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Congressional Record

PROCEEDINGS AND DEBATES OF THE 90th CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES

MONDAY, SEPTEMBER 11, 1967

The House met at 12 o'clock noon.

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

Teach me Thy way, O Lord, that I may walk in Thy truth.—Psalm 86: 11.

Eternal God, our Father, who art the refuge and strength of Thy people in every age and our refuge and strength in this present hour, come Thou anew into our hearts as we bow humbly in Thy presence. Help us to realize our dependence upon Thee, our constant need of Thy strength, Thy guidance, and Thy love. Give us to know that Thou art always with us and that with Thee we can be made ready for every responsibility and equal to every experience.

We pray for peace in our world, for good will among our people, and for a faith in Thee which makes us strong, gives us courage, and helps us on our upward way.

May Thy spirit touch each one of us with healing power. Kindle our faith, make sensitive our consciences, dedicate our strength, fortify us in our troubles, and send us out into this day strong in Thee and in the power of Thy might. In the name of Christ we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, August 31, 1967, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 42. Concurrent resolution authorizing the printing for the use of the Senate Banking and Currency Committee, of additional copies of its hearings of the present Congress on housing legislation.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, D.C., August 31, 1967.

The Honorable the SPEAKER,
House of Representatives.

SIR: Pursuant to authority previously granted, the Clerk received from the Secretary of the Senate on Thursday, August 31, 1967, the following message:

That the Senate passed the bill (H.R. 9837) entitled "An act to amend the Legislative Branch Appropriation Act, 1959, as it relates to transportation expenses of Members of the House of Representatives, and for other purposes."

Respectfully yours,
W. PAT JENNINGS,
Clerk, U.S. House of Representatives.

APPOINTMENT OF CONFEREES ON H.R. 9547, THE INTER-AMERICAN BANK ACT

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 9547) to amend the Inter-American Development Bank Act to authorize the United States to participate in an increase in the resources of the fund for special operations of the Inter-American Development Bank, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. PATMAN, MULTER, BARRETT, Mrs. SULLIVAN, Messrs. REUSS, ASHLEY, WIDNALL, HALPERN, and JOHNSON of Pennsylvania.

FAVORS FOR NAACP

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

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

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, as I was watching the news last night, it was shocking to observe the large number of Washington metropolitan motorcycle police officers and Federal park mounted policemen escorting a single leader of the NAACP from my State of Mississippi into the Washington area.

After investigating this situation, I was amazed to learn that the NAACP group required 55 percent of all the motorcycle officers on duty in the District of Columbia, and required 25 percent of all the mounted Park Police on duty. In other words, five of the nine District officers on duty, and two of the eight park officers on duty were used for a total of seven escort officers for this one group.

Mr. Speaker, I realize that the NAACP has oftentimes received special favors in Washington, however, I think it is ridiculous to tie up the major part of the park and metropolitan motorcycle officers to escort one special-interest group into Washington for publicity purposes.

I am of the strong belief that the safety of the Washington motorist requires that these officers be allowed to perform their normal duties, those being to protect all the citizens, not just a special few.

VIETNAM

Mr. POOL. 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. POOL. Mr. Speaker, when somebody really wants to disagree with you, he never lets the facts stand in his way.

This seems to be the problem of certain critics and opponents of President Johnson's policies in Vietnam.

About our military involvement, some critics say we cannot win—and we should pull out. Yet the critics are wrong. Our goals are limited. And we are winning.

On our economic and military aid to South Vietnam, some critics say it is wasteful, it is too much, and it is really not our business. Yet our critics are wrong. Economic and military aid has been vital for South Vietnam.

About the recent elections—before they took place—the critics shouted "fraud," "rigged," and what have you. But again, the critics are wrong. The vote by all standards—American and international—was as democratic as in the United States. The field was open to all. The people's voice was heard when a smashing 84 percent of the people came out to vote.

Now the critics have been proven wrong on three basic elements of American policy in South Vietnam. But this will not stop their carping.

What will stop it is a determined support of the American people for President Johnson's policies in Vietnam.

They are the right policies. They aim for peace, independence, self-sufficiency, and freedom.

LEGALIZING ELECTRONIC SURVEILLANCE OF ORGANIZED CRIME CONSPIRACIES

Mr. POFF. 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 Virginia?

There was no objection.

Mr. POFF. Mr. Speaker, under date of September 7, 1967, I addressed the following letter to the Attorney General of the United States:

SEPTEMBER 7, 1967.

Hon. RAMSEY CLARK,
Attorney General of the United States,
Department of Justice,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: A constituent called me to ask if I have read the articles in the September 1 and September 8 issues of *Life* Magazine. I have done so. If you have not, I urge you to do so.

My constituent wanted to know whether or not the content is factual, and if so, why something hasn't been done about it. I promised to convey the questions to you.

I believe I can anticipate your answers. As appears from the articles themselves, much of the information was acquired by electronic surveillance. Under the present law, wiretap evidence and evidence traceable thereto is tainted and would frustrate any prosecution based thereon.

If this is your answer, and if the wiretap tapes and log entries in the possession of Federal investigators do in fact document the crimes charged in the magazine articles, then I have a question of my own, viz.:

"Does this not fully justify legislation legalizing electronic surveillance of organized crime conspiracies by law enforcement officers acting under court orders in the nature of a search warrant?"

Your reply will be helpful in answering the mail I am beginning to receive on the same subject.

Sincerely,

RICHARD H. POFF.

Mr. Speaker, upon receipt of the Attorney General's response, I will be pleased to read it into the RECORD.

PRODUCTION OF TWO "EDSELS"

Mr. RIEGLE. 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 Michigan?

There was no objection.

Mr. RIEGLE. Mr. Speaker and colleagues, I take this time to indicate that I will be making some remarks later in the day under a special order. These remarks will address the truthfulness of the Secretary of Defense, and they will examine in detail several of the Secretary's encouraging statements on the Vietnam war over a period of 5 years—statements that later events in that connection have proved to be worthless.

It was with amazement and disgust that I learned of the political attack on the Governor of my State of Michigan by the Secretary of Defense. As year after year of inept management of the war in Vietnam has mounted up and the U.S. casualties have multiplied, I wonder how the Defense Secretary can in good conscience find the time to turn away from his duties as Secretary of Defense to launch an attack on Governor Romney. The facts show Secretary McNamara's greatest distinction is that he has produced two "Edsels" in one lifetime. The first nearly crippled the Ford Motor Co. and the second—the vicious Vietnam stalemate—is fast crippling our Nation.

I will elaborate on these issues later in the day on the House floor.

BRAINWASHING

Mr. HAYS. 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 Ohio?

There was no objection.

Mr. HAYS. Mr. Speaker, I would feel called upon to say a word about the Governor of Michigan. I really think no one should attack him after the statement he made about being brainwashed. Several other Republican Governors took issue with him. It occurs to me that before one can be brainwashed, one should prove he has something to wash.

CONSENT CALENDAR

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

AMENDING THE JOINT RESOLUTION OF MARCH 25, 1953, RELATING TO ELECTRICAL AND MECHANICAL OFFICE EQUIPMENT FOR THE USE OF MEMBERS, OFFICERS, AND COMMITTEES OF THE HOUSE OF REPRESENTATIVES, TO REMOVE SPECIFIC LIMITATIONS ON ELECTRIC TYPEWRITERS FURNISHED TO MEMBERS

The Clerk called the joint resolution (H.J. Res. 516) to amend the joint resolution of March 25, 1953, relating to electrical and mechanical office equipment for the use of Members, officers, and committees of the House of Representatives, to remove specific limitations on electric typewriters furnished to Members.

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

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

There was no objection.

AMENDING SECTION 1730 OF TITLE 18, UNITED STATES CODE, TO PERMIT THE UNIFORM OR BADGE OF THE LETTER-CARRIER BRANCH OF THE POSTAL SERVICE TO BE WORN IN THEATRICAL, TELEVISION, OR MOTION-PICTURE PRODUCTIONS UNDER CERTAIN CIRCUMSTANCES

The Clerk called the bill (H.R. 10773) to amend section 1730 of title 18, United States Code, to permit the uniform or badge of the letter-carrier branch of the postal service to be worn in theatrical, television, or motion-picture productions under certain circumstances.

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

H.R. 10773

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1730 of title 18, United States Code, is hereby amended by adding thereto a new paragraph, immediately following the end of the present provision, which shall read as follows:

"The provisions of the preceding paragraph shall not apply to an actor or actress in a theatrical, television, or motion-picture production who wears the uniform or badge of the letter-carrier branch of the postal service while portraying a member of that service, if the portrayal does not tend to discredit that service."

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

SAUGUS IRON WORKS NATIONAL HISTORIC SITE, MASS.

The Clerk called the bill (H.R. 1308) to establish the Saugus Iron Works National Historic Site in the State of Massachusetts, and for other purposes.

Mr. PELLY. Mr. Speaker, at the request of another Member who cannot be present today, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

TRAINING OPPORTUNITIES FOR FEDERAL LEGISLATIVE EMPLOYEES

The Clerk called the bill (H.R. 3810) to provide training opportunities for persons employed in the legislative branch of the Government.

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

H.R. 3810

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 41 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 4119. Employees of the Congress

"(a) Subject to the exceptions in subsection (b) of this section, employees of the Senate, of the House of Representatives, and of the Office of the Architect of the Capitol (including employees of the House and Senate Restaurants so long as such restaurants are operated by the Architect of the Capitol and employees of the United States Botanic Garden) may be selected and assigned for training by, in, or through Government facilities or non-Government facilities, and the expenses for such training may be paid in the manner provided by the foregoing provisions of this chapter, in accordance with regulations of the President pro tempore of the Senate with respect to employees of the Senate, in accordance with regulations of the Speaker of the House of Representatives with respect to employees of the House of Representatives, and in accordance with regulations of the Architect of the Capitol with respect to employees of the Office of the Architect of the Capitol, including the above referred to employees of the House and Senate Restaurants and the United States Botanic Garden.

"(b) The following provisions of this chapter, which pertain to the operational structure of the executive branch of the Government, shall not apply with respect to the training of employees of the Congress under this section: subparagraphs (1), (2), and (3) of section 4101; section 4102; section

4103; the last sentence of subsection (a), and subsection (b), of section 4106; the last sentence of section 4108; the words 'under the regulations prescribed under section 4118 (a) (8) of this title and from appropriations or other funds available to the agency' in section 4109(a); and sections 4112, 4113, 4114, 4116, 4117, and 4118.

"(c) The Civil Service Commission shall provide the President pro tempore of the Senate, the Speaker of the House of Representatives, and the Architect of the Capitol with such advice and assistance as they may request in order to enable such officials to carry out the purposes of this section.

(b) The table of contents of chapter 41 of title 5, United States Code, is amended by adding at the end thereof the following:

"4119. Employees of the Congress.".

With the following committee amendment:

On page 3, immediately after the first period and before the quotation marks in line 6, insert the following: "There is hereby authorized to be appropriated each fiscal year not to exceed the sum of $10,000 to carry out the purposes of this section."

The committee amendment was agreed to.

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

AUTHORIZING THE SECRETARY OF THE INTERIOR TO GRANT LONG-TERM LEASES WITH RESPECT TO LANDS IN THE EL PORTAL ADMINISTRATIVE SITE ADJACENT TO YOSEMITE NATIONAL PARK, CALIF., AND FOR OTHER PURPOSES

The Clerk called the bill (H.R. 4739) to authorize the Secretary of the Interior to grant long-term leases with respect to lands in the El Portal administrative site adjacent to Yosemite National Park, Calif., and for other purposes.

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

H.R. 4739

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in furtherance of the purposes of the Act entitled "An Act to authorize the Secretary of the Interior to provide an administrative site for Yosemite National Park, California, on lands adjacent to the park, and for other purposes," approved September 2, 1958 (72 Stat. 1772), the Secretary of the Interior is authorized, notwithstanding any other provision of law, to lease lands within the El Portal administrative site for periods of fifty years to any operator of concession facilities in the park, or its successor, for purposes of providing employee housing. Such leases shall provide that the concessioner may sublease the property to its employees for terms not to exceed the remaining terms of such leases, and they shall be subject to such terms and conditions as the Secretary of the Interior may require to assure appropriate administration, protection, and development of the land for purposes incident to the provisions of facilities and services required in the operation and administration of the park: *Provided,* That the Secretary of the Interior shall grant such leases in consideration of an annual payment to the United States of not less than 4 per centum of the fair market value of the leased lands, as determined by him at the beginning of each calendar year.

SEC. 2. The Secretary of the Interior may enter into agreements with other Federal agencies and with any concessioner or its successor in order to effectuate the purposes of this Act.

With the following committee amendments:

On page 2, line 1, strike out "fifty years" and insert "fifty-five years".

On page 2, lines 13 and 14, strike out "not less than 4 per centum of the fair market value" and insert "the fair rental value".

The committee amendments were agreed to.

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. JOHNSON] may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. JOHNSON of California. Mr. Speaker, I rise in support of H.R. 4739, legislation I introduced authorizing the Secretary of the Interior to grant long-term leases with respect to lands in the El Portal administrative site adjacent to Yosemite National Park.

You will recall that the 85th Congress recognized the tremendous pressures which have been and are being placed on Yosemite National Park for tourist accommodations.

We have exceeded the 1,800,000-visitor mark and our visitor load at this most beautiful national park facility continues to grow.

In an effort to meet this demand, the 85th Congress authorized the establishment of an administrative site in El Portal just outside the park boundaries.

Much of the National Park Service and concessionaire administrative and housekeeping facilities were to be transferred there.

This transfer began in March, 1958, when the National Park Service advised the concessionaire that employee housing would be razed and employee trailer housing would be eliminated within a year or so.

It was contemplated, at that time, that concessioner employees, with few exceptions, would move to the El Portal site.

Only those people working irregular hours, plus a few supervisory and emergency personnel would continue to live in the valley.

Accordingly, the Yosemite Park and Curry Co., which is the principal concessionaire in the park, was faced with the problem of finding places for its approximately 300 employees to live.

At the time the decision was made to move the housing from the valley, virtually all of these were living in the park proper.

The net result was that additional new housing had to be constructed at El Portal.

The overriding priority of the Mission 66 program to provide adequate guest facility improvements absorbed all the available funds which the company had for construction.

Accordingly, the company had to look to other sources for financing.

It was at this point the problem which we hope to correct here, today, was discovered.

The land on which these houses would be constructed is owned by the Federal Government.

The legislation which established the administrative site limited the National Park Service to a 30-year term for any leases which would be issued.

The Federal Housing Administration has indicated a desire to assist those people working in the park to build homes in El Portal.

However, they are prevented from doing so by a statutory authority which prevents them from insuring a mortgage on a leasehold interest of less than 50 years.

Thus, in our efforts to provide adequate housing for the people in the park, we have reached an impasse which can be summarized as follows: The Park Service has advised the concessionaire that in keeping with the master plan for Yosemite Valley, no employee housing will be permitted in the valley.

The concessionaire has been advised to develop its employee housing at El Portal.

Participation by FHA cannot be accomplished without special legislation.

By the same token, the concessionaire cannot afford to develop this housing without FHA participation.

This, therefore, is the reason I have introduced my bill, H.R. 4739, permitting the Secretary of the Interior to lease lands within the El Portal administrative site for periods of 55 years to any operator of concession facilities in the park or its successor, for purposes of providing employee housing.

This, basically, is what we ask here, today.

I believe we have the support of the National Park Service in making this request, which I believe is a very fair and reasonable request. I urge the passage of H.R. 4739.

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

AMENDING PUBLIC LAW 87–752 (76 STAT. 749) TO ELIMINATE THE REQUIREMENT OF A RESERVATION OF CERTAIN MINERAL RIGHTS TO THE UNITED STATES

The Clerk called the bill (H.R. 5091) to amend Public Law 87–752 (76 Stat. 749) to eliminate the requirement of a reservation of certain mineral rights to the United States.

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

H.R. 5091

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act to direct the Secretary of the Interior to convey certain public lands in the State of California to the city of Needles", approved October 5, 1962 (Public Law 87–752; 76 Stat. 749), is amended by striking out "with a reservation to the United States of the coal, phosphate, sodium, potassium, oil, gas, oil shale, native asphalt, solid and semisolid bitumen and bitumous rock (including oil-

impregnated rock or sands from which oil is recoverable only by special treatment after the deposit is mined or quarried), together with the right to prospect for, mine, and remove the same under applicable provisions of law".

With the following committee amendment:

Page 2, after line 4, add a new section as follows:

"SEC. 2. The Secretary of the Interior is authorized to convey to the city of Needles, California, or its successor in interest all mineral rights reserved to the United States in any conveyance made to said city pursuant to the Act of October 5, 1962 (Public Law 87–752; 76 Stat. 749), upon payment by the grantee of the fair market value of the interest conveyed, as determined by the Secretary of the Interior, plus the administrative costs of such conveyance."

The committee amendment was agreed to.

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

The SPEAKER. This concludes the call of the Consent Calendar.

PRIVATE CALENDAR

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

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

The Clerk called the bill (H.R. 2661) for the relief of E. F. Fort, Cora Lee Fort Corbett, and W. R. Fort.

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

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

There was no objection.

MRS. INGE HEMMERSBACH HILTON

The Clerk called the bill (H.R. 6096) for the relief of Mrs. Inge Hemmersbach Hilton.

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

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

There was no objection.

MRS. CHIN SHEE SHIU

The Clerk called the bill (S. 636) for the relief of Mrs. Chin Shee Shiu.

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

S. 636

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any provision of the Railroad Retirement Act of 1937 to the contrary, the Railroad Retirement Board is authorized and directed to determine and certify to the Secretary of the Treasury the aggregate amount of widow's annuity which would have been payable, under such Act, to Mrs. Chin Shee Shiu, the widow of Moy Lam Shiu (Social Security Account Number [redacted]) for the period beginning on the earliest date for which she could (upon filing application therefor) have become entitled to a widow's annuity under such Act as the widow of the said Moy Lam Shiu and ending with the date with respect to which she first commenced to receive a widow's annuity under such Act as the widow of the said Moy Lam Shiu; and the Secretary of the Treasury is authorized and directed to pay to the said Mrs. Chin Shee Shiu (out of the Railroad Retirement Account in the Treasury) an amount equal to the amount so certified by such Board.

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

CLARA B. HYSSONG

The Clerk called the bill (H.R. 1655) for the relief of Clara B. Hyssong.

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

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

There was no objection.

CHILDREN OF MRS. DORIS E. WARREN

The Clerk called the bill (H.R. 2454) for the relief of the children of Mrs. Doris E. Warren.

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

H.R. 2454

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to each child of Mrs. Doris E. Warren, of Madison, Wisconsin, widow of Curtis Warren (Veterans' Administration claim numbered [redacted]), the amount which the Administrator of Veterans' Affairs certifies to him and would have been payable to each such child under laws administered by the Veterans' Administration for the period from April 7, 1958, to the date on which each such child actually began receiving a pension under section 542 of title 38, United States Code. No part of the amount appropriated in this Act for the payment of any one claim in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

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

MAURITZ A. STERNER

The Clerk called the bill (H.R. 3865) for the relief of Mauritz A. Sterner.

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

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

There was no objection.

MRS. HAZEL M. LAFRANCE

The Clerk called the bill (H.R. 5025) to confer jurisdiction on the U.S. Court of Claims to hear, determine, and render judgment on certain claims of Mrs. Hazel M. LaFrance against the United States.

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

H.R. 5025

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction is conferred on the United States Court of Claims to hear, determine, and render judgment on the claims of Mrs. Hazel M. LaFrance, of Hollywood, California, against the United States (1) arising out of the seizure and sale of the California College of Business, Los Angeles, California, and (2) for amounts alleged to be owed her by the United States on account of training furnished students attending the California College of Business under the provisions of the Servicemen's Readjustment Act of 1944.

SEC. 2. Any suit upon the claims referred to in the first section of this Act must be instituted within the one-year period beginning on the date of enactment of this Act. Defenses of the United States based on res adjudicata, laches, lapse of time, or any statute of limitations are hereby waived. Appeals from and payment of any judgment entered in such suit shall be in the same manner as in cases over which the court has jurisdiction pursuant to section 1491 of title 28 of the United States Code. Nothing in this Act shall be construed as an admission of liability on the part of the United States.

DR. EMANUEL MARCUS

The Clerk called the bill (H.R. 7599) for the relief of Dr. Emanuel Marcus.

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

H.R. 7599

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the failure of Doctor Emanuel Marcus to meet the licensure requirements of section 4105 of title 38, United States Code, and applicable antecedent statutes, his employment in the Department of Medicine and Surgery of the Veterans' Administration during the period beginning October 29, 1946, and ending April 15, 1966, shall be held and considered to have been de jure for the purpose of retroactive coverage for all benefits under the Civil Service Retirement Act of July 31, 1956, as amended (5 U.S.C. 2251–2267), credit for earned annual and sick leave and payment of final salary.

With the following committee amendment:

On page 1, lines 10 and 11, and page 2, line 1, strike "the Civil Service Retirement Act of July 31, 1956, as amended (5 U.S.C. 2251–2267)" and insert "Subchapter III of Chapter 83, Title 5, United States Code".

The committee amendment was agreed to.

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

CHARLES WAVERLY WATSON, JR.

The Clerk called the bill (H.R. 8091) for the relief of Charles Waverly Watson, Jr.

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

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

There was no objection.

SETSUKO WILSON (NEE HIRANAKA)

The Clerk called the bill (S. 534) for the relief of Setsuko Wilson (Nee Hiranaka).

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

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

There was no objection.

MARIA KOLOMETROUTSIS

The Clerk called the bill (H.R. 7427) for the relief of Maria Kolometroutsis.

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

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

There was no objection.

JOHN J. McGRATH

The Clerk called the bill (H.R. 2477) for the relief of John J. McGrath.

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

H.R. 2477

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John J. McGrath, of Albany, Georgia, the sum of $879. Such sum represents the amount which the said John J. McGrath, a letter carrier in the United States post office at Albany, Georgia, was required to pay the United States for the loss of registered mail which was apparently stolen on November 13, 1964, from the mail truck used by the said John J. McGrath. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in any sum not exceeding $1,000.

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

HUBERT ASHE

The Clerk called the bill (H.R. 4404) for the relief of Hubert Ashe.

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

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

There was no objection.

JOANNE MARIE EVANS

The Clerk called the bill (H.R. 5368) for the relief of Joanne Marie Evans.

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

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

There was no objection.

COL. GILMOUR C. MacDONALD, U.S. AIR FORCE, RETIRED

The Clerk called the bill (H.R. 10932) for the relief of Gilmour C. MacDonald, colonel, U.S. Air Force, retired.

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

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

There was no objection.

ELPIDIO AND NATIVIDAD DAMAZO

The Clerk called the bill (H.R. 3727) for the relief of Elpidio and Natividad Damazo.

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

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

There was no objection.

RESERVED PHOSPHATE INTERESTS IN FLORIDA

The Clerk called the bill (H.R. 9085) to authorize the Secretary of the Interior to sell reserved phosphate interests of the United States in lands located in the State of Florida to the record owners of the surface thereof.

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

H.R. 9085

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to convey, sell, and quitclaim all phosphate interests now owned by the United States in and to the hereinafter described lands located in Sarasota County, Florida, to Hollis P. Bacon and his wife, Emma G. Bacon, the record owners of the surface rights thereof: The south half of the southwest quarter of section 13, township 36 south, range 19 east, and the north half of the northwest quarter of section 24, township 36 south, range 19 east, Tallahassee meridian, Florida.

SEC. 2. In the event that the Secretary of the Interior determines that the lands described in the first section are not prospectively valuable for phosphate, he shall convey the reserved phosphate interests to the record owners of the surface rights referred to in such first section upon the payment of a sum of $200 to reimburse the United States for the administrative costs of the conveyance; otherwise, the phosphate interests shall be sold to such record owners of the surface rights upon the payment of a sum equal to $200 plus the fair market value of the phosphate interests as determined by the Secretary after taking into consideration such appraisals as he deems necessary.

SEC. 3. Proceeds from the sale made hereunder shall be covered into the Treasury of the United States as miscellaneous receipts.

With the following committee amendments:

On page 1, lines 6 and 7, strike out "Hollis P. Bacon and his wife, Emma G. Bacon,"

On page 2, line 15, add the following new sentence: "No conveyance shall be made unless such payment is made within one year after the Secretary notifies the beneficiaries of the bill of the total amount to be paid."

The committee amendments were agreed to.

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

MARTHA BLANKENSHIP

The Clerk called the bill (S. 117) for the relief of Martha Blankenship.

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

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

There was no objection.

CWO CHARLES M. BICKART, U.S. MARINE CORPS, RETIRED

The Clerk called the bill (S. 163) for the relief of CWO Charles M. Bickart, U.S. Marine Corps, retired.

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

S. 163

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Chief Warrant Officer Charles M. Bickart, United States Marine Corps (retired), is hereby relieved of all liability for repayment to the United States of the sum of $8,407.49, representing the amount of overpayments of retired pay received by the said Chief Warrant Officer Charles M. Bickart (retired), for the period from July 1, 1955, through September 30, 1963, as a result of administrative error in the computation of his retired pay. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Chief Warrant Officer Charles M. Bickart (retired), referred to in the first section of this Act, the sum of any amounts received or withheld from him on account of the overpayments referred to in the first section of this Act.

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

WIDOW OF ALBERT M. PEPOON

The Clerk called the bill (S. 477) for the relief of the widow of Albert M. Pepoon.

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

The SPEAKER. Is there objection to

the request of the gentleman from California?

There was no objection.

CAPT. ROBERT C. CRISP, U.S. AIR FORCE

The Clerk called the bill (S. 653) for the relief of Capt. Robert C. Crisp, U.S. Air Force.

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

S. 653

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Captain Robert C. Crisp, United States Air Force, is hereby relieved of all liability for repayment to the United States of the sum of $2,794.70, representing the amount of overpayment of basic pay and flight pay received by the said Captain Robert C. Crisp, for the period from August 21, 1958, through December 31, 1964, as a result of administrative error. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

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

With the following committee amendment:

Page 2, after line 8, insert: "No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

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

VIRGILE POSFAY

The Clerk called the bill (H.R. 1884) for the relief of Virgile Posfay.

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

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

There was no objection.

EMPLOYEES OF GENERAL SERVICES ADMINISTRATION

The Clerk called the bill (H.R. 1963) for the relief of employees of General Services Administration.

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

H.R. 1963

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of the administrative Expenses Act of 1946 (60 Stat. 806, as amended), including Public Law 89–516 (80 Stat. 323) and regulations issued pursuant thereto, the Administrator of General Services is authorized and directed to pay, out of appropriations otherwise available for the reimbursement of expenses incurred in traveling and moving household effects by employees of General Services Administration, to those employees of General Services Administration who were ordered to report for duty in Fort Worth, Texas, on July 18, 1966, incident to the transfer of the Regional Offices of General Services Administration from Dallas, Texas, to Fort Worth, Texas, such amounts for expenses as have been or will be incurred by them in connection with said transfer of their duty station that they would otherwise be entitled to pursuant to Administrative Expenses Act of 1946, as amended: *Provided,* That such expenses have been or will be incurred within one year from the effective date of this Act and do not exceed the monetary limitations set forth in regulations issued pursuant to said Act as amended: *Provided further,* That the amounts paid in each case shall be subject to administrative determination by the General Services Administration and audit by the General Accounting Office: *Provided further,* That no part of the respective amounts authorized to be paid by this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with the claim of any of said employees, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Strike all after the enacting clause and insert:

"That the Administrator of General Services is authorized and directed to pay out of appropriations available for payment travel expenses to those employees of the General Services Administration formerly stationed in Dallas, Texas, who were ordered to report for duty at their new duty station in Fort Worth, Texas, on July 18, 1966, incident to the relocation of the regional offices of the General Services Administration from Dallas, Texas, to Fort Worth, Texas, the travel and transporation expenses and other relocation allowances authorized by the Administrative Expenses Act of 1946 (60 Stat. 806, as amended), including the amendments thereto as contained in Public Law 89–516 (80 Stat. 323), in accordance with the provisions of the regulations of the Bureau of the Budget contained in Circular No. A–56 Revised, October 12, 1966, except that the time limitations contained in sections 1.3d and 4.1d of the Circular will not be applied to expenses incurred within six months of the effective date of this Act: *Provided,* That no part of the amounts authorized to be paid by this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with the claim of any of said employees, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

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

D. M. DEW & SONS, INC., AND DEWEY CAMPBELL

The Clerk called the bill (H.R. 3498) for the relief of D. M. Dew & Sons, Inc., and Dewey Campbell.

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

H.R. 3498

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury shall pay $777.85 to D. M. Dew and Sons, Incorporated, of Latta, South Carolina, and $777.85 to Dewey Campbell of Latta, South Carolina, in full settlement of all their claims against the United States arising out of the failure of the Federal Crop Insurance Corporation to pay their claim under contract number [redacted] for a crop loss in 1965. Payment cannot be made by the Corporation because the insured was unaware of the procedure and time limitations for making claims, and failed to file a claim in time for consideration and payment by the Corporation, although such claim was filed in time for the Corporation to investigate and adjust the loss at the amount of $1,555.70. No part of either of the sums appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with the claim settled by the payment of such sum, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

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

JAMES E. DENMAN

The Clerk called the bill (H.R. 5199) for the relief of James E. Denman.

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

H.R. 5199

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to James E. Denman, Rural Route 1, Ashville, Ohio, the sum of $566. Such sum is the aggregate of the amounts of six United States postal money orders (serial numbers 37719, 37720, 38391, 38392, 38989, and 42345, issued in April and May 1946) purchased by the said James E. Denman and subsequently misplaced. The payment of such money orders could not lawfully be made by the Postmaster General, when such money orders were found and presented for payment, because of the provision of section 5103(d) of title 39, United States Code, which prohibits payment of money orders after twenty years from the last day of the month of original issue.

SEC. 2. No part of the amount appropriated in the first section of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

On page 2, line 7, strike "in excess of 10 per centum thereof".

The committee amendment was agreed to.

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

MRS. SOPHIE MICHALOWSKA

The Clerk called the bill (H.R. 5233) for the relief of Mrs. Sophie Michalowska.

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

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

There was no objection.

SECOND LT. ALLAN L. SCHOOLER

The Clerk called the bill (H.R. 6325) for the relief of 2d Lt. Allan L. Schooler.

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

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

There was no objection.

