present time American forces in Vietnam are engaged chiefly in search-and-destroy missions against the Vietcong. We sweep through an area and rout out all the Vietcong personnel and installations we can find. But because of limits in the total personnel available, we cannot remain indefinitely in all these areas—not just searching and destroying but also clearing and holding, as it is called. Thus when our forces finally do pull out, we can expect that the Vietcong may move back into the searched area and constitute a renewed threat. Does this mean then that we face an impossibly revolving threat which can only be fully countered when there are enough forces available to us to sit indefinitely in all key areas in South Vietnam? We do not believe this is the case. Combat commanders reported to us that once an area has been subjected to a thorough search-and-destroy operation, even though friendly forces might later move out of the area, the nature of Vietcong activity thereafter does not revert to the same level as before the initial search-and-destroy activities were undertaken. And the extent of Vietcong aggression can be further reduced by maintaining systematic patrolling in these areas.

This would suggest, therefore, that once the Vietcong aggression has been crushed, it will be possible to shift the burden of local security, of holding the areas that have been once cleared of Vietcong, to the Vietnamese forces themselves. Eventually this shift could also mean a substantial shift in the character of our own military commitment in Vietnam, as we move from purely military operations to the longer jobs of "pacification" or "rural reconstruction" or "revolutionary development." In that connection we were most impressed with the job the South Korean Capital Division has been doing in this regard. They have done a magnificent fighting job. They are also doing a magnificent job of aiding and assisting the civilians in the area of their responsibility.

Mr. Speaker, much has been said in recent weeks about the impact of the recent Buddhist riots in Vietnam on our current military commitment. A number of individuals, many of them very distinguished, have been quoted as saying that if the Vietnamese Government asks us to get out of Vietnam then we ought to get out.

In my judgment, we make a serious mistake in talking about getting out of Vietnam, in the light of what necessarily must be at best, very hypothetical circumstances. Talk of getting out is bound to have a defeatist effect, not only on our forces in the field but also on the people here at home. It is especially disturbing to hear it suggested at the very time when our military operations are progressing so successfully.

Mr. Speaker, I want to conclude by saying how much all of us were impressed by General Westmoreland. He is an outstanding officer and we are extremely fortunate to have him on the job in Vietnam. The high morale of all American troops in his command, the highest perhaps in our military history, is a great tribute to his leadership and personal dedication to the complex task our country faces there. One occasionally hears disparaging remarks about the nature of the "military mind." Let me say that if General Westmoreland is any example, let us just hope we have a lot more military minds. Here is a man with a firm, clear grasp not just of military matters, but the whole tangled web of interrelated cultural, economic, and political factors involved in South Vietnam.

I also want to add a special word of commendation for General Walt of the Marine Corps. He is a vigorous, inspiring field commander, with the utmost devotion of his troops. His interest in

the Vietnamese people is the kind of leadership we need.

After speaking with General Westmoreland and General Walt, our committee came back home with the feeling that perhaps we have been regarding Vietnam too much as a problem and too little as a great opportunity. Here, after all, is a most challenging task, to help a country get on its feet and grow into a prosperous and self-determined democracy, to solve the complex problems that attend the emergence of any new nation, and to use our power and our influence to give freedom one more genuine foothold in the Asian hemisphere. This, after all, is what we in America have always tried to do down through our history, to use our resources and energy not merely to enjoy freedom for ourselves here at home but to help others enjoy the same benefits and privileges we enjoy in other corners of a rapidly shrinking world.

Seen in this light, Vietnam is something that can well call forth the very best in our Nation and in our people, and present a challenge to which we can rise to prove that American ideals and objectives are still more vigorous, more stable, more productive, and more fundamentally rewarding than those espoused by any other form of government in the whole world.

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

Mr. STRATTON. I am very happy to yield to my distinguished colleague from Michigan, a very valuable member of our subcommittee.

Mr. CHAMBERLAIN. Mr. Speaker, I thank the gentleman. I would like to say at the outset that I have listened with great interest to what the gentleman from New York has had to say. I feel he has made a very thorough report of our activities during the Easter recess. I would particularly like to commend him for the manner in which he discharged his duties as chairman of our subcommittee. I was proud to be with him on this mission at all times. I would also say not only to the chairman of our subcommittee but with respect to the other members as well that our business was carried on with objectivity and with absolutely no political considerations from the time we left until we returned. As far as this war is concerned, this was not a Republican and Democratic committee out there. This was a red, white, and blue committee visiting our troops in the field.

There are a few things the gentleman from New York made reference to that I would like to underscore. What he has said about the talk we occasionally hear about "getting out" is what I have reference to. I subscribe wholeheartedly to the gentleman's statement. I would say this in addition thereto: While we were in Thailand we talked with our military people there. We were told the situation is growing worse in that country. I am satisfied that we are going to have to face the threat of Communist aggression if not where we are grappling with it now successfully, then later in Thailand. We are told incidents are increasing and terrorist activity is being stepped up in the northeast sector. This is no secret. Those who are bent on expanding communism in this area are going to be continuing their efforts there. This is no time for us to back down and get out. This is a time for us to see this job through.

I, too, was impressed with the morale of our troops. Everywhere we went we talked with our people, and in spite of the heat and all kinds of difficulties and the hardships that our boys were enduring, I felt the morale was high. I was proud of them and every Member of this body and all Americans should be proud of our servicemen who are doing this job and doing it without complaint. It was my privilege to visit Vietnam last year. There has been a tremendous change in this 10-month period. A big buildup has taken place.

Mr. Speaker, it is obvious that we are digging in and that we intend to stay, as the President has said we intend to stay.

I was impressed with what we observed there in connection with the pacification program.

We visited a village with General Walt when sick call was being held in one of the little huts. We saw a line of Vietnamese people waiting to be treated by a medical corpsman who was administering to the ills of the natives of the village.

Mr. Speaker, I was much impressed with our efforts and feel that these programs must continue to have our attention if we are to hold this land. In other words, we must win with the people themselves.

Mr. Speaker, I would like to say a word with respect to what the gentleman from New York said about certain shortages here and there. Yes, we did raise this question everywhere we went, because our chairman of the Committee on Armed Services, the gentleman from South Carolina [Mr. RIVERS], had directed us to raise this question in all areas we visited. I cannot speak about the areas to which we did not go. I know nothing of what the situation is there. But we were not told of any serious shortages in the areas that we did visit.

However, General Westmoreland did say this in explanation of this entire situation. He said:

> About a year ago we had a change in policy. We decided on this buildup.

He said that he needed more troops desperately at that time and that he knew supplies would be inadequate but that he had to take the risk. He further said that they had a lot of ships that were backed up in the harbor. He told us that they had to pay demurrage in order to have these floating warehouses which could be utilized if necessary.

So, he described it thusly. He said "for the past year I have been in the business of distributing shortages." But in fairness, I must say that no one at any of the places we visited told us of serious shortages at those specific locations.

There is one other matter I would like to call to the attention of my colleagues.

After the base at Tan Son Nhut was shelled by mortar fire at 1 o'clock in the morning, we stopped by that same afternoon to inspect the damage.

There were some four planes destroyed. I believe 29 were damaged. Seven of our boys were killed. There were other injuries there, too. The oil dump at Tan Son Nhut was a roaring inferno. Flames were blazing as high as this building.

In addition, two of the Blue Eagle planes that were based at Tan Son Nhut had also been hit. As we stopped by our Blue Eagle planes I recognized Lieutenant Commander Henderson who is commanding officer of one of the crews and he invited me to fly a mission with them that evening.

These Blue Eagle planes are the airborne television platforms that we have in Vietnam at this time. After I came back from my first visit to Vietnam a year ago and at the urging of some of our very highest ranking officers in Vietnam, who told me they felt that the television concept was one that would be of great assistance to our effort there, I made some inquiries as to the status of this project. It was quite difficult. The USIA did not want to tell me anything about it. I wrote several letters. Finally I had to make a speech on the floor of this House. I had to get the assistance of my chairman, the gentleman from South Carolina [Mr. RIVERS], before I could get the classified information on the television studies that had been made. But we finally got them. We determined that it was sound. I wanted to do whatever I could to push it and so did several of my colleagues.

When we met with Ambassador Lodge before he went to his second assignment, we told him of our interest in this and our desire to help if we could. He sent us a cable after he had been out there 3 or 4 weeks and said that the program had been reviewed and approved and we were going to go ahead with it.

During the Christmas holiday I visited the Blue Eagles at Andrews Air Force Base where they were being fitted out. They are Constellation planes. There is nothing in them but electronic gear for television and radio transmission. So because of my longstanding interest in this project, I was terribly disturbed to find that one of our Blue Eagles had taken a direct hit at Tan Son Nhut. The starboard tail had been knocked off and it was also hit on top of the fuselage. The other plane had 40 shrapnel holes in it.

The boys were there and they were ready to fly it; and I went with them.

We flew over Saigon for 5 hours in a tight circle 8 miles in diameter transmitting television signals to the ground simultaneously on two channels—channel 9 for the Vietnamese and channel 11 for our American troops.

I would say that one criticism that we heard in many places where we saw television sets was that the movies were too old. I do think something should be done about this and I intend to pursue it.

But with respect to the Vietnamese language transmission on the Blue Eagle, I would just like to take a minute to tell my colleagues about the content of this program. The news program told the people what had happened that day in

Vietnam. I saw B–52's on the television screen dropping bombs. I saw General Westmoreland making a statement for the Vietnamese people. I also saw General Taylor on television. On the same program I heard some Vietnamese music. They had a humorous show, something like a Bob Hope show. Then they also had a magic act that was done very well.

But I would say this about the political difficulties we are having in Vietnam—if that Government is unstable it is because the people are not informed. They do not know what is going on in their country.

This struggle, in its final analysis, is nothing but a struggle for the minds of men. We in this country have the greatest potential for reaching the minds of men of any people anywhere in the world.

We can help to get a message to the Vietnamese people about this war through this medium.

But we must do more. One of our planes is grounded. We have only one that is flying now and it is on a limited schedule. So it will not be long before I will come to my colleagues of the House with some recommendations for more and better equipment. If it is worth doing, it is worth doing well. We should have first-class equipment. We should have planes that fly higher and planes that we can base in remote areas.

As far as cost is concerned, the whole project so far has not been more than the cost of one B–52 raid. We have just put up $12.3 billion on a supplemental request. We have tried everything. Things have not been working too well, and that is why we are in the trouble we are in today and why we are having to send more troops to Vietnam.

I say that this is worth trying, and it is my hope that we shall have the support of Members of the House in doing so. I feel confident that my colleagues on the subcommittee will fully realize the value of this program and will also be giving it a push.

There are many other things we could comment on, but I do not want to encroach further upon the time of my colleagues.

Again, Mr. Speaker, I wish to commend the chairman of our subcommittee for the manner in which the business of our subcommittee was conducted.

Mr. STRATTON. Mr. Speaker, I wish to thank the gentleman for his generous remarks and assure him I am certain that the members of the subcommittee will support him in his recommendations with regard to the Blue Eagle Project.

I wish to yield to the distinguished chairman of our committee, but I do not want to do so without first expressing to him, not only on behalf of myself, but all members of the subcommittee, our appreciation for making it possible for us to see the fighting fronts in Vietnam as representatives of a distinguished and able committee.

I yield to the distinguished gentleman from South Carolina.

Mr. RIVERS of South Carolina. Mr. Speaker, I wish to congratulate the gentleman from New York and thank him and his subcommittee for taking time from their justified recess at Easter, at great sacrifice of time and energy, to make this trip. I have listened to most of what the gentleman had to say this afternoon. I was interrupted for a couple of telephone calls. But his report is fascinating, and I am sure it will receive wide approval. I look forward to the full report, which the gentleman will render to the full committee.

The chairman, the gentleman from New York [Mr. STRATTON], and each member of his committee deserve the thanks of the House and of our committee and the country for the fine effort they have made and the very compelling and requiring schedule that they have had to fulfill. I look forward to this report. But at this time I wish to congratulate him on an excellent report, and also to congratulate each member of his subcommittee. I have been rewarded by taking time to be present this afternoon, and I wish to thank you for what you have said and what you have done.

To each of you I say you have made a great contribution to your country and you deserve the thanks of this Congress and the Nation.

Mr. STRATTON. I wish to thank the distinguished chairman once again for his very generous remarks.

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

Mr. STRATTON. I am happy to yield to the gentleman from California, a distinguished member of the subcommittee.

Mr. LEGGETT. Mr. Speaker, I wish to take this time to commend the gentleman from New York on the very scholarly manner in which he has presented, I believe, most of the thoughts which the committee has synthesized of our views on South Vietnam.

Some of these views we have exchanged in aircraft and on the sea, and so on. But by and large we have kept pretty well together.

The message we bring back to the people of the United States is that we have a different kind of show going on in South Vietnam today than we had a year ago. A year ago we had some 20,000 troops that we were supporting. Now we have a quarter of a million troops, and we are still supporting them. We are supporting the people of South Vietnam in their efforts to keep free and to have their own, self-determined program in that area.

I had much serious trepidation when I went to South Vietnam, representing the great, liberal area of California. I suspected many times that perhaps there was much more sympathy in the south with some of the socialistic programs than actually was the case. We have determined by our on-the-spot investigation that there is a strong feeling among the people of Vietnam that they do not want occidentalism, they do not want communism—they do want to get rid of their poverty, but they want to do it their way.

That is the message that we got in Thailand. We learned there from General Stilwell that they are making a very impressive effort in that area to resolve their problems. They are upgrading their economy. We know that some of our efforts now in the military sphere are going to have a tremendous fallout, such as the roads and railways we are putting in there, which are going to draw Thailand together and bring the back country to a point where they can enjoy their government services.

It is important that we look at the whole area as a vital cog in the development of southeast Asia. If we keep our commitment with Thailand, we are not going to have the problems that we currently have in South Vietnam. The comments and conclusions with respect to the nonopenhandedness of the South Vietnamese encounter is important for the American people, because there is a $700 million gross national product economy merging with a $1 billion gross national product economy. Of course, not to have inflation is impossible in either economy.

But to say that we are going to fight for 20 years in this encounter is not realistic. We still have the greatest military and psychological warfare machine. We have the greatest army in history. I do not think it will take us 5 years, or 10 years, but probably we cannot resolve it in 1 year, either. We are going to resolve it. Our American people must know that.

Our fighting men on the front are going to take cognizance of that. Their morale is excellent. They know who is with them, and who is against them.

At one time, perhaps, the Vietcong could be farmers by day and soldiers by night, but with the big U.S. presence occupying most of the ricelands and most of the flat areas in the Mekong, and all up and down the coast, the Vietcong have had to determine whether they will be farmers or fighters.

I know we were all pleased to find that many of them were determining of late, about 100 percent, to be farmers. These are what we call the ralliers.

Up in the 2d Corps area, 3,000 came over to the Government in just 3 months of this year. So we have made excellent progress in that area.

At this point I will include in the RECORD a nonclassified statement prepared by Lt. Col. Richard E. Shade which sets forth in detail our itinerary over South Vietnam:

MONDAY, APRIL 11, 1966

Bangkok to Pleiku, 0620 to 0915 (all times local), VC–54. Met by Maj. Gen. W. O. Kinnard, commanding general, 1st Cavalry Division (Airmobile), in behalf of Ambassador Lodge and General Westmoreland. Went by vehicle to 2d Corps Headquarters (ARVN). Called on Maj. Gen. Vinh Loc, commanding general, 2d Corps Tactical Zone. Briefed by corps advisers, G–2 Lt. Col. Howard R. Ross; G–3 Maj. Arthur J. Wehr, Jr.; G–5 Maj. James R. Bukoski. Colonel Timothy, senior adviser, was absent and was represented by Lt. Col. Robert K. Loomis.

Pleiku to Plei Me, 1055 to 1135; UH–1 (Helo). Accompanied by Maj. Hugh B. Harrison, 2d Corps advisory team protocol, and Lt. Col. William A. Patch, special forces "C" detachment senior adviser in 2d Corps. Met and briefed in bunker in the camp by Capt. William H. Willoughby, Jr.

Plei Me to An Khe, 1155 to 1235; UH–1. Landed at base camp of 1st Cavalry Division (Airmobile). Luncheon at commanding general's mess with commanding general, and

staff. Briefing—introduction by Major General Kinnard; G–2 Maj. Ephrim Martin; G–3 Maj. Zachary Whaley; G–5 Lt. Col. Monroe Kirkpatrick. Viewed captured equipment prior to briefing. Met constituents after briefing.

An Khe to Canh Van, 1520 to 1540; UH–1. Landed at headquarters, Republic of Korea, Capital Division. Met by Col. Gilbert C. Russi, line officer. Met with ADC, Brig. Gen. Lee Nam Jou. Short honors ceremony extended followed by call on ADC. Briefed on division history and operations in Vietnam by Lt. Col. Suk Ryung. Quick tour of captured equipment.

Canh Van to Qui Nhon, 1645 to 1655; UH–1. Boarded Navy C1A (COD).

Qui Nhon to U.S.S. *Enterprise*, 1700 to 1850. Ship was on "Yankee" station in South China Sea (overflew cruiser firing). Met by Rear Adm. T. J. Walker, commander, Carrier Division 3; Capt. R. W. Rynd, Chief of Staff; Capt. J. L. Shipman, commander, Air Wing 9; Capt. J. L. Holloway III, commanding officer, USS *Enterprise;* Capt. F. S. Petersen, executive officer, *Enterprise*. Supper in the admiral's mess. Briefing by Admiral Walker on Carrier Division 3 operations. Briefing by Captain Holloway on *Enterprise*. Tour of nuclear reactor. Remained overnight.

TUESDAY, APRIL 12, 1966

Further tour of ship.

U.S.S. *Enterprise* to Chu Lai, 0920 to 1030, C1A. Met at Chu Lai by Lt. Gen. Lewis W. Walt, commanding general, IIIMAF; Maj. Gen. Lewis G. Fields, commanding general, 1st Marine Division; Maj. Gen. Keith B. McCutcheon, commanding general, 1st MAW. Party helo lifted to hill 69, met and briefed by Lt. Col. Paul X. Kelley, commanding officer, 2d Battalion, 4th Marines, and Maj. Ernest L. DeFozio, battalion executive officer. Observed and fired weapons. Choppered to Vienh An No. 2 village civic action project of 1st Battalion, 7th Marines. Col. Louey N. Dasey, director civil affairs office, and Maj. J. S. Ready, his assistant, met, briefed, and conducted tour of village. Party then went to Logistical Support Unit and had lunch with constituents. Then briefed at MAG 12 by commanding officer, Col. Leslie E. Brown.

Chu Lai to Cam Ranh Bay, 1410 to 1540, VC123. Met and given unscheduled briefing by commanding officer, 12th TFW, Col. Levi R. Chase. Proceeded by UH–1's to Cam Ranh Bay logistical area. Briefed by Brig. Gen. Arthur L. Friedman. Helo tour of entire logistical area and adjacent Army and Air Force facilities.

Cam Ranh Bay to Can Tho, 1750 to 1920, VC123. Met by Col. George A. Barten, SA, 4th Corps. Had extremely informal discussions and remained overnight.

WEDNESDAY, APRIL 13, 1966

Attended daily staff briefing. Met with Lt. Gen. Dang Van Quang, commanding general, 4th Corps tactical zone. Then briefed by corps advisory staff: G–2 Lt. Col. John W. Goldsmith; G–3 Lt. Col. Alfred G. Hill; G–5 Lt. Col. John V. Swango.

Can Tho to Vung Tau, 0940 to 1015, VC123. Met by Capt. J. T. Shepherd, A.C. of S. for oper., COMNAVV and Lt. Cdr. Donald G. McMillan, senior adviser, 3d coastal region. Went by vehicle to CSC on hill above Vung Tau and briefed. Traveled by vehicle to Cat Lo. Briefed and luncheon. Then boarded river patrol craft and observed firing demonstration.

Vung Tau to Binh Ba, 1310 to 1325, UH–1. Landed at advance field CP of 1st infantry division. Met by Maj. Gen. William E. Depuy, commanding general, and briefed by General Depuy on the current division operation.

Binh Ba to Jungle Position, 1350 to 1410. Overflew the area where an infantry company had been hit hard 2 days before accompanied by Brig. Gen. James F. Hollingsworth, ADC. Landed in area of 3d Bde. in jungle. Met and briefed by Col. William D. Brodbeck, commanding officer, 3d Bde.; Lt. Col. Lee S. Henry, commanding officer, 1/16 Infantry and Lt. Col. Howard L. Sargent, Eng.

Jungle Position to Phouc Vinh, 1450 to 1535. Landed at Phouc Vinh, 1st Bde., 1st Infantry Division, for fuel but since division had failed to notify that Codel was not to stop there, members went to CP location to visit constituents, accompanied by Brig. Gen. Charles M. Mount, Jr., ADC, and Col. Edgar N. Glotzbach, commanding officer, 1st Bde., 1st Infantry Division.

Phouc Vinh to Tan Son Nhut, 1610 to 1700. By UH–1 party overflew Phu Loi (1st Infantry Division, Artillery) and Di An (1st Infantry Division command post) and landed at Tan Son Nhut (Saigon). Met by Col. George Budway, airbase commander and was briefed and visited the airbase for a survey of the damage inflicted by the indirect fire attack on the base at 130030 April.

Tan Son Nhut to Cu Chi, 1805 to 1825, UH1. Landed at division command post of 25th Infantry Division and was met by Maj. Gen. F. C. Weyand, commanding general, and members of his staff. Party split into small groups and remained overnight with battalion elements of the 25th Division.

THURSDAY, APRIL 14, 1966

Party visited in battalion area and was then briefed by General Weyand at 0900 hours.

Cu Chi to Tay Ninh, 0945 to 1035, UH–1. Party had chance meeting with Col. William McKean, commanding officer, 5th Special Forces, at Tay Ninh Airport, and then went to "B" Detachment where briefing was introduced by Maj. Leonard Ochs, commanding officer; S–2 Capt. Howard Holmes; S–3 Capt. Nickolas Gilbert; CA/Psy. Ops., Capt. W. A. Rice. (Tay Ninh just south of war zone "C" which the party was very interested in.)