WILLARD HERNDON RUSK

The Clerk called the bill (H.R. 8088) for the relief of Willard Herndon Rusk.

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

H.R. 8088

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is authorized and directed to pay, out of current appropriations available for the payment of severance pay to Lieutenant Willard Herndon Rusk, who was discharged from the United States Navy on March 24, 1966, an amount equal to the difference between (a) the amount of severance pay which would have been paid to said person upon his discharge from the United States Navy if the computation of such severance pay had been based upon his actual commissioned service in the United States Navy, and (b) the amount of severance pay actually paid to him.

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

ARTHUR ANDERSON

The Clerk called the bill (H.R. 10655) for the relief of Arthur Anderson.

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

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

There was no objection.

REFER BILL FOR RELIEF OF FRANCES VON WEDEL

The Clerk called the resolution (H. Res. 508) to refer the bill (H.R. 1734) entitled "A bill for the relief of Frances von Wedel" to the chief commissioner of the Court of Claims in accordance with sections 1492 and 2509 of title 28, United States Code.

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

H. RES. 508

Resolved, That H.R. 1734 entitled "A bill for the relief of Frances von Wedel" together with all accompanying papers is hereby referred to the chief commissioner of the Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code, for further proceedings in accordance with applicable law.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REFER BILL FOR RELIEF OF DR. ABRAHAM RUCHWARGER

The Clerk called the resolution (H. Res. 493) to refer the bill (H.R. 9326) entitled "A bill for the relief of Dr. Abraham Ruchwarger" to the chief commissioner of the Court of Claims pursuant to sections 1982 and 2509 of title 28, United States Code.

Mr. EDWARDS of Alabama. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice.

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

There was no objection.

LIM AI RAN AND LIM SOO RAN

The Clerk called the bill (H.R. 1948) for the relief of Lim Ai Ran and Lim Soo Ran.

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

H.R. 1948

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, section 204(c), relating to the number of petitions which may be approved in behalf of orphans, shall be inapplicable in the case of a petition filed in behalf of Lim Ai Ran and Lim Soo Ran by Mr. and Mrs. Everett S. Clark, citizens of the United States.

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

ANGELIQUE KOUSOULAS

The Clerk called the bill (H.R. 1960) for the relief of Angelique Kousoulas.

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

H.R. 1960

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Angelique Kousoulas may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Christos and Golfo Kousoulas, citizens of the United States, pursuant to section 204 of the Act.

With the following committee amendment:

On page 1, line 8, at the end of the bill, change the period to a colon and add the following:

"*Provided,* That the brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

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

YIM MEI LAM

The Clerk called the bill (H.R. 3430) for the relief of Yim Mei Lam.

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

H.R. 3430

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Yim Mei Lam may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of that Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Gun Lee, citizens of the United States, pursuant to section 205(b) of that Act, subject to all the conditions in that section relating to eligible orphans.

With the following committee amendment:

Beginning on page 1, line 4, after the words "may be classified as" strike out the remainder of the bill and insert in lieu thereof the following: "a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Gun Lee, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

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

YOO YOUNG HUI

The Clerk called the bill (H.R. 2464) for the relief of Yoo Young Hui.

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

H.R. 2464

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Yoo Young Hui, the fiance of Thomas H. Miner, a citizen of the United States, and her minor child, Ok Young, shall be eligible for visas as nonimmigrant temporary visitors for a period of three months: *Provided,* That the administrative authorities find that the said Yoo Young Hui is coming to the United States with a bona fide intention of being married to the said Thomas H. Miner, and that they are found otherwise admissible under the immigration laws. In the event the marriage between the above-named persons does not occur within three months after the entry of the

said Yoo Young Hui and Ok Young, they shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within three months after the entry of the said Thomas H. Miner, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Yoo Young Hui and Ok Young as of the date of the payment by them of the required visa fees.

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

The title was amended so as to read: "A bill for the relief of Yoo Young Hui, and her daughter, Ok Young."

A motion to reconsider was laid on the table.

YONG OK ESPANTOSO

The Clerk called the bill (H.R. 2978) for the relief of Young Ok Espantoso.

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

H.R. 2978

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Yong Ok Espantoso shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraph (1) through (8) of section 203(a) of the Immigration and Nationality Act.

With the following committee amendment:

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

"That, for the purposes of section 201(d) of the Immigration and Nationality Act Yong Ok Espantoso shall be held and considered to be an "immediate relative" and the provisions of section 204 of that Act shall be inapplicable in her case."

The committee amendment was agreed to.

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

GIUSEPPE DE STEFANO

The Clerk called the bill (H.R. 3734) for the relief of Giuseppe De Stefano.

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

H.R. 3734

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

With the following committee amendment:

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

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

The committee amendment was agreed to.

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

MARY BERNADETTE LINEHAN

The Clerk called the bill (H.R. 4534) for the relief of Mary Bernadette Linehan.

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

H.R. 4534

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of paragraph (7) of section 301(a) of the Immigration and Nationality Act, John Guiney Linehan, a citizen of the United States, shall be held and considered to have resided in and to have been physically present in the United States, prior to the birth of his natural child, Mary Bernadette Linehan, for a period of five years after he had attained the age of fourteen years.

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

The SPEAKER. This concludes the call of the Private Calendar.

AMENDING SECTION 2733, TITLE 10, UNITED STATES CODE

Mr. ASHMORE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 206) to amend section 2733 of title 10 of the United States Code, to include authority for the settlement of claims incident to the noncombat activity of the Coast Guard while it is operating as a service in the Department of the Treasury, to increase the authority which may be delegated to an officer or civilian attorney under subsection (g) of section 2733 from $1,000 to $2,500, and for other purposes, as amended.

The Clerk read as follows:

H.R. 206

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 2733 of title 10 of the United States Code, is amended to read as follows:

"(a) Under such regulations as the Secretary concerned may prescribe, he, or, subject to appeal to him, the Judge Advocate General of an armed force under his jurisdiction, or the chief legal officer of the Coast Guard, as appropriate, if designated by him, may settle and pay in an amount not more than $5,000, a claim against the United States for—

"(1) damage to or loss of real property, including damage or loss incident to use and occupancy;

"(2) damage to or loss of personal property, including property bailed to the United States and including registered or insured mail damaged, lost, or destroyed by a criminal act while in the possession of the Army, Navy, Air Force, Marine Corps, or Coast Guard, as the case may be; or

"(3) personal injury or death;

either caused by a civilian officer or employee of that department, or the Coast Guard, or a member of the Army, Navy, Air Force, Marine Corps, or Coast Guard, as the case may be, acting within the scope of his employment, or otherwise incident to noncombat activities of that department, or the Coast Guard."

SEC. 2. Section 645 of title 14 of the United States Code is repealed two years after the effective date of this Act.

SEC. 3. Subsection (g) of section 2733 of title 10, United States Code, is amended to read as follows:

"(g) In any case where the amount to be paid is not more than $2,500, the authority contained in subsection (a) may be delegated to any officer of an armed force under the jurisdiction of the department concerned, subject to appeal to the Secretary concerned, or his designee for that purpose."

SEC. 4. Section 2733 of title 10, United States Code, is amended by the addition of a new subsection (h) as follows:

"(h) Under such regulations as the Secretary of Defense may prescribe, he or his designee has the same authority as the Secretary of a military department under this section with respect to the settlement of claims based on damage, loss, personal injury, or death caused by a civilian officer or employee of the Department of Defense acting within the scope of his employment or otherwise incident to noncombat activities of that department."

SEC. 5. Subsection (d) of section 2733 of title 10, United States Code, is amended to read as follows:

"(d) If the Secretary concerned considers that a claim in excess of $5,000 is meritorious and would otherwise be covered by this section, he may pay the claimant $5,000 and report the excess to Congress for its consideration."

SEC. 6. Subsection (f) of section 715 of title 32, United States Code, is amended to read as follows:

"(f) In any case where the amount to be paid is not more than $2,500, the authority contained in subsection (a) may be delegated to any officer of the Army or the Air Force, as the case may be, who has been delegated authority under section 2733(g) of title 10, to settle similar claims, subject to appeal to the Secretary concerned, or his designee for that purpose."

The SPEAKER. Is a second demanded?

Mr. POFF. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. ASHMORE. Mr. Speaker, H.R. 206 has as its purpose the amendment of existing law to provide uniform authority and procedures in the settlement of military claims. The bill amends section 2733 of title 10 of the United States Code which is known as the Military Claims Act, and amends section 715 of title 32 in a similar manner for section 715 provides for the settlement of military claims arising from National Guard activity. The claims that are involved

are those which arise as the result of the noncombat activity of the armed services. However, as presently written, the Coast Guard does not have the same authority as is now vested in the Army, Navy, and Air Force for the settlement of this type claim.

This bill provides for the necessary amendment of the section to grant this authority to the Secretary of Transportation for the settlement of claims arising from Coast Guard activity. Similarly, the amendments grant the Secretary of Defense the authority to settle claims arising out of the activity of the employees of the Department of Defense in the same manner as the Secretaries of the military departments may settle claims arising from the activities of their employees.

At the subcommittee hearing on this bill, the representatives of the Coast Guard indicated their support for the amendments and stated that placing the Coast Guard on a parity as the other Armed Forces is a needed addition to this section of the law. The Coast Guard has encountered situations where Coast Guard units have been stationed in areas along with other units of the Armed Forces and from time to time people have erroneously assumed that the Coast Guard had the equivalent authority granted to the other Armed Forces to settle claims of this type.

Since the bill would extend Military Claims Act settlement authority for the Coast Guard, a limited provision in title 14 granting authority to settle claims up to $1,000 would be repealed as provided in section 2 of the bill. This section is section 645 of title 14 and its repeal is authorized to avoid unnecessary duplication consistent with the purpose of this bill which is to insure uniform authority and procedures in the settlement of military claims.

The bill, as amended, provides for an increase in the amount of authority for settlement which may be delegated from $1,000 to $2,500. This authority is contained in subsection (g) of section 2733 of title 10. Section 715 of title 32, National Guard title, was patterned after the Military Claims Act to provide for the settlement of claims arising out of National Guard activity. Subsection (f) of section 715 contains provision for the delegation of settlement authority which is presently set at $1,000. The amendment increasing this authority was originally the subject of a separate bill, H.R. 205, which also was favorably reported on by the Department of the Air Force. The committee felt it would be proper for the bill H.R. 206 to provide for the uniform amendment of both sections.

The limits upon the power of the Secretary concerned or the Judge Advocate General to delegate settlement authority restricts the number of smaller claims which may be settled in the field and this can result in delay in the settlement of claims. Enactment of the amendments to these two subsections will result in a more expeditious processing of claims and the committee finds a proportionate reduction in the cost in claims administration can be realized therefor.

In the report on H.R. 206 and also in the report on H.R. 205, the Department of the Air Force notes that a limit of $2,500 is consistent with the practice followed as to delegation of authority under other claims statutes. It is also pertinent to note that prior to the recent amendments to the Tort Claims Act—Public Law 89–506 approved July 18, 1966—80 Stat. 306, which removed the limits for administrative settlement, the limit for administrative settlement under the Federal Tort Claims Act was $2,500, the figure stated in the present bill. The committee also notes that this amendment would not change the nature of the claims filed or considered at this level. It merely means that claims for not more than $2,500 may be settled without reference to the Judge Advocate General of the service concerned. We felt that the efficiency and fairness in claims administration depends to a large degree upon the personnel who are called upon to first investigate and consider the claim. These individuals have the best opportunity to weigh the evidence and make a fair and objective evaluation of the claim involved.

The increase of authority provided by this particular amendment will enhance the expeditious settlement of claims by the persons in the best position to do so. A large number of claims under this section can be expected to fall within the $2,500 limit. The simplification in administrative procedures incident to approval of settlements by top authority for the smaller type of claims settlements will reduce the cost of claims administration.

On the basis of the information gathered by the committee in the course of the hearing and from reports secured from the interested departments, it was determined that the enactment of these amendments would not greatly increase the numbers of claims or settlements. As is indicated in the committee report, the amendments relating to settlement procedures would not have the effect of adding authority to settle new claims but merely to deal more efficiently with those filed under the section. On the other hand, new claims settlement authority is granted as to the Coast Guard and the Department of Defense. The effect of the addition of the Coast Guard to this section is that claims for more than $1,000 may be considered and settled. However, the experience of the Coast Guard has been that only a limited number of incidents have occurred which would give rise to this type of claim.

Of course, there is a possibility that events such as air crashes giving rise to larger claims may occur in the future and it is only logical that the Coast Guard have the authority to settle such claims. In the past year, the Coast Guard had six claims filed for settlement under the present section of title 14 which provides for the settlement of claims up to $1,000 and all of them were settled within that figure. The extension of authority to the Secretary of Defense merely parallels the authority of the military secretaries to settle claims incident to the noncombat activity of civilian personnel within their departments.

There is no experience as to claims of this type but it should be observed that the claims incident to the activity of military personnel would be settled in the same manner as is presently being done by the military secretaries.

On July 11, 1967, the House passed the bill, H.R. 10482. The bill, H.R. 10482, was introduced in accordance with the recommendations of an executive communication from the Department of the Air Force, which included amendment of subsection (g) of section 2733 of title 10. The language approved by the House at that time was to provide for authority for the delegation of appellate jurisdiction for settlements made under the authority of subsection (g) and within the monetary limitations of that subsection. This was done by providing that the settlements would be "subject to appeal to the Secretary concerned, or his designee for that purpose." It was felt that since the language in H.R. 206 restated the language of the section, it is necessary to include the same language as was approved by the House with the passage of H.R. 10482. Accordingly, the committee amendment includes that language. The same language is included in the amendment to subsection (f) of section 715 of title 32, as provided in a new section 6 to the bill added by committee amendment, the parallel section concerning military claims arising from activities of the National Guard. As has been noted, this fulfills the purpose of the bill in providing for uniform procedures and provisions concerning the same type of claims.

The additional authority provided for the Coast Guard and for the settlement of claims arising from the activities of the Department of Defense personnel will correct present deficiencies in the law. The procedural improvements and changes provided in the bill will make it possible to increase the efficiency of claims administration. It is recommended that the amended bill be considered favorably.

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

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

Mr. HALL. I appreciate the gentleman yielding. I understand that this bill applies to the Coast Guard and the National Guard only when they are not engaged in combat duty. Is that correct?

Mr. ASHMORE. That is correct.

Mr. HALL. The gentleman well knows, since he has a bill for fixing accountancy vis-a-vis responsibility in casualty and loss cases in the hopper which would eliminate many private bills; that we are concerned with those who suffer loss while in combat duty, even more so. This bill will not affect, for example, the Coast Guard when it is Federalized or the National Guard when it is Federalized and on duty with the Navy or with another division of the armed services; for example, our Coast Guardsmen who are on the coast of South Vietnam?

Mr. ASHMORE. The Coast Guard is now under the Department of Transportation.

Mr. HALL. If the gentleman will yield further, the gentleman from Missouri full well realizes that, as far as the general assignment is concerned, the Coast Guard having recently been transferred—on April 1, to be exact—to the Secretary of Transportation from the Secretary of the Treasury. But when this House, the Congress and the President finally "inked into law," the Department of Transportation setup; it still made the provision that the Coast Guard, or parts thereof, could be assigned to active duty with the Navy in time of conflict, meaning any time of conflict. I wish to be sure that our Coast Guardsmen who are patrolling the coast of South Vietnam still have the $10,000 limit for loss while in combat be it due to transportation or warehousing, while they are away or other wise.

Mr. ASHMORE. This measure does not affect those men.

Mr. HALL. I thank the gentleman.

Mr. POFF. Mr. Speaker, I yield myself such time as I may consume, and I shall be brief.

Mr. Speaker, the purpose of this legislation is threefold: First, it grants the Coast Guard the same authority to settle claims growing out of noncombat activity as the Army, Navy, and the Air Force now have; second, for the first time, it grants the same authority to the Secretary of Defense; third, it increases the authority of the Secretaries of all the services to delegate to subordinates the settlement of claims from $1,000 to $2,500.

The Military Claims Act, section 2733 of title X, of the United States Code, authorizes a military department to settle and pay claims arising out of noncombat activity up to $5,000. The limit applies to claims for personal injury, death, and damage or loss to real or personal property.

It is largely a legislative accident that the Coast Guard, although defined in section 101 of title X as one of the Armed Forces, does not have the same settlement authority as other divisions of the Armed Forces. This is because the Coast Guard is not a "military department" within the meaning of the Military Claims Act.

This legislation cures that legislative accident.

The bill also grants the Secretary of Defense similar authority to settle claims arising from the activities of Defense Department employees. While no such claims have yet been asserted against the Department of Defense, since there is a potential for claims, the committee feels that this legislation should confer upon the Secretary of Defense the same settlement authority enjoyed by the military Secretaries of the Departments under him.

Mr. Speaker, I urge unanimous support of this legislation.

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

Mr. POFF. I yield to the gentleman from New York such time as he may consume.

Mr. SMITH of New York. Mr. Speaker, the prime purpose of the bill is to grant the Coast Guard the same claims settlement authority under the Military Claims Act provision of section 2733, title 10 as is now exercised by the other Armed Forces. Additionally it increases the limit on claims settlement authority which a department secretary may delegate, and provides the Secretary of Defense with the same administrative settlement authority as now held by the individual military department Secretaries.

Presently the Military Claims Act permits the Secretaries of the military departments to settle administratively property, injury and death claims arising from noncombat activities of military or civilian employees within the scope of their employment up to the maximum of $5,000. The Secretaries of Judge Advocate Generals may delegate to subordinates settlement authority up to $1,000. Additionally the Secretaries may recommend to the Congress settlements for amounts exceeding $5,000.

The expanded activity of the Coast Guard has demonstrated the need for the same administrative settlement authority as now held by the Army, Navy, and Air Force. This bill corrects the omission by incorporating the Coast Guard into the administrative settlement process.

As stated previously, the bill provides that the authority of the Department Secretaries to delegate settlement authority, presently limited to claims not exceeding $1,000, is increased to a $2,500 ceiling. The volume of small claims has demonstrated the need for this modification as a step toward increased efficiency through handling claims by means of intermediate appellate officials.

This bill represents a logical and necessary conforming of the Coast Guard claims settlement authority with that now exercised by the other Armed Forces. Obviously, uniformity in this regard is essential and desirable. I urge passage of the bill.

The SPEAKER. The question is on the motion of the gentleman from South Carolina that the House suspend the rules and pass the bill, H.R. 206, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend section 2733 of title 10 of the United States Code, to include authority for the settlement of claims incident to the noncombat activity of the Coast Guard while it is operating as a service in the Department of Transportation, to grant equivalent claims settlement authority to the Secretary of Defense, to increase the authority which may be delegated to an officer under subsection (g) of section 2733 of title 10 and subsection (f) of section 715 of title 32, from $1,000 to $2,500 and for other purposes."

A motion to reconsider was laid on the table.

BENEFITS FOR LAW ENFORCEMENT OFFICERS

Mr. ASHMORE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11816) to provide certain benefits for law enforcement officers not employed by the United States who are killed or injured while apprehending violators of Federal law, as amended.

The Clerk read as follows:

H.R. 11816

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) Chapter 81 of title 5 of the United States Code is amended by adding the following new subchapter at the end:

"SUBCHAPTER III.—LAW ENFORCEMENT OFFICERS NOT EMPLOYED BY THE UNITED STATES

"§ 8191. Determination of eligibility

"The benefits of this subchapter are available as provided in this subchapter to eligible law enforcement officers (referred to in this subchapter as 'eligible officers') and their survivors. For the purposes of this Act, an eligible officer is any person who is determined—

"(1) by the Attorney General, in his discretion, to have been on any given occasion a law enforcement officer and to have been engaged on that occasion in the apprehension or attempted apprehension of any person who has violated, or is wanted for the violation of, any Act of Congress; and

"(2) by the Secretary of Labor, in his discretion, to have been, on the occasion referred to in paragraph (1), not an employee as defined in section 8101(1), and to have sustained on that occasion a personal injury for which the United States would be required under subchapter I of this chapter to pay compensation if he had been on that occasion such an employee engaged in the performance of his duty.

"§ 8192. Benefits

"(a) BENEFITS IN EVENT OF INJURY.—The Secretary of Labor shall furnish to any eligible officer the benefits to which he would have been entitled under subchapter I of this chapter if, on the occasion giving rise to his eligibility, he had been an employee as defined in section 8101(1) engaged in the performance of his duty, reduced or adjusted as the Secretary of Labor in his discretion may deem appropriate to reflect comparable benefits, if any, received by the officer (or which he would have been entitled to receive but for this subchapter) by virtue of his actual employment on that occasion. When an enforcement officer has contributed to a disability compensation fund, the reduction of Federal benefits provided for in this subsection is to be limited to the amount of the State or local government benefits which bears the same proportion to the full amount of such benefits as the cost or contribution paid by the State or local government bears to the cost of disability coverage for the individual officer.

"(b) BENEFITS IN EVENT OF DEATH.—The Secretary of Labor shall pay to any survivor of an eligible officer the difference, as determined by the Secretary in his discretion, between the benefits to which that survivor would be entitled if the officer had been an employee as defined in section 8101(1) engaged in the performance of his duty on the occasion giving rise to his eligibility, and the comparable benefits, if any, received by the survivor (or which that survivor would have been entitled to receive but for this subchapter) by virtue of the officers' actual employment on that occasion. When an enforcement officer has contributed to a survivor's benefit fund, the reduction of Federal benefits provided for in this subsection is to be limited to the amount of the State or local government benefits which bears the same proportion to the full amount of such benefits as the cost or contribution paid by the State or local government bears to the cost of survivor's benefits coverage for the individual officer.

"§ 8193. Administration

"(a) DEFINITIONS AND RULES OF CONSTRUCTION.—For the purpose of this subchapter—

"(1) The term 'Attorney General' includes any person to whom the Attorney General has delegated any function pursuant to subsection (b) of this section.

"(2) The term 'Secretary of Labor' includes any person to whom the Secretary of Labor has delegated any function pursuant to subsection (b) of this section.

"(b) DELEGATION.—

"(1) The Attorney General may delegate to any division, officer, or employee of the Department of Justice any function conferred upon the Attorney General by this subchapter.

"(2) The Secretary of Labor may delegate to any bureau, officer, or employee of the Department of Labor any function conferred upon the Secretary of Labor by this subchapter.

"(c) APPLICATIONS.—An application for any benefit under this subchapter may be made only—

"(1) to the Secretary of Labor

"(2) by

"(A) any eligible officer or survivor of an eligible officer,

"(B) any guardian, personal representative, or other person legally authorized to act on behalf of an eligible officer, his estate, or any of his survivors, or

"(C) any association of law enforcement officers which is acting on behalf of an eligible officer or any of his survivors;

"(3) within five years after the injury or death; and

"(4) in such form as the Secretary of Labor may require.

The Secretary of Labor shall refer any application (or a copy thereof) received by him pursuant to this subchapter to the Attorney General for the determinations required to be made pursuant to section 8191(1).

"(d) COOPERATION WITH STATE AGENCIES.—The Secretary of Labor and the Attorney General shall cooperate fully with the appropriate State and local officials, and shall take all other practicable measures, to assure that the benefits of this subchapter are made available to eligible officers and their survivors with a minimum of delay and difficulty.

"(e) APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subchapter."

(b) The table of sections at the beginning of chapter 81 of title 5 of the United States Code is amended by adding at the end:

"SUBCHAPTER III.—LAW ENFORCEMENT OFFICERS NOT EMPLOYED BY THE UNITED STATES

"Sec.

"8191. Determination of eligibility.

"8192. Benefits.

"8193. Administration."

SEC. 2. The amendments made by section 1 of this Act are effective only with respect to personal injuries sustained on or after the date of enactment of this Act.

The SPEAKER. Is a second demanded?

Mr. POFF. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. ASHMORE. Mr. Speaker, I yield myself 10 minutes.

The SPEAKER. The gentleman from South Carolina is recognized.

Mr. ASHMORE. Mr. Speaker, the bill H.R. 11816 provides benefits for State and local law enforcement officers when they are injured while apprehending violators of Federal law, and also provides compensation to the survivors of an officer if he should be killed while attempting to apprehend an individual wanted for violating a Federal law. The legislation would provide State and local police officers with some measure of financial security in recognition of the risks and danger they assume in assisting in the enforcement of the laws of the United States. The enactment of this bill would make it possible for the United States, to this degree at least, to recognize its responsibility to the local law enforcement officer for his part in the enforcement of Federal law. The benefits provided in the bill would be equivalent to those provided in the Federal Employees Compensation Act with the provision that the amounts so paid would be reduced by the amount of benefits provided and paid for by a State or local government.

The bill H.R. 11816 was introduced as a revised bill as a result of the consideration by Subcommittee No. 2 of this committee of a group of bills proposing similar benefits for law enforcement officers. The present bill was introduced by Mr. BYRNE of Pennsylvania, for himself, Mr. POFF, Mr. RODINO, Mr. DOWDY, Mr. FEIGHAN, Mr. EILBERG, Mr. BIESTER, Mr. ASHMORE, Mr. HUNGATE, Mr. TENZER, Mr. SMITH of New York, Mr. MESKILL, and Mr. SANDMAN.

The bill H.R. 339 and companion bills were the subject of a subcommittee hearing on April 5, 1967, April 19, 1967, and again on May 18, 1967.

At the hearing on April 5, 1967, Assistant Attorney General Fred M. Vinson's statement included the following comment:

President Johnson, in his 1966 crime message to Congress noted that, "Crime does not observe neat jurisdictional lines between city, State, and Federal Governments." Fortunately, it is also true that neat jurisdictional lines are not observed in the task of law enforcement. Frequently, for example, the apprehension of a Federal criminal offender is the result of cooperation between local and Federal law enforcement officials. The assistance received from non-Federal officers in the enforcement of Federal law has a pronounced effect on the Federal budget for, without it, we would be faced with the necessity of maintaining a much larger Federal law enforcement establishment.

Unfortunately, in the course of rendering assistance to Federal officers, local law enforcement officers are occasionally killed. It would seem fitting, when this does occur, for the Federal Government to provide some form of compensation to the deceased officer's family for the tragic loss which it has suffered.

The enactment by Congress of a program to provide such compensation to the non-Federal officer's survivors would serve as an official acknowledgment of the debt the Federal Government owes for the assistance given by local law enforcement personnel. And the individual compensatory awards made under the program would, of course, constitute public recognition of the individual officer's contribution in those cases where it is so obviously deserved.

In the report of the Justice Department on a similar bill, H.R. 339, and companion measures, the Attorney General also noted that local law enforcement officers throughout the United States supplement the activities of Federal law enforcement personnel. In rendering this service, the local law enforcement officers obviate the need for a larger force of Federal law enforcement officers. The Attorney General further indicated his support for the aim of the legislation in providing for benefits for local officers in the following language.

The enactment of legislation authorizing compensation to the families of such non-Federal officers who are killed while aiding in the enforcement of the Federal laws would appear to be an appropriate recognition of the contribution made by local forces.

In approving the provisions which are embodied in H.R. 11816, the committee has been guided by the comments of the Department of Justice in its report on H.R. 339. In that report, the Attorney General noted that the bills originally referred to the committee failed to spell out the standards for determining whether a law enforcement officer's death resulted from a given injury as well as other guidelines for the program contemplated by the legislation. In this connection, the Attorney General also suggested that there be provision for regulations and rulemaking to implement such a program. In connection with the administration of the program, the Department of Justice noted that it would be appropriate to place responsibility in the Department of Labor due to the experience of that Department in the administration of Federal compensation laws. The committee has considered all of these suggestions and concluded that it would be best to vest in the Attorney General the authority to determine whether a law enforcement officer's death or disability resulted from his employment in the apprehension or attempted apprehension of a person who has violated or was wanted for the violation of an act of Congress. H.R. 11816 refers to "eligible law enforcement officers" as those who the Attorney General determines to have been engaged in apprehending an individual who violated an act of Congress. In so doing we avoided an enumeration of the employing governmental units as was contained in H.R. 339. However, we intend a broad interpretation of this provision to cover law enforcement officers of various non-Federal Government units and subdivisions. For example, this would include officers employed in the Commonwealth of Puerto Rico as well as by local and State jurisdictions. The committee further determined that it is appropriate as provided in H.R. 11816 that the actual administration of the compensation program be vested in the Secretary of Labor. In order to provide for guidelines and standards in the administration of the program, the bill provides that the officer or his survivors will be paid in the manner provided in the recently codified provisions of the Federal Employees Compensation Act as if he had been an employee of the United States at the time of the occasion which caused his disability or death and was engaged in the performance of his duty. These changes are provided for in the bill by providing for direct amendment to chapter 81 of title 5 of the United States Code. Chapter 81 of title 5 of the United States Code is the chapter providing for com-

pensation for work injuries in revised title 5, as approved on September 6, 1966, as a revised title of the United States Code.

Much consideration has been given in the course of the consideration of this legislation to the relationship between the State and local officer and the Federal officers who may be involved in an attempt to apprehend an individual. In its consideration of this aspect of the problem, the committee concluded that there should be a balance as between the local and Federal officers in the particular situations covered by the bill. This is another reason why the standards and benefits of chapter 81 of title 5 have been selected as the basis for compensation. This will provide a common standard for benefits paid by the Federal Government to Federal officers and similarly to State and local officers as provided in this bill. Further the bill provides for a reduction of the Federal payment to local law enforcement officers where comparable benefits are payable as the result of their State and local employment.

However, it is felt that where a State or local officer elects or is required to contribute to a disability system or a survivor system, or both, the benefits payable under this legislation should not be reduced by the amount of the local benefit which is proportionate to his own contribution whether paid directly or by deductions from his pay. Therefore, the committee amendments provide for a proportionate deduction. Thus, if the contribution of a State or local government is 10 percent of the cost of local benefit coverage, the amount to be deducted from the Federal benefit would be 10 percent of whatever local benefit was paid to the officer or to his survivors as the result of his injury or death.

In its report on H.R. 339, the Bureau of the Budget indicated that while it was sympathetic to the basic objective of the bill, it was unable to recommend favorable consideration. It grounded its position on the fact that there might be disparities between varying jurisdictions and that a possible Federal benefit such as provided in this bill might influence State and local jurisdictions not to provide compensation systems for their law enforcement officers. The committee has considered this objection and feels that the facts are not borne out by the testimony presented to the committee. The figures available to the committee indicate that it has been determined that approximately 13 local policemen in the period from 1960 through 1965 died as the result of attempting to enforce Federal laws. Of this number, five officers were killed while attempting to apprehend bank robbery suspects and two officers were killed attempting to apprehend a suspect for unlawful flight to avoid prosecution.

It was further indicated that two officers were killed while investigating illegal liquor traffic, and one officer was killed while attempting to apprehend a prisoner absent without leave from the Armed Forces. In the same period on a countrywide basis, 278 police officers were killed in the line of duty. In 1966, 48 officers were reported killed in the line of duty, and of those only two would be included within the coverage of this bill.

It is readily apparent that the number of potential claimants under this legislation can be contemplated to be small in any given year. However, the importance of the recognition by the Federal Government of responsibility in this situation is not to be discounted. The Attorney General has referred to the importance of cooperation by State and local law enforcement officers in the enforcement of Federal laws. It is only right that the Federal Government recognize an equivalent responsibility to those disabled or killed while cooperating with the Federal authorities. In this connection, the Bureau of the Budget notes that there are other ways in which the Federal Government can assist local law enforcement. The committee feels that serious and continuing consideration must be given to Federal and State cooperation in this area, however, the benefits proposed in this bill are entirely consistent with such an effort and should not be taken as a reason for rejection of this legislation.

Reference has already been made in this report to the experience concerning the number of officers who have been involved in situations involving the enforcement of Federal laws. These incidents give some indication of the potential coverage of this legislation and therefore an indication of the cost which might be expected.

The provisions of H.R. 11816 provide for benefits due to the disability incurred while attempting to enforce a Federal law. One estimate based on the number of officers reported to have lost their lives in the 1960–65 period indicates that the officers disabled while attempting to enforce Federal laws in the same period could be expected to number approximately 78. The actual amount of compensation in a given case would be determined under the provisions of chapter 81 of title 5. In a case of total disability, section 8105 of that title provides for compensation equal to 66⅔ percent of the individual's monthly pay and this is known as his basic compensation for total disability. Partial disability is provided for in the succeeding section, section 8106. The payment for death compensation is similarly provided for in subchapter 1 of chapter 81 of title 5. The committee feels that the facts discussed in this report and presented to the committee in connection with the reports of the interested departments and in the course of testimony on the legislation at the subcommittee hearings that there is a clearly defined need for the system of compensation provided in the bill. It is only just that the Federal Government recognize its responsibility in this connection.

The report submitted on this bill, House Report 567 of the 90th Congress, concludes with the observation made by Assistant Attorney General Fred M. Vinson as to the basis for approval of the bill, and I feel that his words in a clear and direct way summarize the basis for the bill.

> The purpose being commendable, the cost being small, and the resulting benefits being great, the enactment of a program to compensate the survivors of non-Federal law enforcement officers who are killed while apprehending Federal criminal offenders would be both appropriate and praiseworthy.

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

Mr. ASHMORE. I will be glad to yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Speaker, as one who has spent about 7 years of his life in both Federal and local law enforcement, I want to commend the gentleman on the floor at this time handling this bill and also the gentleman from Pennsylvania [Mr. BYRNE] and the other distinguished sponsors of this bill. The provision of death and disability benefits to local law enforcement officers who are killed or injured while apprehending Federal law violators is long overdue, and this is a fine bill to meet a generally recognized, longstanding need. I also commend the committee for overriding the views of the Bureau of the Budget with reference to this particular bill.

Obviously it is an understatement to say that local law enforcement supplements Federal law enforcement. The truth of the matter is that local law enforcement officers are absolutely indispensable to an effective Federal law enforcement program. We have been free riding to a certain extent on the local law enforcement agencies and personnel for a long time in asking them to incur great hazards and dangers in the assistance of Federal law enforcement officers, without providing any kind of benefit if local officers are injured or killed while apprehending a Federal violator.

Mr. Speaker, I think this is a very desirable bill. It represents positive action to support our law enforcement agencies and to show the support of the Congress and the American people for law enforcement. I hope this bill will be passed without a dissenting vote.

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

Mr. Speaker, H.R. 11816 is the legislative offspring of two bills introduced in the 89th Congress. One, sponsored by the gentleman from Pennsylvania [Mr. BYRNE], authorized survivors' benefits to the families of State and local police officers killed while in pursuit of a Federal lawbreaker. The other bill, which I introduced, authorizes benefits for the dependent members of the family when the local police officer is disabled.

As I am sure both authors will agree, the offspring is an improvement over the parents. The subcommittee polished and perfected the two concepts and translated them into functional legislative language. As the legislation is presently written, dependents and survivors will be assured of receiving benefits equivalent to those they would have received if the police officer had been a Federal employee. Those benefits are computed under appropriate sections of title V of the United States Code. In the case of death, benefits would include 45 percent of the regular monthly pay to the widow until death or remarriage, and 15 percent for each dependent child under the age of 18, up to a total compensation of 75

percent of the monthly wage for all survivors, including the widow. In the case of total disability, benefits payable to the officer will be 66⅔ percent of his regular salary. In the event of partial disability, benefits will be 66⅔ percent of the difference between his regular monthly pay and his monthly wage-earning capacity following disability. For both partial and total disability, the monthly benefit is augmented by 8⅓ percent of the monthly wage for one dependent child.

There can be no doubt about the constitutional jurisdiction of the Federal Government to compensate those who are injured or killed while attempting to assist the Federal Government in the enforcement of its criminal laws. Neither can there be any reasonable question about the responsibility of the Federal Government to do so. Upon the recommendation of the President's Commission on Crime, the Congress is now in the process of searching for ways and means of stimulating recruitment processes and career enlistments in State and local law enforcement agencies. I suggest that this legislation is the ideal way and the proper means. Some local jurisdictions are unable to pay even adequate salaries to officers, much less such fringe benefits as disability compensation and survivors' annuities.

Added to this problem, which progressively makes recruitment more and more difficult, is the substantial element of grave physical risk involved in the profession. The average policeman, even the officer in the quietest and most remote precinct, daily takes his life into his hands and exposes himself to an endless, unpredictable variety of willful threats and accidental dangers. The danger involved in attempting to apprehend a Federal lawbreaker may be only occasional; but it is real and substantial nonetheless. This is particularly true of State and local law enforcement officers in and around Federal installations and reservations. It seems to me that the existence of a Federal program guaranteeing some minimum degree of financial security for survivors and dependents would constitute an effective incentive to career enlistment.

Mr. Speaker, now is the time for all good men to come to the aid of their policemen.

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

Mr. POFF. I am happy to yield to the distinguished gentleman from Iowa [Mr. GROSS].

Mr. GROSS. We have a tremendous amount of Federal laws these days—and I am not a lawyer—on the subject of civil rights. Would an officer, State or municipal, in the case of another riot in the city of Detroit, who loses his life—the area having been declared under martial law—would his family be considered to be compensable under this bill?

Mr. POFF. In answer to the gentleman's question, I call his attention to the language which appears on page 2 of the bill, beginning on line 5 thereof, which reads as follows:

> The benefits of this subchapter are available as provided in this subchapter to eligible law enforcement officers (referred to in this subchapter as "eligible officers") and their survivors. For the purposes of this Act, an eligible officer is any person who is determined—
>
> (1) by the Attorney General, in his discretion, to have been on any given occasion a law enforcement officer and to have been engaged on that occasion in the apprehension or attempted apprehension of any person who has violated, or is wanted for the violation of, any Act of Congress;—

I suggest to the gentleman from Iowa that some authority has to make this critical, factual determination. Under the circumstances, it seems to me that the chief law enforcement officer of the United States is the proper person to exercise that authority.

Mr. GROSS. Mr. Speaker, if the gentleman will yield further, it would not even require martial law in the case of the enforcement of civil rights, nor would it under the terms of the language of the bill, if violence had occurred in the recent election in Mississippi to an individual sent there to observe the polling places. If the individual lost his life or was injured, it would be up to a determination by the Attorney General as to whether or not to proceed under this statute,

Mr. POFF. It would, providing an act of Congress was involved.

Mr. GROSS. Mr. Speaker, if the gentleman will yield further, this is potentially much broader in its aspects than I first assumed.

Mr. POFF. The Attorney General I submit is the only final authority capable of making the critical decision as to the definition of a law enforcement officer, and whether or not he was engaged at the time of his injury or death in the apprehension of a person who had broken the Federal law, or who was wanted for the violation of a Federal law.

Since that decision must rest somewhere, I believe it proper to have it rest in the chief law enforcement officer.

Mr. GROSS. By law enforcement officer, this would not mean a citizen who was summoned on the spot to help a Federal police officer, such an individual would not be compensable under the terms of this bill; is that correct?

Mr. POFF. It depends upon several factors. I will say to the gentleman that whether or not the citizen had been deputized might be one of the factors which the Attorney General might properly consider. I will say to the gentleman that I believe it is impossible to give a definitive answer to the question asked by the gentleman.

Mr. GROSS. I am only trying to ascertain what kind and how broad a program we are initiating here in view of the tremendous invasion of the Federal Government into State and local jurisdictions through the Civil Rights Act, and a multiplicity of other acts. If this bill covers all Federal acts, then I believe we are starting a rather broad program of compensatory payments from the Federal Treasury to the local subdivisions of the government.

Mr. POFF. May I make two responses to the gentleman?

First, I believe the gentleman will be reassured by the statistics which came into view before the subcommittee. Between the years 1960 and 1965 there were only 13 local policemen who were, while in pursuit of Federal law violators, injured and later died. This does not seem to constitute an alarming figure to me.

Mr. GROSS. Mr. Speaker, if the gentleman will yield further, we did not have at that time the scourge of riots and demonstrations and the involvement of law enforcement officers that we are seeing in this year of 1967.

Mr. POFF. The gentleman is correct. But let me also say that in 1966 we did have a rather pronounced involvement in such incidents, and in that year, 1966, the equivalent figure is only two.

So, Mr. Speaker, I hope that this legislation will be promptly approved.

Mr. ASHMORE. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. EILBERG.].

Mr. EILBERG. Mr. Speaker, I rise in support of this legislation. To supplement the colloquy that has just concluded, throughout the entire country, only 13 local and State law-enforcement officers have been killed in the enforcement of Federal laws.

From the experience we have already had, the number of claimants involved would be very, very small, and the cost to the United States would be minimal. But the benefits would be great by reason of its effect on law enforcement.

I particularly want to emphasize, Mr. Speaker, what is provided in this bill by way of incentive to our local and State police. Certainly our local and State police are generally heroic figures who work many long hours under difficult circumstances for very low pay.

I believe it is important that we encourage them and provide an incentive, so as to keep people on their jobs, doing good jobs, and remain in the law-enforcement field.

Mr. Speaker, I believe the Congress has a great opportunity to provide a real incentive for the local and State police of the entire country, and this is the way to do it.

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

Mr. EILBERG. Yes, I yield to the gentleman from New Jersey.

Mr. CAHILL. Mr. Speaker, I thank the gentleman for yielding. I take this time for the purpose of making some legislative history in connection with this bill.

I wonder if the gentleman will tell us what is meant by an individual being "wanted" for a Federal crime? Does this mean that that individual must be under indictment by a Federal grand jury?

Mr. EILBERG. No.

Mr. CAHILL. Assume that a State police official apprehends a man who is in the process of committing a State crime that is solely intrastate in law, and assume that after he has apprehended the man the police officer is killed.

Then assume that the person committing the State crime came into the State in a stolen automobile, which he had stolen from another State, and that this is not discovered until after the death has occurred. Would the police officer and his family be covered under this legislation?

Mr. EILBERG. I would say, Mr. Speaker, that the Attorney General would be the ultimate arbiter to decide what disposition is to be made in a case of that kind.

My own feeling would be that if the apprehension were for a particular crime, then if that crime happened to be a Federal crime the individual or his survivors would benefit. But if it is not discovered until after the police officer's death or injury that the man had committed a Federal crime, he would not be covered. That is my personal feeling.

Mr. CAHILL. For the purpose of legislative history, then it is the thought of the sponsor of the bill that the crime for which the person was being apprehended would be controlling in making a determination as to whether or not the death resulted from the commission of a Federal crime?

Mr. EILBERG. I would agree with the statement of the gentleman.

Mr. ASHMORE. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. BYRNE].

Mr. BYRNE of Pennsylvania. Mr. Speaker, I would like to commend the subcommittee, chaired by the gentleman from South Carolina [Mr. ASHMORE] as well as the chairman of the full committee, chaired by the gentleman from New York [Mr. CELLER], for bringing this legislation to the floor of the House.

Mr. Speaker, as a former U.S. marshal for a period of 5 years, on many occasions I have had the assistance of the local police. In one case where the local police were accompanying me on a raid, a policeman almost lost his life.

Mr. Speaker, this is a good bill and I hope that the House will pass it without one dissenting vote.

Mr. POFF. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SMITH].

Mr. SMITH of New York. Mr. Speaker, I support H.R. 11816 and urge its passage. The original bills—H.R. 339, and companion bills and analogous bills—considered by the Judiciary Committee provided for gratuity payments to survivors of local law enforcement officers killed while apprehending or attempting to apprehend persons wanted for violation of a Federal crime. Other bills also provided payments to disabled law enforcement officers injured under the same circumstances.

There was no disagreement among members of the Judiciary Committee as to the desirability of providing some system to reward the survivors of local law enforcement officers who sacrifice their lives in enforcing Federal laws.

Without the splendid cooperation of State and local police, Federal law enforcement would suffer grievously. Crime knows no jurisdictional or geographic lines. As crimes of violence increase yearly, so the demands for more frequent and closer cooperation between Federal, State, and local law enforcement officers multiply.

The Attorney General has paid tribute to local law enforcement officers for their invaluable assistance in the apprehension of those suspected of violation of Federal laws. He pointed out to the committee that this assistance makes possible a greatly reduced Federal enforcement expenditure.

The committee found no disagreement to the objective of this legislation—to recognize the contribution that local law enforcement makes to the enforcement of Federal criminal laws. It is our feeling that some compensation for injuries and deaths resulting from this cooperation is only fitting. Such recognition, hopefully, may boost the morale of local policemen and strengthen the undermanned city police forces.

Our committee had some difficulty in devising a fair and equitable compensation plan. State and local disability and survivor compensation schemes vary widely in scope and amounts paid. Many communities provide no local survivorship payments at all and the deceased officers' families receive only gratuities from benevolant fund drives or police association assessments. To pay the same flat uniform amount to all survivors or injured policemen would only compound the present inequities; and, in some instances, might result in the local law-enforcement officer receiving larger total benefits for his cooperation with Federal officers than the Federal officer or his survivors would receive under identical circumstances. This would create reverse inequities which our committee wished to avoid. We have concluded that the best solution to insure uniform treatment for those disabled or killed assisting in Federal law enforcement is to supplement local compensation schemes up to a uniform level. H.R. 11816 provides compensation at the rates scheduled under the Federal Employees Compensation Act with the provision that amounts so paid will be reduced by the amount of benefits provided and paid for by a State or local government. No deduction would he made for benefits paid for by the law-enforcement officer.

H.R. 11816 specifies that the Attorney General is to determine eligibility—that is, whether the injury or death resulted from apprehending or attempting to apprehend a person wanted for violation of any act of Congress. The Secretary of Labor is given the responsibility for determining the benefits payable in each case—as he presently does under the Federal Employees Compensation Act. Thus the administration of this compensation plan will be relatively simple and will impose little additional burden upon an already existing compensation program.

By way of practical considerations, the number of payments anticipated under the plan is relatively small. Testimony before our subcommittee disclosed that 326 local law-enforcement officers were killed in the line of duty during the years 1960 to 1966. Of the 326 deaths only 15 would have been within the provisions of this program—an average of less than three per year. No statistics are available in regard to the number of injuries to be expected; however an insurance company official estimates the number of disabled at six times those killed.

Our committee believes that this program will have the additional benefit of urging local agencies to improve their own compensation plans. Payment of the Federal employees compensation benefits to a local officer or his surviving family should underscore the need for a similar program for local policemen injured or killed in local law enforcement.

I suggest that the purpose of this bill is commendable, the cost small, and the resulting benefits to our countrywide law-enforcement efforts great. With this bill, our Federal Government will acknowledge a great debt and make some partial payment to the local guardians of law and order throughout this Nation. I urge the passage of H.R. 11816.

Mr. POFF. Mr. Speaker, I yield 5 minutes to the gentleman from Connecticut [Mr. MESKILL].

Mr. MESKILL. Mr. Speaker, I favor the enactment of H.R. 11816 and strongly support its objectives.

This bill represents a small gesture by the Federal Government in recognition of the tremendous debt owed to local law enforcement officers all over this great Nation. Local policemen and State troopers have for many years courageously and unselfishly risked injury and death to assist in the apprehension of persons wanted by Federal authorities. And this wholehearted cooperation has been given without thought of indemnity or reward.

As the problems of law enforcement become more and more complex, the lines of demarcation between Federal, State, and local police authority become more intertwined and overlapping. More and more crimes are Federal, State, and local offenses. The result is that increasingly local enforcement officials are called upon to assist the Federal authorities. This cooperation has enabled the Federal Government to save considerable sums of money and to maintain a smaller force of agents.

This increased cooperation, given willingly and cheerfully, necessarily means the risks of death and disability to the local officers have increased.

In hearing before the Judiciary Claims Subcommittee, it was testified that 13 local policemen died in the period from 1960 through 1965 as the result of attempting to enforce Federal laws. Of this number, two officers were killed while attempting to apprehend a suspect for unlawful flight to avoid prosecution, two officers were killed while investigating illegal liquor traffic, five were killed attempting to apprehend bank robbery suspects, and one officer was killed attempting to apprehend a prisoner absent without leave from the Armed Forces. In the same period on a countrywide basis, 278 police officers were killed in the line of duty. In 1966, 48 local officers were reported killed in the line of duty, and of those only two would be included in the coverage of this bill. It is thus obvious that the number of potential claimants under this legislation will probably be small in any given year.

However, the beneficial effects of this bill will be great. Our municipalities throughout the country are having difficulty in the recruitment of policemen and the morale of many police forces has suffered from the heavy burden placed

by rioting and civil disturbances. This recognition by the Federal Government of its debt to the local law enforcement officer should go far to improve the morale and peace of mind of local police.

The existing local compensation plans for injury and death vary widely from place to place. Some are woefully inadequate and leave the survivors of policemen killed in the line of duty little but the meager donations from charitable fund drives. The Committee bill now under consideration is simple and equitable in its proposed treatment of those found eligible. It provides that the Federal employees compensation schedule of payments based upon the injured of deceased officer's regular salary shall become effective. In order to provide uniform treatment, these payments are adjusted or reduced by the amount of benefits financed by the local government unit. The bill gives the responsibility of determining eligibility to the Attorney General and the administration of the benefits is to be handled by the Secretary of Labor who presently administers the Federal Employees Compensation Act.

This legislation is meritorious in its purpose, simple in its administration, relatively inexpensive in its cost, and most beneficial in the results which will be achieved. I urge its passage.

Mr. POFF. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, as a sponsor of similar legislation to provide compensation to local law officers killed while assisting in the apprehension of persons involved in committing a Federal crime, as I am pleased to rise in support of the bill we are now considering. My bill, H.R. 454, was introduced on the first day of this session.

Local law enforcement officers supplement the activities of Federal law enforcement personnel. To this extent, local police reduce the necessity for a larger Federal law enforcement force. I believe it to be both appropriate and desirable that the Congress enact this legislation in recognition of local law enforcement's important contribution to Federal criminal apprehension.

There is still another reason why the Congress should enact this legislation. In recent months it has become all the more apparent that we are losing our war against crime. Increased crime rates, widespread rioting, and the generally held fear of our citizens to walk on their city streets after dark, well illustrate the magnitude of the problem. Respect for law and order appears to be on the downgrade. In light of these circumstances, it has become increasingly difficult to recruit qualified men to become law enforcement officers. Many of us here in Congress have tried to devise new ways to encourage capable young men to choose law enforcement as their profession, and, at the same time, to show those already in law enforcement that we appreciate the fine work they are doing for us. The passage of this legislation is in my opinion an excellent way to do both.

In conclusion, Mr. Speaker, I would like to say that we have a duty to remember that a policeman is one of society's most important instruments of self-protection. Although his hours are long, his work dangerous, and his paycheck inadequate, thousands of dedicated men and women have chosen law enforcement as a profession. They need and deserve the compensation provided for in H.R. 11816, and we owe it to them to provide their families with this protection.

Because local law enforcement is a local problem, this legislation before us is not the final answer, of course. It is but one additional peg we can use to help our hard-pressed local law enforcement officers who are so dedicated to their work under such trying conditions.

Mr. POFF. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. KUPFERMAN].

Mr. KUPFERMAN. Mr. Speaker, I am very happy to rise in support of this legislation for help and protection, at least in an insurance sense, of our local law enforcement officers. I think it is a good idea that we acknowledge the fact that the Federal Government has an interest in what is happening on a local and State level in law enforcement.

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

Mr. ASHMORE. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. HUNGATE].

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

Mr. ASHMORE. I am glad to yield to our distinguished majority leader.

Mr. ALBERT. I commend the Committee on the Judiciary for bringing this bill to the House.

Mr. Speaker, it is my pleasure to join with those other Members of the House who favor the passage of H.R. 11816. The purpose of this proposed legislation as favorably reported by the Committee on the Judiciary is to provide compensation benefits in the cases of officers of the law not employed by the United States who are killed or injured while apprehending a person who has violated an act of Congress.

Mr. Speaker, in my judgment this is legislation which is long overdue. As President Johnson said in his 1966 crime message to Congress:

> Crime does not observe neat jurisdictional lines between city, State, and Federal Governments.

He also said:

> Frequently, for example, the apprehension of a Federal criminal offender is the result of cooperation between local and Federal law enforcement officials.

It is a well-known fact that often State or local officers of the law are injured and sometimes killed in arresting criminals who have robbed national banks, or who have engaged in illegal liquor or drug activities, or one of several other crimes of serious nature. It is also true that in many such cases the States or municipalities do not have adequate compensation provisions for the injured or for the survivors of heroic officers who have given their lives in the defense of the laws and institutions of their Nation. The proposed bill provides an equality of compensation for such local and State officers with that provided for law officers who are employees of the Federal Government. I earnestly urge my colleagues in the House to pass this legislation, thus contributing another effective action to better law enforcement in the United States of America.

Mr. SCHWEIKER. Mr. Speaker, I rise in support of H.R. 11816, a bill to establish disability and death benefits for local and State police officers injured or killed while enforcing Federal law.

I believe this legislation is extremely worthwhile from two standpoints.

First, it will correct an existing inequity by giving local and State police called on to enforce Federal law the same benefits and protections that full-time Federal law enforcement officers receive under the Federal Employees' Compensation Act.

Second, it will help make life a bit more secure for the more than 420,000 State and local policemen and their families, and in doing so, will help make careers in police work more attractive for well-qualified young men.

State and local policemen each day risk their lives enforcing the laws on which the safety of our local communities depends. Nevertheless, their oath of office binds them to uphold the U.S. Constitution and all Federal laws as well. The Federal law enforcement force itself numbers no more than 20,000, so it often relies on other police systems. Local police are called on to guard postmasters carrying large amounts of money to banks. State and local police are often the first law enforcement officers to go after bank robbers, kidnappers, and military personnel absent without leave.

The local and State policemen do lay down their lives in the interest of Federal law enforcement has been shown in the overall figures of police deaths in the line of duty. From 1960 through 1966, 335 policemen were killed while performing their duties, according to the FBI's Uniform Crime Reports. The Committee on the Judiciary found that at least 15 of these deaths occurred while the policemen were investigating Federal crimes or apprehending suspects for such crime.

I am one Member of Congress who believes that police and their families deserve a better break from a society that expects so much service and sacrifice from them. But I support this bill for an added reason. If police work is not made more attractive to the best qualified young men, we cannot expect our police departments to keep pace with the mounting level of crime, both spontaneous and organized.

The President's Commission on Law Enforcement and Administration of Justice has concluded that:

> Widespread improvement in the strength and caliber of police manpower, supported by radical revision of personnel practices, is the basic essential for achieving more effective and fairer law enforcement.

Yet the Commission supplies us with some blunt facts: In 1967 alone there will occur 50,000 vacancies in the police departments of the Nation. Small cities pay their policemen an average salary of $4,600 to start, large cities, $5,300. Typically, maximum pay rises no higher than $1,000 above starting pay for police. And police fringe benefits, formerly a key ad-

vantage of pursuing a police career, are now being matched and exceeded throughout private industry.

There is more, much more, that our State and local governments should be doing to make police work more rewarding to those in it and more attractive to those who would make it a career. This bill, H.R. 11816, is a modest but important step toward improving the position of the Nation's police personnel. I urge my colleagues in the House, Mr. Speaker, to give this bill their wholehearted support.

Mr. SANDMAN. Mr. Speaker, H.R. 11816 is a good bill which, in small measure, recognizes the great obligation the Federal Government has to local law enforcement officers for their cooperation in enforcing Federal laws.

The instances in which State and local police are requested to assist Federal authorities in the apprehension of persons wanted for the violation of the acts of Congress are increasing day by day. This cooperation has been given willingly and unselfishly.

Unfortunately, some local officers have been injured and killed while assisting the Federal agents. As the enforcement of our laws and the fight against crime becomes more complex, necessarily the risks of injury and death multiply. The lines of authority between the national and local enforcement officers grow closer and closer as the violators of law cross geographical and jurisdictional lines. These developments mean that the need for the cooperation of local officers is increasing—and so the incidence of injury and death also is increasing.

The Attorney General informed the committee that without the cooperation of local officers, Federal agencies would necessarily be required to employ many more enforcement officers and their budgets would be much greater.

H.R. 11816, then, represents an attempt to give due recognition to the high value of the cooperation provided by State, county, and city enforcement officers—and also recognition of the increasing risks occasioned by this cooperation.

The compensation plan provided under the bill is simple and easy to administer. It provides that injured or deceased local officers found eligible by the Attorney General because the injury or death occured while apprehending or attempting to apprehend a Federal law violator, shall be entitled to the schedule of benefits provided by the Federal Employees Compensation Act. This schedule of benefits, involving payments based upon the officers regular salary, is to be adjusted and reduced by way of offset, to the extent of the benefits paid for by the local government. The Secretary of Labor, who presently administers the Federal Employees Compensation Act, will be responsible for administration of the compensation program. As noted before, the number of claims will not be large and the added administrative burden should be very small.

Our Federal Government has for many years had an increasing obligation to State and local enforcement agencies for their invaluable cooperation. This bill recognizes that obligation and provides a simple plan for the compensation of those suffering injury and death through service to the Federal Government. Its passage will help materially in the improvement of local police morale and in the improvement of all law enforcement.

Mr. NICHOLS. Mr. Speaker, I am pleased to be a cosponsor of H.R. 11816, a bill which provides benefits for law enforcement officers killed or injured while apprehending violators of Federal laws. Our law enforcement officers in this country have had their morale lowered tremendously by recent Supreme Court rulings which take away many of the powers officers have had to apprehend and convict criminals. This measure, in addition to providing security to families of those men killed in the line of duty, will, hopefully have the effect of restoring some of that morale that has been taken from our law enforcement officials.

Just this past weekend, it was my privilege to participate, along with Gov. Lurleen Wallace of Alabama, in a ceremony in which the families of three men killed in the line of duty were presented checks. These payments resulted from an Alabama legislative act similar to the measure we are taking action on today. I also sponsored that bill in the Alabama State Senate in 1965.

Mr. Speaker, we must support our law enforcement officers, both local, State, and Federal, and H.R. 11816 is a big step in showing this Nation's appreciation for the work they are doing.

Mr. HELSTOSKI. Mr. Speaker, this House can take a great step forward today by passing H.R. 11816, legislation which would provide benefits for law enforcement officers killed or injured while apprehending Federal law violators.

I support this legislation, and in fact have introduced my own bill on this subject, H.R. 6482, which has the same basic principle as the bill presently under consideration.

In these days of internal strife it becomes necessary that the Federal Government consider the fact that local law enforcement officers can be called upon to assist our Federal officers in apprehending a violator of any of the Federal laws. They may be called on for various reasons; first because they may be familiar with the area in which the Federal law violator is using; second, because they may be familiar with the violator and his principal places of past activities; third, they may be knowledgeable of his habits and his family ties which may be deeply rooted in the immediate community.

Mr. Speaker, our local law enforcement authorities have experienced great difficulty in recruiting adequate personnel for their own immediate, local area problems without the probable necessity of furnishing personnel to assist Federal law enforcement officers.

There is nothing that can be done if such a local officer is injured or killed in assisting these Federal officers. The local municipal bodies do not provide for compensation and the Federal Government is not obligated to do so. This legislation will clarify this inequity and injustice which can be experienced by our local police.

The survivors of these officers who may be slain would have their hardship conditions relieved to a minor degree because of this compensation. The disabled officers would be given some compensation to relieve their pressing financial burden.

Our law enforcement officers are dedicated public servants and we must understand the many hidden, unknown factors which they face when they leave their homes for their jobs, not knowing whether they will be able to return to their families after their day's work is done.

Mr. Speaker, it is my wish that the House will pass this bill without much debate or delay, and by a overwhelming or unanimous vote. The problem must be acted on quickly.

Mr. MINISH. Mr. Speaker, I rise in support of H.R. 11816, a bill to provide benefits for law-enforcement officers killed or injured while apprehending violators of Federal law. This measure, long overdue and much needed, provides compensation to the survivors of those brave men who lay down their lives protecting our homes and families from criminals. The program will be administered on a basis similar to the manner in which this country aids the survivors of deceased members of the Armed Forces.

For too long the policemen of the United States have been a forgotten segment of our society. According to the 1966 Municipal Yearbook, published by the International City Managers' Association, the median salary for patrolmen in cities with populations between 10,000 and 25,000 is $4,920—only $400 per month. This means that roughly half the cities of that size pay their patrolmen less than $400 per month. Some are paid as little as $236. In addition to all the other problems currently facing the average policeman, must he also live with constant anxiety about his family's future in the event something happens to him? With his meager salary, it is virtually impossible for a policeman to insure even the most basic necessities of life for his family in the event of death. Moreover, most towns and cities are unable to provide such insurance on their own.

No wonder police morale is low. No wonder recruitment of qualified young men is one of the major problems for police departments. A 1965 study by the National League of Cities found that 65.5 percent of 284 responding departments were operating below authorized staff. In my own district, Newark's police department has weathered this violent summer 170 men short of its full complement of police officers.