Tay Ninh to Bien Hoa, 1110 to 1158, UH–1. Party landed at Bien Hoa Airbase and was met by Maj. Gen. Gilbert L. Meyers, U.S. Air Force, deputy commander, 7th Air Force, and Col. Robert A. Ackerly, 3d TFW Commander, Col. Wiltz P. Segura, 3d TFW XO. Went to refresh. Was joined by General Westmoreland, COMUSMACV, and had lunch at officers' mess with COMUSMACV. Had long discussion with General Westmoreland after lunch.

Bien Hoa to 93d Evacuation Hospital, 1510 to 1520. Met by Lt. Col. Thomas Kelly, hospital commanding officer. Given short briefing and met constituent patients.

93d Evacuation Hospital to Bien Hoa Airbase, 1610 to 1620, UH–1. Returned to airbase and met by commanding officer and staff. Went on short tour of base.

Bien Hoa to Bangkok, 1700 to 2015, VC–123. Party departed RVN for Thailand.

Mr. Speaker, this indicates that we contacted a considerable number of bases and people of all of the units of the service. Certainly the graphic portion should not, but the written portion should go into the RECORD to show where we went and what we did in Vietnam.

I would like to comment just a word on our pacification program. In a measure, this is a misnomer. This indicates that we go into areas which allegedly are friendly, to pacify them and make them our friends.

I believe the bulk of the people are our friends.

We found that many of the people who have been under Vietcong control want to support the Government. They want protection, but they need a little more know-how—how to develop politically, how to develop economically, how to get Government services, how to provide defense, and so on.

This is what we mean by pacification.

In the Mekong area, the 4th Corps area, where the South Vietnamese were doing the job themselves, with 160,000 ARVN troops, and only 5,000 Americans, we pacified last year more than 600 villages. Our target for this year is more than 600.

As the gentleman indicated in his report, those areas tend to stay pacified. That is good.

I personally talked with Chaplain Riley in the 4th Corps area. He pointed out that he had a tremendous local pacification program. He worked with the Vietnamese, teaching English to the young Vietnamese people and other things. I contributed to his nonprofit organization, which he had going there as a U.S. Army venture separate and distinct from the AID undertaking.

At this time I should like to include in the RECORD an analysis of this pacification program and this separate program going on in the 4th Corps area.

OPERATION EDUCATION FOUNDATION,
CARE OF G–5, ADVISOR SECTION,
HEADQUARTERS, 4TH CORPS, ADVISORY TEAM 96,
APO San Francisco, January 30, 1966.

Subject: Operation Education Foundation.
To: All servicemen

1. This foundation is a nondenominational, charitable, nonprofit organization that is dedicated to assisting the children of Vietnam to obtain an education. The idea of the foundation was formulated by Chaplain Riley, our 4th Corps chaplain with the help and advice of the senior adviser and deputy senior adviser.

2. A constitution outlining the purpose of the foundation and the operational guidelines was drawn up and approved by the MACV Judge Advocate General's office. The primary objectives of the foundation, within financial and material resources available, are:

(a) Provide tuition and other assistance as required to deserving children in order that they may have an opportunity to receive an education.

(b) Supply textbooks and educational materials.

(c) Augmentation of teachers salaries.

(d) Encourage and assist in the construction of new schools, additional classrooms, and educational facilities.

3. Many of the above requirements are met by the various military and civilian agencies now operating in the Republic of Vietnam and by the Vietnamese Government itself. However, many of the children do not have even the basic items of clothing necessary to go to school, and in many instances can not pay the very small fee required for tuition. Others are in areas where teachers and school facilities are not available. It is these groups that the Foundation will assist primarily.

4. For approximately $5 per month we can pay the tuition and other necessary expenses of keeping a small child in school. As our foundation funds increase (hopefully), we will attempt to assist in furthering the education of young adults.

5. Through the efforts of Mr. Jim Lucas and the attached copy of the article from the Fort Worth Press, Fort Worth, Tex., the foundation has received approximately $400 from people in Texas, Louisiana, and Arkansas. Other contributions have come from members of the 4th Corps staff sections and several of the sector advisory teams. Most of the contributions have been in $2, $5, or $10 donations.

6. Any amount you can give will be appreciated and will help to assure some small Vietnamese child of a better life both for the present and the future. Cash, checks, money orders, or plasters are acceptable. Checks should be made payable to Operation Education Foundation.

7. At the present rewriting of this letter, March 24, 1966, Operation Education Foundation has received approximately $2,200 through contributions from Georgia, Florida, Virginia, and members of our advisory teams here in Vietnam. We are agreeing to open 10 new schools in Vinh Binh Province in which 600 children will receive an education for a period of 21 months. The total cost will be $4,600 for teacher training and salaries, and student school kits. U.S. Agency for International Development has provided the new classrooms. Province board of education will provide upkeep, utilities, and exercise supervision, and operational control. The total cost for 600 students for 21 months is $7.40 per child.

8. Contributions may be made at the pay table or to any of the below listed officers or advisers to the foundation:

Chaplain Office: Chaplains Riley or Campbell.

G–5 office: Lieutenant Colonel Swango, chairman, board of governors.

Signal section: Sergeant Major Montague, vice chairman.

G–3 office: Master Sergeant Robinson, treasurer.

G–1 office: Sergeant First Class Lovell, secretary.

JOHN V. SWANGO,
Lieutenant Colonel, Infantry,
Chairman, Board of Governors.

I also should like to say a few words as to a few conclusions I have made, and comment on some of the things General Westmoreland told us. I was much impressed with this soldier, as were all of the members of our committee. Frankly, I found him to be as much a "dove" as he was a "hawk." He well understood the limitations of his military machine. He understood the importance of developing political integrity within the South Vietnamese people. And I was impressed by his nine rules, which he had prescribed for all of his military personnel, and the fact that he was consolidating his military personnel outside Saigon and outside the major establishments.

The rules go like this:

The Vietnamese have paid a heavy price in suffering for their long fight against the Communists. We military men are in Vietnam now because their Government has asked us to help its soldiers and people in winning their struggle. The Vietcong will attempt to turn the Vietnamese people against you. You can defeat them at every turn by the strength, understanding, and generosity you display with the people.

This little dialog is carried by every member of our Armed Forces in South Vietnam:

1. Remember we are guests here: We make no demands and seek no special treatment.

2. Join with the people. Understand their life, use phrases from their language, and honor their customs and laws.

3. Treat women with politeness and respect.

4. Make personal friends among the soldiers and common people.

5. Always give the Vietnamese the right-of-way.

6. Be alert to security and ready to react with your military skill.

7. Don't attract attention by loud, rude, or unusual behavior.

8. Avoid separating yourself from the people by a display of wealth or privilege.

9. Above all else, you are members of the U.S. military forces on a difficult mission, responsible for all your official and personal actions. Reflect honor upon yourself and the United States of America.

I am satisfied that some people go Communist by a swift coup and learn somehow to live with the system. I also have come to appreciate that in South Vietnam nothing has happened quickly. While the Vietcong use a carrot from time to time, they have the great bulk of the population terrorized in South Vietnam due to the length of the encounter. The fighting Vietcong are highly motivated, great soldiers but their fanaticism at almost all levels has made them much like animals. Whether peace can ever be negotiated with them I think is questionable—I personally believe it certainly is as important to negotiate with the Vietcong as it is to Hanoi—both are equally aggressive and important.

I am satisfied that the war effort in South Vietnam will be larger before it gets smaller; that it is always possible with highly emotional people that a minority element might gain control of the Government by election and ask the United States to leave. I do not think this will happen; that the United States is making steady progress on all fronts, that people are respecting our intentions more every day; that at the current attrition and interdiction rate the Vietcong and North Vietnamese cannot continue their effort. The end I do not think will come in 1 year but it will not be 5 years either.

I am glad to see our efforts at all levels with the people of Thailand. Bangkok is a thriving city; rural development is underway. The war of aggression will be won, I think, in Thailand before it really starts—by the Thai people themselves.

I am satisfied that we are carrying on a highly sensitive war that could be carried on by a highly nimble and sensitive, compassionate military establishment. The great bulk of the people of southeast Asia strongly support us, virtually unanimously in many quarters.

Mr. Speaker, I thank the gentleman for allowing me to participate in this discussion. I believe we have a message we can more precisely articulate in a formal report. I hope we can give widespread voice to our views.

Mr. STRATTON. I thank the gentleman from California for an eloquent contribution. He certainly was one of the hardest working and most tireless researchers of the group. I believe that has been reflected by his remarks.

Mr. Speaker, I ask unanimous consent that the documents referred to by the gentleman from California may be included in the RECORD at the appropriate places.

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

There was no objection.

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

Mr. STRATTON. I yield to the distinguished former Governor of Vermont, a very distinguished member of our committee.

Mr. STAFFORD. I thank the gentleman.

Mr. Speaker, I should like to be associated with the very full report which the distinguished chairman of our subcommittee, the gentleman from New York [Mr. STRATTON], has made to the House this afternoon.

I concur with substantially all that the chairman has told the House. I think it has been a very good report. In view of the limited amount of time that is left on this special order, I will not attempt to elaborate as to my own views It was a pleasure to be on this subcommittee and to have this opportunity to see firsthand the development of our military assistance effort in Vietnam in the company of the other distinguished and very pleasant members of the committee. I think no little bit was contributed to the success of our visit to Vietnam by the presence of our escorting officer, Colonel Burgett, who made sure that we got where we wanted to go, and also to the presence of Gen. W. G. Thrash of the Marine Corps assigned to us as an observer from the Office of the Secretary of Defense.

Let me say that we did find the airport construction and seaport construction was going along in very good shape and supplies were getting through as needed. There were no significant shortages, as my colleagues indicated, that we found. Morale seemed to be very good. It was my personal impression the limitation of the tour of duty to 1 year in Vietnam was an important factor in the high morale.

We did note at the airports the construction of the steel revetments loaded with earth was a substantial limiting factor in the damage inflicted on airfields and on aircraft by night mortar attacks. This program of revetment construction seemed to be going along pretty well.

Cooperation between the authorities of the Republic of Vietnam's army and our own authorities appeared to be good. As my colleagues indicated, the war in Vietnam from a military standpoint is going well. We have the initiative. As the distinguished gentleman from California indicated, though, Americans should not think of this war as purely a military effort, because we are truly making a major effort.

Once the Vietcong have been driven out of a village in the area we are making an effort toward the peaceful redevelopment of that village. We are giving the inhabitants medical care and getting schools working again and providing better sanitation practices and restoring local government to them. This is not just a military effort. A major effort is being made to redevelop a peaceful economy and local self-government of the Vietnamese people.

Further I can say that from the observations I made of the Vietnamese in many of their villages and in one or two of their cities, I am genuinely of the impression that they much prefer the presence of the American troops and the authority of the Republic of Vietnam to that of the Vietcong. After all, we are

bringing to them medicine and restoring their schools and local self-government and so on. We are not taking things away from them. As things have gone downhill in the defeats of the Vietcong, they have been taking the rice of the Vietnamese peasants and often also impressing the older male children into their armies. So, whenever there is a free choice, I am convinced that the people of Vietnam will prefer the American and their own Government of the Republic of Vietnam on every occasion.

The desertion rate of the Vietcong is increasing. That is a good sign, I think.

Now let me say lastly that my own impression, and I believe the rest of the subcommittee's, was that the fate of southeast Asia, not just Vietnam but Laos, Cambodia, and Thailand, pretty much depends on what happens in Vietnam. As we take this thing through, I am optimistic that, as the chairman of our committee has pointed out, we can bring it to a successful conclusion within a reasonable time. Peace and independence can be maintained for the Republic of South Vietnam.

Mr. Speaker, I thank my chairman for yielding this time to me.

Mr. STRATTON. Mr. Speaker, I want to thank the gentleman from Vermont for a very eloquent statement and say that I subscribe wholeheartedly to his comments. It is unfortunate that the CONGRESSIONAL RECORD does not provide for photographs, because I think we could embellish this account with a number of photographs not only those taken by the official photographer from the command in Thailand but also with home movies which the gentleman from California took and which will perhaps be available for showing sometime to Members of the House who might be interested in it and a few slides that the gentleman from Michigan [Mr. CHAMBERLAIN] and I took also with our color cameras.

I see the distinguished gentleman from Washington, also a very capable and able member of the subcommittee, rising and I will be very happy to yield to him for such comments as he may care to make.

Mr. HICKS. Mr. Speaker, you will notice that as we go down the seniority list on this subcommittee the time for talk grows shorter and shorter. Therefore, I shall follow that program and just take a moment or two.

Mr. Speaker, I want to join in the remarks of my distinguished colleagues and join in the accolades which have been given to our subcommittee chairman, the gentleman from New York [Mr. STRATTON], and also in his remarks thanking the chairman of our full committee for making it possible for all of us to go to South Vietnam.

Also, Mr. Speaker, I want to join in the remarks of all of my colleagues who have preceded me.

Mr. Speaker, I believe I can subscribe wholeheartedly to all of the remarks which have been made by the gentleman. However, I want to underscore just two matters which have been referred to by my subcommittee chairman, one having to do with the military mind and to take a moment or two to talk about the demonstrations that have been going on recently in South Vietnam.

Mr. Speaker, I think probably I am one who was inclined to feel that the military mind was concerned only with matters purely military. However, I was most gratified during my time in South Vietnam to find that our military, from General Westmoreland right down through the captains in the companies, are genuinely concerned with the pacification or civic action programs. They realize that it would be a hollow thing to chase the Vietcong out and then not do anything about giving the Vietnamese people an opportunity to improve their way of life.

Mr. Speaker, for one to go into these villages—and we were not in the cities, we were in the villages—and see them and smell them permits one to understand that it has been and is a rather hopeless situation under which they live. One can well understand why it has been such a fertile field for the Communists and for the Vietcong. Our people are not only running the Communists, the Vietcong, out of there, but they are showing the Vietnamese people a better way of life and are giving them the opportunity to have a better way of life.

Mr. Speaker, that leads to the demonstrations that have taken place there recently, and that in and of itself proves how well our military effort is now growing, because without our military effort being able to keep the Vietcong off, these people would not be able to demonstrate. What they are doing right now, as was explained to us while we were over there, is to use the demonstrations as their way of political action. The Buddhists are demonstrating in an effort to gain a dominant position in the political hierarchy that will be established when they do obtain a civilian government. It was prophesied to us that the Catholics would soon be demonstrating for the same purpose. Before we were back in this country we heard on the news reports that the Catholics were doing just exactly that.

So, Mr. Speaker, I believe everything is going as well in Vietnam as we can reasonably expect. We may get to the conference table sooner than many of us had thought, though I doubt that it will happen in the next few months.

I want again to say that I join in the remarks of all of my colleagues who have preceded me and again I thank our chairman of the subcommittee, the gentleman from New York [Mr. STRATTON].

Mr. STRATTON. I thank the distinguished gentleman from Washington for his contribution and thank all of the Members who have participated in this discussion for their contribution, and the cooperation which they extended to me while on the trip.

Mr. Speaker, I believe this was truly a bipartisan or a nonpartisan operation.

GENERAL LEAVE TO EXTEND

Mr. Speaker, I ask unanimous consent that all Members who took part in this discussion be permitted to revise and extend their remarks.

The SPEAKER pro tempore (Mr. PEPPER). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. STRATTON. Mr. Speaker, I yield back the balance of my time.

OHIO AND THE CIVIL WAR

The SPEAKER pro tempore (Mr. PEPPER). Under previous order of the House, the gentleman from Ohio [Mr. ASHBROOK] is recognized for 1 hour.

Mr. ASHBROOK. Mr. Speaker, by 1860, Ohio had reached a population of 2,339,511 and the whole Union, 31,433,321. By any standard, Ohio was the outstanding State in the Civil War as it produced the greatest percentage of the fighting men and a galaxy of outstanding generals. Ohio's adult population numbered approximately 500,000 and the total vote in the presidential election of 1860 was 442,441. Lincoln had carried by a 231,610 to 187,232 margin so there was room to believe that the Union cause might not be widely supported. This was not the case. Ohio contributed statesmen like Salmon P. Chase, Benjamin F. Wade, John Sherman, Edwin M. Stanton. Its war Governors, William Dennison, David Tod, and John Brough, each loyally supported the Union.

Under 10 Presidential calls for troops, Ohio furnished 310,654 soldiers, only 8,750 being raised by draft. More than one-half of Ohio's adult male population tendered their lives to the Union. The famous trio of generals, Grant, Sherman, and Sheridan etched records which were without equal. There was also Custer, McPherson, and the famous McCook family which illustrated the scythe of destruction that wrought havoc on homes throughout the Nation. A McCook fell each year of the war; father and three sons, three of whom were illustrious generals. All in all, there were 24,591 Ohio soldiers killed or mortally wounded in actual combat. It is noteworthy to point out that 13,354 died of disease in hospital or prison or from exposure or cruel starvation. Medical care was not very far advanced in that war.

The following list of generals gives an indication of our contribution to the leadership that spurred the Union cause to victory:

OHIO GENERAL OFFICERS, WITH STATE AND DATE OF BIRTH

(The * indicates a graduate of West Point; the † that the officer was major general by brevet, usually for some special gallantry on the battlefield.)

GENERALS

*Ulysses S. Grant, born at Point Pleasant, Ohio, April 27, 1822.

*William T. Sherman, born at Lancaster, Ohio, February 8, 1820.

*Phillip H. Sheridan, born at Albany, N.Y., March 6, 1831.

MAJOR GENERALS

*Don Carlos Buell, born at Lowell, March 23, 1818.

*George Crook, Montgomery County, September 8, 1828.

*George A. Custer, Harrison County, December 5, 1939.

*Quincy A. Gilmore, Lorain County, February 28, 1825.
James A. Garfield, Cuyahoga County, November 19, 1831.
*James B. McPherson, Clyde, November 14, 1828.
*Irvine McDowell, Columbus, October 15, 1818.
*Alex. McD. McCook, Columbiana County, April 22, 1831.
*William S. Rosecrans, Delaware County, September 6, 1819.
*David S. Stanley, Wayne County, June 1, 1828.
Robert C. Schenck, Warren County, October 4, 1809.
Wagner Swayne, Columbus, November 10, 1834.
*Godfrey Weitzel, Cincinnati, November 1, 1835.

MAJOR GENERALS, RESIDENT IN OHIO BUT BORN ELSEWHERE

Jacob D. Cox, born in New York, October 27, 1828.
*William B. Hazen, Vermont, September 27, 1830.
Mortimer D. Leggett, New York, April 19, 1831.
*George B. McClellan, Pennsylvania, December 3, 1826.
*O. M. Mitchell, Kentucky, August 28, 1810.
James B. Steedman, Pennsylvania, July 30, 1818.

BRIGADIER GENERALS OF OHIO BIRTH

*William T. H. Brooks, born at New Lisbon, January 28, 1821.
*William W. Burnes, Coshocton, September 3, 1825.
†Henry B. Banning, Knox County, November 10, 1834.
*C. B. Buckingham, Zanesville, March 14, 1808.
John Beatty, Sandusky, December 16, 1828.
Joel A. Dewey, Ashtabula, September 20, 1840.
†Thomas H. Ewing, Lancaster, August 7, 1829.
†Hugh B. Ewing, Lancaster, October 31, 1826.
*James W. Forsyth, Ohio, August 26, 1836.
†*Robert S. Granger, Zanesville, May 24, 1816.
†*Kenner Garrard, Cincinnati, 1830.
†*Charles Griffin, Licking County, 1827.
†Rutherford B. Hayes, Delaware, October 14, 1822.
†J. Warren Keifer, Clark County, January 30, 1836.
William H. Lytle, Cincinnati, November 2, 1826.
*John S. Mason, Steubenville, August 21, 1824.
Robert L. McCook, New Lisbon, December 28, 1827.
Daniel McCook, Carrollton, July 22, 1834.
John G. Mitchell, Piqua, November 6, 1838.
Nathaniel C. McLean, Warren County, February 2, 1815.
†Emerson Opdycke, Trumbull County, January 7, 1830.
Benjamin F. Potts, Carroll County, January 29, 1836.
A. Sanders Piatt, Cincinnati, May 2, 1821.
†James S. Robinson, Mansfield, October 11, 1828.
†Benjamin P. Runkle, West Liberty, September 3, 1836.
J. W. Reilly, Akron, May 21, 1828.
*William Sooy Smith, Pickaway County, July 22, 1830.
*Joshua Sill, Chillicothe, December 6, 1831.
John P. Slough, Cincinnati, 1829.
Ferdinand Van De Veer, Butler County, February 27, 1823.
†*Charles R. Woods, Licking County.
†Willard Warner, Granville, September 4, 1826.
†William B. Woods, Licking County.
†Charles C. Walcutt, Columbus, February 12, 1838.
M. S. Wade, Cincinnati, December 2, 1802.

BRIGADIER GENERALS, RESIDENT IN OHIO BUT BORN ELSEWHERE

*Jacob Ammen, born in Virginia, January 7, 1808.
†Samuel Beatty, Pennsylvania, September 16, 1820.
†*B. W. Price, Virginia, 1809.
Ralph B. Buckland, Massachusetts, January 20, 1812.
H. B. Carrington, Connecticut, March 2, 1824.
George P. Este, New Hampshire, April 30, 1830.
†Manning F. Force, Washington, D.C., December 17, 1824.
†John W. Fuller, England, July 1827.
†Charles W. Hill, Vermont.
†Augustus V. Kautz, Germany, January 5, 1828.
George W. Morgan, Pennsylvania.
William H. Powell, South Wales, May 10, 1825.
*E. P. Scammon, Maine, December 27, 1816.
Thomas Kilby Smith, Massachusetts, 1821.
†John W. Sprague, New York, April 4, 1827.
†Erastus B. Tyler, New York.
†*John C. Tibbal, Virginia.
†August Willich, Prussia, 1810.

At the close of the war it was only natural that Ohio should take a lead in promoting the new GAR which was organized in Illinois. At one time, 753 posts were in existence but the ravages of time took its toll and little by little the GAR passed out of existence. While on the Ohio scene, however, it wrote a remarkable record of public service and dedication to the veterans' cause.

The first meeting of the Department of Ohio GAR was held in Columbus on January 30, 1867. An indication of their interest was shown in a report issued at the 3d annual encampment held in Dayton on January 13–14, 1869:

It is a humiliating fact that Ohio is behind many of the loyal States and behind many of her sister States of the Northwest, not her equals in wealth, population, and resources, in doing timely justice to her many soldiers' and sailors' orphans, who have a right to demand her guardian care and bounty. Their patriotic fathers laid down their lives a sacrifice upon the Nation's altar, for the benefit of this and future generations, leaving behind them those who by nature's ties they were bound to rear and educate until past the age of dependency, and this sacrifice was made by them under the most sacred pledges that could be given by a loyal, patriotic people.