This bill, of course, is only a limited palliative. It covers only those cases in which Federal offenses are involved and it does nothing to aid the courageous firefighters who have most recently become the targets of the bottles, stones, and bullets of criminals. But, it is at least a beginning and we can all hope this bill will set a precedent for the separate States to follow.

As for our Nation's firemen, I urge enactment of legislation designed to protect them in the performance of their official duties during a civil disturbance which affects interstate commerce. That unarmed firefighters risking their lives to protect all citizens should be shot at by cowardly snipers is one of the major tragedies of our current urban crisis.

Mr. Speaker, the legislation before us authorizes the Secretary of Labor to pay benefits equivalent to those provided in the Federal Employees Compensation Act to State and local law-enforcement officers or their survivors when they are disabled or killed while apprehending a person who has violated a Federal law. In other words, we will be providing these men, who are assisting the Federal Government, with the same protection already enjoyed by those in Federal service. And local policemen do indeed, day after day, assist Federal authorities in the enforcement of the laws of Congress. As the U.S. Attorney General has commented:

> Throughout the country, local law enforcement officers supplement the activities of Federal law enforcement personnel, thereby obviating, in large measure, the need for a larger Federal force. The enactment of legislation authorizing compensation to the families of such non-Federal officers who are killed while aiding in the enforcement of Federal laws would appear to be an appropriate recognition of the contribution made by local forces.

Mr. Speaker, we are all aware of the alarming increase in the crime rate. There were, according to the Federal Bureau of Investigation, 2,780,000 serious crimes reported to the police in 1965; in relation to population increase this represents a 35 percent rise over 1960. Furthermore, studies conducted by the National Crime Commission indicate that more than twice as many aggravated assaults, burglaries, and larcenies occur as are reported to the police, and that in some communities the figure may be 10 times as high.

It is obvious therefore that now, more than ever, we must do whatever we can to strengthen our local law enforcement agencies. The security offered by this legislation will be helpful in influencing our dedicated officers to continue their careers, despite the hardships and dangers, and attract young men of the highest caliber into police work.

Mr. Speaker, I earnestly hope that this bill will be speedily enacted into law.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the motion of the gentleman from South Carolina that the House suspend the rules and pass the bill H.R. 11816, as amended.

The question was taken.

Mr. MACGREGOR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 311, nays 0, not voting 121, as follows:

[Roll No. 240]

YEAS—311

Abernethy	Gardner	O'Hara, Ill.
Adair	Garmatz	O'Neal, Ga.
Adams	Gathings	Ottinger
Addabbo	Gettys	Passman
Albert	Giaimo	Patman
Andrews, Ala.	Gibbons	Patten
Andrews, N. Dak.	Gilbert	Pelly
Annunzio	Gonzalez	Perkins
Arends	Goodell	Pettis
Ashbrook	Goodling	Pickle
Ashmore	Green, Pa.	Pike
Ayres	Griffiths	Poage
Battin	Gross	Poff
Belcher	Grover	Pool
Bennett	Gude	Price, Ill.
Berry	Gurney	Price, Tex.
Betts	Haley	Pryor
Bevill	Hall	Purcell
Biester	Hamilton	Quie
Blackburn	Hammer-schmidt	Quillen
Blanton	Hanley	Railsback
Boggs	Hardy	Randall
Boland	Harsha	Reid, Ill.
Bolling	Hathaway	Reid, N.Y.
Bolton	Hawkins	Reifel
Bow	Hays	Reinecke
Brasco	Hechler, W. Va.	Resnick
Bray	Helstoski	Reuss
Brinkley	Hicks	Rhodes, Ariz.
Brooks	Holifield	Rhodes, Pa.
Broomfield	Holland	Riegle
Brotzman	Horton	Roberts
Brown, Mich.	Hosmer	Robison
Brown, Ohio	Howard	Rodino
Broyhill, N.C.	Hungate	Rogers, Colo.
Buchanan	Hunt	Rogers, Fla.
Burke, Fla.	Hutchinson	Rooney, N.Y.
Burke, Mass.	Ichord	Rooney, Pa.
Burleson	Irwin	Rosenthal
Burton, Calif.	Jacobs	Roth
Burton, Utah	Jarman	Roudebush
Bush	Joelson	Roush
Button	Johnson, Calif.	Ruppe
Byrne, Pa.	Johnson, Pa.	Ryan
Cabell	Jonas	Sandman
Cahill	Jones, Mo.	Satterfield
Carter	Jones, N.C.	Scherle
Casey	Karsten	Scheuer
Cederberg	Karth	Schneebeli
Celler	Kazen	Schweiker
Chamberlain	Kee	Schwengel
Clancy	Keith	Scott
Clark	Kelly	Selden
Cleveland	King, N.Y.	Shipley
Collier	Kirwan	Shriver
Colmer	Kornegay	Sikes
Conable	Kupferman	Sisk
Corman	Kyl	Skubitz
Cowger	Kyros	Slack
Cramer	Landrum	Smith, Calif.
Cunningham	Langen	Smith, Iowa
Curtis	Latta	Smith, N.Y.
Daniels	Lennon	Smith, Okla.
Davis, Ga.	Lipscomb	Snyder
Dawson	Lloyd	Staggers
de la Garza	Long, Md.	Stanton
Delaney	McClory	Steed
Dellenback	McCulloch	Steiger, Ariz.
Denney	McDade	Steiger, Wis.
Derwinski	McDonald, Mich.	Stephens
Devine	McFall	Stratton
Dingell	MacGregor	Stubblefield
Dole	Machen	Stuckey
Dowdy	Mahon	Sullivan
Downing	Mailliard	Talcott
Dulski	Marsh	Taylor
Duncan	Martin	Teague, Tex.
Eckhardt	Mathias, Calif.	Thomson, Wis.
Edmondson	Matsunaga	Tuck
Edwards, Ala.	Mayne	Tunney
Edwards, La.	Meeds	Udall
Eilberg	Meskill	Ullman
Erlenborn	Michel	Utt
Esch	Miller, Ohio	Van Deerlin
Eshleman	Mills	Vander Jagt
Evans, Colo.	Minish	Vanik
Everett	Mink	Vigorito
Fallon	Minshall	Waggonner
Farbstein	Mize	Waldie
Fascell	Monagan	Walker
Findley	Montgomery	Wampler
Flood	Moore	Watson
Ford, Gerald R.	Moorhead	Watts
Ford, William D.	Morris, N. Mex.	Whalen
Fountain	Morse, Mass.	Whalley
Frelinghuysen	Mosher	White
Friedel	Murphy, Ill.	Whitener
Fulton, Pa.	Myers	Whitten
Fulton, Tenn.	Natcher	Wiggins
Fuqua	Nedzi	Williams, Pa.
Galifianakis	Nelsen	Winn
		Wright
		Wydler
		Wylie
		Wyman
		Yates
		Young
		Zion
		Zwach

NAYS—0

NOT VOTING—121

Abbitt	Fraser	Murphy, N.Y.
Anderson, Ill.	Gallagher	Nichols
Anderson, Tenn.	Gray	Nix
Ashley	Green, Oreg.	O'Hara, Mich.
Aspinall	Gubser	O'Konski
Baring	Hagan	Olsen
Barrett	Halleck	O'Neill, Mass.
Bates	Halpern	Pepper
Bell	Hanna	Philbin
Bingham	Hansen, Idaho	Pirnie
Blatnik	Hansen, Wash.	Pollock
Brademas	Harrison	Pucinski
Brock	Harvey	Rarick
Brown, Calif.	Hébert	Rees
Broyhill, Va.	Heckler, Mass.	Rivers
Byrnes, Wis.	Henderson	Ronan
Carey	Herlong	Rostenkowski
Clausen, Don H.	Hull	Roybal
Clawson, Del	Jones, Ala.	Rumsfeld
Cohelan	Kastenmeier	St Germain
Conte	King, Calif.	St. Onge
Conyers	Kleppe	Saylor
Corbett	Kluczynski	Schadeberg
Culver	Kuykendall	Springer
Daddario	Laird	Stafford
Davis, Wis.	Leggett	Taft
Dent	Long, La.	Teague, Calif.
Dickinson	Lukens	Tenzer
Diggs	McCarthy	Thompson, Ga.
Donohue	McClure	Thompson, N.J.
Dorn	McEwen	Tiernan
Dow	McMillan	Watkins
Dwyer	Macdonald, Mass.	Widnall
Edwards, Calif.	Madden	Williams, Miss.
Evins, Tenn.	Mathias, Md.	Willis
Feighan	May	Wilson, Bob
Fino	Miller, Calif.	Wilson, Charles H.
Fisher	Morgan	Wolff
Flynt	Morton	Wyatt
Foley	Moss	Zablocki
	Multer	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. O'Neill of Massachusetts with Mr. Brock.
Mr. Evins of Tennessee with Mr. Rumsfeld.
Mr. Hébert with Mr. Corbett.
Mr. Philbin with Mr. Springer.
Mr. Macdonald of Massachusetts with Mr. Teague of California.
Mr. Donohue with Mr. Pirnie.
Mr. Miller of California with Mr. Mathias of Maryland.
Mr. Brademas with Mr. Harvey.
Mr. Kluczynski with Mr. Harrison.
Mr. Madden with Mr. Bates.
Mr. Aspinall with Mr. Byrnes of Wisconsin.
Mr. Charles H. Wilson with Mr. Fino.
Mr. Barrett with Mr. Halleck.
Mr. Leggett with Mr. Taft.
Mr. Cohelan with Mr. Widnall.
Mr. Moss with Mr. Bob Wilson.
Mr. Daddario with Mrs. Dwyer.
Mr. Dent with Mr. Bell.
Mr. Morgan with Mr. Saylor.
Mr. Nichols with Mr. McEwen.
Mr. Zablocki with Mr. Laird.
Mr. Tiernan with Mr. O'Konski.
Mr. Tenzer with Mr. Schadeberg.
Mr. King of California with Mr. Stafford.
Mr. Carey with Mr. Gubser.
Mr. Wolff with Mr. Halpern.
Mr. St. Onge with Mr. Del Clawson.
Mr. Murphy of New York with Mr. Anderson of Illinois.
Mr. Multer with Mr. McClory.
Mr. Willis with Mrs. May.
Mr. Hull with Mr. Thompson of Georgia.
Mr. Rostenkowski with Mr. Hansen of of Idaho.
Mr. Feighan with Mrs. Heckler of Massachusetts.
Mr. Ronan with Mr. Dickinson.
Mr. Dow with Mr. Don H. Clausen.
Mr. St Germain with Mr. Watkins.
Mr. Jones of Alabama with Mr. Kleppe.
Mr. Dorn with Mr. Broyhill of Virginia.

Mr. Bingham with Mr. Pollock.
Mr. Pepper with Mr. Conte.
Mr. Fisher with Mr. Kuykendall.
Mr. Hagan with Mr. Morton.
Mr. Flynt with Mr. Davis of Wisconsin.
Mr. Henderson with Mr. Wyatt.
Mr. Herlong with Mr. Lukens.
Mr. Rivers with Mr. Gallagher.
Mrs. Green of Oregon with Mrs. Hansen of Washington.
Mr. Gray with Mr. Hanna.
Mr. Pucinski with Mr. O'Hara of Michigan.
Mr. Roybal with Mr. Nix.
Mr. Edwards of California with Mr. Diggs.
Mr. McCarthy with Mr. Conyers.
Mr. Blatnik with Mr. Kastenmeier.
Mr. Long of Louisiana with Mr. McMillan.
Mr. Thompson of New Jersey with Mr. Williams of Mississippi.
Mr. Rarick with Mr. Rees.
Mr. Foley with Mr. Brown of California.
Mr. Abbitt with Mr. Baring.
Mr. Anderson of Tennessee with Mr. Olsen.
Mr. Ashley with Mr. Culver.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. ASHMORE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed and to include extraneous matter.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

PROVIDING FOR AN APPEAL BY THE UNITED STATES FROM DECISIONS SUSTAINING MOTIONS TO SUPPRESS EVIDENCE

Mr. CELLER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8654) to amend section 3731 of title 18, United States Code, to permit an appeal by the United States in certain instances from an order made before trial granting a motion for return of seized property and to suppress evidence, as amended.

The Clerk read as follows:

H.R. 8654

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 3731 of title 18, United States Code, is amended by inserting after the seventh paragraph the following new paragraph:

"From an order, granting a motion for return of seized property or a motion to suppress evidence, made before the trial of a person charged with a violation of any law of the United States, if the United States attorney certifies to the judge who granted such motion that the appeal is not taken for purpose of delay and that the evidence is a substantial proof of the charge pending against the defendant."

(b) Such section is amended by striking out in the third paragraph from the end "the defendant shall be admitted to bail on his own recognizance" and inserting "the defendant shall be released in accordance with chapter 207 of this title".

SEC. 2. Section 935 of the Act of March 3, 1901 (31 Stat. 1341) (D.C. Code, sec. 23–105), is amended—

(1) by inserting "(a)" immediately before "In all"; and

(2) by adding at the end thereof the following new subsection:

"(b) The United States may also appeal an order of the District of Columbia Court of General Sessions, granting a motion for return of seized property or a motion to suppress evidence, made before the trial of a person charged with a violation of any law of the United States, if the United States attorney conducting the prosecution for such violation certifies to the judge who granted such motion that the appeal is not taken for purpose of delay and that the evidence is a substantial proof of the charge pending against the defendant. Pending the prosecution and determination of such appeal, the defendant, if in custody for such violation, shall be released in accordance with chapter 207 of title 18, United States Code."

The SPEAKER pro tempore. Is a second demanded?

Mr. McCULLOCH. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from New York [Mr. CELLER] is recognized.

Mr. CELLER. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, this bill would permit an appeal by the United States in certain instances from an order made before trial granting a motion for the return of seized property and to suppress evidence.

Mr. Speaker, this bill has been recommended by the American Bar Association, by the Department of Justice, and by the President's Commission on Crime.

Mr. Speaker, it is interesting to note that this bill in substantial form has already passed this body in a previous Congress but was not acted upon by the other body.

As I indicated at the inception of my remarks, the bill would amend the Criminal Appeals Act, section 3731 of title 18 of the United States Code, and section 23–105 of the District of Columbia Code, to permit the Government to appeal a decision on a motion to suppress evidence when that evidence is certified by the prosecution to be substantial proof of a charge pending against the defendant, and also on the ground that the appeal is not taken for the purpose of delay.

This is a highly technical proposal and it is rather difficult to present it in nonlegalistic language. I hope I will be forgiven if I do not express myself in such a way that "He who runs may read."

Under existing law, in certain cases such a motion to appeal after a motion is made to suppress must be made within 30 days of the date the opinion is rendered. Pending the prosecution and determination of this appeal, the defendant, if in custody, shall be released in accordance with the Bail Reform Act of 1966, which is an act which was passed by this very Congress. Under this bill the Criminal Appeals Act would confer upon the Government carefully defined and limited rights of appeal in criminal cases.

The Criminal Appeals Act confers upon the Government in certain cases carefully defined and limited right of appeal in criminal cases. No such rights existed at common law. Under the present law, when a defendant prevails on a matter of statutory construction resulting in an order quashing the information or indictment before trial or rest in judgment after conviction, the Government has been given the right to appeal directly to the Supreme Court. Likewise, such a direct appeal may be taken if the defendant prevails on a motion in bar. Appeals to the courts of appeals of the proper circuit lie on behalf of the United States from orders dismissing indictments or information and orders arresting judgments where statutory interpretation is not involved.

But, at present, the Government has no right to appeal from an order granting a motion to suppress evidence when the motion is made before or after an indictment has been returned or information has been filed. The Congress, however, did provide for a similar right of appeal as is being proposed here when it enacted section 1404 of title 18 of the United States Code, with respect to narcotics prosecutions. In enacting that section, Congress closed a loophole which made it very difficult for the prosecution to use the possession of narcotics as part of the proof of its case. I do not believe that there should be any distinction between a narcotics case and other criminal cases. The existing loophole must be closed in the other fields of law enforcement such as smuggling, frauds against Federal excise taxes and even possibly in cases of espionage and sabotage. It is much better to prove a case with tangible and concrete evidence than upon oral testimony and the observation of witnesses.

Under existing case law, a decision made before a criminal trial has started, the granting of a motion for the return of seized property or to suppress evidence is regarded as interlocutory, from which the Government may not appeal. In the preindictment case of *Di Bella* v. *United States,* 369 U.S. 121 (1962), a preindictment motion was involved. The case of *Carroll* v. *United States,* 354 U.S. 394 (1957), involving a postindictment motion, was likewise ruled to prevent the Government from appealing. The effect of the present law under these decisions results in either prohibiting the Government from proceeding without the suppressed evidence or if the Government does proceed without such evidence it does so under severe handicaps and limitations. The Supreme Court has indicated in its decisions on these matters, however, that whether the Government should be permitted to appeal in such cases is a question for the Congress to decide.

Thus, it is a matter of congressional determination. There is no question as indicated by the recommendations of the Department of Justice, as well as the President's Commission on Law Enforcement and Administration of Justice, that appeals by the prosecution are needed. In the fields of organized crime, in major thefts, and other types of fraud the absence of the right of appeal precludes successful prosecutions in many cases. For example, the law of search and seizure and confessions is highly uncertain. The various lower court rulings compounds the uncertainty which restricts police conduct and can-

not be tested on appeal. The inconsistent lower court decisions can be resolved only on an appeal sought by the defendant. Law enforcement is thus faced with the problem of choosing one or two courses, each of which is undesirable. The prosecution can follow the lower court decision and abandon the practice in which an authoritative decision by an appellate court never can be obtained, or it can continue the practice in the hope that in a future case a trial court will sustain it and permit the opportunity to resolve finally the point.

The rights of the defendants, of course, have been taken into consideration and are in no way impinged upon and under this legislation his rights as to double jeopardy under the fifth amendment are not encroached upon. In addition, the section requires that an appeal be taken within 30 days from the date of the decision rendered, and it also provides that he be admitted to bail in accordance with the terms of the Bail Reform Act of 1966. The present law provides his release on his own recognizance; however, your committee believed that release within the terms of the Bail Reform Act of 1965, both in the U.S. district courts and the court of general sessions, is consistent with the present safeguards regarding defendants. Furthermore, it is the intention of your committee that the appellate courts should diligently pursue the determination of such motions as provided by this legislation and dispose of them with despatch so that the interest of justice, both on the part of the defendant and the Government, will be met as quickly as possible.

Under that act a defendant may be released under his own recognizance in the discretion of the court. Before the Bail Reform Act, when an appeal was taken by the Government in certain specified cases, automatically the defendant would be out on bail on his own recognizance. That is changed a bit by the terms of the Bail Reform Act. It is within the discretion of the judge under those circumstances to permit him to be on bail under his own recognizance or on a bond and other conditions. That Bail Reform Act was very, very carefully considered by the House and by the Senate and has become a statute.

The President's Commission on Crime very properly pointed out that we ought to be very careful in the passage of this legislation to see that the rights of the defendant were properly secured. The committee has been very careful in that regard, and we feel that we have given the defendant every conceivable reasonable right, and therefore we hope the House will accept the bill.

The question also arises on the decisions that have been rendered in the various courts on questions of search and seizure. There have been a great many diverse decisions, and it is hoped that since the Government will now have the right of appeal in all these criminal cases, that those controversies which have arisen in the various jurisdictions, and which have been inconsistent, will now be more readily resolved by the appellate courts and finally by the Supreme Court, because we give this right of appeal to the Government.

For these reasons, I do hope indeed that the bill will be approved.

It is interesting to note that this bill is sponsored by a Republican, the distinguished gentleman from Illinois [Mr. RAILSBACK]. I point out that this is one of the many evidences of the fact that our Judiciary Committee acts in a fair, nonpartisan manner. That is, we Democrats do not do that. We do on numerous occasions permit the Republicans on the other side of the aisle not only to report bills, but also we see to it that their bills are properly taken care of and passed by this House.

The SPEAKER pro tempore. The gentleman from New York consumed 10 minutes.

The Chair recognizes the gentleman from Ohio [Mr. MCCULLOCH].

Mr. MCCULLOCH. Mr. Speaker, I rise to support H.R. 8654, sponsored by the gentleman from Illinois [Mr. RAILSBACK]. He has worked hard and effectively and long on this legislation. It is a bill which every Member of the House of Representatives can support and of which support he can be proud.

Mr. Speaker, the chairman of the committee has commented upon the nonpartisan approach to some controversial matters before the Judiciary Committee. I join in those comments.

The gentleman from Illinois [Mr. RAILSBACK] is fully qualified and is prepared now to discuss this legislation in detail. I am pleased to yield to the gentleman from Illinois such time as he may consume.

Mr. RAILSBACK. 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 Illinois?

There was no objection.

Mr. RAILSBACK. Mr. Speaker, I want to thank the distinguished chairman of the Judiciary Committee for the help which he has given to me in bringing this bill to the floor of the House and also for the many courtesies which he has extended to me as a minority freshman member of the House Judiciary Committee and to all of the freshmen Republican members of the House Judiciary Committee.

I also want to thank the ranking minority Member, the gentleman from Ohio [Mr. MCCULLOCH] for the help he has given to me.

Very briefly I want to just say that the purpose of this bill, as already indicated by our distinguished chairman, is to permit the U.S. attorney or the Government to appeal from a pretrial motion to suppress evidence that has been granted by a trial court.

The problem which confronts the Federal Government right now is that when a pretrial motion to suppress evidence is granted the Government has only two alternatives. No. 1: It can go to trial without the evidence that has been suppressed, in which event, if the evidence which was suppressed is a substantial proof of the Government's case, in all likelihood the Government is going to lose. No. 2: It can dismiss the case, which is of course even more undesirable.

Mr. Speaker, the report of the President's Crime Commission and the recent FBI figures on last year's increase in crime underline the swelling problems of our law enforcement officials. A nationwide increase of 11 percent in 1966 is evidence enough that crime today is a terribly destructive force in our body politic—and the threat of its potential is no less real. Moreover, serious crime jumped 20 percent in the first 3 months of this year compared with the same period in 1966.

Any meaningful attack on this problem must focus on concerted attention on the law enforcement process. This system has the responsibility to assure would-be criminals that violations of the law are to be met with swift and sure punishment commensurate with the crime. If our streets are to be safe, those who would make them dangerous must be removed from them until they understand that society will not tolerate criminal infringements on its members.

To accomplish this task, our law enforcement agencies must have tools with which to work. One such important tool, is provided by H.R. 8654, which deals with the problem of motions to suppress evidence collected by our law enforcement officials. The basic intent of the bill is to allow Federal prosecutors the right to appeal from the granting of such motions.

No one condones unreasonable and illegal searches. Just exactly what is an unreasonable and illegal search is not always clear, however.

The law provides that the accused may move to suppress evidence that he feels has been wrongfully acquired. He may appeal conviction if he believes that illegal evidence has been used against him.

This privilege is not open to the prosecution. As a result, different standards apply in different courts in the country. One judge may suppress on quite different grounds than another. Contradictory judgments are not unusual.

The present section 3731, which this bill seeks to amend, was originally enacted in 1907 as the Criminal Appeals Act of 1907. This original enactment, 34 Stat. 1246, authorized direct review in the Supreme Court by writ of error in approximately the same three classes of cases as are listed in the first four paragraphs of section 3731. In 1942 the Criminal Appeals Act was amended to permit appeals by the Government from decisions, granting dismissal or arrest of judgment, other than those grounded by the trial court upon the construction or invalidity of a statute, 56 Stat. 271. The Narcotic Control Act of 1956 gives to the United States the right to appeal "from an order granting a motion for the return of seized property and to suppress evidence made before the trial of a person" charged with certain narcotic offenses. This authority now appears in the United States Code as section 1404 of title 18.

In considering appeals by the Govern-

ment in criminal cases the Court has stated in *Carroll* v. *United States*, 354 U.S. 394, 407:

> If there is serious need for appeals by the government from suppression orders, or unfairness to the interests of effective criminal law enforcement. . . . It is the function of the Congress to decide whether to initiate a departure from the historical pattern of restricted appellate jurisdiction in criminal cases. (354 U.S. 407)

In further support of this bill I would turn to Report No. 1478 of the other body, 85th Congress, second session. This report prepared by the Subcommittee on Improvements in the Federal Criminal Code of the Committee on the Judiciary declares that the authorization of the Government to appeal motions suppress evidence is badly needed. In referring to the successful action of the subcommittee in obtaining the enactment of such a provision in crimes involving narcotics in 1956, it was pointed out that there seemed no reason to restrict this authority just to narcotics:

> The Subcommittee is convinced that the district courts are entitled to appellate guidance in the admittedly difficult field of search and seizure. If they cannot obtain such guidance, the result will be an increasingly chaotic condition, with some judges in a single district consistently adhering to one view of the law, and others to another, incompatible view.

The subcommittee also alluded to the fact that the Department of Justice had recommended legislation of this nature.

The concept involved in this bill has received endorsement from the House of Delegates of the American Bar Association and also by the House Republican Task Force on Crime. The Justice Department in a letter from Fred M. Vinson, Jr., endorsed this legislation in May of this year.

Other recent support for this general idea has come in the report of the President's Commission on Law Enforcement and Administration of Justice. I have the complete statement of the Commission on this point and I shall place it in the RECORD, as an extension of my remarks.

The Commission concludes that:

> Congress and the States should enact statutes giving the prosecution the right to appeal from the grant of all pre-trial motions to suppress evidence or confessions.

The Commission points out that under present circumstances, when law enforcement officers are faced with overly restrictive or conflicting rulings they have but two courses of action—both undesirable. They can, for example, abandon a form of search which is considered quite proper by many judges, or they can continue their search, hoping that in future cases a trial judge will sustain it, and a defendant, by objecting and appealing will give the higher court an opportunity to form an authoritative and clarifying ruling. The first choice may cause the denial of the use of legitimate police methods simply because an appellate test cannot be gained, while the second places the officers in the position of flaunting court rulings.

To correct this unfortunate situation is the purpose of this bill. I believe that its passage into law will enhance the work of our law enforcement officials in their fight against crime, while at the same time it endangers no constitutional right of an accused. I would hope it may receive favorable action by this body.

The statement of the Commission follows:

THE CHALLENGE OF CRIME IN A FREE SOCIETY

(A report by the President's Commission on Law Enforcement and Administration of Justice)

APPEALS BY THE PROSECUTION

In every jurisdiction in this country the right of the prosecution to appeal from an adverse ruling by a court is more limited than the comparable right of the defendant. The argument against retrying a man who has convinced a court of the merit of his cause has led to double jeopardy clauses in the Federal Constitution and the constitutions of 45 States. The same argument inhibits appeals that, if successful, would result in just such a retrial. But in most States and the Federal system these considerations do not forbid all appeals by the prosecution, particularly those from pretrial rulings that are made before jeopardy attaches in the constitutional sense. Developments in the law, particularly the growth of search and seizure law and exclusionary rules governing confessions, call for a reexamination of the adequacy of the prosecution's right to appeal.

Under common practice motions for the suppression of evidence are required to be made before trial when possible. These motions are likely to become more frequent as a result of recent court decisions, and in an increased number of cases the prosecution will be blocked by a pretrial order suppressing evidence or a statement. Frequently the prosecution cannot successfully proceed to trial without the suppressed evidence. Yet in only a few States does the prosecution have the right to appeal from the grant of such orders, and in the Federal courts the right to appeal applies only to narcotics cases.

Not only does the absence of a right of appeal preclude successful prosecution in many cases, including important cases involving organized crime, narcotics, and major thefts, but it has distinctly undesirable effects upon the development of law and practice. The law of search and seizure and confessions today is highly uncertain. This uncertainty is compounded by lower court rulings that restrict police conduct yet cannot be tested on appeal, and by inconsistent lower court decisions that can be resolved only on an appeal sought by the defendant.

When the prosecution is not permitted an appeal, law enforcement officers faced with restrictive rulings they feel are erroneous have available two courses, each of which is undesirable: They can follow the lower court decision and abandon the practice, in which case an authoritative decision by an appellate court never can be obtained; or they can continue the practice, hoping that in a future case a trial court will sustain it and that a defendant by appealing will give the higher court an opportunity to resolve the point. The first choice is undesirable because it results in the abandonment of what may be legitimate police practice merely because there is no way of testing it in the appellate courts. The second choice is equally undesirable for it puts the police in the position of deciding which court decisions they will accept and which they will not.

A more general right of the prosecution to appeal from adverse pretrial rulings is desirable. Controls may be needed to insure that appeals are taken only from rulings of significant importance and that the accused's right to a speedy trial is preserved by requirements of diligent processing of such appeals.

The Commission recommends:

Congress and the States should enact statutes giving the prosecution the right to appeal from the grant of all pretrial motions to suppress evidence or confessions.

APPEALS FROM SUPPRESSION ORDERS

The Commission's recommendation that prosecutors be permitted to appeal trial court orders suppressing evidence is particularly important in organized crime cases, where so much investigative and prosecutive time has been expended, and where evidence gathering is extremely difficult. Allowing appeals would also help overcome corrupt judicial actions. In gambling cases, particularly, arbitrary rejection of evidence uncovered in a search is one method by which corrupt judges perform their services for organized crime.

APPEALS BY THE PROSECUTION

In all jurisdictions in this country the right of the prosecution to appeal in criminal cases is more limited than the comparable right afforded the accused. This limitation results primarily from the double jeopardy clauses contained in the Federal Constitution and in the constitutions of 45 States. Double jeopardy prevents the retrial of the defendant for the same offense after he has once been acquitted. The right to appeal from a trial ruling made after jeopardy has attached, therefore, is of little value to the prosecution.

Double jeopardy, however, does not preclude appeals by the government from all rulings in criminal cases. Under the Federal constitutional provision and provisions in most States jeopardy attaches when the jury is impaneled and sworn or when the court in a nonjury trial begins to hear evidence. Thus in the Federal system and in the majority of States, statutes allow the prosecution to take an appeal from pretrial rulings dismissing the indictment or information or sustaining a plea in bar to the prosecution. If the government is successful on appeal, it may continue the prosecution.

The recent growth of constitutional law in the areas of search and seizure and confessions, including extension of the exclusionary rules to govern State criminal prosecutions, has increased the number of situations in which prosecutions may be stymied by a pretrial order suppressing seized evidence or a statement by the accused. In many cases the prosecution cannot proceed to trial without the suppressed evidence. And even where it has other evidence for trial, the chances of obtaining a conviction may be severely weakened by the suppression order. Although appeals by the prosecution from pretrial suppression orders are constitutionally permissible, this right is available in only a few States, and in the Federal courts the right to appeal is limited to narcotics cases.

The importance of permitting the government to appeal from pretrial suppression orders is most evident in prosecutions involving professional criminal enterprises. Successful prosecutions in these cases often depend upon whether seized evidence, such as gambling equipment or stolen property, can be introduced at trial. If a pretrial order suppressing such evidence is not appealable, an erroneous decision by a trial judge may result in the inability of the prosecution to obtain a conviction in a case where law enforcement interests are particularly strong and in the waste of months or years of extensive investigation.

But the importance of allowing the government to appeal goes beyond the significance of any particular prosecution. The rules on search and seizure and confessions are today characterized by a high degree of uncertainty. If lower court rulings restrict-

ing police conduct cannot be appealed and if inconsistent lower court decisions can be resolved only on an appeal by a defendant it is most difficult to formulate law enforcement policies. Although it may be argued that erroneous rulings by trial courts will eventually lose their effect as appellate courts consider search and seizure and confessions questions raised by defendants, this is an unsatisfactory remedy. When the prosecution is not permitted to appeal law enforcement officials faced with a restrictive ruling which they feel is erroneous have two choices. They may follow the lower court decision and abandon the practice, in which case an authoritative decision by an appellate court may never be obtained, or they may continue the practice, hoping that in a future case a trial court will sustain it and that the defendant will appeal. The first course results in the abandonment of what may be a legitimate police practice solely because of the lack of any vehicle for testing it in the appellate courts. The second course puts the police in the undesirable position of deciding which lower court decisions they will accept and which they will not.

Where the prosecution is permitted to appeal, on the other hand, the soundness of a restrictive pretrial suppression ruling may be settled promptly. All jurisdictions should enact statutes permitting the prosecution to appeal pretrial orders suppressing statements or seized evidence; granting the prosecution a more general right to appeal from adverse pretrial rulings on pleadings and motions also merits careful consideration. It is particularly desirable that the prosecution be given a broad right to appeal from pretrial suppression orders in the Federal courts, because of the importance of Federal prosecutions against organized crime and because of recent Supreme Court decisions indicating that the conduct of State law enforcement officers must be governed by Federal standards in those areas.

Where the prosecution is permitted to appeal from pretrial orders, rules should be established to protect the defendant's interest in obtaining a speedy trial. In the Federal system, for example, the statute provides that an appeal from a pretrial suppression order must be taken within 30 days and must be "diligently prosecuted." Moreover, government appeals should not be taken routinely from every adverse pretrial ruling. They should be reserved for cases in which there is a substantial law enforcement interest. Control over the type of cases appealed may be excerised in several ways. In the Federal system the Solicitor General's office must approve any appeals by U.S. Attorneys or Department of Justice prosecutors. In the States an appeal might be conditioned on approval by the State attorney general.

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

Mr. RAILSBACK. I yield to the gentleman from Kansas.

Mr. MIZE. Mr. Speaker, I rise in support of H.R. 8654. As one of the Members who joined the gentleman from Illinois [Mr. RAILSBACK] in the introduction of his "anticrime" package of four bills, my own bill, H.R. 9680, is identical to H.R. 8654 as it was sent to the Judiciary Committee. The amended version of the bill makes it a stronger, more comprehensive bill and I would be the first to agree to these changes.

At this time in our history when the incidence of organized crime is a threat to our existence as an orderly society and the rate of all crimes is at an all-time high, it is important that the prosecutors have this right to appeal a motion to suppress evidence when the evidence suppressed is vital to the U.S. Government in proving its case.

As the report on the bill points out, the Supreme Court has indicated that the right of the Government to appeal is a question of policy for the Congress to decide.

The Government already has the right to appeal in cases involving the possession of narcotics. Congress provided the right of the Government to appeal in these cases and should extend this same right to all Federal criminal cases. There are other areas of law enforcement where the Government is hampered if it does not have this right to appeal on the suppression of evidence. These are listed in the report as "smuggling, frauds against Federal excise taxes, and even possibly cases of espionage and sabotage."

Under this legislation there is no deterioration of the safeguards of the rights of the defendants. They are not placed in double jeopardy and they would not be subjected to unwarranted delays.

The extension of this principle to other than narcotics cases has the support of the Department of Justice and the American Bar Association.

The amendment making it possible for the United States to also appeal an order of the District of Columbia Court of General Sessions, granting a motion for return of seized property or a motion to suppress evidence is a technical amendment granting to the United States the same right of appeal before the court of general sessions as it has in the U.S. district courts.

Mr. Speaker, the obligation of the Congress in adopting the provisions of this bill is clear. I trust that we will act upon the recommendations of the Judiciary Committee and approve the bill as amended.

Mr. McCULLOCH. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. POFF].

Mr. POFF. Mr. Speaker, I enthusiastically support this legislation. I asked for this time principally to explain an amendment adopted in the full committee and to pay tribute to our distinguished colleague on the committee, the gentleman from Illinois [Mr. RAILSBACK].

Mr. Speaker, this legislation has been recommended for many years by many outstanding legal scholars in the United States. It was endorsed by the President's Crime Commission, but it remained for the gentleman from Illinois [Mr. RAILSBACK], to catalyze the action in Subcommittee No. 5 this year. We are indebted to him for the leadership he has displayed.

Mr. Speaker, I also want to express on behalf of the Committee on the Judiciary the appreciation we feel for the generosity of the Committee on the District of Columbia. In its original form this proposed legislation was confined to the district courts of the Federal judicial system. In the full committee I offered an amendment to extend its reach to the District of Columbia court of general sessions. Recognizing that this amendment might be properly regarded as a trespass on the jurisdictional domain of other committees, I approached the chairman of the Committee on the District of Columbia, the gentleman from South Carolina [Mr. McMILLAN]. The distinguished gentleman agreed that the amendment was meritorious and that for the purpose of debate on this bill he would waive jurisdictional objections. I understand, too, that the ranking minority member of that committee, the gentleman from Minnesota [Mr. NELSEN] concurs.

Mr. Speaker, it was important, I think, to adopt this amendment. The U.S. attorney for the District of Columbia annually prosecutes between 10,000 and 11,000 criminal cases in the District of Columbia court of general sessions. That is to be compared with some 1,300 cases annually in the District Court of the District of Columbia. To permit, I suggest, the U.S. attorney for the District of Columbia to appeal from an order to suppress evidence and return seized property entered by the District Court for the District of Columbia while refusing him the right to appeal when the order is entered by the District of Columbia court of general sessions would be to create a functional absurdity.

The Department of Justice agrees that the amendment is necessary in order to fairly and effectively administer criminal justice.

Also, I am gratified, Mr. Speaker, that the full Committee on the Judiciary rejected an amendment adopted in subcommittee and restored the bill to the form in which it was originally introduced by the distinguished gentleman from Illinois [Mr. RAILSBACK].

In its original form, the proposed legislation authorized the release of the defendant pending an appeal by the prosecution under the terms of chapter 207, title XVIII of the United States Code. Chapter 207 is the Bail Reform Act of 1966 which was adopted by the 89th Congress. The amendment adopted in the subcommittee would have required the court in all cases, no matter how grave the circumstances, to release the accused on his own recognizance. Clearly, the accused in such cases should be treated no differently than defendants in all other cases pending appeal and, of course, the court should have the flexibility and the alternative release provisions under the Bail Reform Act as provided for by the last Congress in the handling of these matters.

I might add also that the Department of Justice agrees with this approach.

Mr. Speaker, this bill, when finally signed by the President, as I confidently expect it will be, will make a major contribution to the effort to win the war on crime about which the people of this country are so gravely concerned. The President's Crime Commission points out the fact that it will be particularly useful in the fight against organized crime.

I hope, Mr. Speaker, that for the psychological effect it will have on this country not a single voice is raised in dissent and not a single vote is cast in opposition to this legislation.

Mr. FINDLEY. Mr. Speaker, under general leave for extension of remarks in connection with H.R. 8654, I welcome this opportunity to congratulate my able colleague from Illinois [Mr. RAILSBACK].

This bill represents a unique legisla-

tive achievement for any member of the minority and especially one who, like Mr. RAILSBACK, is in his first year of service. It symbolizes the splendid talent of Mr. RAILSBACK and is a tribute to the good judgment of the people of the 19th Congressional District of Illinois.

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

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

The SPEAKER pro tempore. (Mr. ALBERT). The question is on the motion of the gentleman from New York [Mr. CELLER] that the House suspend the rules and pass the bill H.R. 8654, as amended.

The question was taken.

Mr. MACGREGOR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 311, nays 1, not voting 120, as follows:

[Roll No. 241]

YEAS—311

Abernethy	Curtis	Hawkins
Adair	Daniels	Hays
Adams	Davis, Ga.	Hechler, W. Va.
Addabbo	Dawson	Helstoski
Albert	de la Garza	Hicks
Andrews, Ala.	Delaney	Holifield
Andrews, N. Dak.	Dellenback	Holland
Annunzio	Denney	Horton
Arends	Derwinski	Hosmer
Ashbrook	Devine	Howard
Ashmore	Dingell	Hungate
Ayres	Dole	Hunt
Bates	Dowdy	Hutchinson
Battin	Downing	Ichord
Belcher	Dulski	Irwin
Bennett	Duncan	Jacobs
Berry	Eckhardt	Jarman
Betts	Edmondson	Joelson
Bevill	Edwards, Ala.	Johnson, Calif.
Biester	Edwards, La.	Johnson, Pa.
Blackburn	Eilberg	Jonas
Blanton	Erlenborn	Jones, Mo.
Boggs	Esch	Jones, N.C.
Boland	Eshleman	Karsten
Bolling	Everett	Karth
Bolton	Fallon	Kastenmeier
Bow	Farbstein	Kazen
Brasco	Fascell	Kee
Bray	Findley	Keith
Brinkley	Flood	Kelly
Brooks	Ford, Gerald R.	King, N.Y.
Brotzman	Ford, William D.	Kirwan
Brown, Calif.	Fountain	Kornegay
Brown, Mich.	Friedel	Kupferman
Brown, Ohio	Fulton, Pa.	Kyl
Broyhill, N.C.	Fulton, Tenn.	Kyros
Buchanan	Fuqua	Landrum
Burke, Fla.	Galifianakis	Langen
Burke, Mass.	Gardner	Latta
Burleson	Garmatz	Lennon
Burton, Utah	Gathings	Lipscomb
Bush	Gettys	Lloyd
Button	Gaimo	Long, La.
Byrne, Pa.	Gibbons	Long, Md.
Cabell	Gilbert	McClory
Cahill	Gonzales	McCulloch
Carter	Goodling	McDade
Casey	Green, Pa.	McDonald, Mich.
Cederberg	Griffiths	McFall
Celler	Gross	MacGregor
Chamberlain	Grover	Machen
Clancy	Gude	Mahon
Clark	Gurney	Mailliard
Cleveland	Haley	Marsh
Collier	Hall	Martin
Colmer	Hamilton	Mathias, Calif.
Conable	Hammer-schmidt	Matsunaga
Corbett	Hanley	Mayne
Corman	Hardy	Meeds
Cowger	Harsha	Meskill
Cramer	Hathaway	Michel
Cunningham	Mills	Miller, Ohio
	Minish	Reinecke
	Mink	Reuss
	Minshall	Rhodes, Ariz.
	Mize	Rhodes, Pa.
	Monagan	Riegle
	Montgomery	Roberts
	Moore	Robison
	Moorhead	Rodino
	Morris, N. Mex.	Rogers, Colo.
	Morse, Mass.	Rogers, Fla.
	Mosher	Rooney, N.Y.
	Murphy, Ill.	Rooney, Pa.
	Myers	Rosenthal
	Natcher	Roth
	Nedzi	Roudebush
	Nelsen	Roush
	O'Hara, Ill.	Ryan
	O'Neal, Ga.	Sandman
	Ottinger	Satterfield
	Passman	Scherle
	Patman	Scheuer
	Patten	Schneebeli
	Pelly	Schweiker
	Perkins	Schwengel
	Pettis	Scott
	Pickle	Selden
	Pike	Shipley
	Poage	Shriver
	Poff	Sikes
	Pool	Sisk
	Price, Ill.	Skubitz
	Price, Tex.	Slack
	Pryor	Smith, Calif.
	Purcell	Smith, Iowa
	Quie	Smith, N.Y.
	Quillen	Smith, Okla.
	Railsback	Snyder
	Randall	Stafford
	Reid, Ill.	Staggers
	Reid, N.Y.	Stanton
	Reifel	Steed
		Steiger, Ariz.
		Steiger, Wis.
		Stephens
		Stratton
		Stubblefield
		Stuckey
		Sullivan
		Taft
		Talcott
		Taylor
		Teague, Tex.
		Thomson, Wis.
		Tuck
		Tunney
		Udall
		Ullman
		Utt
		Van Deerlin
		Vander Jagt
		Vanik
		Vigorito
		Waggonner
		Waldie
		Walker
		Wampler
		Watson
		Watts
		Whalen
		Whalley
		White
		Whitener
		Whitten
		Wiggins
		Williams, Pa.
		Winn
		Wright
		Wydler
		Wylie
		Wyman
		Yates
		Young
		Zion
		Zwach

NAYS—1

Burton, Calif.

NOT VOTING—120

Abbitt	Frelinghuysen	Nichols
Anderson, Ill.	Gallagher	Nix
Anderson, Tenn.	Goodell	O'Hara, Mich.
Ashley	Gray	O'Konski
Aspinall	Green, Oreg.	Olsen
Baring	Gubser	O'Neill, Mass.
Barrett	Hagan	Pepper
Bell	Halleck	Philbin
Bingham	Halpern	Pirnie
Blatnik	Hanna	Pollock
Brademas	Hansen, Idaho	Pucinski
Brock	Hansen, Wash.	Rarick
Broomfield	Harrison	Rees
Broyhill, Va.	Harvey	Resnick
Byrnes, Wis.	Hébert	Rivers
Carey	Heckler, Mass.	Ronan
Clausen, Don H.	Henderson	Rostenkowski
Clawson, Del	Herlong	Roybal
Cohelan	Hull	Rumsfeld
Conte	Jones, Ala.	Ruppe
Conyers	King, Calif.	St Germain
Culver	Kleppe	St. Onge
Daddario	Kluczynski	Saylor
Davis, Wis.	Kuykendall	Schadeberg
Dent	Laird	Springer
Dickinson	Leggett	Teague, Calif.
Diggs	Lukens	Tenzer
Donohue	McCarthy	Thompson, Ga.
Dorn	McClure	Thompson, N.J.
Dow	McEwen	Tiernan
Dwyer	McMillan	Watkins
Edwards, Calif.	Macdonald, Mass.	Widnall
Evans, Colo.	Madden	Williams, Miss.
Evins, Tenn.	Mathias, Md.	Willis
Feighan	May	Wilson, Bob
Fino	Miller, Calif.	Wilson, Charles H.
Fisher	Morgan	Wolff
Flynt	Morton	Wyatt
Foley	Moss	Zablocki
Fraser	Multer	
	Murphy, N.Y.	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. O'Neill of Massachusetts with Mr. Conte.
Mr. Hébert with Mr. Halleck.
Mr. St. Onge with Mr. Springer.
Mr. Evins of Tennessee with Mr. Goodell.
Mr. Donohue with Mr. Frelinghuysen.
Mr. Philbin with Mr. Pirnie.
Mr. Miller of California with Mr. Laird.
Mr. King of California with Mr. Bob Wilson.
Mr. Nichols with Mr. Davis of Wisconsin.
Mr. Barrett with Mr. Saylor.
Mr. Cohelan with Mr. Rumsfeld.
Mr. Kluczynski with Mr. Broomfield.
Mr. Moss with Mrs. May.
Mr. Ronan with Mr. Harrison.
Mr. Multer with Mr. Mathias of Maryland.
Mr. St Germain with Mr. Harvey.
Mr. Murphy of New York with Mr. Widnall.
Mr. Carey with Mr. Byrnes of Wisconsin.
Mr. Tenzer with Mr. O'Konski.
Mr. Wolff with Mr. Halpern.
Mr. Feighan with Mrs. Heckler of Massachusetts.
Mr. Daddario with Mrs. Dwyer.
Mr. Dent with Mr. Bell.
Mr. Edwards of California with Mr. McClory.
Mr. Macdonald of Massachusetts with Mr. Morton.
Mr. Williams of Mississippi with Mr. Dickinson.
Mr. Charles H. Wilson with Mr. Teague of California.
Mr. Gallagher with Mr. Fino.
Mr. Blatnik with Mr. Del Clawson.
Mr. Bingham with Mr. Gubser.
Mr. Anderson of Tennessee with Mr. Anderson of Illinois.
Mr. Culver with Mr. Hansen of Idaho.
Mr. Gray with Mr. Broyhill of Virginia.
Mr. Dorn with Mr. Watkins.
Mr. Morgan with Mr. McEwen.
Mr. Henderson with Mr. Brock.
Mr. Abbitt with Mr. Don H. Clausen.
Mr. Jones of Alabama with Mr. Wyatt.
Mr. Leggett with Mr. Ruppe.
Mr. Brademas with Mr. Schadeberg.
Mr. Baring with Mr. Kleppe.
Mr. Olsen with Mr. Pollock.
Mr. Pucinski with Mr. Thompson of Georgia.
Mr. Rivers with Mr. Kuykendall.
Mr. Aspinall with Mr. Lukens.
Mr. Tiernan with Mr. McCarthy.
Mr. Zablocki with Mr. Willis.
Mr. Resnick with Mr. Nix.
Mr. Dow with Mr. Diggs.
Mr. Madden with Mr. McMillan.
Mr. Rees with Mr. Conyers.
Mr. Evans of Colorado with Mr. Pepper.
Mr. Foley with Mr. Flynt.
Mrs. Green of Oregon with Mr. Hagan.
Mrs. Hansen of Washington with Mr. Rarick.
Mr. Rostenkowski with Mr. Herlong.
Mr. Hull with Mr. Frazier.
Mr. Roybal with Mr. O'Hara of Michigan.
Mr. Ashley with Mr. Fisher.
Mr. Hanna with Mr. Thompson of New Jersey.

The result of the vote was announced as above recorded. The doors were opened.

The title was amended so as to read: "A bill to amend section 3731, title 18, United States Code, and section 23–105 of the District of Columbia Code, to permit an appeal by the United States in certain instances from an order made before trial granting a motion for return of seized property and to suppress evidence."

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. HUNGATE. 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 pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

INCREASE AUTHORIZATION FOR MISSOURI RIVER BASIN

Mr. JOHNSON of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8775) to increase the appropriation authorization for continuing work in the Missouri River Basin by the Secretary of the Interior, as amended.

The Clerk read as follows:

H.R. 8775

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of July 19, 1966 (80 Stat. 322), is hereby amended by changing "$60,000,000" to "$68,000,000".

The SPEAKER pro tempore. Is a second demanded?

Mr. BERRY. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. JOHNSON] will be recognized for 20 minutes, and the gentleman from South Dakota [Mr. BERRY] will be recognized for 20 minutes. The Chair recognizes the gentleman from California [Mr. JOHNSON].

Mr. JOHNSON of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of H.R. 8775 is to increase the authorization for appropriations for continuing work on reclamation projects in the Missouri River Basin. This is a "going" construction program and H.R. 8775 does not authorize any new projects. The amount of the increase which is applicable only to this fiscal year—fiscal year 1968—is $8 million, a decrease of $1 million in the amount requested by the administration.

This $8 million increase in the amount authorized to be appropriated would be accomplished by amending the act of July 19, 1966, which authorized the appropriation of $60 million for fiscal years 1967 and 1968. The enactment of this legislation would authorize total appropriations of $68 million for these 2 fiscal years.

The current authorization for $60 million during fiscal years 1967 and 1968 is not sufficient to carry out the construction work approved and included in the President's fiscal year 1968 budget. This is due to two developments not contemplated at the time the 1966 legislation was considered and approved by the committee and the Congress.

First, an emergency situation has arisen in connection with the Tiber Dam of the lower Marias unit of the Missouri River Basin project, and some reconstruction work is necessary to alleviate a dangerous weakening of the spillway in the dam. Since the initial filling of the reservoir, settlement of the spillway crest has occurred due to the deterioration of the foundation of the spillway gate structure. A field study several months ago indicated that a hazardous condition existed and that immediate action is needed in order to prevent failure. The reconstruction work required to meet this emergency situation is estimated at about $2.7 million.

The other development involving additional fund needs came about because of the findings of recent studies of electric power needs in the Missouri River Basin and recent power failures in the State of Nebraska. As a result, the decision has been made, and funds included in the President's budget, to initiate construction of a 345-kilovolt transmission line from Fort Thompson, S. Dak., to Grand Island, Nebr.

This transmission line is required for delivering power and energy from Federal generating facilities into the State of Nebraska. The actual flow of power over this line is expected to be about 375 megawatts summer and about 160 megawatts winter. Any use of this line for wheeling non-Federal energy will be on a temporary and short-term basis. The committee devoted 2 days to hearings to the need and justification for this transmission line. The committee is convinced that the line is needed and that its construction should be initiated as soon as possible. Without this new line, the Bureau cannot have an assured market for approximately 400 megawatts of power from existing generating facilities. In addition, the line provides an important facility which improves the operation of the entire Missouri River Basin transmission network.

The amount in the President's budget for construction of the transmission line is about $11.1 million. Thus, the fund requirements for the two items I have discussed amount to $13.8 million—$2.7 million for Tiber Dam and $11.1 million for the transmission line. The addition of this amount to the already approved obligations causes the $60 million current authorization ceiling to be exceeded by a little over $8 million. The committee approved an increase of $8 million. The funds for the work I have discussed will still have to be included in the Public Works Appropriation Act before the expenditures can be made.

Mr. Speaker, there was no opposition in the committee to the favorable reporting of H.R. 8775. I believe this legislation is needed at this time, and I urge its approval by the House.

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

Mr. JOHNSON of California. I yield to the distinguished gentleman from Florida [Mr. HALEY].

Mr. HALEY. Mr. Speaker, this bill, as the gentleman from California [Mr. JOHNSON] has stated, increases the appropriation for works I should say that are now or have been under construction for some time.

The gentleman from California [Mr. JOHNSON] mentioned the fact that this bill and the amendment which has been offered by the committee, will reduce the requested amount by $1 million.

Mr. Speaker, if the Members of the House will turn to page 6 of the report they will note that the various departments in making their recommendations and reports to the Congress under this legislation stated that they needed $8,010,778. However, upon inquiring as to why they needed $9 million, they said that they just wanted to "round out" the figure. I rounded it out by offering an amendment, Mr. Speaker, that $8 million should be authorized, thereby saving $1 million.

Mr. Speaker, it is my opinion that the people downtown should not increase the expenditures on these numerous projects to the extent of $1 million when there is only the sum of $10,778 above the $8 million figure, and it is my opinion that they are in pretty bad shape in doing so. They had better get their pencils out down there and sharpen them before proceeding in this fashion.

Mr. JOHNSON of California. The committee recognized the request of the gentleman from Florida and the committee adopted the gentleman's amendment.

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

Mr. JOHNSON of California. I yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman from California yielding and, generally, I favor this legislation. I understand that the two emergencies, or at least the first reported emergency, requires the increased authorization and the need for the perennial high-power tie line recommendation made by the Secretary of the Department of the Interior, as well as the fact that it will eventually encompass the United States. But, I rise to ask the gentleman from California if the gentleman can reassure this House, as we are considering this proposed legislation under a suspension of the rules and in a very limited time, if this bill does pass under a suspension of the rules, as amended in committee, if it would not be his intention—and I would like to be assured as well as the rest of the House that it would not be the intention of the gentleman from California to bring the bill to the floor, S. 1601, as a substitute for the House bill, which has the "full-rounded" figure of $69 million contained therein, and that we can have the full assurance that there would be no such unanimous consent made to do so.

Mr. JOHNSON of California. In answer to the question which has been propounded by the gentleman from Missouri [Mr. HALL], it is the intention of the gentleman from California to undertake to have passed H.R. 8775 and then ask unanimous consent to consider S. 1601 and to strike everything after the enacting clause of S. 1601 and insert in lieu thereof the language of the House bill as passed, and send it back to the Senate.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, then it would be the opinion of the gentleman, if he would yield further, that if the other body does not accept this reduced bill by eliminating the so-called rounded figure, that this would be a subject of the conference committee and the conferees, and I would hope that the gentleman from California would uphold the decision of the Members on the part of the House in the conference with respect to this legislation?

Mr. JOHNSON of California. I would say to the gentleman from Missouri that his understanding is correct but that of course, as the gentleman knows, the chairman of the full Committee on Interior and Insular Affairs naturally will

handle the conference and conferees on the part of the House, if a conference is necessary, and I am sure that the gentleman from Colorado [Mr. ASPINALL] will maintain the position of the House in this respect.

Mr. KYL. Mr. Speaker, will the gentleman yield for an assurance from this side of the aisle?

Mr. JOHNSON of California. Yes, I yield to the gentleman from Iowa.

Mr. KYL. I would like to reassure the gentleman from Missouri that the statement of the gentleman from California in answer relative to the question of the gentleman from Missouri seems to me to reflect the opinion on both sides of the aisle.

Mr. JOHNSON of California. Yes, I would say that this was a unanimous decision on the part of the subcommittee, and also the full committee.

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

Mr. Speaker, I rise in support of H.R. 8775, a bill to increase the appropriation authorization for continuing work in the Missouri River Basin by the Secretary of the Interior.

The purpose of this legislation is to increase by $8 million the amount authorized to be appropriated for fiscal years 1967 and 1968 for continuing the works in the Missouri River Basin undertaken by the Secretary of the Interior pursuant to the comprehensive plan adopted by the act of December 22, 1944; Public Law 78–534 in the 78th Congress.

Testimony given before the Committee on Interior and Insular Affairs by officials of the Bureau of Reclamation and the Department of the Interior indicate the necessity for this proposed increase in authorization. A hazardous condition has developed in the operation of the Tiber Dam of the Lower Marias unit of the Missouri River Basin project located in northwest Montana. Since the initial filling of the reservoir in 1956, settlement of the spillway crest has occurred due to the deterioration of the foundation of the spillway gate structure. A field review made in December 1966, indicated the need for immediate action as continued settlement will place the walls precariously close to failure. Failure of the wall during times of sizable spillway discharges could be disastrous. This emergency situation will require $2,750,000 for fiscal 1967 and 1968 to initiate repair works and construction of a coffer dam.

Another development occurring in the Missouri River Basin is the result of recent studies of electrical power needs in the area. These studies indicated the need for construction of a 345-kilovolt transmission line and terminal facilities from Fort Thompson, S. Dak., to Grand Island, Nebr.

Mr. Speaker, construction of the 345-kilovolt line was the subject of considerable discussion in the Committee on Interior and Insular Affairs. I, for one, urged delay in the consideration of this legislation because of my concern that the construction and operation of this 345-kilovolt line would adversely affect the operation of the proposed vital Oahe irrigation project in South Dakota.

The initial phase of the proposed Oahe irrigation project is dependent upon pumping water out of the Oahe Reservoir to irrigate some 190,000 acres of land in the James River Basin. There are six penstocks in the Oahe Dam which lead directly to power generators. The seventh penstock contains a "Y" so that for part of the time this penstock can be used to generate electricity and part of the time it can be used to pump water from the Oahe Reservoir up over the divide and down the canals into the James River area where it will irrigate some 190,000 acres.

When the Department was before the committee testifying on this bill, they stressed the point that one of the principal purposes of this 345-kilovolt line was to provide power to pump water for irrigation in Nebraska. The bill caused me some concern because of the report of the Department and the Bureau of Reclamation, dated May 1965, on page 54, is as follows, and I quote:

> Under full development, the operation period for the Oahe Pumping Plant will be about six and a half months of the year—April through mid-October, with a three to four week shutdown period during July or August.

The supplemental report of the Bureau, dated June 1965, on page 46, states this, and I quote:

> By lowering Blunt Reservoir outlet to Highmore canal by 14 feet and increasing the cut on Highmore canal, enough active storage can be provided to supply 25 days of irrigation water requirements for the ultimate development without pumping from Oahe Reservoir. During this 25 day period the seventh unit of Oahe power plant could be used for meeting the summer peaking power demand.

My question naturally was, Is it the intention of the Bureau of Reclamation to dry up the 30-mile-long Pierre Canal leading from the divide to the proposed Blunt Reservoir, for a period of 25 to 30 days during the height of the irrigation period thus depriving a large area along the canal of irrigation, and at the same time require the Highmore Canal, which leads from the Blunt Reservoir to the reclamation areas to be dug 14 feet deeper, which would require penstocks along that canal to irrigate along that area? All this in order that they might have our power to irrigate in Nebraska during July and August. This was my reason for opposing H.R. 8775 originally, but after considerable negotiation with the Bureau of Reclamation I have been advised that the planned operation for the Oahe pumping unit has been changed and that Unit 7 will be used throughout the irrigation season in South Dakota for pumping and irrigation in South Dakota and not closed down to add power to this 345-kilovolt line for irrigation in Nebraska.

I ask unanimous consent, Mr. Speaker, to insert a copy of a letter setting out this revised plan designed by Floyd E. Dominy, Commissioner of Reclamation, dated July 20, 1967, be made a part of this RECORD at this point for future reference.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. BERRY. Mr. Speaker, the letter is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, D.C.

Hon. E. Y. BERRY,
House of Representatives,
Washington, D.C.

DEAR MR. BERRY: Our letter of June 7 advised you that studies under way in relationship to the most economical manner of operating Blunt Reservoir on the Oahe Unit would be intensified on receipt of construction funds. We now find, however, that our project and regional offices are much further advanced on these studies than indicated earlier.

We are now advised by our Regional Director in Billings that the plan of operation indicated on pages 44 and 54 of the planning report would not be justified. This being the case, Unit 7 of the Oahe Dam Project will not be operated during the irrigation season for power purposes. Instead, the pumping plant will be operated during the irrigation season to maintain water in the Pierre Canal with a minimum practical fluctuation of Blunt Reservoir. You will recall that the design of the facilities of the Oahe Dam pertaining to the diversion structure is that a single penstock through the dam branches in its lower reaches with one branch going to the pumping plant and the other branch going to Unit 7 of the power plant. Because of the relative capacities of the penstock and its branches, the project is not designed to operate the pumping plant and Unit 7 simultaneously.

With this decision it will therefore not be necessary to lower the canal outlet from Blunt Reservoir. The Highmore Canal will be kept at its earlier planned elevation rather than being lowered 14 feet as set forth in the planning report.