The neglected condition of the soldiers' orphans in Ohio, in many cases left in extreme poverty and often found shelterless and starving in our streets, force them to commit deeds of wickedness that doom them to fill our prisons and penitentiaries. For this the people of the State are by reason of their neglect in a high degree responsible. This charge cannot be laid at the door of any one man but applies to the whole people, collectively speaking. Hence the important duty of remedying this great wrong should be made to devolve on somebody in order that the subject should be fully brought to the knowledge of the people of the State in such way that they can act in the matter in a united manner.

Ohioans did act. On August 19, 1869, Senator John Sherman delivered a dedication speech at the new orphans' home at Xenia. On November 19, 1888, the Soldiers and Sailors Home in Sandusky was opened.

Our own area has a wealth of Civil War tradition. It is impossible to do more than sketch a few items of interest regarding the eight counties of the 17th Congressional District which will serve as a reminder of the contribution and sacrifice of our forefathers.

ASHLAND COUNTY

At the start of the Civil War, Ashland County was the infant among our eight counties now composing the 17th Congressional District. On February 24, 1846, the legislature passed an act creating Ashland County, formed from territory of Richland, Huron, Lorain, and Wayne Counties. When the Civil War broke out the county's population was a scant 22,951. In response to President Lincoln's first call for 75,000 troops this small county responded with one company of Volunteers, led by Capt. John S. Fulton, 1st Lt. Thomas J. Kenny, and 2d Lt. W. B. McCarty.

Most people thought the war would be over quickly and the original enlistments were for 3 months' service. The original Volunteers were attached to the 16th Regiment. Ashland County furnished two full companies of the 84,166 men Ohio furnished under the call of July 22, 1861. Both of these were incorporated into the 23d Regiment, OVI, which possessed the distinction of having two of its officers, R. B. Hayes and William McKinley, become President of the United States.

Two Ashland County companies, C and H, of the 42d Regiment, OVI, served under another future President, Col. James A. Garfield. More realistic this time, the Volunteers were enlisted for 3 years' service. There are many anecdotes about C and H Companies. In a war which was primarily fought by younger men, General Garfield appointed Peter B. Johnson, of Ashland, then over 60 years of age, as trainmaster. He served honorably in that capacity for 3 years.

Ashland County had the unique distinction of having one of its native sons be the first citizen of Ohio to volunteer as a soldier for the Union Army. Lorin Andrews was born in a log cabin, on April 1, 1819 and was of the Horatio Alger tradition. From 1840 to 1843 he studied at Gambier but dropped out due to lack of adequate finances. In 1854 he was, nonetheless, chosen as president of Gambier and the institution advanced under his leadership from 30 to over 200 pupils. It was in February 1861 that he offered his services to Governor Dennison, believing that war was inevitable. He later enlisted as a private which sparked the enthusiasm of citizens in Knox County. Governor Tod made him a colonel and asked him to raise a company which he did. This company was a part of the 4th Regiment and it was Lorin Andrews' fate to fall early in the war. He died on September 18, 1861, in West Virginia as a result of exposure and typhoid fever. Returned to Gambier, he was buried there at the prime of life, 42, a martyred hero in Knox County.

Other Ashland sons served under another illustrious Ohioan, Hon. John Sherman, of Mansfield, who formed the 65th Regiment OVI which was raised at

Mansfield. Col. Charles G. Harker commanded. They trained at Camp Buckingham which was located at Mansfield.

In July and September of 1862 during the scare that Cincinnati would be besieged by the famed Confederate raider, John Morgan, an appeal was made to the farmers and laboring men within a proper distance of the Queen City to aid in its defense. A large number of men from the rural districts hastened to the rescue. On September 2, Governor Tod issued a proclamation authorizing Gen. Lew Wallace to complete the organization and stated that none but armed men would be received. They were called the Squirrel Hunters and defended Cincinnati against a raid that never materialized. Ashland County sent 104 men to this peculiar campaign. By resolution of the legislature in the winter of 1863, discharges in due form were furnished to the Squirrel Hunters of 1862, successors in kindred spirit to the minutemen of the Revolutionary War.

On November 15, 1888, the soldiers' monument was dedicated in Ashland at the courthouse yard. Gen. R. B. Hayes, former President of the United States, delivered the dedicatory address.

GAR posts in Ashland County were as follows:

No. 132, Andrews Post, Ashland.
No. 182, McCarty Post, Polk.
No. 255, Elliot Post, Jeromesville.
No. 278, Armstrong Post, Hayesville.
No. 309, Fisher Post, Loudonville.
No. 356, Fuller Smith Post, Sullivan.
No. 512, Zeigler Post, Perrysville.
No. 569, C. P. Ogden Post, Nova.
No. 607, Smalley Post, Rows.

COSHOCTON COUNTY

President Lincoln's call for troops came on April 14, 1861. Coshocton County gives an interesting illustration of how soldiers were conscripted in the sixties. On April 16, 1861, a meeting was held at the law offices of Nicholas & Williams prior to which A. M. Williams had gone to Columbus and secured a commission to raise a company. Signs went up all over town which proclaimed "Call for a Union Meeting."

This public meeting was held at the courthouse. The Age, Coshocton newspaper of the day, pointed out that immense delegations came in from every part of the county and it became dangerous to be known as a sympathizer with the rebels. One business establishment was surrounded by crowds because it had given utterance to sentiments of sympathy with secession. The owners were compelled to hoist the Stars and Stripes upon pain of being thrown stock and all into the river.

The Age described the Union meeting this way:

The war meeting at the courthouse was a boomer and the patriotic speeches of Messrs. Nicholas, Given, and Lanning elicited great enthusiasm. A band of martial music took up its position in the room and enlivened the scene with patriotic airs. John D. Nicholas was first called upon and made a soul-stirring speech, followed by Joseph Given and Richard Lanning, in capital addresses to the patriotism and national feeling of the vast crowd assembled. The volunteer roll was opened and a company formed in a short time. A resolution was adopted that funds be raised to keep the volunteers without expense to themselves while waiting for orders.

Nicholas R. Tidball had returned from Columbus on April 17, 1861, and had a commission to raise a company. The meeting described was held on Friday, April 19, but men could not wait until then to volunteer. The Age reported:

Enlisting for the war is briskly going on. The proper papers can be found at Baker's Shop, opposite the Tidball House.

The first troops were assigned to the 16th Regiment, OVI. The return of the 3-month men brought about efforts to raise 3-year troops. Capt. John D. Nicholas and others succeeded in raising five companies which were all assigned to the 51st Regiment, OVI. The casualties among these soldiers were particularly high. The 51st was engaged in fighting at Chickamauga and a monument stands today in the Chickamauga and Chattanooga National Park, erected by the State of Ohio.

Coshocton's sons served in many battles. The famous 97th Regiment found many of her sons fighting through Kentucky, Tennessee, and the central war sector and then joining in with the forces that marched to the sea under General Sherman.

A chronicler of the era recorded this story:

While the slain of the 32d and 24th were being silently sent home from the battlefield; with the dead from the fever-stricken camps of the 51st at Wickliffe; while these martyrs were being laid away in their graves by the loved ones who could not see them die; amidst the enactment of these scenes, that wrung agony of broken hearts a solemn dirge which told of the tortures of the cruel war; brave hearts and patriotic hands were steadily filling the rosters of new companies in the 80th, namely, F, G, and H, were recruited solidly from Coshocton County and a large portion of Company B also came from this county. These companies repaired to Camp Meigs near Canal Dover.

That particular regiment left Camp Meigs on February 17, 1862, and went to Cairo, Ill. Thence through Kentucky and Tennessee to Farmington, Miss. In these battles, called skirmishes in the parlance of the day, Maj. Richard Richard Lanning, one of Coshocton County's most honored citizens, was killed in action leading his men. He had been prosecuting attorney when commissioned. The 69th Regiment, commanded by John V. Heslip, of Plainfield, trained at Camp Sherman, Newark. The 37th Regiment, OVI, was recruited as a German regiment.

On October 3, 1862, Governor Tod received instructions to raise three regiments of cavalry to be known as the 8th, 9th, and 10th Ohio Volunteer Cavalry. Coshocton County furnished more than her share of the complement.

The GAR took a firm hold in Coshocton County and eight posts were established:

No. 69, Richard Lanning Post, Coshocton.
No. 323, Willis C. Workman Post, Plainfield.
No. 394, C. C. Nichols Post, Newcastle.
No. 552, Captain Stephens Post, Coopersdale.
No. 596, Newton Stanton Post, Warsaw.
No. 619, Solomon Duncan Post, New Bedford.
No. 635, Jas. P. Cooper Post, Keene.
No. 642, Col. R. W. McLain Post, West Lafayette.

GUERNSEY COUNTY

Guernsey County was asked to raise 11 companies of militia with each company to have not more than 100 men and to be held in readiness for call. The men were supposed to be between the ages of 18 and 45. Townships began organizing and there was a fierce competition between the Guernsey County volunteers. They called themselves the Washington Union Rifles, the Valley Guards, the Millwood Rifles, the Middletown Guards, the Senecaville Cavalry, the Fairway Dragoons, and so forth. The first company was raised by John Ferguson, chairman of the recruiting committee, and called Ferguson's Guernsey Guards.

On April 22, 1861, a company of 90 new recruits gathered at the courthouse square for a program of civic spirit and left by train for Camp Jackson, Columbus, for 3 months' service. William G. Wolfe in his "Stories of Guernsey County" tells many interesting anecdotes on Civil War days in Guernsey County. He noted that a rare opportunity for civic adulation came when the first company returned triumphantly through Cambridge along with thousands of other soldiers, on the way to war. The trainmaster arranged for the train to stop at Cambridge and a brief reception for the 90 boys was held, they then speeding on their way to a grim war.

Probably the most significant occurrence in Guernsey County was the incursion of the Confederate Calvary under the command of Gen. John G. Morgan. He had entered southwestern Ohio with about 2,000 men. On July 23, 1863, Morgan's raiders entered Guernsey County at Cumberland. Then to Point Pleasant, now Pleasant City, and Hartford, now Buffalo. Picking up horses and supplies as he went from town to town, he continued on to Senecaville, then to Campbell's Station, now called Lore City, and to Washington. He was overtaken there by General Shackleford on July 24 and a battle ensued, the only one in Guernsey County and the farthest north of any other battle of the Civil War.

In those days, the raw recruit had little necessity for technological training. His bare requirements were to march, follow orders, and shoot at the enemy. An indication of this is given in the records of the 97th Regiment, OVI, which was recruited in Muskingum, Morgan, Guernsey, and Coshocton Counties. This regiment was recruited during the months of July and August 1862. It was mustered into the service at Camp Zanesville on September 1 and 2 and moved from Zanesville by cars on the 7th for Covington Heights, opposite Cincinnati; and on the morning of the 8th, took position near Fort Mitchel, 3 miles from the Ohio River, during the Kirby Smith raid. By September 22, the 97th had joined General Buell's army, then in pursuit of Bragg's

rebel forces. The battles of Mission Ridge, Nashville, and Missionary Ridge were ahead for the raw recruits within a few months after enlistment. They became a part of General Sheridan's army and saw service all over the central South. As a part of the 4th Corps they joined with the Army of the Tennessee and marched with Sherman to the sea. A historian of the day recorded the following:

During this march the 97th was at the front until the army went into Atlanta and camp.

All in all, over 2,000 Guernsey Countians wore the blue. The GAR stood strong in this country and 10 posts were active. They were:

No. 216, Cumberland Post, Cumberland.
No. 343, Cambridge Post, Cambridge.
No. 482, General Landers Post, Quaker City.
No. 492, Meagher Post, Kimbolton.
No. 538, John Smith Post, Brown.
No. 541, Buchanan Post, Lore City and Senecaville.
No. 576, Fairview Post, Fairview.
No. 656, Robinson Post, Washington.
No. 662, Davis Kimble Post, Byesville.
No. 665, Martin Post, Claysville.

On June 9, 1903, the statue in front of the courthouse was dedicated as a monument to the Civil War veterans.

HOLMES COUNTY

The Civil War history of Holmes County might properly be said to date from the Republican National Convention which was held in Chicago in 1860. Strange observation, you say. Listen to this account from the Chicago Tribune of May 19, 1860:

THE FOUR VOTES

During the progress of the third ballot for President, the steady increase of Lincoln's vote raised the expectation of his friends to fever heat that he was about to receive the nomination. When the rollcall was completed, a hasty footing discovered that he lacked but 2½ votes of election, the ballot standing, for Lincoln 331½, Seward 180, scattering 34½, necessary to be a choice 334.

Before the vote was announced, Mr. R. M. Corwine of the Ohio delegation, who had voted for Governor Chase up to that time, and three other delegates, viz., R. K. Enos, John A. Gurley, and Isaac Steele changed their votes to Lincoln, giving him a majority of the whole convention and nominating him. D. H. Carter, chairman of the Ohio delegation, announced the change of votes, and before the secretaries had time to foot up and announce the result, whereupon a deafening roar of applause rose from the immense multitude such as had never been equaled on the American Continent nor since the day that the walls of Jericho were blown down.

Mr. Enos, being a quick accountant had kept a tally of the vote, and discovered before anyone else that Mr. Lincoln lacked but two and one-half votes; whereupon he disclosed his knowledge to the three others and at his request they joined him in the vote for Mr. Lincoln.

Strange as it may seem, therefore, the smallest county in the 17th Congressional District had a role in the Civil War story which predates the contributions of her sister counties. R. K. Enos was a physician from Millersburg.

Yet, while the whole North was wild with excitement and enthusiasm of the cause, according to contemporary observers, Holmes County viewed the whole matter rather coldly as compared to Coshocton and surrounding counties. Her sons made noble sacrifices. Two thousand and fourteen of her sons enlisted in the war and in proportion to its population, Holmes County claims the distinction of having furnished more soldiers in that war than any other county in the State of Ohio. A strange set of paradoxes, yet true.

Holmes County became the stage for a strange battle. Many were tiring of the war by 1863 and a great deal of the patriotic edge was off of the Union cause in Ohio. Ohio had, in fact, become the trial balloon area for the candidacy of Clement Vallandigham, defeated for reelection to Congress in 1862 despite the Democrat sweep of 14 out of 19 congressional seats.

In his "Historical Study of Holmes County, Ohio" Fred W. Almendinger has outlined the interesting saga of Clement Vallandigham and his connection to Holmes County. The civil liberties spirit had not yet received the constitutional protection of the Court which was to be a hallmark of America 75 years later and some actions were rather arbitrarily carried off. One of them was "General Orders, No. 38," issued in Cincinnati on April 13, 1863, by Major General Burnside, Commander of the Department of Ohio. It generally forbade support of the rebel cause and included the following assertion:

The habit of declaring sympathies for the enemy will not be allowed in this department. Persons committing such offenses will be at once arrested with a view to being tried as above stated or sent beyond our lines into the lines of their friends. It must be expressly understood that treason, expressed or implied, will not be tolerated in this department.

A rather arbitrary order indeed, but, then, this was wartime and who was to complain.

On May 1, 1863, Vallandigham made a fiery speech at Mount Vernon before a Democratic rally at which time he openly defied General Burnside's order declaring his authority to be higher than General Order No. 38, "it was General Order, No. 1, the Constitution." Many men from the town of Napoleon—now Glenmont—were at Mount Vernon that night and his words fell on receptive ears. They returned to their homes filled with a fury against the Union cause and a determination to resist the hated draft law to the limit.

Farmers organized to interfere with shipment of supplies to the Union Army, urge soldiers to desert, refuse to give greenbacks as legal tender for debts, incite resistance to the draft and finally to burn the buildings of every Black Abolitionist and hang him to a tree, according to records of the Ohio Archeological and Historical Quarterly. On June 5, E. W. Robison, the draft officer of the district was hunting through the hills of Napoleon for several deserters when suddenly from the hills there descended upon him a group of men who stoned him and threatened his life. He reported to the provost marshal of the 14th District who promptly arrested four of the ringleaders. While marching his prisoners through Napoleon, he was confronted by a group of some 60 or 70 armed men who retrieved the prisoners.

About 420 men were dispatched from Camp Chase, near Columbus, by rail over the Pittsburgh, Fort Wayne and Chicago railroad to Lake Station—now Lakeville—and on June 18 and 19 put down the famous "Holmes County Rebellion" or the "Battle of Fort Fizzle," as it has been called by many. As Mr. Almendinger put it, however, "the bitterness of the hill people against the Union party and the war did not die with Fort Fizzle." This was an interesting saga in the Civil War which pitted brother against brother.

Holmes County men served in almost every major battle and following Appomattox, the GAR had four posts as follows:

No. 250, Pomerine Post, Millersburg.
No. 298, G. W. Hughes Post, Nashville.
No. 691, Joseph Cross Post, Black Creek.
No. 702, Andrew W. Duncan Post, Killbuck.

On the public square stands a formidable war memorial which was dedicated July 4, 1887. On the four sides of the statue's base are inscribed the names of Washington, Jackson, Scott, and Grant. One inscription proudly states:

In response to the different calls of the Government, 2,014 men went from Holmes County during the War of the Rebellion. They were engaged in many battles from Phillippi to Appomattox.

KNOX COUNTY

Knox County furnished more than 3,000 men to the Union Army. On April 20, 1861, there was a great mass meeting in Mount Vernon, presided over by Hon. Henry B. Curtis. There were thousands of people present. Hon. Columbus Delano offered an inspiring speech. C. P. Buckingham was among the first to volunteer. He had served at West Point as a cadet and was the unusually old age of 53. He became Commissary General of the State of Ohio and set out to make plans for supplying all of the camps which were sprouting up everywhere. Although he never led an army in the war, he made a very significant contribution. He became Adjutant General of the State of Ohio with the rank of general.

Knox County had another general. Gen. G. W. Morgan was a native of Pennsylvania but took up the practice of law in Mount Vernon in 1845. He distinguished himself in the Mexican War and was brevetted brigadier general for gallantry. He served in the diplomatic corps in Marseilles and Portugal but returned to the United States in 1861 to enter the army as a brigadier general, serving under Gen. Don Carlos Buell. In March of 1862 he commanded the 7th Division of the Army of Ohio and later was assigned to the 13th Army Corps and commanded at the capture of Fort Hindman, Ark.

In those days, each county had a war fund by which money was raised through private subscription. Knox County responded with many thousands of dollars for the war effort. Not war bonds these, but outright gifts. The roll was placed and those citizens were honored who

gave generously. Knox County's first contribution to the war was A and B Companies of the 4th Regiment, OVI. Henry B. Banning was probably Knox County's most illustrious Union veteran. He rose to the rank of brevet major general as did Capt. James S. Robinson. Maj. James H. Godman and Capt. Eugene Powell became brevet brigadier generals.

Seven GAR posts were organized following the war. The Joe Hooker Post met in the Knox County Soldiers' Memorial building, a $250,000 structure completed just in time for the State GAR Encampment in Mount Vernon in June 1925. The posts were:

No. 21, Joe Hooker Post, Mount Vernon;
No. 120, Leroy Baker Post, Danville;
No. 396, Debolt Post, Centersburg;
No. 486, Emerson Opdyke Post, Bladensburg;
No. 505, Yager Post, Milfordton;
No. 539, Jacob Young Post, Fredericktown;
No. 706, Fry Post, Brandon.

LICKING COUNTY

The Civil War cause was very popular in Licking County and although some copperhead territory was situated there, its sons responded quickly to every call. All in all, 3,932 men responded of whom 368 were drafted. Licking County's participation in the War of the Rebellion, as it was always referred to, was portrayed very adequately by Judge Samuel M. Hunter as he delivered the Decoration Day address at Cedar Hill Cemetery in 1880. He said, in part:

How well do we remember when Captain McDougal's company of the old 3d Ohio, the first gift of Licking County to the Union, marched down Third Street that chill April day, 19 years ago. Sumter had been fired upon, and the rebellion had been inaugurated. Who does not remember the solemn faces and streaming eyes of the people, as that little column filed down the street to take place in the Army of the Union? I see before me today faces and forms who were in that devoted band. It was they who were plunging into the great unknown; it was they who enlisted under the banner of a nation which had long been unused to war. They were the first—but they were quickly followed by the other companies and regiments, which marched down the same street, and took their places in the Army of the Union—some to the east, some to the west, but all with their faces to the south, and their homes behind them.

There were boyish faces and forms in those ranks; but the years roll on, and those who were boys then, are men of middle age now. They were leaving family, friends, and comforts. Their one thought was of home—their one impulse to battle for, and save the Union. And so the long months and years of that dark time went by. Call on call was made for fresh sacrifices, and fresh lives to offer up upon the altar of our country. The young lads who watched McDougal's company march away, grew up and themselves took their places in the Army of the Union; until ere the war was over, Licking County herself had placed a small army in the field.

And wherever the soldiers of Licking County have marched, wherever they have camped, and wherever they have fought, her sons have been in the foremost line of battle, their arms have held up the flag of the Union the highest, and their names today are inscribed among the brightest on their country's roll of honor. Her sons have fought, and their blood has been poured out on nearly a hundred battlefields, from the Potomac to the Rio Grande. And in all that struggle, this county has never been called upon to blush for their honor, nor to share in their dishonor. Her sons have felt the scorching fires of Manassas; they joined in the wild cry of victory at Fort Donelson; they helped win and wear the laurels at the siege of Vicksburg, they stood the brunt of battle under the low spreading branches of the forest of Shiloh; they fought among the clouds at Lookout Mountain; they pined and wasted in the prisons of the South, their blood has dampened the soil all over Virginia, and with Sherman, they "marched down to the sea." And when her ragged and decimated companies and regiments came back to her, their honor was only second to the honor of those who left their bones on the field where they fell.

During the fever of the presidential campaign of 1860, semimilitary organizations were formed all over the country, bearing the name of "Wide-Awakes." Such a company formed in Newark, composed of young men aware of the coming storm. It was commanded by Capt. Leonidas McDougal. It was only natural that the officers of the Wide-Awakes became the officers of old Company H of the 3d Ohio Volunteers, the first of Licking County's spontaneous and generous contributions to the Union Army. Once Captain McDougal and the boys were being feted and he was asked to make a speech. He replied he did not know how to make a speech but he did know how to command the Wide-Awakes. His record indicated that this was no idle remark. While pursuing General Bragg in September 1862, the old Third passed through Louisville and at an engagement at Perryville, Captain McDougal fell, Licking County's first hero, one of 19 men of Company H to give their lives.

Probably the best known contingent of soldiers was the old 76th Regiment, OVI, known as the "Licking County Regiment" for the entire regiment was formed there and they fought in many of the toughest battles of the Civil War. Charles R. Woods had graduated from West Point in 1852 so it was only natural that he would play a prominent part in formation of this unit. The following orders were received:

HEADQUARTERS OHIO MILITIA, ADJUTANT GENERAL'S OFFICE,
Columbus, Ohio, October 7, 1861.

SPECIAL ORDER NO. 882:

Col. Charles R. Woods is authorized to organize a regiment of infantry. The regiment shall be No. 76; and shall have its rendezvous at Camp Sherman, near Newark, Ohio. The regimental officers will be appointed and mustered as required by the general orders of the War Department. Should the regiment not be filled by the end of 30 days from this date, the companies may be assigned to other regiments at the discretion of the Governor.

By order, R. MASON,
Assistant Adjutant General, Ohio.

Needless to say this served as a great impetus to form Licking County's own regiment. It was sometimes called a family regiment as two brothers headed it; a brother-in-law Willard Warner, later a general, was made major, another brother-in-law was made adjutant and the venerable Ezekiel S. Woods, father of Charles and William, was called "Father of the Regiment." There was no facetious talk of nepotism, however, because the name Woods and Warner became synonmous with gallantry and they had fiercely loyal troops who followed them to Vicksburg, Lookout Mountain, Chattanooga, and Atlanta.

There were many other of Licking County's fine sons. Capt. Thaddeus Lemert of Company A was a magnificent officer, beloved by his men who were grieved when he was killed at the head of his company in the Battle of Arkansas Post, January 11, 1863. The first GAR post established in Licking County was named for him. There was Capt. James M. Scott of Alexandria, Capt. Charles H. Kibler of Newark who served as assistant adjutant general to General Woods, Capt. Joseph C. Wehrle of Newark, a German by birth, and one of the best officers of the 76th. At Ringgold he stood the brunt of that disastrous conflict and lost nearly all of his men. One of those who fell at Ringgold was Capt. Ira B. French of Alexandria. His brother, Sgt. Frank French lived to be the last surviving veteran of Licking County and central Ohio.

According to "Hill's History of Licking County," quite a large detachment of colored men enlisted in the 127th Ohio Infantry, afterward known as the 5th Colored U.S. Infantry. They saw action at Petersburg, Va., under General Butler and a number of Newark boys were killed in action.

The 76th was in line of battle at Fort Donelson only 6 days after leaving Newark, February 9, 1862. Eight companies of the 76th were organized at Newark and their officers were local men. The regiment took part in 44 battles, moved 9,625 miles by foot, rail, and water and passed through 11 rebellious States—351 men died on the field or in hospital, 241 were wounded, 222 came home wearing the scars of battle, and 282 returned home with ailments or afflictions as a direct result of line-of-duty conditions. Many of them did not live long. It is no wonder, Mr. Speaker, that the 76th stands as one of the prized service units of the war.

The GAR was a moving force in Licking County social and political life for many decades. Nine posts were formed and the grand reunion held in Newark, July 22, 1878, 14 years after the Battle of Atlanta must rank as the most memorable event in the county's entire history. A banner in Newark proclaimed "The Gallant McPherson Is Remembered Today," as a reminder that 14 years before General McPherson fell at the head of his troops, the Army of the Tennessee, in sight of Atlanta at Peach Tree Creek. He was but 36 at the time. President Hayes, Governor Bishop, General Sherman and a galaxy of notable Ohioans and Americans made this reunion an event that claimed nationwide press. The Cincinnati Gazette gave this account:

The citizens of Newark have been most hospitable in their entertainment of their hosts of guests. They not only engineered very successfully a gigantic gathering but have as well succeeded in making all who were here feel at home. The President and General Devens took tea this evening at the residence of Judge Jerome Buckingham. Miss Ella Sherman drove the carriage con-

taining her father and General John M. Connell, from Lancaster here this morning, in 3½ hours. * * * There was almost perfect order, very little drunkenness being seen, The day and night were as perfect as could be wished and Newark may be grateful for this important adjunct to their successful enterprise.

The following GAR posts were established in Licking County:

No. 71, Lemert Post, Newark.
No. 188, Channel Post, Utica.
No. 311, Hamilton Post, Gratiot.
No. 463, T. and J. Dill Post, Homer.
No. 653, Baird Post, Pataskala.
No. 668, Z. P. Evans Post, Perryton.
No. 693, Ira P. French Post, Johnstown.
No. 704, J. L. Francis Post, St. Louisville.
No. 749, Garfield Post, Jersey.

The Memorial Building, on the northeast corner of the square in Newark, was begun in 1902 and completed and dedicated in 1903. It cost $101,000 which was raised by a tax upon the people of Newark and Newark Township through a vote of the people. The veterans of the GAR used this building as their headquarters and home.

THE DRUMMER BOY OF SHILOH

Without a doubt, one of the most remarkable characters in the Civil War was the legendary drummer boy of Shiloh, Johnnie Clem, of Newark. Some historians say he was probably the youngest person who ever bore arms in battle. He was born in Newark on August 13, 1851 and ran away from home when he was less than 10 years of age and enlisted as a drummer boy in the Army. He participated in many battles and it was customary for all men and boys to fight when the battle was raging, regardless of age or position. The famous historian, Henry Howe, interviewed his sister, Lizzie Adams, and got the following narrative:

It being Sunday, May 24, 1861 and the great rebellion in progress, Johnnie said at dinner table: "Father, I'd like mighty well to be a drummer boy. Can't I go into the Union Army?" "Tut, what nonsense, boy," replied father, "you are not 10 years old." Yet when he disappeared it is strange we had no thoughts that he had gone into the service. When dinner was over Johnnie took charge of us, I being 7 years old and our brother, Lewis, 5, and we started for the Francis de Sales Sunday School. As it was early he left us at the church door, saying "I will go and take a swim and be back in time." He was a fine swimmer. That was the last we saw of him for 2 years.

He enlisted as a drummer boy in the 24th Ohio at Columbus. He was in many battles including Shiloh, Perryville, Murfreesboro, Chattanooga, Chickamauga, Nashville, Kenesaw. He was taken prisoner at one time and exchanged. He gained the name "Johnnie Shiloh" when he joined the 22d Michigan as a volunteer, being too young to be mustered in, and beat the drums at that battle. His drum was smashed by a piece of shell and his bravery undoubtedly added to the morale of his companions. He was wounded at Chickamauga and was made a sergeant by Rosecrans for his heroic conduct.

One could well wonder at the different type of war in which a 10-year-old could be involved in actual combat. The Civil War was that type of war as the records clearly show. The official records indicate that 1,151,438 boys and young men enlisted at 18 years of age and under—mind you, under 18 not over—and 2,159,789 were 21 years old or under. These figures indicate the number of boys who were involved:

The total number enlisted in the Union Army, Navy, and Marine Corps 1861–65 was	2,778,304
Of these there were credited to the Army	2,672,341
And to the Navy and Marine Corps	105,963
Number of enlistments at—	
10 years and under	25
11 years and under	38
12 years and under	225
13 years and under	300
14 years and under	1,525
15 years and under	104,987
16 years and under	231,051
17 years and under	844,891
18 years and under	1,151,438
21 years and under	2,159,789
22 years and older	618,511
25 years and older	46,626
44 years and older	16,071

Those under 14 years of age were mainly drummer boys but more often than not they engaged in the fighting. My good friend, Bob Klepinger, a Washington attorney and close friend of my late father, recalls talking to Johnnie Clem on several occasions. The drummer boy told the story which was repeated by hundreds of other enthusiastic youth that they would put a slip of paper in their shoe marked either 12 or 16 and then would "honestly" reply to mustering officers that they were "over 12" or "over 16." Clem noted with a smile that he had done this and had "always been truthful." Margaret Sahling of Coshocton points out that her mother says that her father also used this noble ruse.

MUSKINGUM COUNTY

Muskingum County furnished nine generals to the Union Army which should make it distinct among counties of the North. Some held the rank by brevet, an honorary title without increase in pay, often bestowed after some signal command success as an officer. They were Maj. Gens. C. P. Buckingham, Robert Seamon Granger, Mortimer D. Leggett, and Willard Warner. Generals Buckingham and Granger were West Point graduates and distinguished themselves as soldiers and statesmen.

The five who were mustered out as brigadier generals were William H. Ball, Samuel A. Gilbert, William Douglas Hamilton, John G. Lane, and Greenbury F. Wiles.

One of the first men to respond to the call for volunteers was Capt. John C. Hazlett who raised the first company of recruits at Zanesville. Born in Newark, he was prosecuting attorney when the war broke out. He simply locked his law office and started recruiting and on April 18, only 3 days after Lincoln's call, his company went to Columbus by train. This company, numbering some 70 men, become Company H in Col. Alex M. McCook's 1st Regiment, OVI. Company H saw action in June 1861 at Vienna, Va. David Mercer, a Zanesville blacksmith, died in this skirmish and became Muskingum County's first casualty. After the 3 month's enlistment was up, Captain Hazlett formed another company for 3 years' service. It became a part of the 2d Regiment, OVI. He died at 32 as a result of wounds incurred at Stone River. His brother, Lt. Charles E. Hazlett, was killed at Gettysburg. It was fitting that the GAR post in Zanesville should be named for the Hazlett brothers.

Gen. Catharinus Putnam Buckingham was without a doubt Muskingum County's most illustrious soldier of the Civil War. He designed the old covered Y Bridge which stood from 1832 to 1900. In the war, he was commissioned a major general and made confidential aid to Secretary of War Stanton. In 1862, General Buckingham carried the orders which relieved General McClellan of the command of the Army of the Potomac and placed General Burnshide in his place. At the suggestion of the Military Committee of the Senate, he wrote the bill for conscription.

Gen. Mortimer D. Leggett was a legendary character. He was admitted to the bar, graduated from medical school, and after his military service became Superintendent of Zanesville schools. In 1861 he was commissioned by Governor Dennison to raise and organize the 78th Regiment, OVI. He enlisted as a private and within 40 days passed through all ranks to colonel. He joined Grant at Donelson and received his first wound at Shiloh but did not leave the field. At Corinth, a horse was killed under him. For his bravery, he was commissioned a brigadier general. He was in all the movements against Vicksburg and commanded the 3d Division of the 17th Army Corps of the Army of the Tennessee at Atlanta.

All in all, 3,337 Muskingum County men served in the Civil War. A total of 646 lost their lives. Muskingum Countians laid claim to having Ohio's first GAR post although this claim is disputed. Those posts which were formed in the postwar years were:

No. 81, Hazlett Post, Zanesville.
No. 290, Axline Post, Roseville.
No. 331, Griffee Post, Frazeysburg.
No. 380, Dan Brown Post, Duncan Falls.
No. 412, Fred Allen Post, Adamsville.
No. 415, Major Cass Post, Dresden.
No. 468, Hansen Post, New Concord.
No. 545, Ham Gardner, Fultonham.
No. 628, John Trimble Post, Otsego.
No. 651, Maj. J. C. Robinson, Chandlersville.

In 1888, a soldiers and sailors memorial building was constructed in Zanesville at a cost of about $85,000. It was properly dedicated on July 4, 1889. With the passage of time this building was condemned as unsafe and razed in 1937.

The GAR flourished in Muskingum County and its prestige was heightened by Robert Burns Brown who climbed the ladder of success from Army private to National Commander of the Grand Army of the Republic. At Missionary Ridge, he performed deeds of heroism and was given the Congressional Medal of Honor. Gaining the nickname of "General" he rose in GAR ranks and on August 6, 1906,

was unanimously elected national commander. He was editor of the now defunct Zanesville Courier and was Republican candidate for Governor in 1912.

WAYNE COUNTY

Wayne County responded quickly to the Civil War which was thrust upon the North. Fort Sumter was fired upon April 12, 1861, and the first public meeting was promptly held on April 16, with Hon. William Given serving as chairman and James McMillen, secretary. Patriotic speeches were made by Judge Given, Eugene Pardee, William M. Orr, and others. Fifty men enlisted in Wayne County's first company, which left for Columbus on April 21 and was officially incorporated into the 4th Regiment, OVI, as Company E. Lorin Andrews, already mentioned as Ashland County's first son in the Civil War, headed the regiment with the rank of colonel. This regiment served under Gen. George B. McClellan in many Maryland and Virginia campaigns, including Romney, Richmond, and Fredericksburg. On July 4, 1863, it was one of three companies that drove the enemy from Cemetery Ridge during the Battle of Gettysburg. This action was popularly known as Pickett's Charge.

The second company to be organized in Wooster was incorporated into the 16th Regiment, OVI. These men saw service at Phillipi, one of the first engagements of the war. They saw service at Arkansas Post and Vicksburg before the 1864 campaign against New Orleans. A score of additional companies sent Wayne County's finest sons into virtually every major battle. The 107th Regiment, OVI, was raised chiefly in Wooster from among the patriotic Germans of the city. Capt. Gustave Buecking commanded the local contingent.

All in all, more than 3,200 Wayne County men volunteered for service. A considerable conscript force swelled the ranks of the men who wore the blue.

One of the county's most illustrious soldiers was David Sloane Stanley who was born on June 1, 1828, in Congress Township, 3 miles south of Congress. He graduated from the Military Academy in 1852 and at the commencement of the Civil War was a captain of cavalry at Fort Smith, Ark. He was offered the colonelcy of an Arkansas regiment in the Confederate service but declined and in May 1861, escaped by a hazardous march to Kansas. His service was brilliant and at the Corinth, Miss., campaign he led a counterattack at the head of his troops, driving the rebels back. His worth was well noted and he was rewarded by advancement to the rank of major general with command of a cavalry division in Tennessee on November 29, 1862. He took part in the Atlanta operations and was commended for gallant conduct at Resaca, Ga. He was seriously wounded at Franklin, Tenn., while personally leading his troops and thus ended his active career, one of the most outstanding of the war although he was never as well known as Ohio's Grant, Sheridan, Sherman, and McPherson.

A Civil War monument was erected on the public square and stands today as a reminder of Wayne County's contribution in the War Between the States. The inscription reads:

Erected by Mr. and Mrs. Jacob Frick in honor of the Union soldiers of Wayne County, Ohio, and presented to the city of Wooster May 5, 1892.

The following GAR posts were established after the war:

No. 133, Given Post, Wooster.
No. 170, Arthur Strong Post, Creston.
No. 184, Warner Brown Post, West Salem.
No. 209, Shreve Post, Shreve.
No. 296, Wayne Post, Orrville.
No. 297, J. Galehouse Post, Doylestown.
No. 305, Col. E. M. Mast, Fredericksburg.
No. 376, James Young Post, Burbank.
No. 428, Charlton Post, Big Prairie.
No. 490, Davidson Post, Smithville.
No. 674, John Dunn Post, Apple Creek.
No. 694, Winkler Post, Cedar Valley.

CIVIL WAR ANECDOTES

It would be impossible to note all of the very interesting anecdotes and sidelights which could be recounted from the wealth of Civil War and Grand Army of the Republic lore in our area. Fortunately, we have people like Minnie Hite Moody of Granville, Norris F. Schneider of Zanesville, Arthur Vanosdall of Ashland, W. W. Dorsey of Mt. Vernon, Margaret Sahling of Coshocton and others who are Civil War buffs and do yeoman service in transmitting to our generation the legacy and tradition of our forefathers. I thank each of them for their help to me in preparing these remarks. With each passing generation the connecting link grows weaker and people tend to care less and less about their heritage. This should not be so for it is impossible to fully understand our present situation unless we recognize the sacrifice of those who have gone before us.

Arthur Vanosdall, now 90, recalls well a famous trip he made to Canton in 1896 during the famous front porch campaign of William McKinley. He has as a prized possession a front porch picture of the men from Ashland County who entrained to Canton for a combination reunion of the 23d Regiment, Company G and a boost to their former commanding officer's presidential chances. He overheard Governor McKinley greet M. B. DeShong and say:

Milt, do you remember the night up at New London when we were coming home from the war and I reached in my pocket and didn't have any money. You loaned me the money to get back to Canton. I'll remember you, Milt.

M. B. DeShong was a captain serving under Major McKinley and later became Ashland postmaster. Both had served at Antietam.

* * * * *

The new draft law was not very popular. Men who did not want to fight could hire a substitute to serve for 3 years at pay of $300. Many thought it more honorable to enlist than to be drafted so a Federal bounty was offered. In December 1863, for example, A. P. Stults urged Zanesville men to "Come in out of the draft and accept $302 bounty." Jacob Glessner described the first mutual aid society as follows in the Zanesville City Times on August 6, 1863:

Conscripts mutual aid societies are being formed in many places. Six young men enrolled in the first class liable to draft, for instance, organize and create a fund of $300 by each paying $50. If one of six is drafted, he is paid $300. If two members are called, they each receive $150. This thing impresses us favorably. It assists in distributing the burdens imposed by the conscription.

On the whole, however, this attitude was the exception. Note the contrast with what some of the young ladies of nearby Coshocton were doing. The latter activity would seem to represent more the general pattern in Muskingum, Coshocton, and throughout this area.

The young ladies of Coshocton County got busy and organized a society for the purpose of inspiring the enlistment of all able-bodied young men during the dark days of the war. They published the following resolution in all of the county's papers:

At a meeting of the young ladies of Coshocton County, held for the purpose of promoting war measures, it was unanimously resolved—

That it is the duty of every young unmarried man to go to war;

That all who are physically unable to go are physically unable to support a family;

That we have no further need of home guards;

That young men have but one reason for staying at home—they fear battle more than they love liberty;

That the young man who fails to do his duty in this hour of utmost need is not worthy the smiles of the ladies of this vicinity;

That we will marry no home guard;

That he who is not true to his country is not true to his God nor would he be true to his wife.

This resolution gives some idea of the depth of conviction which those on the homefront had regarding the rebellion. One hundred years later we see draft card burners, sit-ins, protesters, peaceniks, schools conducted to evade the draft, and so forth. Quite a contrast, Mr. Speaker, in morale and determination.

Henry Howe in his formidable history of Ohio heaped accolades on Kenyon College. He wrote:

Ex-President Hayes wrote that, with the exception of the 4 years spent in the Union Army, no other period of his life, in cherished recollections, could be compared with it (his years at Kenyon). Edwin M. Stanton, the Great War Secretary, was accustomed to say: "If I am anything, I owe it to Gambier College."

To give some indication in the difference of my generation in age, I can always recall that the Civil War veterans were called "survivors." Indeed, they were old men when I was a boy in the thirties. I do well recall Sgt. Frank D. French of my hometown, Johnstown, who was our last survivor in Licking County. He was born on May 21, 1844, and died on June 4, 1939. His funeral was a solemn event which is fresh in my memory. He and my father were great friends and he was a frequent guest. He was a greatly honored citizen.

Not only did committees spring up to provide the funds for support of the Union Army but everywhere there was the forerunner of the bundles to Britain idea of World War II. A military committee was formed in Coshocton County,

for example, which issued the following circular:

AN APPEAL TO PATRIOTIC CITIZENS FOR AID FOR OUR SOLDIERS

In accordance with the proclamation of the Governor of Ohio, the undersigned military committee of Coshocton County would respectfully but earnestly call upon her citizens to come to the relief of our suffering soldiers. This is no idle call. If you have but one blanket to spare, bring it along. The articles will be received and receipted for at the store of Rank H. Hay in Coshocton, or Hiram Beall's store, in Keene.

HENSTON HAY
SETH MCCLAIN
A. L. CASS
R. LANNING
GEO. W. PEPPER,
Military Committee for Coshocton County.

At the same time the young ladies of Coshocton County organized.

Columbus Delano was one of our district's most prominent personages during the Civil War era. He was born in Shoreham, Vt., on June 4, 1809, and moved with his parents to Mount Vernon in 1817. He was an attorney and served in Congress at various times over a period from 1845 to 1868. He was a delegate to the Republican National Convention in 1860 and seconded the nomination of Abraham Lincoln. He served in a civilian capacity in numerous activities associated with the war and was State commissary general of Ohio in 1861. After the war he was appointed Secretary of the Interior by President Grant and served in that capacity from 1870 to 1875. He was one of the wealthiest men in central Ohio.

Pren Metham, born in Jefferson Township, Coshocton County, enlisted in Company F, 80th Regiment, OVI, in the fall of 1861. He was commissioned a second lieutenant by Governor Dennison and then raised a company of which he was made captain. He was promoted to major, succeeding Richard Lanning who was killed at Corinth, Miss. He marched with Sherman to the sea and after that went to Washington. He was present at Ford's Theatre when Lincoln was assassinated and started in pursuit of Booth but in the frenzy of activity lost the chase. He was mustered out as a colonel.

People took their politics seriously during those days. The Republicans had an advantage for years as the Democrats were labeled as the party of secession. The "bloody flag" was waved for years in much the same way as the Democrats labeled the Republicans as the party of the great depression. Once in a while a wag would refer to the GAR as the Grand Army of the Republicans. Most of its illustrious sons were of the party of the Union and in those days that was the Republican Party. The saga of Clement Vallandigham was one of the most interesting sidelights of the war. He campaigned strenuously through our area as the Democrat candidate for Governor in 1863, having lost his seat in Congress and becoming very bitter. The Civil War was a family war. Issues were personal as well as national and politicians denounced each other in scathing terms. In those days there were many newspapers and their editors delighted in writing in vitriolic terms. Ohio Democrats elected Union Democrats as Governors during the war. Even Stephen A. Douglas become a Union Democrat. As Norris F. Schneider has so well recounted, the Zanesville press continually threw barbs as demonstrated by this August 21, 1862, editorial by Samuel Chapman of the Citizens Press in which he denounced J. T. Shryock, editor of the rival Courier:

Notwithstanding we last week called upon Government officials to arrest Shryock, he is still running at large and treacherously through his abolition sheet continues to give aid and comfort to the rebels.

When Democrats invited Clement Vallandigham to speak at Zanesville, Shryock was unhappy and wrote:

It will be slander upon Zanesville if there shall be found here a large number of citizens who will do Vallandigham, the friend of the rebels, the honor to meet him and hear him.