We hope this added information will be helpful to you in appraising your position in regard to the Oahe Unit.

Sincerely yours,
FLOYD E. DOMINY, *Commissioner.*

Incidentally as a result of the Bureau of Reclamation's investigation, the outlet works for the Highmore Canal will not be constructed at its earlier planned elevation. This change means a reduction of $2,775,000 in the cost estimate for the proposed Oahe unit in South Dakota.

Mr. Speaker, with the assurance on the part of the Bureau of Reclamation that Unit 7 will be used for irrigation in South Dakota during July and August of each year rather than for the generation of power for irrigators in Nebraska at the expense of South Dakota farmers, I support this legislation and urge the support of every Member of the House.

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

Mr. BERRY. I yield to the gentleman.

Mr. HOSMER. The gentleman is satisfied that the arrangement which has now been committed to favoring the State of South Dakota will be kept by the bureau in the operation of this installation over the years?

Mr. BERRY. That is my purpose in placing this letter in the RECORD and in placing this statement in the RECORD in order that we may have this further proof.

Mr. HOSMER. Then, so far as the gentleman is concerned, if the gentleman will yield further, this is a moral commitment by the bureau to the Congress which was arrived at during the process

of this legislation and as a matter of fact in the process of this legislation was not scotched because the bureau did make the commitment and did evidence that it would keep it.

Mr. BERRY. That is correct.

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

The SPEAKER pro tempore. The gentleman has consumed 8 minutes.

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

Mr. HOSMER. Mr. Speaker, I rise in support of H.R. 8775, a bill to increase the appropriation authorization for continuing work in the Missouri River Basin by the Secretary of the Interior. I do so only because of the emergency situation presented.

H.R. 8775 provides for an increase of $8 million in the amount authorized to be appropriated for fiscal years 1967 and 1968 for continuing works in the Missouri River Basin by amending the act of July 19, 1966, which authorized the appropriation of $60 million for continued planning and construction during fiscal years 1967 and 1968.

Mr. Speaker, I consider this legislation requested by the Department of the Interior in part the result of a blunder on the part of the Bureau of Reclamation requiring an additional expenditure to rectify the consequences of earlier inaccurate engineering and planning. Certain more recent activities of the Bureau makes one wonder if it is functioning any better at this later date. If my memory serves me correctly, it was only last year that the Bureau of Reclamation informed the Committee on Interior and Insular Affairs of its recommended planning and engineering to alleviate the water shortage in the Lower Colorado River Basin. Yet this year, a completely different proposal for the Lower Colorado River Basin has been endorsed by the Bureau of Reclamation.

In any event, the legislation before us is needed.

H.R. 8775 provides that of the $8 million authorized to be appropriated, $2,750,000 will be used to construct a coffer dam in front of weakened spillways at Tiber Dam in northwestern Montana and make the necessary repairs to the spillways to prevent their total failure because of the accelerated rate of deterioration caused by subsidence in the foundation. It is my feeling that the Bureau should have anticipated this subsidence in the first place and engineered around it. The remaining funds are to be used for the construction of the proposed 345-kilovolt transmission line from Fort Thompson, S. Dak., to Grand Island, Nebr. However, testimony by the Bureau of Reclamation indicates that this is merely a nibble and that ultimately the whole operation will eventually cost in excess of $26,000,000.

While much of the reasoning presented by the Bureau of Reclamation in support of this legislation was nebulous, I shall support the passage of H.R. 8775 because of the emergency situation presented by the flooding of downstream areas should the foundation beneath the spillway and inlet walls continue to deteriorate at the present rate.

Mr. BERRY. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska [Mr. MARTIN].

The SPEAKER pro tempore. The gentleman from Nebraska is recognized.

Mr. MARTIN. Mr. Speaker, I want to thank the able chairman, the gentleman from California [Mr. ASPINALL], and the gentleman from California [Mr. HAROLD JOHNSON], chairman of the subcommittee, as well as the members of the Interior and Insular Affairs Committee, for their careful study of the legislation presently before us. This is a good bill, which is urgently needed.

H.R. 8775 is a bill to authorize an increase of $8 million for the development of the Missouri River Basin. Part of these funds would be used for the construction of a 345-kilovolt transmission line and terminal facilities between Fort Thompson, S. Dak., and Grand Island, Nebr. The early construction of this line will satisfy three very important needs:

First. The Bureau will have an assured market for a block of power.

Second. The line will provide an important facility to improve the operations of the entire transmission network and will facilitate the installation of large economical generating units by others.

Third. Construction of the line now will alleviate a very severe power shortage which exists in Nebraska.

There have been four power blackouts in Nebraska during the last 5 years including an extremely severe and widespread blackout in the summer of 1966. This 345-kilovolt line will help to prevent future blackouts and stabilize the power supply in the Great Plains area. It is planned that the power from Fort Thompson will come into Nebraska during the peak demand period of the summer, and then be used in the Dakotas during their peak demand period in the winter.

Nebraska is bearing part of the load to alleviate this power shortage, as the Consumers Public Power District, in 1966, authorized construction and awarded contracts for an 800,000-kilowatt nuclear plant, of which 400,000 kilowatts will be available for Nebraska agencies, and the remainder to be available for use in Iowa, under contract between Consumers and the Iowa Power & Light Co. In 1967, outstate Nebraska power agencies provided generation for 800,000 kilowatts. By 1975, Nebraska agencies are expected to provide generating capacity to supply 1,359,000 kilowatts. Thus, you can see that we in Nebraska are moving as rapidly as possible to take care of the power needs of the State.

Our peak power loads come during the summer months, when our electric irrigation pumps are in operation. We need to get started immediately on the construction of this 345-kilovolt line if we are going to offset a very severe power shortage.

Nebraska is a 100-percent public power State. The public power boards of Nebraska, which include all of the municipal plants, as well as the REA's, and the public power companies, unanimously approved and endorsed the construction of this 345-kilovolt line. This is a good, sound project, and I hope that the House will unanimously approve H.R. 8775.

Mr. BERRY. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska [Mr. DENNEY].

Mr. DENNEY. Mr. Speaker, I rise in support of H.R. 8775.

This bill would raise the existing appropriation authorization for work in the Missouri River Basin from $60 million to $68 million. The raising of the limit is necessary in order to allow for the construction of a 345-kv transmission line from Fort Thompson, S. Dak., to Grand Island, Nebr. The line will carry vitally needed power from Bureau of Reclamation dams on the Missouri River to power-deficient Nebraska.

Nebraska has suffered four blackouts during the past 4 years. With the increase in demand for power in Nebraska and existing systems being operated at near maximum capacity, it is imperative that Nebraska have additional sources of power. Nebraska is the only midwestern State without a high voltage tie to the Bureau of Reclamation system.

Because of the large amount of damage suffered by power users during prior electricity deficiency, it is imperative that this legislation be passed. Additionally, the construction of this line will contribute towards the orderly development of power in the Great Plains area; in addition this added power is vitally necessary for the industrial growth in the eastern third of Nebraska which is my congressional district.

Mr. Speaker, I urge my colleagues to join with me and the distinguished gentleman from Colorado in voting in favor of H.R. 8775.

Mr. BERRY. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I ask unanimous consent to revise and extend my remarks at this point in the RECORD.

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

There was no objection.

Mr. CUNNINGHAM. Mr. Speaker, I wholeheartedly support this legislation, H.R. 8775. The development of the great Missouri Basin, so important to the economy of the United States and the States involved goes unchallenged. Every encouragement should be given to the continual development of the basin and this bill is intended to do that. Also it should be noted that the bill includes the construction of a much-needed 345-kilovolt transmission line and terminal facilities from Fort Thompson to Grand Island Nebr. I simply want to emphasize that great development has been made in the Missouri Basin and this is but a continuing of that development. I wish to pay my sincere thanks to chairman ASPINALL, of the great Committee on Interior and Insular Affairs, and the diligent work and understanding of the gentleman from California [Mr. JOHNSON]. All of us who recognize the great contributions to the midlands and the Missouri Basin by the Committee on Interior and Insular Affairs are deeply grateful to this great committee and its members.

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

Mr. JOHNSON of California. Mr. Speaker, I have no further request for time.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the motion of the gentleman from California [Mr. JOHNSON] that the House suspend the rules and pass the bill H.R. 8775, as amended.

The question was taken.

Mr. HOSMER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors. The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 225, nays 83, not voting 124, as follows:

[Roll No. 242]

YEAS—225

Abernethy	Gross	Railsback
Adair	Gude	Randall
Albert	Gurney	Reid, Ill.
Andrews, Ala.	Haley	Reifel
Andrews, N. Dak.	Hall	Reinecke
Annunzio	Hamilton	Reuss
Ayres	Hammer-schmidt	Rhodes, Ariz.
Battin	Hardy	Rhodes, Pa.
Belcher	Harsha	Riegle
Berry	Hathaway	Roberts
Betts	Hays	Rogers, Colo.
Biester	Hechler, W. Va.	Rogers, Fla.
Blackburn	Heckler, Mass.	Rooney, N.Y.
Blanton	Hicks	Rooney, Pa.
Boggs	Holifield	Roudebush
Boland	Horton	Roush
Bolling	Hosmer	Ryan
Bolton	Hungate	Sandman
Brinkley	Ichord	Scherle
Brooks	Jacobs	Schweiker
Brotzman	Jarman	Schwengel
Brown, Calif.	Johnson, Calif.	Scott
Brown, Mich.	Jones, Mo.	Selden
Burke, Fla.	Karsten	Shipley
Burke, Mass.	Kastenmeier	Shriver
Burleson	Kazen	Sikes
Burton, Calif.	Kee	Sisk
Burton, Utah	Kirwan	Skubitz
Bush	Kupferman	Slack
Button	Kyl	Smith, Calif.
Cahill	Kyros	Smith, Iowa
Carter	Landrum	Smith, N.Y.
Casey	Lipscomb	Smith, Okla.
Cederberg	Lloyd	Snyder
Chamberlain	Long, La.	Stafford
Clark	Long, Md.	Staggers
Collier	McCulloch	Stanton
Conable	McDade	Steed
Corbett	McDonald, Mich.	Steiger, Ariz.
Cowger	McFall	Steiger, Wis.
Cunningham	MacGregor	Stephens
Davis, Ga.	Machen	Stubblefield
Dawson	Mahon	Stuckey
Dellenback	Mailliard	Taft
Denney	Martin	Talcott
Derwinski	Mathias, Calif.	Taylor
Dole	Matsunaga	Teague, Tex.
Dowdy	Mayne	Thomson, Wis.
Downing	Meeds	Tunney
Dulski	Meskill	Udall
Eckhardt	Mills	Ullman
Edmondson	Mink	Utt
Edwards, La.	Mize	Van Deerlin
Eilberg	Moore	Vander Jagt
Erlenborn	Morris, N. Mex.	Vigorito
Esch	Murphy, Ill.	Waggonner
Eshleman	Myers	Waldie
Everett	Natcher	Walker
Fallon	Nedzi	Wampler
Fascell	O'Hara, Ill.	Watson
Findley	O'Neal, Ga.	Watts
Flood	Passman	Whalen
Ford, Gerald R.	Patman	Whalley
Frelinghuysen	Patten	White
Friedel	Pelly	Whitten
Fulton, Tenn.	Perkins	Widnall
Fuqua	Pettis	Wiggins
Garmatz	Pickle	Williams, Pa.
Gathings	Pool	Winn
Glaimo	Price, Ill.	Wright
Gibbons	Price, Tex.	Wylie
Goodell	Pryor	Wyman
Gray	Quie	Yates
Green, Pa.	Quillen	Young
Griffiths		Zion
		Zwach

NAYS—83

Adams	Ford, William D.	McClory
Addabbo	Fountain	Marsh
Ashbrook	Fulton, Pa.	Michel
Ashmore	Galifianakis	Miller, Ohio
Bates	Gardner	Minish
Bennett	Gettys	Minshall
Bevill	Gilbert	Monagan
Bow	Gonzalez	Montgomery
Brasco	Goodling	Moorhead
Bray	Grover	Mosher
Brown, Ohio	Hanley	Nelsen
Broyhill, N.C.	Hawkins	Ottinger
Buchanan	Helstoski	Pike
Byrne, Pa.	Howard	Poff
Cabell	Hunt	Reid, N.Y.
Clancy	Hutchinson	Robison
Cleveland	Irwin	Rodino
Colmer	Joelson	Rosenthal
Cramer	Johnson, Pa.	Roth
Curtis	Jones, N.C.	Satterfield
Daniels	Karth	Scheuer
de la Garza	Keith	Schneebeli
Delaney	Kelly	Stratton
Devine	Kornegay	Sullivan
Dingell	Langen	Tuck
Duncan	Latta	Vanik
Edwards, Ala.	Lennon	Whitener
Farbstein		Wydler

NOT VOTING—124

Abbitt	Foley	Murphy, N.Y.
Anderson, Ill.	Fraser	Nichols
Anderson, Tenn.	Gallagher	Nix
Arends	Green, Oreg.	O'Hara, Mich.
Ashley	Gubser	O'Konski
Aspinall	Hagan	Olsen
Baring	Halleck	O'Neill, Mass.
Barrett	Halpern	Pepper
Bell	Hanna	Philbin
Bingham	Hansen, Idaho	Pirnie
Blatnik	Hansen, Wash.	Poage
Brademas	Harrison	Pollock
Brock	Harvey	Pucinski
Broomfield	Hébert	Purcell
Broyhill, Va.	Henderson	Rarick
Byrnes, Wis.	Herlong	Rees
Carey	Holland	Resnick
Celler	Hull	Rivers
Clausen, Don H.	Jonas	Ronan
Clawson, Del	Jones, Ala.	Rostenkowski
Cohelan	King, Calif.	Roybal
Conte	King, N.Y.	Rumsfeld
Conyers	Kleppe	Ruppe
Corman	Kluczynski	St Germain
Culver	Kuykendall	St. Onge
Daddario	Laird	Saylor
Davis, Wis.	Leggett	Schadeberg
Dent	Lukens	Springer
Dickinson	McCarthy	Teague, Calif.
Diggs	McClure	Tenzer
Donohue	McEwen	Thompson, Ga.
Dorn	McMillan	Thompson, N.J.
Dow	Macdonald, Mass.	Tiernan
Dwyer	Madden	Watkins
Edwards, Calif.	Mathias, Md.	Williams, Miss.
Evans, Colo.	May	Willis
Evins, Tenn.	Miller, Calif.	Wilson, Bob
Feighan	Morgan	Wilson, Charles H.
Fino	Morse, Mass.	Wolff
Fisher	Morton	Wyatt
Flynt	Moss	Zablocki
	Multer	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. O'Neill of Massachusetts with Mr. Conte.
Mr. Hébert with Mr. Halleck.
Mr. St. Onge with Mr. Springer.
Mr. Evins of Tennessee with Mr. Don H. Clausen.
Mr. Donohue with Mr. Broomfield.
Mr. Philbin with Mr. Pirnie.
Mr. Miller of California with Mr. Laird.
Mr. King of California with Mr. Bob Wilson.
Mr. Nichols with Mr. Davis of Wisconsin.
Mr. Barrett with Mr. Saylor.
Mr. Cohelan with Mr. Rumsfeld.
Mr. Kluczynski with Mr. Brock.
Mr. Moss with Mrs. May.
Mr. Ronan with Mr. Harrison.
Mr. Multer with Mr. Mathias of Maryland.
Mr. St Germain with Mr. Harvey.
Mr. Murphy of New York with Mr. Morse of Massachusetts.
Mr. Carey with Mr. Byrnes of Wisconsin.
Mr. Tenzer with Mr. O'Konski.
Mr. Wolff with Mr. Halpern.
Mr. Feighan with Mr. Lukens.
Mr. Daddario with Mrs. Dwyer.
Mr. Dent with Mr. Bell.
Mr. Edwards of California with Mr. McClure.
Mr. Macdonald of Massachusetts with Mr. Morton.
Mr. Williams of Mississippi with Mr. Dickinson.
Mr. Charles H. Wilson with Mr. Teague of California.
Mr. Gallagher with Mr. Fino.
Mr. Blatnik with Mr. Del Clawson.
Mr. Bingham with Mr. Gubser.
Mr. Anderson of Tennessee with Mr. Anderson of Illinois.
Mr. Culver with Mr. Hansen of Idaho.
Mr. Ashley with Mr. Broyhill of Virginia.
Mr. Dorn with Mr. Watkins.
Mr. Morgan with Mr. McEwen.
Mr. Henderson with Mr. Jonas.
Mr. Abbitt with Mr. Arends.
Mr. Jones of Alabama with Mr. Kuykendall.
Mr. Leggett with Mr. Pollock.
Mr. Brademas with Mr. Kleppe.
Mr. Baring with Mr. King of New York.
Mr. Olsen with Mr. Ruppe.
Mr. Pucinski with Mr. Schadeberg.
Mr. Rivers with Mr. Thompson of Georgia.
Mr. Aspinall with Mr. Wyatt.
Mr. Tiernan with Mr. Nix.
Mr. Zablocki with Mr. Pepper.
Mr. Dow with Mr. Diggs.
Mr. Madden with Mr. Fisher.
Mr. Rees with Mr. Conyers.
Mr. Foley with Mr. McCarthy.
Mrs. Green of Oregon with Mr. Celler.
Mrs. Hansen of Washington with Mr. Thompson of New Jersey.
Mr. Hull with Mr. Willis.
Mr. Roybal with Mr. McMillan.
Mr. Hagan with Mr. Evans of Colorado.
Mr. Hanna with Mr. Flynt.
Mr. Fraser with Mr. O'Hara of Michigan.
Mr. Purcell with Mr. Resnick.
Mr. Rostenkowski with Mr. Holland.
Mr. Herlong with Mr. Corman.

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

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

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

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

Mr. JOHNSON of Pennsylvania changed his vote from "yea" to "nay."

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

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

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

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

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill S. 1601 to increase the appropriation authorization for continuing work in the Missouri River Basin by the Secretary of the Interior, a similar bill to the one the House just passed, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

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

Mr. HALL. Mr. Speaker, reserving the

right to object, it is my understanding that this bill was not to be considered because it involves an extra $1 million as passed by the other body. I understood we were going to move to strike all after the enacting clause and substitute the bill which we have just passed, H.R. 8775. I ask if that is the intention of the gentleman.

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

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

Mr. JOHNSON of California. That is my intention. I will move to strike all after the enacting clause.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1601

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of July 19, 1966 (80 Stat. 322), is hereby amended by changing "$60,000,000" to $69,000,000".

AMENDMENT OFFERED BY MR. JOHNSON OF CALIFORNIA

Mr. JOHNSON of California. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of California: Strike out all after the enacting clause of S. 1601 and insert the provisions of H.R. 8775, as passed, as follows:

H.R. 8775

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of July 19, 1966 (80 Stat. 322), is hereby amended by changing '$60,000,000' to '$68,000,000'.".

The amendment was agreed to.

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

A similar House bill (H.R. 8775) was laid on the table.

ROMNEY BRAINWASHES EASY

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

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

There was no objection.

Mr. BROOKS. Mr. Speaker, I would like to extend my deepest sympathy today to my Republican colleagues for the political passing of one of their would-be presidential candidates—Gov. George Romney, of Michigan.

It is not often that we get to witness the political suicide of a candidate before the campaign year has even begun. And yet it is obvious that Mr. Romney's astounding revolving-door statements on the Vietnam war have just about eliminated him as a serious presidential possibility.

I say this with a great deal of sadness, for I have tremendous sympathy for the plight of the Republican moderates as they seek to wrest control away from the Goldwaterites who dominate their party.

Mr. Romney may not be dead as a candidate, but it is all too clear that rigor mortis has set into his campaign.

Quite frankly, I do not think the American people are going to support a man who is so clearly unable to cope with the day-to-day pressures of political campaigning.

If he cannot handle himself with a crowd of newspaper reporters—as obviously he cannot—I do not see how he would be able to handle the really difficult challenges facing a President.

Governor Romney's statement that he was "brainwashed" by the generals in Vietnam gives rise to the question about who might be brainwashing him now.

I would hate to think that he would be so easily seduced by Premier Kosygin as he says he was by our own generals and by Henry Cabot Lodge.

This is not a question of whether a man is a dove or a hawk on Vietnam. There are sincere people on both sides. The relevant issue here is whether a man can cope with pressure.

The fact that others on the same trip to Vietnam with Mr. Romney—Republicans and Democrats—insist that they were not brainwashed simply illustrates how ludicrous the Governor's latest position is.

I would like to think that he is simply changing his positions all the time solely for political effect, hoping to grasp at favorable winds of public opinion as they shift.

But I am afraid his problems go deeper than that. He seems reluctant to face reality.

One day he is for a hard line in Vietnam, the next day he is against it. One day he is for open occupancy in housing, the next day he is against it.

Unfortunately, he seems to have a very changeable mind.

If nothing else, it is clear he is a man whose deep convictions are somewhat flexible.

I feel sorry for the man. A good long vacation might help.

It may be that the Republicans ought to start looking for another horse.

A TIME FOR LISTENING

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

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

There was no objection.

Mr. SIKES. Mr. Speaker, I think it would be well as we resume work today to take a hard look at the fact that Congress has been in session 8 months and yet much of the necessary work of the session is still to be done. We are at this moment confronted with the unhappy prospect of spending most of the remainder of the year in session, unless something can be done to expedite the work of Congress.

The House is not seriously at fault in that most of the essential bills have been sent to the Senate. Others, notably the remaining appropriations bills, will follow as soon as the authorization measures are completed. However, only a few of the major bills have cleared the Senate, and that means conference committee action can be another seriously delaying factor.

The House has given a good account of itself in most of the measures which have been passed. The social security bill is a good bill which the public will applaud. The crime bill and the foreign aid bill were improved by action taken on the floor of the House. Upon the advice of its Appropriations Committee, the House drastically reduced funds for model cities and abolished rent subsidies—both sound actions. A contest with the Senate on these items is in prospect. The House has sent to the Senate a much needed riot control bill, which should not be tampered with. On all these I hope the House will stand by its guns.

The House still must consider the antipoverty authorization, and presumably will be called upon to consider pay raise legislation, the air pollution bill, and the truth-in-lending bill. The big unanswered question is what will happen to the administration's tax bill. There is little disposition by either branch of the Congress to consider the measure, but presumably administration pressure will be continued until action of some kind is taken, at least in the House. It will be hard to sell when nondefense domestic spending is increasing faster than defense spending.

There is a requirement before Congress which is more important than any of the measures which are pending. It is the need for Congress to get acquainted with the feelings of the people back home. This cannot be accomplished effectively in the short recesses which Congress has taken. These actually do not bring many of the Members into close contact with their own districts. Short recesses permit a speechmaking swing through a district but not an opportunity to listen. Listening is what the average Congressman needs to do. Long sessions have the effect of keeping a Member at his desk in Washington where he is exposed to bureaucracy but not to the homefolks.

In the last election, the voters expressed very general disapproval of the workings of Congress and it will be recalled that the Members of Congress had spent very little time at home prior to that election. Congress is elected to represent the people, not bureaucracy. It would be well for the Congress to settle down to business, complete its task forthwith, and depart to the hustings, there to listen and to learn from the people we are elected to represent. As a result, the quality of our legislative product will be improved in the next session.

WAR IN VIETNAM AS VIEWED BY NOTED RABBI AND SECRETARY MACOMBER

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, by unanimous consent I am extending my remarks to include a sermon by Rabbi Hayim Goren Perelmuter, of Temple Isaiah Israel, of the district in Chicago I am honored to represent, and the comments thereon by the Honorable William B. Macomber, Jr., Assistant Secretary of State for Congressional Relations. Mr. Macomber is an alumnus of the University of Chicago and our former Ambassador to Jordan.

I am sure my colleagues and other readers of the CONGRESSIONAL RECORD will find keen interest in this discussion of the conflict in Vietnam by one of the Nation's outstanding rabbis and one of the lay executives of the State Department.

Rabbi Perelmuter's sermon follows:

THE VIETNAM WAR—A PERSONAL ASSESSMENT

There is always an uncomfortable feeling that runs through any congregation or any community, these last few years, when anyone rises to express himself about the war in Vietnam. A colleague of mine just a few weeks ago took steps to make his congregation sit up and take notice. I don't know whether they stood up and took notice or fell down in a state of shock when a few days before the sermon they received a Temple bulletin with a forthright and extreme statement against the war in Vietnam, bordered in black, announcing the outline of his forthcoming sermon.

The following Friday I am quite sure a sizzling congregation came to hear the sermon. Subsequent to that I met a past president of the congregation and asked him what happened that night. "Well," he replied, "the sermon wasn't as extreme as the editorial. All through the sermon I watched a man who came blazing with fury. And as the Rabbi preached I watched him and here's what I saw. Sometimes the man shook his head in vigorous disapproval. Then a few minutes later another vigorous shake of disapproval. Then a nod of agreement. Then a shake of disapproval, then another nod of approval. And when the sermon was over, he simply shrugged his shoulders in a sign of total bewilderment."

And I think that pretty much describes how very many Americans feel about the war in Vietnam. Bewildered, sick in the pit of their stomach, confused, ambivalent at how to approach it.

I say we are confused and concerned and there are some who say that it is really beyond our capacity to judge. We are caught in the maelstrom of a kind of destiny we can no longer control, and we have no choice but to trust and take the word of those at the helm.

Now, I don't know whether this is so or not. And perhaps I don't know all the answers. But I do know how I feel. And I have for some months now felt a very deep compulsion to express how I feel, knowing full well that it may not necessarily reflect the point of view of many in our midst. Certainly I do not speak for the congregation, I speak for myself. I have some very clearly felt attitudes and feelings, and would like to share them with you for what they are worth. I don't think that this will necessarily solve anything. What I have to say may not make you feel any better. I am not sure it will make me feel any better, but I must say it.

I think we are in a wrong war, wrong for our long-range national self-interest, and wrong for our moral stature. I think if Americans were wise they would study the history of the British and French and Belgian empires, particularly in relationship to colonial wars.

If Americans were wise, and guided not merely by a sense of face or of pride, or even a sense of power, they would study British history in relation to her colonial wars in Palestine and in India. They would study French history in relation to her colonial wars in Indo-China and in Algeria.

And if we were wise enough to study these wars, we would learn that in approaching colonial wars where we are dealing not with ideology but with nationalism and an outpouring of the effort to express a national identity, all the military fire power that is brought to bear upon it is of virtually no avail, and in the end nothing that the power can do will prevent the national identity from asserting itself.

We have been told over the last three or four years that the purpose of the escalation of our military power in Vietnam was to prevent the infiltration. And strangely enough the more we have escalated, the more the other side has infiltrated. And the more we have escalated, the more the casualties have been. The escalation has not done at any given point that it was announced and applied what we were told it would do.

There were perhaps nine hundred North Vietnamese soldiers in South Vietnam some two or three years ago when we began escalation. And today there are ninety thousand, and no matter how much fire power we bring to bear in the jungle, in the Delta to the North even more fire power is bought to bear, I don't think we really understand and are informed about the national aspirations of the Indo-Chinese people who for centuries have known colonial occupation.

In the Middle Ages it came from China, in the late nineteenth century down to Dien Bien Phu in 1954 from the French, and during World War II from the Japanese. Nor have we been fully informed how this tortured country has tried to find an expression of its national existence, and how the French devised the technique of divide and rule, and divided the country into two in the conflict. Nor do we fully understand that there is one people desperately trying to find its identity, and that currently there is a struggle for power between two segments of North Vietnamese people, one represented by Ho Chi Min and the other by General Ky. They are both northerners, and they are both engaged in the struggle for power with the intervening Western powers.

The Communist world is no longer a unified force working together any more than the Western Alliance is a unified force working together. In both instances the forces of nationalism have been pulling them apart. And the concept that American interests will be best served by resisting Communism everywhere in the world will I think turn out to be an illusion. We are going to find ourselves allied economically, politically or even militarily with some Communist powers in a combination of power structure, while other non-Communist powers that do not see eye-to-eye with us will be in alliance with other Communist powers. And some Communist powers will find themselves pitted against other Communist powers.

I am of the opinion that the policies of containment of the late fifties should be reexamined in the light of the realities of our world today. Perhaps our national self-interest is not being best served by outmoded policies. Maybe even if no one else in the world will do it, we must close the gap between morality and politics.

We are told we don't know what the President knows, and therefore how can we presume to make decisions. I think this is one of the greatest abdications of the right to think in a democracy. We are a democracy and although we do give much power to our Chief Executive, this does not mean that we do not have the right to examine and evaluate policies and where they lead.

In other kinds of democracies when there is a rejection of a foreign policy, a government fails and a new government takes over. With us the struggle for the minds of men, the debates about foreign policy, take place with elements from both parties participating. I must confess that I am inclined to be more sympathetic to the point of view of Senator Fulbright, George Kennan, Ambassador Reichhauer and General Gavin. There is nothing in what I have read, and there is nothing that has been said that leads me to think their views should not deserve the most careful consideration.

I am very much concerned about our preoccupation with fear of international Communism. This kind of a concern can be self-hypnotic, and for us as Americans can become as much of a bugaboo as the Protocols of the Elders of Zion were for the Nazis, lehavdil. I think we can be so bedeviled by slogans that we can lose sight of what our real self-interest is.

I am very deeply and gravely concerned about what the war is doing to us. I cannot reconcile myself to the daily game of numbers when Chet Huntley or any other news commentator will state that in operation Junction City we sustained 250 casualties but we killed 2,000 of the enemy. And somehow or other in this whole basic frustration I sense the developing of a national frustration that says in effect: "If we can't solve our inner domestic social problems, let's take it out on them!"

I don't like how the war is brutalizing us. I don't like how the war is preventing us from dealing with very serious domestic social, economic problems which may ultimately create infinitely greater difficulties and problems in our own back yard than all the punitive threats of Ho Chi Min and Red China eight and nine thousand miles away.

I am concerned with how we are beginning to use our power. We have emerged as the greatest power in the world. The whole international structure which used to depend on a balance of power is so out of balance now, our American productive capacity, our military strength is so enormous that almost the rest of the world doesn't quite balance it. We have so much power and I am concerned that we will lose a sense of the responsibility of the use of that power.

Lord Acton once said that power corrupts, and absolute power corrupts absolutely. I am afraid of what power is doing to us. We have so much power that we do not need to be concerned about face. We could therefore take a posture of patience and forbearance, and could lead the way to peace not through retreat or evacuation, but through a kind of forbearance which has not been sufficiently forthcoming up to this point.