Some said 2,000 turned out; partisans said 10,000 but at any rate Vallandigham was well received on March 28, 1863. He spoke for 2 hours, called the Draft Act unconstitutional and said that since the war was not being constitutionally waged, it should cease. He attacked Lincoln for his flagrant violations of the Constitution. He alleged:

Mr. Lincoln's plan is to provide for the defense of the abolitionists and niggers and disarm the people—

In a play on the constitutional provision of "providing for the common defense and promote the general welfare." In regard to the latter part, he alleged:

Mr. Lincoln's plan is to provide for the welfare of the office holders and the army contractors.

The Unionists held a countermeeting for their candidate, John Brough and banners in downtown Zanesville proclaimed:

Any Ham But Vallandigham. Any reign but the reign of Jeff Davis. Vote for John Brough, the soldier's friend.

After Vallandigham was arrested in Dayton under the order of General Burnside, he was sentenced to imprisonment by a military tribunal. Lincoln changed the sentence to exile to the Confederacy and this angered the Peace Democrats who nominated him for Governor of Ohio. He escaped to Canada and ran his campaign from there. Brough defeated him and President Lincoln proclaimed:

Glory to God in the highest; Ohio has saved the Union.

Typical of the way some feelings ran among the losers was a letter to the editor of the Courier on October 16 which stated:

Mr. Shryock, I take my pen in hand to tell you a few things you ought to know. * * * Judging from your conduct, I have no doubt that if you could have your own way, you would have a regular Guinea buck nigger in the Presidential chair in less than 6 months. All you want is to have such abolitionists as old Jack Brough and Abe Lincoln in office so that you can suspend the writ of habeas corpus * * *. Just see how old tyrant Lincoln used Hon. Clement L. Vallandigham, who is the greatest, wisest, and most honorable statesman that America has seen since the days of John C. Calhoun.

Col. William Douglas Hamilton, a Zanesville lawyer, marched with Sherman to the sea and was the subject of an interesting story. He was with the 9th Ohio Volunteer Cavalry which was patrolling the Tennessee River. One night he saw his men eating with silverware. On close examination, the knives and forks had been engraved with the name W. H. Key. He returned them to the owner and accepted his invitation to dinner. During the meal, some of Hamilton's own men tried to rob the host's smokehouse. Hamilton was embarrassed but admitted that the men were carrying out Sherman's order to live off the country while on the march. Southerners cursed Sherman after the war but they invited General Hamilton back.

Companies chose their own officers by election in the Civil War. Others were commissioned by Governors of the States. Civilians without military training found themselves in command of troops. If they succeeded, they were promoted.

Almost every account of Civil War action shows the prestigious place which mascots, drummer boys, and flagbearers had in the skirmishes. The flagbearer was a particularly dangerous target, like the goalie in modern hockey, because the idea was not just to wipe out the enemy but get their regimental flag. Sharpshooters always concentrated on the flagbearer who more often than not was perched proudly on a hill or some vantage point. One of the most famous mascots was "Old Abe," a 10-pound eagle which belonged to the 8th Wisconsin but through comradeship became a favorite of Licking County's own 76th. He followed the action all the way to Corinth, Miss. He was full of mischief in camp and one veteran said:

Abe tore up more underwear than all the minie balls of the Confederate Army.

When Newark had their famous July 22, 1878, reunion, Old Abe was there courtesy of the State of Wisconsin. Minnie Hite Moody recalls old soldiers telling her that Old Abe would spread his wings and flap them vigorously whenever "Yankee Doodle" was struck up. Reports at that time indicated Old Abe was a crowd pleaser and one of the most honored veterans at the celebration.

Gen. C. P. Buckingham, Muskingum County's illustrious soldier, had an interesting experience while at West Point. In 1825 he received a letter from Secretary of War John C. Calhoun telling him that he had been admitted. The first exams showed four cadets had tied for first place. They thus chose Buckingham because his name was higher in the alphabet and he became section commander, giving orders to the other three. One of them was Robert E. Lee.

Both Muskingum and Licking Counties claim Gen. Willard Warner. He was born in Granville on September 4, 1826, but grew up on a farm in Newton Township, Muskingum County, north of Roseville. He built and managed the Newark

Machine Works and in 1860 was a delegate to the Republican Convention in Chicago. He served with the famous Woods brothers in the 76th Regiment, OVI, and was brevetted a brigadier general and later a major general. He returned to Newark and was elected to the Ohio Senate. In 1867 he moved to Alabama and was a U.S. Senator from 1869 to 1870. He later engaged in business at Chattanooga, Tenn.

Pvt. George W. Huff was an early Coshocton County recruit to the Union cause. He enlisted in Company H, 80th Regiment, OVI, in 1862. His Civil War diary is an excellent report of the Vicksburg siege. He wrote his mother:

> Mother, you wished me to write to you about my spiritual welfare and you spoke of drinking, gambling, and such vices. I can say, thanks to almighty God, my conscience is free from all stain of such a horrible character. Mother, still pray for me. I am going to do my duty whatever the duty be, and if it be my lot to fall, I am ready.

Even in those days mothers worried about the morals of their sons who went away to the war. Private Huff was on the scene when General Grant and Lieutenant General Pemberton concluded the surrender of that besieged city.

There were numerous "underground railway" posts in our area. Coshocton County was particularly active in this field of endeavor and many local abolitionists helped the slaves on their trek through Ohio to Canada. An article from the May 3, 1931, Coshocton Tribune recalls that there was on the part of some people in the vicinity a tolerance of slavery and many had, in fact, brought with them the Virginia notion of the southern institution. The New England stock was preponderant, however, and their aggressive stand against slavery promoted a sentiment ready to support the fleeing slaves. Many citizens openly defied the existing laws protecting the slaveholders' claims of ownership. Some of the Coshocton County abolitionists of this era were James Boyd, Luther Boyd, William Miller Boyd, Alexander Campbell, William Elliott, Prior Foster, Solon Lawrence, Eli Nichols, Thomas Powell, Ebenezer Seward, Isaac Shannon, J. P. Shannon, Benjamin White, and Samuel Wier.

Two buildings in the county which were used as stations in the famous underground railway system were the Thomas Powell house in Coshocton and the Eli Nichols home near Newcastle.

When Ashland County men went away to war, they had no railroad on which to travel. They generally went to New London since the road to Mansfield was virtually impassable in those days. With the war's end, many returned to find that a broad gage railroad track had been installed in Ashland and service was already connecting Ashland to other rail locations. Accounts of the railroad in 1865 depicted Ashland as a thriving city with broad streets downtown and bright gas lights illuminating her streets.

ONE HUNDRED YEARS LATER

One hundred years later, very little tangible evidence remains to serve as a reminder of what those gallant men did in fighting for the Union. No GAR posts are in existence. Here and there a monument, a reminder. As you start to go up the stairs in the Memorial Building in Newark, for example, you can see a plaque which reads:

> Dedicated to the 76th Regiment by Lemert Relief Corps.

In the Holmes County Library you can see a framed soldiers record which proudly proclaims "The Union Forever" and sets out the names of those who were in Company B of the 16th Regiment, OVI. If you look closely you can read a legend at the bottom which traces their history from the time they mustered into the service on October 2, 1861, at Camp Tiffin through their military trek which took them 2,500 miles in a year through Cumberland Gap and to Vicksburg. Many of us have some memento of the Civil War. I have a slightly worn "squirrel hunters discharge" which is my souvenir. Yet with all of these it is fair to say that there is very little to remind us of their sacrifice. Sometimes we hear General Logan's orders read at Memorial Day services. Sometimes a column on the Civil War turns up here and there in the many pages of newspaper print turned out each year. There are those who are still working. Don Steiner heads a committee in Coshocton, for example, which is planning a $7,500 Civil War memorial.

Possibly we are more fortunate in the 17th District than most people are. We have at least two distinctive Civil War reminders in our midst. At Newcastle, in Coshocton County, an honest-to-goodness bean supper is prepared at their annual encampment which is held the third Sunday of each August. This year will mark the 99th encampment and plans are already in the making for the 1967 event which will mark the centennial observance. Civil War tradition is observed at this carefully planned event.

Then, too, there is the famous Mount Vernon Fife and Drum Corps. This is one of the most authentic Civil War groups in existence anywhere in America. Organized and led by Col. W. W. Dorsey of Mount Vernon, this group plays nothing but songs written before or during the War Between the States. They are great ambassadors of good will and have the distinction of having played at the funeral of that last GAR survivor, Albert Woolson, held August 5, 1956, in Duluth, Minn. This honor was repeated when they flew to Houston, Tex., to perform the same rites at the funeral of the last Confederate survivor, Gen. Walter Williams, on December 23, 1959. Theirs is truly an unique assemblage.

Colonel Dorsey deserves a special commendation. He was present at the final encampment of the GAR in Indianapolis and was one of the color guards at that time. The flag he carried was presented to the Naval Academy at Annapolis and he conceived the idea of organizing the Mount Vernon Fife and Drum Corps in 1953. He also gave me the encouragement to prepare this address, a chore which came easy since I have always been a Civil War buff but nonetheless took several hundred hours to compile.

Then there is the organization known as the Sons of Union Veterans of the Civil War which was chartered by an act of Congress, Public Law 605 of the 83d Congress. President Eisenhower signed this act on August 20, 1954. The moving lights in this effort were Gen. Douglas A. MacArthur and Gen. U. S. Grant III. I talked to General Grant regarding this organization and he proclaimed that there would always be a GAR as long as the Sons of Union Veterans was in existence for their prime purpose was to remind everyone of their deeds of heroism and what they did for our Nation.

Yes, Mr. Speaker, there are many tangible reminders of these gallant men of bygone days. Yet, no monument can determine the depth of our appreciation. Only the heart can measure this and in this respect one must have some doubts for few seem to appreciate our heritage in this busy and bustling age. Judge Learned Hand hit the nail on the head when he said:

> Liberty lies in the hearts of men and women; when it dies there no constitution, no law, no court can save it. No constitution, no law, no court can even do much to help it. While it lies there, it needs no constitution, no law, no court to save it.

I hardly need draw the parallel or paraphrase. You can just as easily do that. All we need do is ask how much awareness and appreciation lies in our hearts, how deep our conviction that "we here highly resolve that these dead shall not have died in vain" and whether or not we really mean it. Francis Miles Finch's poem makes a fitting way to draw these remarks to a close:

THE BLUE AND THE GRAY

By the flow of the inland river,
Whence the fleets of iron have fled,
Where the blades of the grave-grass quiver,
Asleep are the ranks of the dead:
Under the sod and the dew,
Waiting the judgment day:
Under the one, the blue,
Under the other, the gray.

These in the robings of glory,
Those in the gloom of defeat,
All with the battle-blood gory,
In the dusk of eternity meet:
Under the sod and the dew,
Waiting the judgment day:
Under the laurel, the blue;
Under the willow, the gray.

From the silence of sorrowful hours
The desolate mourners go,
Lovingly laden with flowers,
Alike for the friend and the foe:
Under the sod and the dew,
Waiting the judgment day:
Under the roses, the blue;
Under the lilies, the gray.

So, with an equal splendor
The morning sunrays fall,
With a touch impartially tender,
On the blossoms blooming for all:
Under the sod and the dew,
Waiting the judgment day:
Broidered with gold, the blue;
Mellowed with gold, the gray.

So, when the summer calleth,
On forest and field of grain,
With an equal murmur falleth
The cooling drip of the rain:
Under the sod and the dew,
Waiting the judgment day:
Wet with the rain, the blue;
Wet with the rain, the gray.

Sadly, but not with upbraiding,
The generous deed was done.
In the storms of the years that are fading
No braver battle was won:
Under the sod and the dew,
Waiting the judgment day:
Under the blossoms, the blue;
Under the garlands, the gray.

No more shall the war-cry sever,
Or the winding rivers be red:
They banish our anger forever
When they laurel the graves of our dead:
Under the sod and the dew,
Waiting the judgment day:
Love and tears for the blue;
Tears and love for the gray.

NO ONE WANTS WAR—MULTER'S POSITION ON VIETNAM

Mr. KEE. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. MULTER. Mr. Speaker, I and several of my colleagues in the New York delegation have recently received copies of the same letter calling upon us to oppose our Government's actions in Vietnam.

That letter reads as follows:

DEAR SIR: We, the undersigned faculty members of New York City's Abraham Lincoln High School, submit the following to you for your thoughtful examination:

Neither international law nor moral law supports our position in Vietnam.

Our bombing of a helpless people is an abomination.

Silence against injustice today is comparable to the silence of the German people when 6 million human lives were extinguished in the gas chambers and the crematoriums of Europe.

Many, many thoughtful people are looking to you to help lead our country back to morality and sanity. Open debate on the Vietnam war on the floors of the House and the Senate is long past due. It is time for the elected representatives to do something—whatever is necessary—to stop the horror on the other side of the globe.

In addition, pressure must be applied to our State Department to release all the facts on Vietnam to the American people.

Mr. Speaker, because it is so important that all of our citizens understand why we are in Vietnam and why we have taken the position we have taken, I have written to these well-meaning people in an effort to make my position crystal clear.

My reply was as follows:

DEAR FRIENDS: This will acknowledge receipt of your mimeographed letter, dated March 18, 1966, postmarked April 17, 1966, together with copies of the same letter which have been referred to me by other Congressmen, since your school is located in the congressional district, which I have the honor to represent.

Before attempting to discuss the legal or factual situation, permit me first to emphasize and reemphasize as vigorously as possible my position.

Neither President Johnson, Vice President HUMPHREY, nor I, and as far as I know, no Member of Congress, wants war, limited or unlimited, declared or undeclared.

We want no war anywhere, any place or any time.

We want no war—period.

We want peace.

We want peace for all people everywhere and every place for all time.

We will meet at any time, any place, with anybody to talk peace and without any conditions.

Meeting among ourselves to discuss peace is fine but it does nothing constructive except to let us blow off steam.

If we could arrange to discuss peace with the Vietcong, the National Liberation Front, Hanoi, or Peking, we might accomplish something. I will help expedite the issuance of a visa for anyone who can arrange a meeting for that purpose.

The United Nations and the greatest diplomats in the world, American and foreign, Communist and anti-Communist, thus far have failed. They and we continue to try.

Now let us proceed to put this entire matter in true perspective.

Moral law, American law and international law all demanded that we go into Vietnam and stay there, doing exactly as we are doing, until the people of Vietnam invite us out just as they originally invited us in.

Bibles are the original source of all moral law as civilized people practice it. Bibles include the Old Testament, the New Testament, the Koran and all other similar books, no matter what they are called.

My Bible, like each of the others, teaches: "Proclaim liberty throughout the land unto all the inhabitants thereof."

All civilization has believed that the word "proclaim" as used there means more than talk about it. It means fight for it not only for ourselves but for all others from whom the aggressor seeks to take it. "Throughout the land" means all the world—not merely America or Israel or Nazi Germany or Fascist Italy.

"All the inhabitants" means just that and not merely the whites or the Jews or the orientals, but all. Domestic and international law are based on that moral law.

That is why the Jews successfully fought off the Amalekites; the Maccabees assaulted and defeated their persecutors; the free world did not submit but beat down the Hitlers of all ages. That is why our fleet defends Taiwan (Formosa) from the Chinese Communists. That is why we sent our marines into Lebanon. That is why the United States is committed to defend Israel against Arab aggression.

If Nasser attempts to carry out his threat to destroy Israel, will you continue to cry "Peace, peace" or will you insist that the United States send its Army, Navy, and Air Force to protect Israel?

When Hitler was riding high, we talked until we were breathless and to no avail.

When we sent our boys to Europe and the Pacific to prevent further murder and carnage, you shouted more and more and faster and faster.

Which of you cried out against the destruction of Berlin and Hiroshima and the innocent civilians who died then? The more shame for not having done so.

The military facts of life are, however, that to the fullest extent possible we try to spare civilians from death and maiming—but the enemy does not and never has.

Bombing of any people, not only the helpless, is an abomination. We are not bombing civilians. We are bombing a ruthless, treacherous, fighting enemy and its military installations.

More than 1 million North Vietnamese have fled their homes, leaving everything behind, going to South Vietnam for safe refuge from the Communist hordes.

It is the National Liberation Front, the Vietcong, the Chinese Communists, who are mutilating, murdering, and pillaging, not us.

The Geneva Conference provided for free elections in both North and South Vietnam. The National Liberation Front and the Vietcong have thus far prevented such elections.

We have not interfered in North Vietnam because its government has not asked us to do so. Our treaty obligations require us to do just that if requested by a government to help it prevent aggression from outside.

Even if the North Vietnamese revolted against their government and asked us to intervene, we have no treaty obligation to do so.

All we are doing in South Vietnam is—at the request of its duly accredited government—opposing aggression from outside and trying to permit the South Vietnamese to elect their own government.

Once that is accomplished, we will follow the bidding of that government and those people and stay or get out. In any event, once the aggression ceases, we will get out.

All that the U.S. Government has done has been approved by the U.S. Congress, not once but five times, most of the times unanimously and the last time with only 6 votes out of 534 against it.

I have complete confidence in our Commander in Chief, whom we elected as President of these United States and I am sure that he will continue to exert every possible effort to bring about an early peace and that is a peace with honor and dignity, not only to ourselves but to all mankind.

I appreciate having your views and invite you to write me further about this or any other matter.

Sincerely yours,

ABRAHAM J. MULTER.

AN ANSWER TO THE CRITICS OF FHA

Mr. KEE. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. MULTER. Mr. Speaker, the Federal Housing Administration has had its share of critics lately.

The examples being used, the cases in point, have some age on them, but generally center around the late 1950's and the early 1960's. The late 1950's is a particularly fruitful period for those who criticize FHA. And projects in Florida seem to offer them fertile ground for their digging.

The record—and the 20/20 hindsight of the faultfinders—shows why this era and this area were chosen for the point of attack. Florida was overbuilt. The supply was greater than demand, and FHA suffered the consequences.

But it was not alone in bearing the burden of great expectations and medium realizations. The private and conventional mortgage lenders took losses that were as great or greater.

Nor do the critics give any weight—or even recognition—to the fact that the FHA has served well the American public, without cost to the American taxpayer.

Since it was established in 1934, the FHA has helped about 8 million families realize their aspirations for better housing. It has insured mortgages on homes, and served as the catalyst for providing over 1 million units of rental housing.

One has only to contrast the blighted slum area of Southwest Washington of a few years ago with the beautiful apartments and homes there today, to realize what FHA has done. Today's Southwest Washington is made possible by risk—insurance risk by FHA.

My own 13th Congressional District, as well as most of New York City and State, has had its fair share of better family housing because of FHA. We want more of it.

This is part of the total record. If the losses to accomplish this record were excessive, many of us would have reservations about FHA. But the facts are these:

First. The percentage of net loss to insurance written is only slightly over one-half of 1 percent—0.59 to be precise. Do not confuse this with the annual premium. The net loss is 0.59 percent of the gross amount of insurance issued.

Second. The agency is self-supporting and in fiscal 1954 repaid the Treasury for its seed money including over $20 million in interest.

Third. The FHA now has accumulated reserves in excess of $1.1 billion to pay for its future losses.

Make no mistake. There will be future losses. The FHA is an insurance operation, and insurance involves risk, or there would be no need for it.

But the stockholders of life insurance companies do not go to the cemeteries and wring their hands with the widows of men under 50 who have died of heart attack.

They look at the net results. This is what we should be doing and we will see that the FHA has helped us to become a nation of homeowners.

This is a public record which we should not permit to be desecrated by any popular horror story which has been produced for public consumption. The record speaks for itself, but it needs to be made known.

Dedicated public service unfortunately does not have the glamour and mass appeal of the stories of wrongdoing and misuse of public trust.

I would like to review some of the specific recent criticisms to illustrate how distorted partial facts can make cases appear. One of the principal target areas is inflated land values.

The critics dote on referring to one example where the land cost $212,000, and was later valued at $300,000. What is not mentioned is that the purchase price did not include the cost of the option. Neither does it mention any allowance for interest, taxes, or carrying charges. Furthermore, in that area land values on prime sites were rising. I am told the value was reviewed by the headquarters technical staff who found the value fully justified.

I do want to point out that FHA has taken effective measures to avoid inflated land values in its instructions to field offices.

There have been a good many references to nonprofit sponsors, especially in housing for the elderly. This was a new field in which the Congress directed FHA to help meet the need of housing our senior citizens. Everyone had to learn how to deal with projects of this type. No doubt some errors were made. But I do know that here, also, the FHA has tightened up on its requirements to correct deficiencies which have been detected.

As with most industries, housing has had a few unscrupulous operators.

The record shows that FHA has moved aggressively to isolate and to eliminate shady operators from its programs.

FHA Commissioner Philip N. Brownstein has assured me of his determination to eliminate opportunities for malpractice on the part of persons doing business with the FHA.

No one has ever said that the operations of the Federal Housing Administration are perfect or that human beings are not subject to human error. But, there has been no evidence of fraud or willful misconduct on the part of any employee of the Federal Housing Administration in connection with the recent criticisms.

I believe we should look to FHA's past achievements as a guide to its chances for future success.

We are faced with new and greater challenges of future growth and development as a Nation. I hope and expect that FHA will be the catalyst for bringing many of our national aspirations in the field of housing to broad realization.

GERMAN GOVERNMENT'S SALE OF STEEL TO RED CHINA

Mr. KEE. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. ST GERMAIN] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. ST GERMAIN. Mr. Speaker, I would like to voice my opposition to the German Government's approval of a sale of a $176 million steel complex to Communist China. I regard this sale as a threat to the future security of the United States and as an expression of selfish disregard on the part of the German Government for the policies of the United States.

Why must we contribute so much to the economic development and security of a nation and then remain silent when this same nation approves of action that is contrary to our policies and will ultimately prove detrimental to our security and that of the free world? Let us not fool ourselves. Any contribution to the industrial development of Red China further threatens the security of the free world for Red China has not manifested any intent to pursue a peaceful course in the future.

How absurd that we should have 200,000 American men in West Germany to protect this nation from a Communist takeover and remain silent when this same nation approves of action that strengthens the most aggressive member of the Communist bloc.

Mr. Speaker, I think that the time has come for the United States to raise its voice in opposition to those nations whom we have helped and are helping and whose current actions threaten our efforts to maintain peaceful order in a much troubled world.

TO CORRECT A MISTAKE—AN AMENDMENT TO THE COLD WAR GI BILL

Mr. KEE. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. PEPPER] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. PEPPER. Mr. Speaker, on March 3 of this year the President signed into law a measure which we in Congress labored many years to see enacted. I refer of course to the cold war GI bill of rights, the Veterans' Readjustment Benefits Act of 1966. This is a monumental piece of legislation in terms of its certain impact not only on the veteran community but on the country as a whole. As one of the original sponsors of the bill, I have long anticipated the successful completion of our legislative struggle to provide benefits to veterans who served after the Korean conflict it is a matter of equity. It is also a matter of good sense. The promises of higher educational accomplishments, of increased earning power, and of a more productive society do not need to be reiterated. In a short time these prophecies of the future will be current facts.

The number of veterans that are reached by this new GI bill are a good indication of the scope of this legislation. In my State of Florida more than 100,000 veterans will be eligible for assistance by the end of fiscal year 1967. Today in north Dade County, the congressional district that I represent, there are an estimated 10,500 eligible post-Korean veterans. More than 1,300 of them are expected to take advantage of the new educational benefits in the first year alone. In addition to the $841,000 in direct educational benefits that will go to these north Dade veterans in fiscal year 1967, the program is also expected to provide guaranteed loans totaling $1½ million to some 110 veterans in my district.

When we approve legislation that is going to play an important part in the lives of so many people, we have to make sure that it is properly and efficiently administered. We have to make certain that the impact of these programs is not lessened through procedural defects. We are fortunate to have some guidance in this matter. When we passed the first GI bill in 1944 we devised a system which we later found to be faulty in some respects. In 1952 this lesson was instrumental in the working out of new administrative procedures for the Korean veterans' programs. Instead of paying tuition directly to the institutions and providing subsistence allowances to the veterans, as was done after World War II, Congress authorized assistance allowances payable to the veteran himself. The veteran became responsible for

meeting the costs of his education by means of this monthly payment. At the same time, the educational institutions were required to certify the veteran's enrollment and attendance in his classes, to insure that funds were being properly used. In recompense for this obligation, these institutions were paid $1 per veteran each month. This proved to be an equitable arrangement with the institutions involved, and at the same time the monthly reporting provided an efficient check on the use of benefits.

I believe, as I have said, that we are fortunate to have past experience to serve as a guide in the framing of new legislation. The question that is raised in my mind, therefore, is why Public Law 89–358 includes no provision for monthly certification by the institutions of learning and no provision for the dollar-per-veteran certification allowance. In an attempt to learn the reasoning behind this omission I obtained an explanation from the Veterans' Administration. After assessing the arguments presented in defense of discontinuing the certificate allowance I can only say that we would be making a mistake to permit the absence of such a provision to exist in the new GI bill. For this reason I am introducing legislation which would amend Public Law 89–358 by reinstating the monthly certificate allowance to institutions which enroll veterans.

I have information from the Veterans' Administration which states that this allowance was dropped because the new law requires "a greater degree of student reporting responsibility with a corresponding reduction in the amount and frequency of institutional reporting to the VA." It is further maintained that universities and colleges are often not even in a position to make accurate reports with regard to student attendance.

Sometimes the professors, and often the school administration—

Says the letter from the VA—

are not currently aware of course changes or continuous class absence until examination time at the end of the term.

If this is the most cogent reason which the VA can offer for the change in reporting procedure, then I can determine no rational basis for not amending Public Law 89–358. There is obvious error in the VA's contention that institutions of learning are ignorant of student course changes and continuous absences. While it may be true that many schools have instituted a system of unlimited cuts, thereby permitting students to miss classes when it is necessary, I do not believe that the school or the teaching staff is unaware of chronic absentees. Certainly when so many institutions are improving their recordkeeping methods by means of computers, it is contradictory to assume that their knowledge of course enrollments is diminished. There is an obvious weakness in the Veterans' Administration position, which we have allowed to be translated into law. We can, however, correct our error even before the educational provisions go into effect on June 1. You must admit that it is a rare opportunity when we have time to mend the boat before the leak admits water.

Let us examine some of the other arguments put forth by the VA, however, before we condemn the new plan adopted by Public Law 89–358. It is estimated that 40 percent of the veterans' participating in the program will select courses below college level. Schools offering such courses keep records which are, even in the eyes of the VA, "readily adaptable to verifying regular monthly attendance without special staffing." Therefore, so the VA line of reasoning assumes, these schools can be obliged to submit monthly reports without recompense.

We are always talking about equity. Here we have a classic example of the exact opposite. Fully 40 percent of the veterans are expected to enroll in schools below the college level, and these schools will be required to submit monthly certification of student attendance. Yet these schools will not receive the dollar-per-months fee for reporting because the other 60 percent of the veterans are enrolled in institutions which are not required to make monthly reports. And they are not required to make monthly reports because it is alleged that they are unable to keep sufficiently accurate records. I cannot follow the logic of this supposition, and I am sure that my colleagues in this House are equally baffled.

I do not suggest, however, that we eliminate the reporting obligation altogether. That would be an equally grievous error. If we were to do so, we would be defeating our purpose at all levels. Our acknowledged aim is to confirm that the veterans' program is achieving its educational objectives. If we discontinue the reporting procedures in order to justify the discontinuance of the certificate allowance, then we are following the same sort of specious reasoning that has been followed by the Veterans' Administration.

The answer is clearly and simply to reinstate the certificate allowance. I see no more obvious course of action that would achieve both an equitable and an efficient means of insuring that educational benefits are put to their intended use. For this reason I urge my colleagues to support this measure that I am introducing today. I urge them not to procrastinate in taking the necessary action. There need be little hesitation in righting a potential wrong.

ROSE ALLEGATO NAMED ONE OF OUTSTANDING WOMEN OF ITALIAN ANCESTRY FOR 1966

Mr. KEE. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. PEPPER] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. PEPPER. Mr. Speaker, I would like to call to my colleagues' attention an award given to an outstanding newspaperwoman who represents the Miami Herald in their Washington bureau. Miss Rose Allegato was honored as one of the 12 outstanding American woman of Italian ancestry for 1966. Her viewpoint of the happenings here in Washington has been most informative to the people of my District and the State. She has brought honor to her family, her profession and most of all, to herself.

I commend this article about her award for my colleagues' consideration:

ITALIAN SOCIETY LAUDS HERALD REPORTER

WASHINGTON.—Rose Allegato, of the Miami Herald's Washington bureau, has been named 1 of the 12 outstanding American women of Italian ancestry for 1966.

The award was presented Saturday night at a banquet in New York by Amita, Inc., an Italian-American organization.

Each year since 1956, Amita has honored a dozen women for achievement in the arts, business, and professional fields.

The recipients are described as "great women" who "have added to the luster of the fine reputation of a whole people who have made their contribution to a better way of life for the American people."

Miss Allegato began reporting from Washington for Knights newspapers and the Chicago Daily News Service last year. She joined the Knight group as a reporter for the Miami Herald's West Palm Beach bureau in 1958 and advanced to night city editor on the Herald in 1963.

A native of Brooklyn, she moved with her family to Florida in 1945, and graduated cum laude from Florida Southern College at Lakeland where she was coeditor of the college paper.

Her full-time newspaper career started in 1952 on the Lakeland Ledger. She spent 2 years on the Wilmington, N.C., Star where she covered courthouse and city hall and then moved to the New Orleans Item.

Her Italian ancestry is derived from both sides of the family. Both her maternal and paternal grandparents were born in Sicily. Her father, the late Michael Allegato, was born in Sicily and came to this country as a boy. Mrs. Michael Allegato lives in Lakeland.

The organization also presented the first in a new series of honors, called the Sister Achievement Awards, for non-Italian-American women of achievement.

DECISION OF NLRB AGAINST J. P. STEVENS & CO., INC.

Mr. KEE. Mr. Speaker, I ask unanimous consent that the gentleman from Virginia [Mr. TUCK] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. TUCK. Mr. Speaker, I am appalled by the recent decision of the National Labor Relations Board handed down March 22, 1966, charging unfair labor practices against J. P. Stevens & Co., Inc., a concern with which I am acquainted and for which I have great respect and admiration. This concern operates the second largest textile manufacturing chain in America.

One of the Stevens plants is now and has been for more than 25 years located in my home city of South Boston, Va. I am acquainted with the members of this fine organization, including the Honorable Robert T. Stevens, who heads it and who was for some years Secretary

of the Army in the Cabinet of President Eisenhower. Knowing Mr. Stevens as I do, I am astonished that anyone, and particularly an agency of the Federal Government, should make such a base and unwarranted charge.

As outrageous and unfounded as the decision of the Board is, the remedy it has prescribed is so reprehensible and so at variance with our American system of justice and fair play that the members of this Board and all connected with this decision and order deserve to be rebuked in severe terms by every thoughtful American.

The decision in this case applies to the plants which the Stevens Co. owns in North and South Carolina and in which are employed about 30,000 persons. This concern has been progressive and sound, a boon to the areas in which it operates, fair to its employees to such an extent that they have voted repeatedly against any change in its administration and policies and against unionism. In the last 3 years, labor union organizers from the outside have come in, breathing the fire of hate, dissension, and discord in an effort to create a schism between the employees and the employer.

The Textile Workers Union has demanded several elections at the Stevens plants since 1963, and each time the employees have voted overwhelmingly against the union. Two of the elections were held within a year's time at Dunean, S.C., where is located the largest Stevens plant. In the second such election, the Labor Board, acting in behalf of the unions, ordered the election held outside of the Stevens plant. Despite this deviation from usual practice, the margin against the union was nearly twice as large as that in the first election.

Rebuffed by these elections, the union charged unfair labor practice. In answer to union complaints, the Board sent an examiner to interview witnesses. Six months of hearings were conducted and 384 witnesses were heard, resulting in a hearing record of 12,000 pages.

Such a procedure was in itself a most harassing and needless action which the company was required to endure.

The examiner's recommendation that the Stevens Co. be declared guilty of "flagrant unlawfulness" in heading off a union organization drive was very promptly accepted by the Board. Seventy-one employees who had been discharged were ordered restored to their jobs, with full pay for the period they were unemployed.

This was the "conventional" remedy for such a charge, but in this case the Board did not consider it sufficient punishment, handing down instead the abhorrent and shocking decision to which I have already referred.

It ruled in addition that the Stevens Co. must:

First. Notify any of the 71 employees serving in the Armed Forces of their right to full reinstatement upon application.

Second. Make available to the Board the company payroll records, social security records, timecards, personnel records, and reports.

Third. Grant the union and its representatives, upon request, access to its bulletin boards for a period of a year.

Fourth. Mail to each of its 30,000 employees and post in conspicuous places in its plants for 60 days a statement to the effect that it will not interfere with union activity among its personnel or in any of its plants.

Fifth. And finally, it was ordered to convene its employees during working time and have responsible company officials, of the departmental supervisor level or above, read to them the statement mailed out.

These dictatorial orders handed down do grave violence to our American system of jurisprudence, and such orders are without parallel in the long history of our country.

The person or persons responsible for this decision have undoubtedly become exposed to the methods employed by Communists, whereby they require innocent people, against their will and contrary to the facts, to go forth proclaiming aloud the words, "I am guilty. I am guilty. I am guilty."

Those interested in the field of labor-management relations will have to dig deeply into the bucket of petty recriminations to outdo this one.

The action involved here constitutes a definite assualt by organized labor, operating through a coalition between one of the more desperate of the American unions and a governmental agency to override the will of the majority of the working people who desire and have the right to earn their daily bread free from the hobbles of unionism. The decision is an attack upon our free enterprise system, a threat to our industrial labor relations, and deserves, as it no doubt has, the scorn and derision of every patriotic citizen. The effect this dictum will have upon the textile industry, as well as upon every field of labor in which a worker has the right to decide whether or not he shall be represented by a union, is far reaching.

My record in public life will show that I have always upheld the right of an individual to join or not join a union. As late as last year when we were debating the proposal to repeal section 14(b) of the Taft-Hartley Act, I made myself clear on this subject. I believe that voluntary membership in a union, just as in a society, or a church, or a brotherhood, is the fundamental right of every American. But the case to which I now refer is one in which a governmental agency is cramming down the throats of thousands upon thousands of employees, who have by their votes spoken out against the union, something they do not want. But the will of the majority means nothing to dictators and tyrants.

If this decision is allowed to stand, it will create discord in labor-management relations from which there will be no recovery. This action will have a deleterious effect upon the fundamental rights of everyone.

I take vigorous exception to the manner in which the National Labor Relations Board is undertaking to punish this flourishing and economically sound manufacturing concern and its employees.

In the land of the free and the home of the brave, are we to sit idly by and witness this proud company being required to repent in sackcloth and ashes for a sin it did not commit? The Stevens Co. is one of the oldest textile companies in America and has made almost unbounded contributions to the growth of this country. It has participated in every war in which this country has engaged since declaring its independence.

This unprecedented action by the National Labor Relations Board should not go unnoticed. Every patriotic and thoughtful American should rally to the defense of the Stevens Co.

THE BENEFITS OF RURAL WATER AND SEWER SYSTEMS

Mr. KEE. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. POAGE] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. POAGE. Mr. Speaker, it is evident that one of the most beneficial actions of Congress last year for the rural United States was the Poage-Aiken rural water and sewer facilities bill, which was supported by nearly every Member of both Houses.

That bill authorized an enlarged program of loans for rural community water systems, including grants when necessary to build these systems, and extended the same plan of financing to rural community waste disposal systems.

This bill for the first time brought rural people up to a status approaching par with the urban populace in their opportunity to have the modern, safe water supplies and sewer services in keeping with the American standard of living.

The new program is now getting underway in a most heartening manner. Since January the Farmers Home Administration has authorized combination loans and grants for about 60 sewer and water systems in various States. Four hundred other projects which are possible with loan financing only have been approved in this fiscal year to date.

Projects are being developed in literally hundreds of other small towns and country areas that never before could find a way to finance modern improvements and health protection of this kind. The result is certain to be better living conditions and better economic conditions wherever this program is put to work.

The first rural community sewer system made possible by this program is now being built in the town of Chilton in the 11th District of Texas. This is in Falls County; and we can point to Falls County as a prime example of what can be done through local initiative, supported by Farmers Home Administration financing, to

change the quality of living and pump new vitality into our country towns. Four communities in that county—Golinda, the first in the State, Mooresville, Perry, and Westphalia—have water systems built with loans arranged through the Farmers Home Administration. Travis is developing a fifth such project. Chilton is building its sewer system.

The town of Rosebud has just been authorized a loan and grant to clear up serious problems with its old and inadequate water and sewer systems that the State health department demands be straightened out. In addition, the FHA loan-financed Spring Lake outdoor recreation center is going to be built near Rosebud, serving people all over Falls County as well as many adjoining counties.

An illuminating report on what these projects mean to a rural community like Chilton appeared in the New York Times of April 17. We are gratified that this great paper of the urban East has sent one of its most distinguished Washington correspondents, William M. Blair, immediate past president of the National Press Club, out to our district to observe what is going on in the resurgent towns of rural Texas. Under unanimous consent I include his report from Chilton in the RECORD at this point:

RURAL U.S. AGENCY HELPS TEXAS TOWN WITH WASTE DISPOSAL

(By William M. Blair)

CHILTON, TEX., April 16.—A federally financed rural sewerage system hailed as a contribution toward the rebirth of declining farm towns is under construction here.

The waste disposal system is being financed by the Farmers Home Administration under a long-term loan and a Federal grant. Officials of the Department of Agriculture's agency see widespread social and economic gains from the project, one of several new rural aids designed to pump new life into farm communities.

The $152,000 combined loan and grant made by the agency to this town of 450 is a part of President Johnson's Great Society concept of cleaning up rural America, eradicating rural poverty and opening new opportunities to stem the decline marked by the exodus of young people to urban areas and the increase in the number of elderly citizens.

EXPANDED INTO TOWNS

Activities of the agency are little known outside of rural areas but it has perhaps the greatest expansion of any Federal agency. Its budget has nearly trebled in 5 years, running to more than $850 million in Government-insured loans and grants for a wide range of services to farmers and rural communities.

It has expanded from the farm into the rural towns with new programs, including Federal aid for water systems, recreation facilities, housing for the elderly and economic opportunities.

"People are moving back into the towns now that they are getting the most modern conveniences," T. J. Cappleman, Texas director of the agency said recently. "Farmers are coming into towns. People are seeking out rural communities to raise their children away from cities. Retired persons are moving in because of limited means to find less expensive living, including taxes."

Chilton is an example of the prime-the-pump belief. Once a flourishing trading center, it has been slowly running down. The State health department has been taking action against communities that contribute to pollution of water and create health hazards. A neighboring town, Rosebud, has been warned to clean up.

Robert A. Goelzer sat in the post office here the other day and recalled his daughter's wedding reception.

"There we were surrounded by septic tanks," he said. "No matter which way the wind blew the smell hit you. I couldn't enjoy the reception. Man, that's the truth."

He and other townspeople believe that the new programs will dress up rural areas and bring back better days.

The townspeople are no exception to rural conservatism. They frown on borrowing that may mean taxes. Chilton residents rejected a bond issue for a sewage system for 5 years. Then, last October, Congress authorized the loans for the waste disposal systems.

This was the chance that Mr. Goelzer and a small group had been waiting for. Their estimates were ready 2 days before President Johnson signed the bill. Since then, the Texas office of the agency has had 33 more applications.

For years agency loans were made mainly to farmers and farm groups unable to obtain long-term credit from private sources at reasonable rates and terms. Loan interest rates and length of payments vary with ceilings on amounts loaned but they may run up to 40 years at 5 percent.

PEOPLE BAND TOGETHER

Longer standing loan activities of the agency include:

Improvement of land and labor resources, including equipment, livestock, feed, seed, and fertilizer; buying and enlarging farms; watershed conservation projects by farm associations and individual soil, water, and forestry development; construction of farm homes and buildings or buying homesites in open country or in communities of not more than 5,500 population.

Rural residents band together in an association or a cooperative. In Chilton, 128 citizens put up $5 each for a share in their sewage association. Their number has climbed to 160. The water system deposit is usually $50 a family.

An engineer, as demanded by the agency, was contracted to design the Chilton system. The total bill so far is $128,000 including land purchased from the school board for 5 acres for a treatment plant. The Southern Pacific Railroad granted a permanent easement along its tracks for the line to the plant.

A loan of $79,000, backed by the Federal Government, came from the First State Bank of Chilton. To pay back the Government there will be a monthly sewage charge of $3.50 for dwellings and $6 for commercial businesses. The grant does not have to be paid back.

As heavy machines worked to install the system, Mr. Goelzer pointed out sanitary conditions in the town. Tank seepage finds its way into Deer Creek. Trapped pools are to be found in ditches in front of better homes.

OUTDOOR FACILITIES

A Negro section still has outdoor facilities although some bathrooms have been added to houses awaiting connection to the new system.

Chilton has had a private water system since 1928. The available water added to sanitary problems as septic tanks were installed, electric washing machines appeared and other modern conveniences came to this town 30 miles from Waco.

Before the water system, Flem Long hauled water on a mule-drawn wagon. Now the 87-year-old Negro still hauls water but customers are few. Once he carried as much as 50 barrels a day.

Rural water systems are sprouting all over the land under agency repayment terms. Government-financed water systems are in 560 rural areas in 37 States in use for householders and irrigation.

As of mid-March, Texas alone had 149 applications pending. It has 220 water systems in operation, 58 more under construction, 108 applications being processed. These cover more than 51,000 rural families and $49 million.

Rising land values are attributed to the rural water system. In nearby Golinda, some land has jumped from $125 to nearly $400 an acre. Private swimming pools are beginning to appear on the country landscape. Near Olathe, Kans., land values have risen $100 an acre.

CLOSING THE GAP

Reagan Brown, sociologist of the department of agricultural economics and sociology at Texas A. & M. University, wrote recently that a supply of safe water will help close the gap between rural and urban people.

"Differences will continue to be less noticeable as rural communities offer the same facilities as cities," he said.

Health authorities report a drop in some common ailments, which helps save money for other family needs.

Water charges are relatively high. Rates in Texas range from $6 a month to $8.50 for the first 3,000 gallons. The average monthly bill is $7.

Agency officials bristle at criticism that they are building an empire, doling out money for doubtful projects, competing with private industry at taxpayers' cost. Politics figures in the agency because Members of Congress find it a handy vote-getting instrument through local projects.

Agency officials show letters from bankers expressing thanks for Federal money that enables farmers to stay in business, pay off banks and reestablish their credit base and from rural residents helped with homes and water.

A SALUTE TO PRESIDENT FREDERICK L. HOVDE, OF PURDUE UNIVERSITY

Mr. KEE. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. BRADEMAS] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. BRADEMAS. Mr. Speaker, 20 years ago an institution not far south of my home in Indiana undertook an experiment to see whether a chemical engineer could master the subtle and elusive chemistry involved in the creation of an outstanding university. The university was Purdue. The engineer was Frederick L. Hovde, appointed president of Purdue in January 1946. As I recite some of the data gathered in these 20 years, I believe you will agree that the experiment was a success.

Purdue University today operates the Nation's largest school of engineering and fourth largest school of agriculture. It has kept pace with modern developments in science and engineering, ranking as the Nation's leading producer of engineers for space. In the school of science, the division of mathematical sciences with 100 professors and more than 300 graduate students is one of the world's most important research centers.

There is more to Purdue than the science and engineering for which it is best known. Its capacity for training in a variety of careers is augmented by schools of industrial management, pharmacy, technology, modern home economics, and veterinary science and medicine.

One of the most exciting developments in the past 20 years has come as a direct result of President Hovde's belief that a university must educate the whole man. Motivated by that philosophy, Purdue has built a school of humanities, social science and education. Humanities enrollment has grown from zero in 1946 to 3,242 undergraduate majors today, and the departments within this school have grown from 2 to 14 in the same period. What Dean Marbury B. Ogle, Jr., described prior to 1946 as "almost a desert" has become a flourishing garden. Academic work in the humanities and social sciences is supplemented by campus involvement in art, music, and the theater—activities for which several excellent facilities have been built.

Purdue is a big institution today, in size and complexity qualifying fully for Clark Kerr's description of the modern multiversity. In addition to the 20,100 students on the home campus in Lafayette, there are more than 7,600 studying on 4 regional campuses. One of these is operated at the Barker Memorial Center in Michigan City in my own Third District.