The question is raised shall we let our troops down. Of course, not. Shall we stand by our country? Of course. But I cannot quite accept the argument of those who say we've got to do this because we can't let our troops down, after having put the troops there in order to be compelled to do such things to defend them! For me this question still awaits an answer.

I began by saying that I don't know the answers, but what I am trying to do is to express a feeling of unease in conscience which troubles me deeply as an American because I love my country, I love that for which it stands.

I am concerned at the fact that much too often in this generation we are finding ourselves necessarily allied with forces which are backward, which are reactionary in terms of their economic approach, and that we find ourselves allied with a combination of feudal landowners and usurious moneylenders in South Vietnam as we do in many Latin American countries.

I would wish that we who once fought a

great revolution to establish our freedom could understand the anguish and the birth pangs of nations trying to find their freedom.

I could not help but think of this as I read the story of that American oil tanker that ran aground at the southern tip of England and began spilling its oil that has been threatening to ruin the beaches and destroy a vast number of birds.

And you may have read (and this is one kind of bombing that I approve of) that the British Air Force bombed this boat so that they could set its oil afire in order not to pollute the ocean surface any further.

Apparently the government hesitated because there was an insurance problem and they wanted to wait and see whether perhaps the boat could be salvaged, and this factor delayed the decision to bomb the boat. That decision was finally made.

One of the many volunteers who were catching the oil-covered birds and bringing them to shelter, spoke bitterly of the government's long indecision about setting fire to the crippled tanker. Looking at the birds he said: "For six million lousy pounds they let these birds die."

I think this may well be the story of our society, the story of our civilization. Too many nations, too many people are putting the one ahead of the other, and many birds—and in place of "birds" read "people"—many humble people in many parts of the world, are suffering.

And this is why I am so deeply concerned, why I express this concern in the hope that we, with our overwhelming power, will have the capacity to show the way in forbearance that may open the door to peace.

DEPARTMENT OF STATE,
Washington, D.C.

Hon. BARRATT O'HARA,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN O'HARA: Thank you for giving us the opportunity to comment on the sermon by Rabbi Hayim Goren Perelmuter which expresses his personnel views on the Viet-Nam conflict. We appreciate Rabbi Perelmuter's concern about the conflict and his sincere effort to express his thoughts on our involvement.

There is no doubt that our vital interests are deeply involved in Viet-Nam and in Southeast Asia. We are involved because the nation's word has been given that we would be involved. On February 1, 1955, by a vote of 82 to 1, the United States Senate passed the Southeast Asia Collective Defense Treaty. That Treaty stated that aggression by means of armed attack as defined in the treaty would endanger our own peace and safety and, in that event, "We would act to meet the common danger." There is no question that an expanding armed attack by North Viet-Nam on South Viet-Nam has been under way in recent years; and six nations, with vital interests in the peace and security of the region have joined South Viet-Nam in defense against the armed attack.

In short, we are involved in Viet-Nam because we know from painful experience that the minimum condition for order is that aggression must not be permitted to succeed. For when it does succeed, the consequences is not peace, it is the further expansion of aggression.

To further detail our commitment to Viet-Nam in terms of our over-all Asia policy, I am enclosing a copy of a recent speech by Assistant Secretary for East Asian and Pacific Affairs, William P. Bundy.

One of the underlying elements in Rabbi Perelmuter's analysis of the conflict is his assumption that this is primarily a civil war. While there are certainly dissident South Vietnamese elements in the Viet-Cong and the so-called "National Liberation Front", the main course of the war is directed from Hanoi. To give fuller treatment to this problem, I am enclosing some Department publications which explain the origins of these organizations and their development in South Viet-Nam. I have also enclosed some copies of captured Viet Cong documents which discuss Viet Cong aims in the South and emphasize Hanoi's control over their actions.

The 1954 Geneva Accords established both South and North Viet-Nam as international entities with independent international status. The Accords temporarily divided Viet-Nam into two zones, each to be administered by its respective authorities until the unification of the country. Foreign nations have recognized this separate and distinct status by establishing diplomatic relations with Saigon or Hanoi or both.

The provisional military demarcation line drawn by the Accords, although not a political or territorial boundary, is an international frontier that under international law must be respected. To this extent the division of Viet-Nam is similar to that of Germany or Korea. It is self-evident that if a state is divided by an internationally recognized demarcation line, the two parts of that state must refrain from attacks or hostile acts against each other. Thus, an attack by North Korea on South Korea or by East Germany on West Germany would be illegal. Such actions are no less "aggression" or "armed attack" than an attack by one state against another.

We agree with Rabbi Perelmuter's analysis that the communist world is no longer monolithic and that nationalism has been in part responsible for what has been called "polycentrism". The problem that we face, however, is one which hinges more directly on ideological matters, i.e., the doctrine of "wars of national liberation". This problem is discussed in Assistant Secretary Bundy's speech which was mentioned earlier and in the enclosed policy statement "United States Policy and International Communism".

Rabbi Perelmuter's assertion that the views of prominent Americans such as Senator Fulbright, General Gavin, and former-Ambassadors Kennan and Reischauer should be given careful consideration is one that cannot be disputed. We have examined and are continually re-examining our policy in Viet-Nam in light of suggestions and proposals made by many distinguished statesmen. Our firm commitment to a just and peaceful settlement in Viet-Nam where the people of South Viet-Nam have the opportunity to freely determine their own future does not mean that the way we will strive to achieve this goal is not open to change and modification. We have tried to remain responsive to the situation whether in terms of increased aggression by the other side or supporting and initiating efforts to achieve a negotiated settlement.

The concern expressed for those who are injured or killed in Viet-Nam is one that is shared by all Americans. We have long been associated with an ever-expanding program of medical assistance to aid and assist injured civilians and to help overcome the problems of poverty, hunger, and disease. Our continued commitment in Viet-Nam does not prevent us from meeting these same challenges in our own country. President Johnson emphasized this point on May 8 in speaking to participants in the Conference of Women in the War on Poverty. The President noted his request for an additional $3.6 billion for fiscal 1968 for these programs and the fact that this would mean an increase of 2½ times what was being spent in 1960.

Rabbi Perelmuter has also raised the important question of land reform. Both the Vietnamese and United States Governments have long been aware of the crucial role that land reform can play. The land tenure situation in Viet-Nam is characterized by confusion. Contrary to popular misconception, Viet-Nam's rice lands are not in the hands of a few landlords who would offer an easy target for criticism and Government action. A series of Government ordinances dating back to 1956 have attempted to cope with the problem of defining land ownership and providing land for those who had not previously owned any of their own. There are, for example, restrictions on the size of landholdings, ceilings on the amount of rental fee that can be charged to a tenant, and encouraging the signing of contracts between the tenant and the owner. The major problem of enforcement of these ordinances has been the insecurity of the war. Much of the land has been abandoned by movement to the cities and squatters may have moved on it. Many land records have been destroyed or lost during the conflict. However, this is not to suggest that the Vietnamese Government has ignored the farmer because of the problems of the war. The recently adopted Constitution specifically commits the Government to help the farmer get his own land to farm. The program of itself must be a step-by-step process and is treated in more detail in the enclosed paper put out by the Agency for International Development.

I am also enclosing some additional statements which deal with political developments in South Viet-Nam in the belief that Rabbi Perelmuter will find them of interest.

Sincerely yours,

WILLIAM B. MACOMBER, JR.,
Assistant Secretary for Congressional Relations.

JUNK MAILERS AND REPUBLICANS?

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

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

There was no objection.

Mr. HECHLER of West Virginia. Mr. Speaker, I was very interested in seeing a copy of a bulletin of the Associated Third-Class Mail Users dated August 24, 1967, in which President Harry J. Maginnis advises the election of a Republican President and a Republican House of Representatives.

Mr. Speaker, I cannot believe that the implications to be drawn from Mr. Maginnis' advice are fair. There are a large number of Members from the other side of the aisle who have publicly indicated their support for raising third-class mail rates so that this class of mail will pay its way. I do not believe it is fair to link the Republican Party with those who are supporting ridiculously low rates on third-class mail.

Furthermore, Mr. Maginnis also states in this bulletin:

> A highly placed postal official informed me that the President had made a deal with the press to scuttle direct mail advertising in return for lower rates and favorable editorials on his domestic and foreign policies.

I challenge Mr. Maginnis to supply the name of the postal official who allegedly made such a statement, and I challenge him further to submit proof of such a fantastic charge.

Mr. Maginnis contends that the only people concerned about the clutter of this mail are the newspapers who are afraid of competition. Mr. Speaker, I submit that the American people are concerned with the fact that their taxes are

being used to subsidize third-class mail, at a time when they are threatened with both a tax increase and higher rates on first-class mail and airmail.

Under unanimous consent, I include the text of the August 24 bulletin issued by Harry J. Maginnis, president of the Associated Third-Class Mail Users:

ET TU BRUTE

(By Harry J. McGinnis, president)

As you will have observed in the press, the House Post Office Committee did the bidding of the Wall Street Journal, The Scripps-Howard newspapers and other publications and voted to price third-class mail out of the postal service. All efforts to phase the minimum piece and pound rates over a three-year period failed. Yesterday the *26-man* Committee voted by 15 to 10 to make the minimum piece rate 3.8 cents, with the circular and catalogue pounds rates advancing 4 cents. The non-profits will have to pay one-half of those rates. Their minimum will advance from 1¼ cents to 1.9 cents.

Members all over the country were contacted to plead with Committee members to reconsider the vote at today's session and to pass the Corbett substitute proposal that would have advanced the minimum and pound rates in three annual stages. The newspapers had succeeded on the day prior in limiting their share of the load to there 7% annual hikes. Moreover, the Committee returned to the original Administration proposal which increases the minimum piece rate on newspapers from ⅛th of a cent to one-fifth of a cent.

In essence, the Committee has voted to increase third-class revenues by $224-million annually ($35-million more than LBJ asked for) and has kept the *total* second-class increase down to $34-million.

A highly placed postal official informed me that the President had made a deal with the press to scuttle direct mail advertising in return for lower rates and favorable editorials on his domestic and foreign policies. The Wall Street Journal will be one of the principal beneficiaries of the low second-class rates voted by the Committee.

The author of the 3.8 cents single step third-class rate was no other than Congressman Arnold Olsen of Montana, All efforts to persuade him to support Congressman Corbett's three-step proposal failed. Olsen was the key to reconsideration. Another highly placed postal official told me that the President had sent word to Olsen that he had informed the Cabinet of Olsen's 3.8 cents efforts to get additional revenues for the faltering Administration and sent congratulations.

Going back to PMG Donaldson's time every succeeding Postmaster General has made clear his desire to get rid of third-class mail. In a recent letter to Chairman Dulski (copy enclosed) the Department admitted that if Hechler's 4½ cents rate is approved, the postal establishment will be able to handle the volume of unsorted mail converted from bulk third to first-class.

In view of the Administration's announced intentions to scuttle the direct mail medium at the insistence of the press, it new seems highly unlikely that any power on earth can prevent the Hechler 4½¢ amendment from being adopted on the House floor when the rate bill is being considered.

A copy of Mr. Hechler's latest letter to 434 colleagues will provide you with the full flavor of what he is up to and just how he plans to demagogue the 4½¢ rate through the House.

In the end third-class mail had only nine men on the Full Committee who were willing to provide us with a teaspoonful of fair treatment. They were:

Thaddeus J. Dulski, (D) N.Y.
Joe R. Pool, (D) Tex.
Charles H. Wilson, (D) Calif.
Robert J. Corbett, (R) Pa.
H. R. Gross, (R) Iowa.
Glenn Cunningham, (R) Nebr.
Edward J. Derwinski, (R) Ill.
Albert W. Johnson, (R) Pa.
Daniel E. Button, (R) N.Y.

The remaining Members of the Committee are:

Arnold Olsen, (D) Mont.
Morris K. Udall, (D) Ariz.
Dominick V. Daniels, (D) N.J.
William J. Green, (D) Pa.
James M. Hanley, (D) NY.
Jerome R. Waldie, (D) Calif.
Richard C. White, (D) Tex.
Lee H. Hamilton, (D) Ind.
Frank J. Brasco, (D) N.Y.
David N. Henderson, (D) N.C.
Robert N. C. Nix, Pa.
William D. Ford, (D) Mich.
James T. Broyhill, (R) N.C.
William L. Scott, (R) Va.
Philip E. Ruppe, (R) Mich.
James A. McClure, (R) Idaho.
Fletcher Thompson, (R) Ga.

You can draw your own conclusions.

SOME OTHER CHANGES

The 85%-of-the-regular-third-class-rate voted for shopping guides was deleted today, as was the proposal that third-class mail which advertises books should enjoy a lower rate. The Committee did abandon the Administration bill when it voted to make the single-piece rate 6¢ for the first two ounces. The original bill had suggested a 5¢ rate. There are no tears being shed at 12th and Pennsylvania Avenue at this development.

The Udall sixteen-point amendment writing into the statute book the regulatory restrictions on third-class mail (see bulletin No. 12–67) was also deleted this morning.

As previously reported, Mr. O'Brien regards the Committee as subservient puppets and intends to get his bill through the House and Senate with little more than a comma or period being changed. If the bill—which violates every principle of the Postal Policy Act—does become law—only one chance remains of permanent damage being averted: the election of a Republican President and a Republican House of Representatives.

THE U.S. SENATE

We can only win there if all components of this vast industry finally bestir themselves and make their views known in no uncertain terms. The need for page after page of newspaper advertising informing the public of the press's great steal will have to be carried in every city in the land. That will cost you and your confreres in this business a great deal of money. We will create the ads here and publish as many as our limited funds allow.

It should be apparent to all that we lack political muscle. It becomes incumbent upon you to get categorical assurances from every candidate running for public office that they will cast their votes on postal issues on the basis of facts and not the hogwash of the press.

We have been done in. We must now begin to fight seriously.

AGED WORKERS SETTING PRODUCTION RECORDS

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

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

There was no objection.

Mr. GIBBONS. Mr. Speaker, an article in the July edition of Florida Trend magazine tells a unique story of aged workers setting production records in the Clearwater, Fla., plant of Television Manufacturers of America.

The company's policy of no age discrimination is a bold experiment and worthy of consideration in industries throughout America. In Clearwater, TMA has found that their elderly employees are highly dependable and that personality and workmanship problems are virtually nonexistent. The results of their "no age" policy far exceeded their expectations.

Mr. Speaker, the large number of older Americans represent our most neglected national asset. We need to make better use of their talents and experience. Many of these people are willing to work even if it means losing their Government benefits.

The Clearwater experiment demonstrates an effective way to make life more meaningful for senior citizens. I commend the article describing the project to every Member of Congress. I hope all Members will join in working to develop new approaches to help the elderly help themselves.

The article follows:

AGED WORKERS SET PRODUCTION MARKS

Ever hear of a factory where the older you are the better your chances of getting a job?

There is such a factory in Florida and its policy is no age discrimination has proved so successful that personality and workmanship problems are virtually non-existent.

The average age of workers at the Clearwater plant of Television Manufacturers of America Co. Inc. is 50, and men and women as old as 74 work on the assembly line.

The foreman is the youngest person on the payroll. Rubin Landazuri, a native of Quito, Ecuador, is 24—a half-century younger than the oldest worker under him.

How has it worked out?

"The results have far exceeded our expectations," said Norman Stein, 59, plant manager. "We don't need a personnel manager as a sounding board and middleman for grievances, because there aren't any."

Landazuri concurs.

"People over 50 are simply more conscientious—and take more pride in their work," he said. "Younger people tend to 'know it all,' to talk back and resist when you try to tell them how a job should be done."

A 74-YEAR-OLD EXPERT

Oldest person on the payroll is Minnie Hurt, 74. She operates a machine that punches eyelets in printed circuit boards. A great grandmother, she turns out 1,100 boards on her four and one-half hour shift and often gets ahead of other women on the production line.

Working conditions at the plant were set up with the needs of older people in mind. Hours and conditions are flexible and each person works at his own pace.

Originally, a work schedule of four and one-half hours a day was planned so employees drawing Social Security wouldn't forfeit their benefits by earning too much in a given year.

To the company's surprise, many employees wanted more work—even at the expense of losing their government benefits.

"No one here wants to exist on memories and a government check," Stein said. "They want to live in the present and continue to amount to something in the eyes of their families, friends and themselves."

The Clearwater plant of Television Manufacturers of America Co. is the Electronic Components Division. Stock of the parent

company is traded on the American Stock Exchange, where it recently sold for 6½. TMA earned 20 cents a share in the latest reported six-month period compared with 37 cents a share in the prior six months.

ANTIPOVERTY WORKERS PLAY KEY ROLES IN RESTORING LAW AND ORDER

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

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

There was no objection.

Mr. GIBBONS. Mr. Speaker, during civil disturbances in several of our cities this summer many antipoverty workers played key roles in restoring law and order. Even though the record reveals that only an infinitesimal number of local antipoverty employees were guilty of any wrongdoing, rumors persist that these people caused many of the disturbances. I think there is an urgent need to set the record straight.

Mr. Speaker, Mr. William Selover has written a comprehensive report of the role of antipoverty workers in a number of our cities. The article appeared in the Christian Science Monitor on August 21, 1967. In order that all Members may have an opportunity to read this important article, under unanimous consent, I include it at this point in the RECORD.

OEO COOLS RIOT CITIES, PROBE HINTS

(By William C. Selover)

WASHINGTON.—The Office of Economic Opportunity has been under siege for weeks.

Ever since rioting first erupted, the antipoverty agency, in the words of one top official, has been "trying to put out fires."

At the same time, the OEO has been the target of repeated accusations.

Most frequent was the charge that antipoverty workers were involved in the burning and looting.

The agency's public-relations men immediately issued denials. But they winced with each new outbreak, not knowing for sure what might happen next. And they couldn't be completely certain that in the 28 cities where riots occurred, there might not be some (or even quite a few) of their antipoverty workers involved. In those cities alone, they knew there are over 12,000 employees being paid by the OEO.

INVESTIGATIONS URGED

The OEO's director, R. Sargent Shriver, had to know the facts quickly.

Sen. John L. McClellan (D) of Arkansas was convinced that the charges were true. So were other lawmakers. Many called for full-scale investigations.

However, on the basis of early soundings, Mr. Shriver reported to the House Committee on Education and Labor that the charges were groundless.

"In Detroit alone," he said, "3,783 persons were arrested. There are 1,547 paid antipoverty workers in that city but not a single one is under arrest."

He also pointed out, that of the nearly 500 OEO offices in these cities, "not a single one was burned. Not a single one was looted.

"Why? Because . . . these facilities were among the few places where they [the Negroes] could find refuge and aid."

DETAILS SOUGHT

And out of the some 6,700 arrested in the 28 cities, the OEO pointed out, only seven were paid poverty workers.

Mr. Shriver has called on his chief of inspections, former newspaperman Ed May, to dig out the facts. Mr. May sent investigators out to make reports. He needed the facts for his boss.

Other top Shriver aides in charge of program planning, needed to know as well—to guide them in modifying programs that may have gone wrong.

The reports, made available to this newspaper, tell the good and the bad. They point to occasional indiscretion and poor judgment on the part of antipoverty workers in a few cities.

For example, in Dayton, Ohio, OEO investigators reported that the director of one OEO-funded program had his picture taken with H. (Rap) Brown at the airport and introduced him at a meeting afterward. The disturbance started after this meeting. OEO inspectors felt this was bad judgment, but they found "no evidence of wrongdoing . . . just a lack of tact and common sense."

And in Rochester, N.Y., inspectors found that some antipoverty officials had "verbally attacked city officials" at a meeting called supposedly to quell tension. The effect was the opposite.

And in many cities poverty workers have appeared as witnesses against the police.

But the major, untold story of the riots is quite different and deeply impressive. It is a story of a constructive response to emergencies by antipoverty workers in community after community.

In report after report, instance after instance of the courageous role played by these people in the midst of racial chaos remains a singularly bright light in an otherwise dismal picture.

INCIDENTS LISTED

Here are some examples from the investigator's reports:

Detroit: "Neighborhood workers and community organizers circulated through the riot areas, ascertaining what help was needed with regard to shelter, food, and clothing."

"Some 30 Neighborhood Youth Corps youths, serving as police cadets, worked around the clock, in 12-hour shifts at police precincts, manning in-put telephone switchboards, handling all calls requesting general information."

Tampa, Fla.: Two neighborhood antipoverty centers served as headquarters for a group of young Negroes "assigned to go into the riot area to talk with teen-agers," to cool them off.

Minneapolis: Some 15 employees of an OEO program "went out on the streets in an attempt to calm rebellious teen-agers. . . . And the Minneapolis Tribune reported that one antipoverty center "has been acknowledged by police as a key factor in limiting the violence."

Toledo, Ohio: 25 poverty workers here "maintained the only communication with teen-age rioters . . ." The poverty workers called most of the youths to a meeting to air their grievances and all-night telephone grievance service was started "for ghetto residents with gripes."

CROWD INTERCEPTED

Grand Rapids, Mich.: The local antipoverty agency "placed on the street a task force of street workers who sought to help the police prevent looting." The Grand Rapids press praised their work calling them "a group of young Negroes bent on trying to keep Grand Rapids cool."

Plainfield, N.J.: "Before and during the riot, 10 of 12 staff members were on the street, trying to calm the people."

Pontiac, Mich.: "Some 20 neighborhood organizers were utilized to talk to the wayward youth in their areas in attempts to cool things down. . . ."

Saginaw, Mich.: Antipoverty officials were credited with preventing violence July 25, when they intercepted a crowd marching on City Hall. They convinced the crowd that their grievances could be presented to the Mayor by two spokesmen.

Des Moines: This city has a "night patrol" set up by the antipoverty program "to keep things cool." The 30 youths in the patrol go to a disturbance "to encourage people on the streets to go to their homes and stay there."

CADETS PRAISED

Atlanta: During a disturbance in the Dixie Hills section of this city, the antipoverty office was the only facility in the area open. It served as a meeting place for city and state officials with local residents.

Youngstown, Ohio: The Youngstown Vindicator, praising the efforts of the 26 OEO-funded police cadets said: "They calm down a hothead spoiling for a fight or mingle in a crowd urging excited youngsters to go home."

Waterbury, Conn.: The local Community Action Program (CAP) agency "acted as a communications link between the radical elements in the Negro neighborhoods and the white power structure of the city. . . ."

The inspector's reports admitted that in some cities the local antipoverty programs played little or no role. In Boston's Roxbury section, they reported, "ABCD apparently did not play much of a role in the Roxbury riots, either positively or negatively." And they reported that the Cairo, Ill., CAP "did very little during the trouble."

Similarly, CAPs played little or no part one way or another, in Lansing, Mich., Waterloo, Iowa, or in Cambridge, Md.

CENTERS CRITICIZED

And the Rochester CAP program came in for some criticism: "The CAP neighborhood centers have not reached the teenagers. In fact, two of the centers don't have a youth worker and the other just recently hired one, even though the money has been appropriated over a year."

Many of these 28 cities have now redoubled their efforts to set up peace-keeping machinery—and the experience with the use of antipoverty workers has encouraged increased reliance on them.

Probably even more significant is the effort being made by antipoverty workers to keep calm the cities where no rioting occurred.

OEO inspectors investigated the considerable role OEO-funded agencies are playing in cooling eleven other nonriot cities, including these: Elizabeth, N.J., Baton Rouge, La., Oklahoma City, St. Louis, New York, Lowell, Mass., Trenton, N.J., Philadelphia, Charlotte, N.C., Columbus, Ohio, and Dallas.

QUESTIONS REMAIN

While the specific "cool-off" roles of the antipoverty agencies in these cities were spelled out in detail in the reports, in general, it can be said that the primary emphasis of these efforts is to keep avenues of communication open between the Negroes and the city officials.

"Community Action agencies often offer the only communications link between the ghetto and the power structure that is able to function in times of crisis," the investigators concluded.

While all the questions of the involvement of poverty workers in the rioting is by no means settled by the OEO inspection reports, and congressional investigators are still looking into the charges, one thing is certain:

Antipoverty agencies often have served as a vital "hot line" to the Negro community deep in the throes of a struggle for economic and social advantages enjoyed by the other 90 percent of this country's population.

The effect of such communication in quelling riots is difficult to estimate.

But, in the words of Providence Mayor Joseph A. Doorley Jr., talking to a group of volunteer OEO workers: "As far as I'm con-

cerned, there is no telling how bad this might have been if it hadn't been for you guys."

THE MOB: PART II

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

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

There was no objection.

Mr. HALL. Mr. Speaker, some 2 weeks ago I inserted into the RECORD the first installment of a series of articles appearing in Life magazine exposing the operation of organized crime. Last week Life continued this series on "The Mob" and supplemented it with an editorial calling for congressional action in authorizing electronic surveillance in dealing with organized crime.

Life magazine is performing a great public service through its series of articles and posing a challenge to Congress and to Attorney General Ramsey Clark, in particular.

Mr. Speaker, I insert the September 8, 1967, article from Life and the editorial contained within the same issue in the RECORD.

THE MOB: PART II

The most shocking truth about organized crime in America is that all of us, one way or another, one time or another, pay tribute to the Mob. Out of ignorance, greed, easy tolerance or fear we help it grow fat with our money—whenever we deal with the Mob's businesses, its agents or those beholden to it: when a housewife buys the product of a Mob-controlled company; when a teen-ager feeds a Syndicate-owned jukebox; when a businessman negotiates a quick loan with a Mob usurer; when a slum dweller plunks down 50 cents and hopes his lucky number will come up.

Last week LIFE described the Mob's intricate structure, its terror tactics and how it neutralizes politicians and policemen with the Fix. This week's subject is the Mob's economic muscle—often veiled by a surface legitimacy and respectability: where it comes from and how it grows. One place it comes from is illegal sports betting, a weakness shared by millions of American males and a business thoroughly dominated by the Mob. Another, growing source of economic strength is "legitimate" business investment, a field in which Carlos Marcello, the five-foot-two Mr. Big of Louisiana, is a peerless exemplar. The Mob's other money-gathering techniques, ranging from "skimming" cash at legal gambling casinos to selling munitions to foreign governments, are chronicled in the article beginning on page 98.

There was a time when you could spot a leading gangster by the hard-eyed bodyguards on either side of him. Not today. Instead of bodyguards, the men on either side are apt to be an accountant and a lawyer. The change in image signals a change in style. The direct, bullying, pay-up-or-else method of extortion has given way, except for anachronistic exceptions, to such tactics as juggling (or stealing) stock shares and acquiring memberships on corporate directorates. The Mob has shined its boots and planted them in the marketplace. "Sophistication," it's called—the Mob has become sophisticated. But it is important to remember that the boots are still caked with filth, the or-else factor is still present. For all their transparent dignity, the men who run La Cosa Nostra are still murderers and thieves. For all its superficial polish, their operating procedure still depends on violence and corruption.

The full extent of Mob involvement in legitimate business is known only to the mobsters themselves. It is at least possible that it is their major source of revenue. What is certain is that the infiltration of respectable enterprises has not decreased their sway over the less reputable variety. The Mob may venture into new and stimulating realms, but it also stays with what it knows.

More than from any other source, far more than from dope, prostitution and loansharking combined, the Mob thrives by exploiting the almost universal human urge to gamble. Each year it handles $20 billion in illegal bets, of which it keeps $7 billion profit. At least half of this is the rakeoff from betting on sports events.

Every day in every city, by telephone and in person at outlaw betting centers like the roadside market at right, thousands of sports fans lay in wagers on the outcome of football, basketball and baseball games, horse races and boxing matches. On every bet made, be it $1 or $10,000, the Mob collects a cut of the action, called vigorish—usually 10%.

But the appetite of the Mob is boundless. Its involvement in sports has led to widespread attempts to corrupt—or at least to "use"—individual athletes and coaches of high reputation. To the extent that such corruption succeeds, it threatens the fabric of spectator sport in the U.S., which depends for its existence on public confidence in the honesty of the game.

Inside information is the lifeblood of the bookie handicappers who run sports betting—a nationwide syndicate of big and small-time operators who are protected, partly staffed and almost totally controlled by Cosa Nostra. They need specific up-to-the-minute reports on the physical and mental condition of the teams involved—the kind of information that goes deeper than that on the sports page. They use it to set the betting line—the odds or the number of points by which one team figures to beat another. And, if they can get even more solid indications of the outcome of a sports contest—by fixing it—all the better.

Accuracy in the assessment of a contest can pay princely dividends and mobsters are skilled at prying the information they need from the sources: the college and professional coaches and players themselves. They ingratiate themselves as friends and fellow sportsmen, doers of favors and, above all, good listeners. The success of their operation depends largely on how well the mobsters are able to build and maintain these pipelines to coaches and players who, either innocently or for their own advantage, feed them information.

The biggest of the bookie-handicappers—at least until his recent gambling conviction—is one Gilbert Beckley of Miami. When the FBI nabbed Beckley on Jan. 8, 1966, his records showed that on that day alone he handled $250,000 in bets and turned a profit of $129,000.

Top bookies are known among themselves by numbers—just like players on the gridiron. Beckley uses No. 1 or 111; Frank Rosenthal of Miami, 3; Eugene Nolan of Baton Rouge, La., 98. This allows for quick, nameless communication and also refers to the page number in the books in which the gamblers record business dealings among themselves.

In Beckley's black book police last year found next to a phone number the word "Skiball," the nickname for Francesco Scibelli. Scibelli, a member of the Genovese Family of Cosa Nostra, runs a gambling syndicate in Springfield, Mass. Scribbled next to "Skiball" was the name of Bob Cousy, one of the half-dozen greatest players in basketball history. Before his retirement in 1963, Cousy helped the professional Boston Celtics to six world championships. Since then he has been a successful head coach at Boston College.

Questioned by LIFE, Cousy denied knowing Beckley but admitted that Scibelli was a friend whom he had met through an even closer friend, Andrew Pradella. Pradella, it turned out, is Scibelli's partner in bookmaking. Because they always have such excellent information, the Scibelli-Pradella ring is known as the "Scholar Group."

Cousy admitted he knew the two were gamblers and that he often talked to them about both pro and college basketball teams and their chances of winning. "I'd be having dinner with Pradella when Scibelli would come over," said Cousy. "They got together each night to balance the books or something."

Did Cousy realize his friends were using what he told them to fix betting lines and to make smart bets of their own?

"No," said Cousy. "I thought they figured the betting line with mathematics. But it doesn't surprise me. I'm pretty cynical. I think most people who approach me want to use me in some way."