This growth in size, in diversity, and in excellence has been guided by a man who began life on the farmlands of North Dakota. Fred Hovde did his undergraduate honors work in chemical engineering at the University of Minnesota. His academic achievements, combined with an athletic career that made him an all-Big Ten quarterback, brought Hovde a Rhodes scholarship. I am pleased to know him today as a fellow alumnus of Brasenose College at Oxford University.

After Oxford, Hovde returned to Minnesota as assistant director of the new experimental General College at his alma mater. Four years later he became executive secretary to the University of Rochester's National Scholarship Foundation. He was assistant to the president there when the country became embroiled in World War II.

The war took Hovde back to England as a member of the staff of the National Defense Research Committee, a group that helped guide the interchange of technical data between the United States and Great Britain. He came back to the United States as executive assistant to Dr. James B. Conant, chairman of the National Defense Research Committee, and at war's end was chief of Ordnance Rocket Research, launching early his interest in rocketry and space fields in which his university now plays a major part.

Among his other contributions and achievements, President Hovde served as chairman of the task force on education appointed by President-elect John Kennedy. Many of the ideas fostered by that original group have by now become part of the Nation's education legislation.

I am glad the Purdue experiment worked. And I offer a sincere salute to the man who did so much to make it work, President Fred Hovde.

VICE PRESIDENT HUBERT HUMPHREY ADDRESSES WOMEN'S DEMOCRATIC CONFERENCE

Mr. KEE. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. BOGGS] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. BOGGS. Mr. Speaker, the distinguished Vice President of the United States made an outstanding address here in our Nation's Capital a few days ago at a gathering of distinguished Democratic women leaders from throughout our great country. The speech is deserving of wide attention and I am asking that it be included in its entirety in the RECORD at this point:

REMARKS BY VICE PRESIDENT HUBERT HUMPHREY AT THE WOMEN'S DEMOCRATIC CONFERENCE, WASHINGTON, D.C., APRIL 18, 1966

My thoughts this evening turn to the words of President John Adams, when he was discussing a subject dear to our hearts: politics and voters.

John Adams said: "It is dangerous to open so fruitful a source of controversy and altercation as would be opened by attempting to alter the qualification of voters; there will be no end of it * * *. Women will demand a vote; lads from 12 to 21 will think their rights not enough attended to; and every man who has not a farthing, will demand an equal voice with any other, in all acts of state. It tends to confound and destroy all distinctions, and prostrate all ranks to one common level."

Fortunately, John Adams' voice was not heeded. And so we are together this evening.

Politics is part of the joy of life—at least being a Democrat is. But you are active in politics for other reasons, too.

You are vitally concerned with the issues of our time.

You want security for your families.

You want a future of opportunity for your children.

And, above all, you want a world at peace.

Our purpose in being together in Washington tonight is essentially this: To meet, to talk, to have some fun, and then to get to the business of electing Democrats and building the Great Society.

We will have our Great Society one day. And when it is finished we will have a society where there is a joy of living, a life of purpose.

A society young of spirit and young of heart, but mature in mind.

A society with love of children, and with respect for its elders.

A society which works for education and strives for human dignity.

A society where everyone—black, white, young, old, man, woman—everyone is important (despite what that old Tory, John Adams, had to say).

A society where culture and beauty are a main course and not a dessert.

A society where everyone is productive and a full participant in American life.

The Democratic Members of the 89th Congress, whom you honor tonight, deserve our highest praise.

The 89th Congress is the one that pulled the sword out of the stone.

And, it has used that sword to cut through chains of social injustice that have shackled our people far too long.

It cut through the chains of insecurity and financial disaster for our older Americans with the medicare law.

It cut through the chains of bigotry and prejudice with the voting rights law.

It cut through the chains of ignorance and illiteracy with education laws.

It cut through the chains of slum living with the housing and urban development law.

It cut through the chains of injustice to our friends and relatives in other lands with the immigration law.

It cut the chains shackling thousands of impoverished Americans with broadened and expanded laws to wage the war on poverty.

It passed more laws of real quality than any previous American Congress—laws which affect the daily life of everyone in this country, and affect it for the better.

It passed laws to build a stronger and freer America—an America able to meet its responsibilities both at home and in the world.

Our campaign theme for 1966 is: "Vote Democratic—The Route to Greatness."

This Democratic 89th Congress has surveyed the land and bought the right-of-way for that route.

It's going to be up to the 90th Congress to pave it.

The 90th Congress to be elected this fall is the last one that will be completing its work in the sixties.

When its job is done, we want history to record that we left for our countrymen in this decade a legacy of hope and not hopelessness, education and not ignorance, prosperity and not poverty, health and not disease, humility and not hatred.

We are proud, my friends, of the record we have made in the last 6 years. It is an impressive record.

But 1966 is not the year to use our laurels as a featherbed.

Thirty years ago this month President Franklin Roosevelt said: "I do not believe that the era of the pioneer is at an end; I only believe that the area for pioneering has changed."

Today, we still have new areas for pioneering.

We are pleased that the gross national product has topped $700 billion. But we are determined to find new growth.

We are pleased that the unemployment rate has dropped to a 12-year low. But we are determined that those still out of work will have the opportunity for a job.

We are pleased with the success of the war on poverty. But we are determined to escalate this war until we have a frontline in every pocket of poverty in America.

We are pleased with the new programs for health, housing, education, and civil rights. But we are determined they be carried forward to their fulfillment.

I am not unmindful of our commitments in far places along with those at home.

It was with foresight of these troubled times that our beloved President John F. Kennedy said:

"Let every nation know, whether it wish us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, to assure the survival and the success of liberty."

And we shall.

We—who have been blessed with so much—will continue our struggle to build a safer, a freer, a happier, world society where large and small nations may live alike in peace.

We will continue our struggle to bring the faceless, bypassed millions of this world some reason for hope, for faith, for the opportunity to have a share of mankind's benefits.

We have been entrusted with leadership.

It is up to us to prove that the wish of many to end human misery and suffering transcends the will of a few who would tolerate it.

In his state of the Union message, President Johnson said:

"This Nation is mightly enough, its society is healthy enough, its people are strong enough, to pursue our goals in the rest of the world while still building a Great Society here at home."

I believe that with all my heart.

I think you, too, believe it, or you would not be here.

Do not underestimate your share of this partnership.

I know we can count millions of Democratic women in America today. But more than that: we know we can count on them.

We counted on you in 1964, and we were not disappointed. You helped us win by our greatest majority. Largely because of your efforts—and your votes—American women went Democratic the first time in 20 years.

The President and I are grateful. And I also speak for the many other Democrats elected in 1964 when I express this gratitude.

We counted on you in 1965. We asked you to muster grassroots support for the Great Society programs. The wonderful record of the 89th Congress reflects your response.

I ask you to put that momentum to work in the 1966 campaign. Mobilize it, organize it, utilize it.

This year, 35 U.S. Senate seats will be at stake. All of the House seats will be at stake. Thirty-five States will vote for Governors. And so on down the line to the courthouse and city hall.

Tonight we honor the Congress—and we are particularly interested in the congressional campaigns. It is in the Congress that the Great Society programs must be enacted.

We need the Democratic majority we have in Congress today.

In this century the party in power has not done well in off-year elections. Since 1900 it has lost an average of 38 seats in the off-years.

History may be against us. But I believe the cause of justice is with us.

It is with us when we say to the youth of America: "Here are the tools of education with which to make the most of your future."

It is with us when we say to the elderly: "Here is adequate health care for your older years."

It is with us when we say to the Negro: "Here is a ballot that gives you full citizenship, after promises broken for a hundred years."

It is with us when we say to the poor: "Here is hope where there has been no hope."

It is with us when we say to every American: "We can have a land of goodness, of beauty, of culture, of opportunity."

This is the kind of society, the kind of America we believe is possible.

This is the kind of society, the kind of America we are determined to build.

We will not turn back. I ask your help.

THE AMERICAN FARMER AND THE GREAT SOCIETY'S INFLATION

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Minnesota [Mr. QUIE] is recognized for 15 minutes.

Mr. QUIE. Mr. Speaker, I protest turning the American farmer into the scapegoat for the so-called Great Society's inflationary spending binge.

Yes, we do have inflation with us today. Yes, the price of food in the supermarket is costing the American housewife more of her food budget for fewer commodities every week. Yes, the President of the United States has suggested that the American housewife cut down on the quality of her food purchases to help hedge against inflation.

All of this is true.

But the unfounded myth that the American farmer is somehow to blame is not true.

This is a myth implied when the President suggests that housewives should fight inflation by buying cheaper foods of lower quality.

It is an implied myth in the March 10 television statement of Gardner Ackley, the President's Economic Adviser, who said:

> For example, I mentioned the fact that increase in supplies of pork depend on the differences between the price of hogs and the price of corn and we're trying to hold down the price of corn.

It is a myth implied when the so-called Secretary of Agriculture proudly boasts that consumer prices of food should take a downturn because he expects farm prices to go down.

As William M. Blair of the New York Times wrote on March 31:

> Secretary of Agriculture Orville Freeman expressed pleasure today with the fact that the prices of farm products had dropped recently.
>
> It was the first time in the memory of Federal farm officials that a Secretary of Agriculture indicated that he was pleased with a decrease in farm prices. Like Mr. Freeman, the officials were happy to note that consumers would benefit from lower prices by this summer.
>
> "If the food marketing industry will respond quickly to lower farm prices over the next several months," Mr. Freeman told a news conference, "retail prices also can be lower soon."

Mr. Speaker, the American farmer is not profiting from inflation. The fact is that only 1 in 9 farmers earns wages comparable to those enjoyed by skilled workers in industry. Farmers are, however, much more than skilled workers. They are also business managers and must have financial know-how and economic and scientific understanding.

The American farmer is not profiting from higher food prices. On April 1, 1960, there was a farm population of 15,635,000. By April 1, 1965, the farm population had dwindled to 12.4 million—a loss of 3.2 million persons off the Nation's farms or 20 percent.

The number of farms is becoming smaller also. There were 3,948,000 farms in January 1960 and this figure was down to 3,286,000 in January 1966—a loss of 663,000 farms or 17 percent.

Meanwhile, in 1964, the so-called Secretary of Agriculture began to add Government farm payments into the total national farm income for the first time, in an attempt to make national farm income appear higher.

When the so-called Secretary of Agriculture took office in 1961, he promised that farm prices would go to 90 percent of parity; in fact, he even promised parity of income. Farm prices have never been 90 percent of parity under the present so-called Secretary of Agriculture.

The President's own Council of Economic Advisers provides statistics that tell the truth about farm income. They say that:

Prices received by farmers for all products in 1965 were 8.93 percent below those of 1947–49.

For food alone, in 1965, farmers' share of the USDA's "Market Basket of Foods" was 7.3 percent below 1947–49.

Meanwhile, in the same 1947–49 to 1965 period the cost of things farmers bought rose 28.3 percent, still quoting the President's Council of Economic Advisers.

The disaster which has descended on the American farmer is not an accident. It is a part of a general plan that is inherent in the policy of the so-called Secretary of Agriculture.

Mr. Speaker, I use the term "so-called Secretary of Agriculture" advisedly, for Orville Freeman has shown conclusively that he does not represent the interests of the farmer within the administration. He represents the policy of the White House and the White House alone.

Last year, the Secretary of Agriculture came before the Congress and followed the White House line as he fought to keep the resale formula on Government-owned wheat and feed grains so low that the Secretary of Agriculture could use his authority to ram down farm prices.

The Congress controlled better than 2 to 1 by the Democratic Party unfortunately followed the line too, and so the Secretary of Agriculture retained the right to dump Government-owned surplus commodities, especially wheat and feed grains, on the market to hold down farm prices.

The so-called Agriculture Secretary actually testified before an Agriculture Subcommittee that he had done just that. He said:

> We must not yield to the temptation to make prices so high that the programs become unworkable.

I ask you, as I asked the so-called Agriculture Secretary then:

"Is the purpose of the farm programs to improve farm prices or to extend costly bureaucratic machinery within the Department of Agriculture?"

Within the last few months, the so-called Secretary of Agriculture has dumped huge quantities of corn on the market with the usual result—to depress farm prices.

Now, the Federal Government is holding down farm prices for another purpose. The administration is using the Department of Agriculture as a latter-day Office of Price Administration to fight inflation.

This fight is at the direct expense of the American farmer.

Within the past few weeks we have learned that the Armed Forces will eat

fewer dairy products and less ham, pork chops, and bacon.

Now, import quotas on foreign dairy products are to be increased even further.

Why? Because the prices of these commodities are going up and the Department of Agriculture is being used by the White House to hold farm prices down, as a hedge against further inflation.

If the Government buys fewer of these farm commodities for use by the Armed Forces, the price to the farmer remains lower. Of course, the 225,000 American fighting men in Vietnam may not have ham or bacon or butter—but this helps the administration hold the prices of these commodities down.

The first thing we should do is to increase the resale formula on Government-owned commodities, as I worked hard though unsuccessfully to accomplish in previous years. We would thus prevent the Secretary of Agriculture from dumping commodities to hold down farm prices.

We should set up guidelines to prevent the Secretary of Agriculture from controlling the agricultural market.

We should let the farmer build his market and encourage him to secure a better price in the marketplace. The Federal Government should never place a lid on farm prices till they reach 100 percent of parity.

This, I believe, is the way to fight rural poverty.

But let nobody twist my words to let it appear that I am against the consumer.

It is obvious from the facts I have cited regarding the farmer that he is not the fault of the current inflation.

Nevertheless, inflation is with us and with us in a big way.

Let the consumer know it is not the farmer, however, who is the cause of this inflation.

The cause of inflation today can be placed squarely before the door of the so-called Great Society.

It is spawned by the vast spending binge of the so-called Great Society on a series of wasteful and chaotic welfare schemes.

The expansive talk of economy, without economy in Government, is a sham. How long and how much in vain did I join with my Republican colleagues in pointing out that the vast increase in domestic spending coupled with the war in Vietnam would lead to inflation? How often were our pleas for prudence disregarded?

On March 22, 1966, the House Republican Policy Committee issued a statement noting that it costs a famliy of 4 about $18 a week more to live this year than it did a year ago.

The Republican policy committee called for the sane and sensible use of priorities in domestic spending until the full cost of the war in Vietnam can be determined.

The last time the Federal budget was balanced was in 1960 under President Eisenhower. Expenditures in that year were $76.5 billion and revenues were $77.7 billion. Since then the annual deficits have totaled $36.4 billion, including the deficit proposed for 1967.

The overall cost of running the Government has increased 47.5 percent in just 7 years.

President Johnson's current budget calls for spending $112.8 billion and revenues of $111 billion.

This leaves a planned deficit of $1.8 billion and it is expected by many to be more.

Every year we find the Democratic administration comes out with not only red ink at the end of the year, but red-ink planning at the beginning of the year.

Republicans do not balance budgets all of the time. There are too many reasons that they can come unhinged.

But at least we Republicans plan for a balanced budget because we know that excessive Federal spending means inflation.

Mr. Speaker, I suggest that the Congress and the administration begin to look at the real causes of inflation.

It is not the farmer who is creating domestic inflation.

The American farmer—though his ranks are depleted and his morale at a new low—is continuing his historic task of feeding this Nation and millions of people in other countries.

Now, the very administration that blames him for inflation is asking him to help feed even greater areas of the world.

He will rise to that task, too, as he has risen to meet so many challenges in the past.

Rather than blaming the farmer for inflation let the Administration face its own responsibilities and cut the cost of domestic programs that can readily be set aside.

DRUG ABUSE AMENDMENTS OF 1965

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Rhode Island [Mr. FOGARTY] is recognized for 15 minutes.

Mr. FOGARTY. Mr. Speaker, I introduce for appropriate reference, a bill, the enactment of which would aid in the control of one of the greatest problems facing the United States in respect to its health and social standards, arising from the abuse of narcotics and dangerous drugs.

It will be recalled that on July 15, 1965, there was enacted Public Law 89–74, the "Drug Abuse Control Amendments of 1965"—79 Stat. 226. The purpose of that legislation was to aid the U.S. law enforcement officials and agencies in their efforts to control successfully the U.S. narcotic and dangerous drug laws. In particular, provisions were added to existing law relating to the use, sale, distribution, and transportation, et cetera, of depressant and stimulant drugs, including barbiturates and amphetamines. The impact of that legislation was directed at interstate aspects of the problem. It might be noted, in view of the recent notoriety given to hallucinogenic drugs, that such items were also included in the basic law by the 1965 act.

However, it is well known that with the increasing effects of this legislation upon the criminals, dope peddlers, and pill pushers in the United States, they will soon turn to sources for their unholy merchandise outside the United States. It is becoming more and more apparent that one of the most troublesome areas where drug abuse is being encountered with greater frequency is along our southern and southwestern border, and in the southwestern part of the United States.

Unfortunately, there is a criminal element in Mexico whose efforts to supply dope addicts and pill takers in the United States are growing stronger and there is a rising flow of these dangerous drugs across the border. While the Mexican Government has made sincere and serious efforts to control and destroy this criminal activity, the United States must nevertheless make efforts on its own to prevent the illegal importation or smuggling of narcotic drugs, as well as the depressant, stimulant, and hallucinogenic drugs. There is no question that the health of thousands of our populace must be protected against this threat. The social and economic standards and the general well-being of the United States demand the same safeguards.

Therefore, I introduce today a bill which will spell out the dangerous offense of drug smuggling, just as was previously done in connection with the importation of heroin. In addition, penalties will be increased for violators of the smuggling provisions of the bill. Increased penalties are needed to emphasize the fact that smuggling such drugs is more noteworthy and important than mere smuggling of a minor piece of contraband such as a ring or a bottle of liquor.

In the same direction, my bill also includes provisions which will amend section 212(a)(23) of the Immigration and Nationality Act, as amended—66 Stat. 184; 70 Stat. 575; 74 Stat. 505; 8 U.S.C. 1182(a)(23)—as well as section 241(a)(11) of the Immigration and Nationality Act, as amended—66 Stat. 206; 70 Stat. 575; 74 Stat. 505; 8 U.S.C. 1251(a)(11).

Section 212(a)(23) is that portion of our immigration law which establishes, as a ground for exclusion from the United States, violations of the narcotics laws. At present, the law refers merely to narcotic drugs or marihuana. My bill would expand this particular section by adding references to depressant or stimulant drugs as defined in the 1965 Drug Control Amendments.

Section 241(a)(11) of the existing basic immigration law contains the provisions which relate to the deportation of aliens from the United States who have violated the narcotic laws. At present, that section refers only to narcotic drugs or marihuana. My bill would add a reference to the depressant and stimulant drugs as they are defined in the 1965 Drug Control Amendments.

The purpose of the amendments to the Immigration and Nationality Act is to make certain not only that violators shall be punished in criminal proceedings for their smuggling activities, but also that, if they are aliens, effective means shall be provided the Department of Justice to exclude them from the

United States, and, if they should have managed to enter the United States and be apprehended here, to provide means for their expulsion from this country by way of deportation proceedings under the immigration laws. In so doing, my bill is similar to action taken by the Congress in sections 8 and 9 of the act of July 14, 1960—74 Stat. 505—when there were added to the Immigration and Nationality Act provisions requiring the exclusion and deportation of violators of laws relating to marihuana—to correct a deficiency existing in the law at that time in respect to that particular drug.

There is no doubt that strong steps must be taken by the United States, by every possible means, to protect itself against the smuggling or illegal importation of narcotics, marihuana, depressant, stimulant, and hallucinogenic drugs by specifying and providing for the punishment of the criminal offenses, and by assuring that alien violators shall not be permitted to enter or remain in the United States. I hope that this bill will receive prompt and favorable consideration by the Congress.

THE 12TH MISSION TO VIETNAM

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Delaware [Mr. McDOWELL] is recognized for 10 minutes.

Mr. McDOWELL. Mr. Speaker, the Delaware Air National Guard has completed its 12th mission to Vietnam. I have just been advised by Lt. Col. William L. Stark that this is the 12th such flight since December 1, 1965.

We are proud to be able to make this contribution to American policy and have confidence that our record of safety and accomplishment will enable us to continue to support the operations of the Military Airlift Command in an increasingly active manner.

The men listed below have donated their time and talent voluntarily, taking time off from their civilian jobs and families, so that this mission could be accomplished.

The mission was to transport cargo vital for the defense of freedom. Taking part in the 12th mission were men from Delaware and Pennsylvania. I commend the members of the Delaware Air National Guard who participated in this mission, particularly since they donated their time and talent voluntarily, taking time off from their civilian jobs and families in order that this mission could be carried out.

I include as part of my remarks the following letter which I have received from Lt. Col. William L. Stark.

142D MILITARY AIRCRAFT SQUADRON,
DELAWARE AIR NATIONAL GUARD,
New Castle, Del., April 26, 1966.

Representative HARRIS B. McDOWELL, JR.,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN McDOWELL: I am happy to inform you that the Delaware Air National Guard has just completed another mission to Vietnam delivering cargo vital to the defense of freedom. This is the 12th such flight since December 1, 1965.

We are proud to be able to make this contribution to American policy and have confidence that our record of safety and accomplishment will enable us to continue to support the operations of the Military Airlift Command in an increasingly active manner.

The men listed below have donated their time and talent voluntarily, taking time off from their civilian jobs and families, so that this mission could be accomplished.

Best regards,
Lt. Col. WILLIAM L. STARK,
Aircraft Commander.

Capt. James A. Moore, Haverton, Pa., first pilot; 2d Lt. Donald R. Eyre, Jr., Wilmington, Del., second pilot; Lt. Col. Harold O. Morrison, Wilmington, Del., navigator; Capt. Earl R. White, Newark, Del., navigator.

M. Sgt. Floren W. McNichols, New Castle, Del., instructor flight examiner engineer; S. Sgt. Scott F. Rice, Newark, Del., first engineer; S. Sgt. Chester W. Field, second engineer, Boothwyn, Pa., S. Sgt. James E. Farmer Wilmington, Del., loadmaster; S. Sgt. Jay H. Blake, Newark, Del., crew chief.

MANPOWER DEVELOPMENT AND TRAINING ACT

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Pennsylvania [Mr. HOLLAND] is recognized for 10 minutes.

Mr. HOLLAND. Mr. Speaker, I have today introduced, for appropriate reference, two bills to amend the Manpower Development and Training Act of 1962.

One bill, H.R. 14690, amends the act in a number of particulars, and is primarily designed to increase the Secretary of Labor's ability to select and refer to training persons who would profit from it, and who are temporarily ineligible under the present act. Such persons would include people who have been gainfully employed for less than the 2-year period currently required by the act, high school dropouts who have not been out of school for the 1 year currently required, or persons who have completed a course of training which through no fault of their own, did not adequately prepare them for full-time employment, and who must, under present law, wait a year before again being referred to training. H.R. 14690 also relaxes the requirement of probability of employment in selecting disadvantaged persons for training. Finally, this bill drops the requirement of annual reports by the Secretaries of Labor and Health, Education and Welfare, leaving only the President's Annual Manpower Report as a statutory requirement under this act.

My colleague from Michigan, Mr. O'HARA, has joined me in sponsoring these amendments.

My other bill, H.R. 14685, would direct the Secretary of Labor to set up, for older workers as part of his present Manpower Development and Training Act program, special programs of testing, counseling, selection and referral to training for workers 45 years of age and older. Last year, my subcommittee held extensive hearings on the employment problems of the older worker. From those hearings it became obvious to me that occupational retraining could be a great help in meeting the particular problems which such persons find in securing employment.

A number of my colleagues have expressed their interest in this bill, and I am, of course, delighted to welcome any cosponsors.

Hearings on these bills and on other proposals to amend the Manpower Development and Training Act will be held by the Select Subcommittee on Labor, of which I have the honor to be chairman. These hearings are tentatively scheduled to begin on May 9, and it is my hope that our committee will have legislation ready to report to the House before the beginning of summer.

Mr. Speaker, I have had the privilege of working on a number of different pieces of legislation during my term of service in this House. I cannot say—only the historians of generations to come can accurately say—which of those bills will have a lasting effect on our country. But I am proudest of having had the opportunity to help write and help enact the Manpower Development and Training Act.

We are in a new industrial revolution, the final shape and size of which we can only dimly begin to guess at. That revolution will shape the world of tomorrow as the introduction of mass production shaped the world of today—in ways far removed from the industries immediately involved. This new revolution, Mr. Speaker, will be, I believe, less painful, less upsetting to the very fabric of our society if we try to anticipate its basic nature and plan to meet the demands it will make of us. The Manpower Development and Training Act is just such an effort. It is a tribute to the success and popularity of that act that the amendments of 1965 were passed by this House by a vote of 392 to 0.

It is my hope that we can continue to improve this act as experience points the way.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ROBERTS (at the request of Mr. ALBERT), for the remainder of the week, on account of official business.

Mr. CLEVENGER, from May 2 to May 11, on account of official business.

Mr. BOGGS (at the request of Mr. PURCELL), through May 2, on account of official business.

Mr. MATSUNAGA, through May 5, on account of business in district.

Mrs. KELLY (at the request of Mr. STRATTON), for an indefinite period, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. ASHBROOK (at the request of Mr. HUTCHINSON), for 60 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. KUPFERMAN (at the request of Mr. HUTCHINSON), for 30 minutes on May 2; to revise and extend his remarks and include extraneous matter.

Mrs. GREEN of Oregon, for 60 minutes, on May 2.

Mr. QUIE (at the request of Mr. MCEWEN), for 15 minutes, today; and to revise and extend his remarks and include extraneous matter.

Mr. FOGARTY (at the request of Mr. KEE), for 15 minutes, today; and to revise and extend his remarks and include extraneous matter.

Mr. MCDOWELL (at the request of Mr. KEE), for 10 minutes, today; and to revise and extend his remarks, and include extraneous matter.

Mr. HOLLAND (at the request of Mr. KEE), for 10 minutes, today; and to revise and extend his remarks, and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

Mr. REID of New York to revise and extend his remarks and include extraneous matter and tables on H.R. 10065.

(The following Members (at the request of Mr. HUTCHINSON) and to include extraneous matter:)

Mr. FINO.

Mr. RUMSFELD.

Mr. CRAMER.

Mr. WYATT.

(The following Members (at the request of Mr. KEE) and to include extraneous matter:)

Mr. MACKIE.

Mr. LOVE.

Mr. POWELL in two instances.

Mr. HOWARD.

Mr. WOLFF.

SENATE ENROLLED JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled joint resolutions of the following titles:

S.J. Res. 18. Joint resolution to provide for the designation of the week beginning April 23, 1967, as "Youth Temperance Education Week";

S.J. Res. 130. Joint resolution to provide for the designation of the week of May 8 to May 14, 1966, as "National School Safety Patrol Week."

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 1903. An act for the relief of Mrs. Sadie Y. Simmons and James R. Simmons; and

H.R. 13369. An act to authorize the disposal of molybdenum from the national stockpile.

ADJOURNMENT

Mr. KEE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to, accordingly (at 6 o'clock and 12 minutes p.m.) the House adjourned until tomorrow, Thursday, April 28, 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:

2346. A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), transmitting a report on the current working estimate for the construction project at L. G. Hanscom Field, Mass., pursuant to the provisions of 10 U.S.C. 2233a(1), and to the authority delegated by the Secretary of Defense; to the Committee on Armed Services.

2347. A letter from the Director, District Unemployment Compensation Board, Government of the District of Columbia, transmitting the Annual Report of the District Unemployment Compensation Board for the year 1965, pursuant to the provisions of section 13(c) of the District of Columbia Unemployment Compensation Act; to the Committee on the District of Columbia.

2348. A letter from the Archivist of the United States, transmitting a report on records proposed for disposal, pursuant to the provisions of 63 Stat. 377; to the Committee on House Administration.

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. DAWSON: Committee on Government Operations. Report entitled "Interstate Commerce Commission Operations (Railroad Safety), 25th Report"; without amendment (Rept. No. 1452). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. Report entitled "Plugging the Dollar Drain: Cutting Federal Expenditures for Research and Related Activities Abroad, 26th Report"; without amendment (Rept. No. 1453). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CHELF: Committee on the Judiciary. H.R. 9643. A bill for the relief of Haider Raza and his wife, Irene Raza, and their children, Afzal Anthony and Haider Raymond Raza; with an amendment (Rept. No. 1454). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOGGS:

H.R. 14669. A bill to prohibit desecration of the flag; to the Committee on the Judiciary.

By Mr. BURKE:

H.R. 14670. A bill to amend the Internal Revenue Code of 1954 to remove certain limitations on the amount of the deduction for contributions to pension and profit-sharing plans made on behalf of self-employed individuals and to change the definition of "earned income" applicable with respect to such plans; to the Committee on Ways and Means.

By Mr. BURTON of California:

H.R. 14671. A bill to amend the Manpower Develpoment and Training Act of 1962, as amended, and for other purposes; to the Committee on Education and Labor.

By Mr. DUNCAN of Tennessee:

H.R. 14672. A bill to amend title 38 of the United States Code to provide additional time for certain individuals to obtain improved total disability income coverage in their national service life insurance policies; to the Committee on Veterans' Affairs.

H.R. 14673. A bill to amend title II of the Social Security Act to provide that a mentally retarded child who is adopted by an insured individual after such individual becomes entitled to old-age or disability insurance benefits may receive benefits on such individual's wage record; to the Committee on Ways and Means.

H.R. 14674. A bill to provide that individuals entitled to disability insurance benefits (or child's benefits based on disability) under title II of the Social Security Act, and individuals entitled to permanent disability annuities (or child's annuities based on disability) under the Railroad Retirement Act of 1937, shall be eligible for health insurance benefits under title XVIII of the Social Security Act; to the Committee on Ways and Means.

H.R. 14675. A bill to amend title II of the Social Security Act to provide cost-of-living increases in the insurance benefits payable thereunder; to the Committee on Ways and Means.

By Mr. FOGARTY:

H.R. 14676. A bill to amend title 18 of the United States Code to prescribe criminal penalties for the illegal importation of depressant and stimulant drugs, and for other purposes; to the Committee on the Judiciary.

By Mr. WILLIAM D. FORD:

H.R. 14677. A bill to amend the Federal Water Pollution Control Act in order to improve and make more effective certain programs pursuant to such act; to the Committee on Public Works.

H.R. 14678. A bill to provide a program of pollution control and abatement in selected river basins of the United States through comprehensive planning and financial assistance, to amend the Federal Water Pollution Control Act, as amended, and for other purposes; to the Committee on Public Works.

H.R. 14679. A bill to amend section 8 of the Federal Water Pollution Control Act to provide for increased grants for construction of treatment works; to the Committee on Public Works.

By Mr. FUQUA:

H.R. 14680. A bill to amend title 38 to provide that service in the Women's Army Auxiliary Corps shall be considered active duty in the Armed Forces of the United States; to the Committee on Veterans' Affairs.

By Mr. GRAY:

H.R. 14681. A bill authorizing the Administrator of Veterans' Affairs to convey certain property to the city of Marion, Ill.; to the Committee on Veterans' Affairs.

By Mr. HARVEY of Michigan:

H.R. 14682. A bill to amend title 38 of the United States Code so as to make widows of servicemen who die on active duty in the Armed Forces eligible for educational assist-

ance under that title; to the Committee on Veterans' Affairs.

H.R. 14683. A bill to amend the Federal Unemployment Tax Act to provide an exemption for certain short-term employment at agricultural or horticultural fairs; to the Committee on Ways and Means.

By Mr. HENDERSON:

H.R. 14684. A bill to amend title 32, United States Code, to clarify the status of National Guard technicians, and for other purposes; to the Committee on Armed Services.

By Mr. HOLLAND:

H.R. 14685. A bill to amend the Manpower Development and Training Act of 1962, as amended, to provide for special programs for older workers; to the Committee on Education and Labor.

By Mr. KARSTEN:

H.R. 14686. A bill to amend the Internal Revenue Code of 1954 to remove certain limitations on the amount of the deduction for contributions to pension and profit-sharing plans made on behalf of "self-employed individuals and to change the definition of "earned income" applicable with respect to such plans; to the Committee on Ways and Means.

By Mr. OLSEN of Montana:

H.R. 14687. A bill to set aside certain lands in Montana for the Indians of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont.; to the Committee on Interior and Insular Affairs.

By Mr. PEPPER:

H.R. 14688. A bill to amend title 38 of the United States Code to provide for payments to educationaal institutions for reports made by them with respect to eligible veterans enrolled therein; to the Committee on Veterans' Affairs.

By Mr. ULLMAN:

H.R. 14689. A bill to amend title V of the Social Security Act to provide a grant-in-aid program to assist the States in furnishing aid and services with respect to children under foster care; to the Committee on Ways and Means.

By Mr. HOLLAND:

H.R. 14690. A bill to amend the Manpower Development and Training Act of 1962, as amended, and for other purposes; to the Committee on Education and Labor.

By Mr. O'HARA of Michigan:

H.R. 14691. A bill to amend the Manpower Development and Training Act of 1962, as amended, and for other purposes; to the Committee on Education and Labor.

By Mr. CRAMER:

H.R. 14692. A bill to provide increased retired pay for certain members of the uniformed services retired before June 1, 1958; to the Committee on Armed Services.

H.R. 14693. A bill for the establishment of the Commission on the Organization of the Executive Branch of the Government; to the Committee on Government Operations.

H.R. 14694. A bill to amend title 38 of the United States Code, to increase the rate of pension to certain veterans of World War I, World War II, and the Korean conflict, their widows and children, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 14695. A bill to increase the rate of pension payable to certain veterans of World War I, World War II, the Korean conflict, their widows, and certain other dependents, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DANIELS:

H.R. 14696. A bill creating a commission to be known as the Commission on Obscenity and Pornography; to the Committee on Education and Labor.

By Mrs. DWYER:

H.R. 14697. A bill to amend the Manpower Development and Training Act of 1962, as amended, to provide for special programs for older workers; to the Committee on Education and Labor.

By Mr. GONZALEZ:

H.R. 14698. A bill to amend section 3(c) of the Export Control Act of 1949, as amended; to the Committee on Banking and Currency.

By Mr. KEITH:

H.R. 14699. A bill to authorize the Secretary of the Interior to develop, through the use of experiment and demonstration plants, practicable and economic means for the production by the commercial fishing industry of fish protein concentrate; to the Committee on Merchant Marine and Fisheries.

By Mr. KLUCZYNSKI:

H.R. 14700. A bill to authorize the Architect of the Capital to remodel the existing structures of the U.S. Botanic Garden for use as a visitors' center; to the Committee on Public Works.

By Mr. MURPHY of New York:

H.R. 14701. A bill to provide for a coordinated national safety program and establishment of safety standards for motor vehicles in interstate commerce to reduce traffic accidents and the deaths, injuries, and property damage which occur in such accidents; to the Committee on Interstate and Foreign Commerce.

H.R. 14702. A bill to amend the Public Health Service Act to further promote and assist in modernization of hospitals and other medical facilities through grants for amortization of indebtedness incurred for that purpose, direct loans, and guarantees of loans, and through grants for the planning of such modernization, and to authorize grants for development of new technology systems and concepts in the provision of health services; to the Committee on Interstate and Foreign Commerce.

By Mr. O'NEILL of Massachusetts:

H.R. 14703. A bill to amend the Tariff Schedules of the United States with respect to the determination of American selling price in the case of certain footwear of rubber or plastics; to the Committee on Ways and Means.

By Mr. POWELL:

H.R. 14704. A bill to strengthen adult education programs in the United States; to the Committee on Education and Labor.

By Mr. QUIE:

H.R. 14705. A bill to amend the Manpower Development and Training Act of 1962, as amended, to provide for reduced training allowances for persons referred to less than full-time training; to the Committee on Education and Labor.

By Mr. RESNICK:

H.R. 14706. A bill to provide for grants to State educational agencies for the purpose of supporting the growth and expansion of local school systems by relieving aged, low-income property owners of increases in real property taxes caused by such growth and expansion; to the Committee on Education and Labor.

H.R. 14707. 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; to the Committee on Ways and Means.

By Mr. VIVIAN:

H.R. 14708. A bill relating to the reduction of the public debt; to the Committee on Armed Services.

By Mr. LEGGETT:

H.R. 14709. A bill to revitalize the American gold mining industry; to the Committee on Interior and Insular Affairs.

By Mr. MORRISON:

H.R. 14710. A bill to amend Public Law 815, 81st Congress, to provide temporary assistance where public schoolbuildings are destroyed by natural causes; to the Committee on Education and Labor.

By Mr. RONCALIO:

H.R. 14711. A bill to amend the Manpower Development and Training Act of 1962, as amended, to provide for special programs for older workers; to the Committee on Education and Labor.

By Mr. LEGGETT:

H.R. 14712. A bill to establish and maintain orderly marketing conditions for processing pears in the interest of producers and consumers, and an orderly flow of the supply thereof to market throughout its normal marketing season to avoid unreasonable fluctuations in supplies and prices; to the Committee on Agriculture.

By Mr. NEDZI:

H.R. 14713. A bill to amend title 18 of the United States Code to prohibit the use of contributions made to Members of Congress for personal purposes; to the Committee on the Judiciary.

H.R. 14714. A bill to amend the Internal Revenue Code of 1954 to provide that a gift of more than $25 which is made to an elected public official shall be included in his gross income for purposes of the Federal income tax; to the Committee on Ways and Means.

By Mr. CABELL:

H.J. Res. 1124. Joint resolution proposing an amendment to the Constitution of the United States relating to the power of the Supreme Court to declare any provision of law unconstitutional; to the Committee on the Judiciary.

By Mr. CAMERON:

H.J. Res. 1125. Joint resolution to authorize the President to designate October 31 of each year as "National UNICEF Day"; to the Committee on the Judiciary.

By Mr. DENT:

H.J. Res. 1126. Joint resolution proposing an amendment to the Constitution of the United States to permit voluntary participation in prayer in public schools; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI:

H.J. Res. 1127. Joint resolution to authorize the President of the United States to proclaim August 28, 1966, as "Polish Millennium Day"; to the Committee on the Judiciary.

By Mr. LEGGETT:

H.J. Res. 1128. Joint resolution expressing the intent of the Congress with respect to appropriations for watershed planning for fiscal year 1966; to the Committee on Appropriations.

H.J. Res. 1129. Joint resolution to create a delegation to a convention of North Atlantic nations; to the Committee on Foreign Affairs.

By Mr. CRAMER:

H. Con. Res. 631. Concurrent resolution expressing the determination of the United States with respect to the matter of general disarmament and arms control; to the Committee on Foreign Affairs.

By Mr. DIGGS:

H. Con. Res. 632. Concurrent resolution to establish an Atlantic Union delegation; to the Committee on Foreign Affairs.

By Mr. CLEVELAND:

H. Res. 827. Resolution expressing the disapproval of the House of Representatives of Reorganization Plan No. 2 of 1966; to the Committee on Government Operations.

By Mr. LEGGETT:

H. Res. 828. Resolution authorizing a Representative in Congress who is a member of a certain committee to designate one of his

employees to be cleared for access to classified information available to the Representative in his capacity as a member of such committee; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause I of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 14715. A bill for the relief of Andrea Spitaleri; to the Committee on the Judiciary.

By Mr. CORBETT:

H.R. 14716. A bill for the relief of Dr. Anthony N. Manoli; to the Committee on the Judiciary.

By Mr. DUNCAN of Tennessee:

H.R. 14717. A bill to confer jurisdiction on the U.S. Court of Claims to hear, determine, and render judgment on the claim of Olin G. Smith against the United States; to the Committee on the Judiciary.

H.R. 14718. A bill for the relief of Dr. Nahit Esen; to the Committee on the Judiciary.

H.R. 14719. A bill for the relief of John J. Tatem; to the Committee on the Judiciary.

By Mr. DYAL:

H.R. 14720. A bill for the relief of Mrs. Janina Zawalski (nee Smietanka); to the Committee on the Judiciary.

By Mr. FASCELL:

H.R. 14721. A bill for the relief of Dr. Alonso Portuondo; to the Committee on the Judiciary.

By Mr. KREBS:

H.R. 14722. A bill for the relief of Antonio F. Barreiros; to the Committee on the Judiciary.

By Mr. LEGGETT:

H.R. 14723. A bill for the relief of Rufino Tomas; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

381. The SPEAKER presented a petition of Ralph Boryszewski, Rochester, N.Y., relative to the impeachment of Hon. Stephen S. Chandler, U.S. district judge for the western district of Oklahoma, which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Salute to Sierra Leone Fifth Independence Anniversary

EXTENSION OF REMARKS
OF
HON. ADAM C. POWELL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 27, 1966

Mr. POWELL. Mr. Speaker, on April 27, the people of Sierra Leone celebrate their 5th anniversary as an independent state. I am proud to extend my congratulations and warm felicitations to His Excellency Sir Henry J. Lightfoot-Boston, Governor General of Sierra Leone; His Excellency Sir Albert M. Margai, Prime Minister of Sierra Leone; and to His Excellency Gershon B. O. Collier, Sierra Leone's Ambassador to the United States.

While Sierra Leone was the third British West African territory to attain independence, its political experience stretches far back into the country's past. In fact, Sierra Leone can legitimately claim historical seniority in British West Africa. Not only did the country serve as the administrative headquarters for all of British West Africa, but it also serves as an educational center. Fourah Bay College, founded in 1827, and renamed the University College of Sierra Leone in 1960 continues to play a significant role in the preparation for leadership both of Sierra Leone and many of the neighboring countries.

Many of us are familiar with the fact that the country was originally founded as a home for freed British slaves. Indeed, the capital's name, Freetown, bears testimony to the origin of the former colony. The territory was at first administered by the Sierra Leone Company, which was formed in 1791 and became a crown colony in 1808. Its unique character was quickly recognized, and in some years the number of new arrivals reached into the thousands.

Sierra Leone's progress toward eventual self-rule was steady and without violence. Thus when independence was gained in 1961, the people were more than adequately prepared to assume guidance of their own affairs. Since attaining that independence, the Government has been busily undertaking efforts to strengthen and diversify the economy in order to better enable the people to enjoy the fruits of freedom and self-determination. Despite the country's domestic economy resting primarily on agricultural commodities, diamonds, iron ore, and other minerals make up the bulk of exports.

The United States and Sierra Leone have enjoyed friendly relations and we expect that trend to continue. Our role as fourth largest supplier of Sierra Leone's economic goods is one indication that friendly relations have been maintained. Once again I express my pride in being able to offer warm congratulations and best wishes to the people of Sierra Leone as they begin their sixth year as an independent state.

Rabbi Avraham Soltes—Distinguished Spiritual Service to His Community and to the Nation

EXTENSION OF REMARKS
OF
HON. LESTER L. WOLFF
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 27, 1966

Mr. WOLFF. Mr. Speaker, on March 21, Rabbi Avraham Soltes, of Temple Emanuel, Great Neck, N.Y., delivered the invocation at that day's session of the House of Representatives. Later Rabbi Soltes, who also serves as chaplain to the cadets of his faith at the U.S. Military Academy at West Point, met with Lt. Gen. J. B. Lampert, Deputy Assistant Secretary of Defense for Manpower and me at the Capitol. General Lampert, former Superintendent at the Military Academy, worked closely with Rabbi Soltes during his assignment to West Point and had high praise for the rabbi's contributions to the spiritual life of the Academy.

I have received compliments from other Members of this distinguished body on the inspiring words delivered that day by Rabbi Soltes, and I would like to take official note of the contributions he continues to make to our community and to our future leaders at West Point. This Nation is the better for men like Rabbi Soltes.

Eighteenth Anniversary of Israel's Independence

EXTENSION OF REMARKS
OF
HON. RODNEY M. LOVE
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 27, 1966

Mr. LOVE. Mr. Speaker, this year we celebrate the 18th anniversary of the founding of the state of Israel and it is my honor to join in this commemoration.

For a nation so small, so young, and so lacking in natural resources, Israel has come a long way in a short period of time. I am sure that its future is destined to be a bright and influential one on the world scene.

By placing its trust in God and in its people, Israel has flourished. A garden has grown in what used to be desert.

The people of Israel have turned their land into a source of steadily rising living standards through hard work and diligent study of the forces of nature.

The same qualities make the people of Israel world famed for their culture, their art and the depth of their knowledge.

While it has been only 18 years since Israel's birth, its conception has taken thousands of years.

With the age of its concept as the "promised land" has come wisdom. With its youth as a nation has come vigor.

The people of Israel have proved their courage on countless occasions against a hostile landscape and even more hostile neighbors bent upon their destruction. However, they have shown that their urge to create a free and peaceful land is stronger than the will of its neighbors to destroy.

I urge this administration to properly mark Israel's independence by assuring