Cousy conceded he had been warned about his associates by Boston police as long ago as 1963. But he refused to end the relationship, even after an experience that shook him up a bit. Pradella, he said, invited him to a banquet in Hartford that turned out to be a gangster conclave. "Police were watching the place," said Cousy, "and the whole Mob was there."

Cousy still defends his actions. "In this hypocritical world we live in," he said, "I don't see why I should stop seeing my friends just because they are gamblers. How can I tell Andy when he calls and asks about a team that I won't talk to him about that?"

The arrest of Beckley also led to the disclosure that as recently as last season he had been secretly feeding information about suspected fixing of pro football games and betting by players to the office of pro football commissioner Pete Rozelle. In return, Rozelle's chief investigator, William G. Hundley (a former head of the Justice Department's Organized Crime Division), wrote a letter to the U.S. Probation Office seeking lenience for Beckley on grounds that he had "cooperated" with the league on "certain matters."

The "certain matters" presumably included investigation of the relationship between a star American Football League quarterback and two bookies, Carmello Coco and Philip Cali. The inquiries were stepped up after the player's teammates were overheard in the locker room angrily accusing him of "throwing" the game they had just lost. But no public accusation has yet been made.

Another potentially explosive situation involves the strange affinity that several members of the Boston Patriots pro football team have for a ramshackle roadside store in suburban Revere, Mass., named Arthur's Farm. Behind its shabbily humdrum front, Arthur's Farm turns out to be a beehive of Mob activities. It does a fast business in sports betting and the exchange of stolen property, and doubles as an informal conference hall where gangsters can get together with people who are of use to them.

The proprietor is Arthur Ventola, a convicted fence. Among the regular habitués are Arthur's kinsmen—Nicholas (Junior) Ventola and Richard Castucci, both active bookies. Another is Henry Tameleo, a lieutenant of New England Cosa Nostra Boss Raymond Patriarca who, with Tameleo, is now awaiting trial for an interstate gambling-and-murder conspiracy.

Another regular at the farm, it turns out, is Babe Parilli, quarterback of the Boston Patriots. "Half the team goes out there," Parilli told LIFE. "One of the coaches, too. But we're not doing anything wrong." Parilli

admitted knowing Arthur and "Junior" and to having met Tameleo. He insisted he did not know they were mobsters, or that they used information garnered from Parilli and the other Patriots to make a killing on "informed" bets.

Why, then, do Parilli and his teammates visit Arthur's Farm so often? "We stop on the way home from practice," says Parilli, "to buy toys, razor blades and things we get at wholesale prices."

Ask for Carlos Marcello in Louisiana and you will immediately be recognized as an outlander. Ask for the "Little Man" and, even though you won't get him, a lot of natives will at least know whom you're after. At a barrel-chested 5-foot-2, Marcello is undeniably short. But he's not little. He is so potent, in fact, that Cosa Nostra mobsters in the east—as was reported in last week's LIFE—gave him the contract to try to spring Teamster boss Jimmy Hoffa from prison, and put $2 million at his disposal to take care of whatever fixing might be entailed.

Marcello is one of Louisiana's wealthiest men. His total worth has been estimated at $40 million and more. He owns motels, a juke-box and vending machine company, a sightseeing bus line and a 6,500-acre estate in Jefferson Parish outside New Orleans. His clothes are well-tailored, his cigars imported, and when he gave his daughter in marriage, the bridesmaids all received mink stoles. He contributed $100,000 to agencies helping victims of Hurricane Betsy in 1965 and has plunked down $10,000 for the Girl Scouts. He is also a hoodlum and the lord of one of the richest and most corrupt criminal fiefdoms in the land.

Marcello's realm extends from the Ozark foothills to the Mississippi River Delta, and within that realm his power is majestic. He operates through a complex of political fixes which enable him to control or influence the makers and enforcers of law at every level of state government. When he's out of his realm, though, he's apt to get nervous.

Marcello and several other Cosa Nostra hoods were arrested last year after a lunch in a New York restaurant. Posting bail promptly, he flew back to New Orleans. To his chagrin, he was greeted at the airport by a horde of federal agents, policemen and reporters. This was too much for the Little Man. "I'm the boss around here!" he shouted, pushing his way through the crowd. "There'll be no more of this. Are you looking for trouble?" Then he took a roundhouse swing at the nearest offender. It happened to be FBI agent Patrick Collins, and the next day found the Little Man charged with assaulting a federal officer.

State authorities, for the most part, take the view that Marcello and his gang aren't there. "I'm thankful we haven't had any racketeering to speak of in this state," says Governor John McKeithen. To McKeithen, Marcello is nothing but a "thug" without influence or power.

Marcello tries hard to encourage this dreamy notion. Few of the companies he controls are in his name, and he stays discreetly behind the scenes in the illegal but wide-open gambling casinos he controls in Jennings, Lafayette, Bossier City, West Baton Rouge and Morgan City. He is screened by his brothers and his son, Joe, who operates a motel. One brother, Pete, is the proprietor of a strip-tease bar in New Orleans. Another, Joe, runs the family restaurant, Elmwood Plantation. Brother Pasquale runs a bar, brother Vincent heads the jukebox company and brother Sammy is in charge of bookmaking. Home base, the $22 million estate named Churchill Farms, is a corporation. The majority interest is controlled by Carlos, his son and his brother Joe.

The Fix seems to weave through Louisiana like a muddy creek. Associations and alliances that would cause scandals elsewhere are amiably tolerated there. Political and economic leverage is often a matter of friendship or social connection, and there is no neat line to separate the good guys and the baddies. Aaron Kohn, who came from Chicago in 1953 to head the Metropolitan Crime Commission in New Orleans, was astonished at this. "After about a year," he recalls, "I began to realize something about the system down here. In Chicago, people were generally on one side of the fence or the other—honest or crooked. But in Louisiana there just isn't any fence."

McKeithen will order the state police into action against gambling, but only when it becomes "flagrant or notorious"—in effect, when someone important complains or news of the gambling gets into print or is railed against from the pulpit. He knows it doesn't pay to be overzealous. "Look at Grevemberg," he says, referring to ex-State Police Superintendent Francis Grevemberg. "He cracked down on gambling. He was tough. He went around with a flashlight and an ax, bursting up little honky-tonk places. Do you know where he placed when he ran for governor? Fifth!"

In this atmosphere the Little Man can maneuver as freely and happily as a pig in a wallow. He was convicted in 1930 of assault and robbery (he received a full pardon in 1935 from Governor O. K. Allen) and in 1938 of selling marijuana, for which he served nine months in the federal prison at Atlanta. Since then there has been sporadic court action against him—most of it initiated by the federal government—but no convictions.

In Orleans Parish, the chief law officer is the celebrated Jim Garrison. Garrison is friendly with some Marcello henchmen, but that, says the district attorney, is a coincidence without significance. "It doesn't mean anything," Garrison told LIFE, "because I have no connection with Marcello. I don't have to worry about things like that. I've cleaned up the rackets in this town."

Garrison says he knows Marcello's bookmaking brother Sammy—"I've seen him at the New Orleans Athletic Club and Moran's Restaurant"—but denies knowing that he is a bookie. Also among his acquaintances is Mario Marino, a Marcello lieutenant who moved from New Orleans to the Sands Hotel in Las Vegas 10 years ago. When Garrison goes to Las Vegas, he is the guest of the Sands and Marino makes the arrangements.

Three times since 1963, the Sands has paid Garrison's hotel bill. On his last visit in March the tab was signed by Marino himself. Garrison was also granted a $5,000 credit in the cashier's cage, which meant he could gamble up to that amount without putting his own money on the table. At that time the Sands operated one of four Las Vegas gambling halls controlled by Cosa Nostra Bosses.

Garrison contends that he didn't gamble and that Marino gave him the credit so he could cash checks. He is unable, he told LIFE, to see anything wrong with a prosecutor freeloading at a Mob-controlled casino. He said he felt it was customary for casinos to pick up the hotel tabs of public officials. "I may be naive—this is my first public office—but I don't see what's wrong with it," he said. "I imagine any D.A. would have a good credit rating [in a casino]." He also denied knowing about Marino's involvement with Marcello, though he insisted it made no difference—"I have no connection with Carlos Marcello."

Judge Andrew Bucaro, a municipal court judge in New Orleans, freely discusses his friendship with Marcello, an old pal and a remote relative by marriage. He admits that he attends frequent parties at Churchill Farms, but says his visits have nothing to do with judicial discretion. "We don't discuss cases," he says, "we just barbecue goats on a spit. There is nothing sinister about our relationship. Carlos Marcello needs a Fix in the municipal court as much as Rockefeller needs to steal pennies."

Jefferson Parish, south and west of New Orleans, is far more vital to Marcello than the city itself. Within it are his headquarters, the Town and Country Motel; his vending machine-jukebox firm, the Jefferson Music Company; and a bookmaking ring. And since Jefferson Parish is Marcello's home base, the fixing that goes on there is as visible as it is flagrant. Marcello has prospered without noticeable interference by Jefferson's District Attorney Frank Langridge—whose chief investigator, Joseph "Zip" Chimento, was convicted in 1943 of bribing a witness to help two Mafia chieftains. Chimento was a collector for Marcello's jukebox firm before he joined the district attorney's staff.

But Marcello's interests extend far beyond Jefferson Parish. In Bossier City, an open town across the Red River from Shreveport, he owns gambling joints, B-girl bars and brothels. Many of his employes are refugees from Phenix City, Ala., who were run out of town when organized sin in that town was routed 13 years ago. In one section of east central Louisiana, Marcello controls gambling and other vice with muscle provided by the Ku Klux Klan. On Highway 190 near Baton Rouge he has a new windowless casino, officially called a bingo parlor, due to open this month. It is presided over by Frank Vuci, once personal bookie to the late Governor Earl Long.

Whenever possible, Marcello is kind to sheriffs. At a peace officers' convention in Bossier City last spring, one Louisiana sheriff was accompanied by Vuci, who paid all his expenses. When it appeared the conference was running short of cash, Marcello offered to spring for the whole meeting. Another sheriff, together with members of the Louisiana Racing Commission, was a dinner guest of Marcello at the Evangeline Downs race track last April 20.

Like all modern mobsters, Marcello has been expanding his legitimate enterprises. His Jefferson Music Company almost monopolizes vending machines and pinball games in Jefferson Parish. Each year he lends thousands of dollars to restaurant or tavern owners if they agree to accept his jukeboxes, cigarette machines or pinball games. His bus firm, Southern Sightseeing Tours, has a near monopoly in New Orleans.

The biggest deal on his horizon, however, is the proposed domed stadium which will house New Orleans' new National Football League team, the Saints. Marcello has offered to give the city 200 acres of Churchill Farms as a site for the arena—an act of generosity at least partially motivated by the expectation of getting a $1 million-a-year parking concession.

As his wealth, influence and infamy have increased, Marcello has become more interesting to federal lawmen. Although rarely able to prosecute him, they have managed from time to time to make him squirm. For years a deportation case has been pending against him; he was once forcibly grabbed by Justice Department agents and hustled onto a plane to Guatemala. His immigration troubles have led him to the ultimate bribe—putting the Fix on an entire nation. Marcello was born in Tunisia of Italian parents. Because Tunisia's status has since changed—it was a French protectorate when he was born there in 1910—it will accept no responsibility for his nativity. Neither, at present, will Italy. Marcello has been paying $25,000 a year for many years to a high-ranking official in the Italian government to ensure that Italy doesn't change its mind.

Since Cosa Nostra sells no shares and files no annual reports, no one can say for sure just what its legitimate investments amount to—indeed, the way the Mob operates, it is difficult to distinguish "straight" money from crooked. The best hint came from gangland's own financial wizard—Meyer Lansky himself—who made a modest appraisal of the Mob's private holding.

"We're bigger than U.S. Steel," said Lansky.

Even though U.S. Steel's assets are $5,642,379,942 and its 1966 profits came to $249,238,569, Lansky's boast strikes federal investigative agencies as conservative. The gangsters are in almost everything, foreign and domestic. Their holdings range from Big Board securities to diaper services.

But if mobsters turn "legit," some people will say, isn't that all to the good? The answer is no. Over the last decade, government investigations have proved that a lawful enterprise doesn't remain legitimate once the gangsters get into it. Thievery is their way. Their executives are extortionists. Some of their salesmen are killers. A huge national food chain found this out, to the general horror of its personnel and its customers, as will be detailed later in this article.

The Cosa Nostra establishment in legitimate business is international and astonishingly intricate. It has employed—in addition to the predictable crew of sharpshooting accountants, gamblers and union officials—figures as diverse and improbable as a United Nations delegate and bankers with diplomatic passports from Iron Curtain countries.

As highly sophisticated forms of theft have gained favor in Cosa Nostra, the old-fashioned shakedown has become almost as rare as the white hat. It is regarded as unnecessarily risky. Three mobsters in the Gambino Family—Willie Dara, Tony Esperti and Nick Farinella—tried it the old way in Miami this year: a bold attempt to squeeze $25,000 out of a Miami store owner, John Maloney, "for the people up north." Maloney simply called the FBI, which made the case. The three hoods, convicted of extortion on Maloney's testimony, face prison terms up to 40 years. Such throwbacks to the old days of the "protection" racket get one response from a majority of today's hoodlums. Stupid.

It's safer by far to make a buck the way a Genovese Family *capo,* Nicolas Ratteni, does it—hauling garbage in the New York suburb of Yonkers. Ratteni simply squeezed out other firms until he had 95% of the garbage collection business. Though he is still a gangster, at least, he appears to be serving his customers as opposed to shaking them down. Woe, certainly, to would-be competitors—but most of them can be dealt with through the Fix, somewhere short of violence.

The true bonanza the Mob has struck in legitimate business is "skimming"—diverting a portion of cash receipts off the top to avoid taxes. Chiefly for this reason the tycoons of Cosa Nostra tend to flock to any enterprise that has a heavy flow of cash—vending machine companies, jukebox firms, cigarette machine routes, some box offices and ticket agencies (the scalping of sports and theater tickets is a form of skim), and, of course, licensed gambling casinos. Then they proceed to steal large sums before they can be entered on the books and come under the eye of the IRS.

It follows that the money derived from the skim is ideal for greasing the wheels of organized crime. It pays off politicians, crooked cops and killers. It is also used as tax-free bonuses to persons with no gang connections at all—only greed. One well-known film star, for example, received $4,000 under the table in addition to his one-week contract price of $20,000.

A single jukebox or cigarette machine business may yield thousands in skim. FBI agents in Chicago discovered that Eddie Vogel in a period of a few months skimmed $130,000 from his music and vending machines. He and Momo Giancana actually counted it up amid the linens and tomato paste in a back room of an Italian restaurant, the Armory Lounge.

The biggest skim yet discovered took place in the legalized gambling casinos of Las Vegas from 1960 to 1965; many details of it are being disclosed here for the first time. Its breakup by federal agencies has sent the Mob scurrying all over the world—to places like England, the Caribbean, Latin America and the Middle East—in search of a bonanza to replace its profits. Some $12 million a year was skimmed for gangsters in just six Las Vegas casinos: the Fremont, the Sands, the Flamingo, the Horseshoe, the Desert Inn and the Stardust.

One notable example of a skimming transaction concerned $75,000 owed to the Fremont and Desert Inn by Alexander Guterma, a celebrated swindler. The money was collected, but never reached casino ledgers. It was conveyed as skim through Panama branches of Swiss banks by Eusebio Antonio Morales, at that time Panama's alternate delegate to the United Nations. (Currently Morales is Panamanian ambassador to the United Kingdom.)

Las Vegas is one of the so-called "open" territories agreed upon by the Mob, where all Cosa Nostra families are relatively free to operate and invest. The carving up of the gambling skim among various Cosa Nostra leaders follows a ratio determined by each mobster's secret interests in the casinos. Each hidden share of a casino was priced in underworld markets at $52,500. The dividend on each share was $2,000 a month—or about 45% annual return.

During the lush years of 1960–65, Gerardo (Jerry) Catena's gang in New Jersey split up some $50,000 a month. Meyer Lansky and Vincent Alo, the Cosa Nostra shadow assigned to keep Lansky honest with the brotherhood, picked off some $80,000 a month. The Catena-Alo-Lansky money came from four of the six casinos—the Fremont, Sands, Flamingo and Horseshoe. Momo Giancana's take, from the Desert Inn and the Stardust, exceeded $65,000 a month. From the same two casinos, the Cleveland gang chief, John Scalish, received another $52,000 a month.

Skimming in Las Vegas, from casino counting room to Swiss bank, has always been overseen by Lansky, the Cosa Nostra Commission's most important non-member—always with the Cosa Nostra heavies peering over *his* shoulder. As cashier and den father of deliverymen, Lansky has remained the indispensable man.

A recurrent problem for Lansky's Las Vegas front men and accountants has been the reconciliation of the interests of a casino's owners-of-record, who hoped to profit, and its secret gangster owners, hungrily awaiting their skimming dividends. "How can you steal money and pay dividends?" Ed Levinson, chief of the Fremont Casino, once besought one of his partners. "You can't steal $100,000 a month and pay dividends. If you steal $50,000? Well, maybe . . ."

Each month, when the skim was running smoothly, the bagmen shuttled between Las Vegas and Miami with satchels of cash. The couriers also brought the skim from Bahamian casinos to Miami. There Lansky counted it all, took his own cut and then parceled out the rest to the couriers who were to carry it to the designated Cosa Nostra hoods, or to the Swiss banks where they have their accounts.

Lansky's bagmen have been a diverse and colorful lot. Among his all-stars from 1960 to 1965:

Benjamin Sigelbaum, 64, business partner of Robert G. (Bobby) Baker when Baker was secretary of the Democratic majority in the U.S. Senate. Sigelbaum is a man with general affinity for political connections. Back in 1936, he was convicted in Camden, N.J., and given a suspended sentence for concealing assets in bankruptcy. By 1958, he was given a full and unconditional pardon by President Dwight D. Eisenhower.

John Pullman, 66, a banker in Switzerland and the Bahamas who once served a prison term for violating U.S. liquor laws. Pullman gave up his American citizenship in 1954 to become a Canadian. He now lives in Switzerland.

Sylvain Ferdmann, 32, a Swiss citizen who is an international banker and economist. U.S. authorities have marked Ferdmann a fugitive; he is accused of interfering with the federal inquiries into the skimming racket. In 1963, when Teamster boss Jimmy Hoffa needed to raise money for union officials' surety bonds, he dickered with Ferdmann.

Ida Devine, 45, the only woman to carry the satchel for Lansky. She is the wife of Irving "Niggy" Devine, a ubiquitous Las Vegas racketeer.

Sigelbaum and Mrs. Devine traveled from Las Vegas to Miami; Ferdmann from the Bahama casinos to Miami; Ferdmann and Pullman from Miami to the numbered-account banks in the Bahamas and Switzerland.

The Mob's skimming cash flow was a remarkable study in itself. It generally moved first through two Bahama banks—the Bank of World Commerce and the Atlas Bank—and then on to the International Credit Bank in Switzerland.

As of 1965, the boards of directors and staffs of all three banks were studded with both skimmers and couriers. The president of the International Credit Bank was Tibor Rosenbaum, a man who travels on a diplomatic passport from Albania. On the board were Ed Levinson, operator of the Fremont Casino, and Pullman. Ferdmann was listed as a staff "economic counselor," and it was he who organized the Atlas Bank in the Bahamas, as a subsidiary of the I.C.B.

The directors of the Bank of World Commerce, also in the Bahamas, included Pullman (for a time he was its president); Levinson; Sigelbaum, and, once again, Niggy Devine, Ida's husband.

Sigelbaum holds the overland record for bag-toters. For more than two years, he jetted between Las Vegas and Miami two or three times a month, carrying an average of $100,000 each trip.

When investigative heat neutralized Sigelbaum as a courier, Lansky brought on the "lady in mink," Ida Devine. The list of people and places on one remarkably devious trip she made to Miami is a fascinating vignette in the annals of bag-toting.

It took her from Las Vegas to Los Angeles, thence by train (she hates flying) to Chicago, Hot Springs, Ark., back to Chicago (see pictures), then to Miami—hanging on all the way to a bag containing $105,650 in skim money. On her first Chicago stop she was met by Mrs. George Bieber, wife of an attorney who represents gangsters. On her second arrival in Chicago, she was met by Bieber's partner, Michael Brodkin, whose Mob clients are even more numerous. The money ultimately was split up in Miami by Sigelbaum and Pullman: $63,150 for Lansky, $42,500 for Jerry Catena in New Jersey.

At the time, Pullman was toting the skimming money from Miami to the Bank of World Commerce in the Bahamas. But a few months later he, like Sigelbaum, was forced to relinquish the bag—this time to Sylvain Ferdmann.

Ferdmann took over both the transcontinental and transatlantic bag routes for most of the next two years. His contacts in this country were bizarre, including functionaries and members of the Communist party in New York, and a man who had big financial dealings with the Czech delegation to the United Nations. The conclusion drawn by investigators—from Ferdmann's contacts, from the fact that the International Credit Bank has strong ties with Communist countries and from the fact that his bag was stuffed with money both going and coming—was that there was a flow of Communist money coming back through the skimming conduit.

Ferdmann made one bad blunder in all this. On March 19, 1965, as he was loading his satchels into the trunk of an auto at

Miami airport, he dropped a piece of paper from one of his pockets. It was found by a parking attendant, who turned it over to authorities. It was a note on the letterhead of the International Credit Bank:

"This is to acknowledge this 28th day of December 1964, the receipt of Three Hundred and Fifty Thousand ($350,000) Dollars, in American bank notes for deposit to the account of Maral 2812 with the International Credit Bank, Geneva, the said sum being turned over to me in the presence of the named signed below."

John Pullman was listed as a witness on the note. Under his own signature, the cautious Ferdmann had added this postscript:

"The above is subject to the notes being genuine American banknotes." Here for the first time was a document proving not only the receipt of the Mob's skimming money by the Swiss bank, but also providing the account number.

Inevitably, America's stock market fever over the last two decades caught the eyes of Cosa Nostra and led to the establishment of a highly lucrative new subsidiary racket—traffic in stolen securities. To handle everything smoothly the Mob put together yet another international network of couriers, shady financiers and banks. This apparatus began functioning two years ago during a series of Wall Street robberies that authorities traced to the Brooklyn gang of Cosa Nostra Commissioner Joe Colombo. Colombo seems to fancy the world of finance. He often stuffs a copy of the *Wall Street Journal* in his pocket, an affectation looked upon as ostentatious by those acquainted with his comic-book reading habits.

Since 1962, in just six thefts in Manhattan, Colombo's men are believed to have made off with securities valued at $8 million. The latest score attributed to the Colombo thieves—one which received virtually no publicity—was the brazen looting last May 14 of safes in the Manhattan borough surrogate's office. The safes contained securities and other assets of estates handled by the surrogate's office. It was announced at that time that the amount of the loss was undetermined. Investigators have since determined that the thieves grabbed at least $500,000 worth of securities. That much of the loot was transported to Belgium by a courier who dropped it into a Brussels bank. The Belgian bankers then were somehow induced to send the stolen securities back to this country for sale.

Other securities from other robberies are known to have been sold by the Colombo Mob to banks in West Germany, France and Africa. Arrangements for many of the sales were made by a London fence—another improbable character: Alan Cooper, 36, an ex-GI who served a prison term for a bank robbery in Germany.

Colombo's gangsters manage even bigger profits—though at greater risk—when they can induce a U.S. banker to accept stolen stocks as collateral for a loan. The mobsters then put the money borrowed on the hot securities into quick-profit loan-sharking which enables the Mob to pay back the banks so soon as to cost practically nothing in interest. The gangsters retrieve the stolen stocks and bonds, and then—if all works well—post the hot securities for a second loan from yet *another* bank. All the time this is going on, shylocking fees are still piling up from hapless borrowers who got money from the original loans. Colombo has been known to double his money in less than two months through this repeated cycle. The key, of course, is a banker devious enough to accept the stolen collateral. Federal officials have identified a dozen such bankers in the New York area who have issued loans to Colombo's men on stolen securities. All of them are "hooked" by the Mob in some way, through physical fear or blackmail.

The foremost internationalist among all Cosa Nostra entrepreneurs is neither skimmer nor stock swindler, but old Bayonne Joe Zicarelli—the Hudson County hustler of goods and politicians. "Joe Z's" extensive line includes military aircraft parts, munitions and murder contracts.

Although Zicarelli, at 55 isn't a top-notcher in the Mob, the international operations he has conducted from the Manhattan offices of the Latamer Shipping Co. show how well an enterprising Cosa Nostra second-stringer can make out if he hustles.

Zicarelli and the former Dominican Republic dictator, Rafael Trujillo, were fast friends. Trujillo shelled out more than $1 million to Joe for machine guns, bazookas, etc. With Trujillo's assassination, Zicarelli quickly proved he is without political bias: early this year, the U.S. State Department found that Joe's emissaries were dickering with present Dominican leaders to take over an airline.

Another friend was erstwhile Venezuela President Pérez Jiménez, during whose dictatorship Zicarelli landed a $380,000 contract to supply aircraft parts to Venezuela. Profit: some $280,000.

This was by no means the extent of Joe Z's Common Market. In the 1950s, when his deals with Venezuela were cooking, Zicarelli staunchly volunteered to officials of that country to arrange the assassination of the exiled Venezuelan political leader Romulo Betancourt. The plot bogged down in unseemly haggling over Zicarelli's fee: $600,000.

There is no measure of how much money Zicarelli made from Trujillo. But in the past two years federal investigators have discovered that he did a lot of work, whatever the price. Details of just *how* much he did have never been disclosed until now. One of his little favors for Trujillo: the 1952 execution of Andres Requena, an anti-Trujillo exile. Zicarelli gunmen shot Requena in Manhattan.

Next on Trujillo's list was another exile, Jesús de Galíndez, a teacher at Columbia University. Joe Z arranged that one, too. In a famous case, De Galíndez was kidnaped in Manhattan on March 12, 1956. At a Long Island airport, he was loaded aboard a private plane and flown by an American pilot, Gerald Murphy, to the Dominican Republic. Both De Galíndez and Murphy vanished and are presumed to have been slain.

The plane used by De Galíndez' abductors was chartered at the Linden, N.J. airport on March 5, 1956. Federal authorities have learned that the aircraft was chartered by Joe Zicarelli.

On his home ground in Bayonne, Joe Z has performed similar services for prominent people. For example, in the fall of 1962, the body of a Bayonne gambler was hauled by Zicarelli's men from the home of a Hudson County political figure—placing the politician more than slightly in Zicarelli's debt.

It wasn't one of Tony Anastasio's good days. In the fall of 1957, everything seemed to be going against him. Once upon a time, the Cosa Nostra power of his brother Albert, the old Lord High Executioner of Murder, Inc. fame, had made Tony boss of the biggest local of the International Longshoremen's Association (ILA). But Albert had been murdered in a Manhattan hotel barber chair, and now Tony—"Tough Tony," as the press had taken to calling him—was a union boss in name only.

The brooding Anastasio was flying to Miami for a few days in the sun. In the seat beside him, as it happened, was an official of a federal law enforcement agency. They knew each other. After about three drinks, Tony began to share his troubles with the official, who was notably sympathetic.

They talked of what had happened to Albert, and suddenly Tony blurted: "They *gave* me to Gambino!".

"I got to answer to Carlo," he moaned to his astonished companion. "Joe Colozzo told me I'm nothing but a soldier."

"They," of course, were the Cosa Nostra Commissioners, who had put Anastasio—not to mention his 14,000 union members—under the control of Carlo Gambino, who had taken over the slain Albert's Costa Nostra Family.

Until now, Joe Colozzo had been just another of Tony Anastasio's gangsters in the Brooklyn longshoremen's union. Now he was Gambino's strongman—and Tony was suddently nothing.

That was the way it was in the Brooklyn ILA in 1957. That, according to the experts, is still the way it is today—regardless of recurrent publicity about a "new look" on the seamy waterfront. Though the public was understandably eager to interpret the waning of Anastasio's power on the docks as a sign of a real clean-up of Mob control, such was not the case. After Tony's death in 1963, and despite some reforms instituted by the New York-New Jersey Waterfront Commission, it was still business as usual for the Mob.

FBI Director J. Edgar Hoover told a congressional subcommittee that the gangsters are so powerful on the docks that ". . . ultimate control . . . of the New York port, including New Jersey facilities, rests with the leadership of the Vito Genovese and Carlo Gambino 'families' of La Cosa Nostra." Hoover's statement was echoed by Henry Peterson, chief of the Organized Crime Division of the Department of Justice. Peterson, in fact, went a bit further. He told a crime control conference of the "more than effective liaison between the ILA, the Costa Nostra, and the Teamsters [union]."

The Mob's power over the nation's biggest port and its rackets—shakedowns, shylocking and thievery—stems from its grip on ILA locals. The Gambino gang today dominates the unions on the Brooklyn piers. On the docks of Manhattan and in New Jersey ports, the Vito Genovese gang is rigidly in control.

The most outspoken exponent of the waterfront's "new image"—and its most vociferous gainsayer of claims about the ILA ties with Cosa Nostra—is Tony Anastasio's son-in-law, Anthony Scotto. The death of Anastasio left his ILA local 1814 in the hands of Scotto, a handsome, remarkably self-assured young man who says he is "disturbed no end" to hear statements such as Hoover's and Peterson's. By that, one interviewer asked, was Scotto implying that there is no Cosa Nostra?

Scotto dropped his voice.

"Between you and me, I *know* there is," he said. "But I'm not going to talk about it. I don't want to fight the whole world. I've got to drive home every night and back to work again in the morning."

What about the view, expressed in some parts of the law enforcement establishment, that Scotto is actually a member of Cosa Nostra?

"Pure, unadulterated ———," replied Scotto.

The talk turned to the gangster Colozzo, whose privileged status in the ILA headquarters in Brooklyn almost surpasses Scotto's. "I know everything you could tell me about Colozzo," said Scotto. "He is supposed to be telling me what to do. *No* one tells me what to do." He is equally airy about Cosa Nostra Commissioner Gambino: "I've met him once or twice—you know, at funerals."

Now and then, nevertheless, he goes to a lot of trouble to assist Gambino's kin. Last year, Scotto dispatched one of his union aides, Natale Arcamona, to Vietnam to speed up the unloading of Army cargo at Vietnamese ports. While Arcamona was there he received a very special assignment from Scotto; do what you can to get a comparatively safe post on the docks for a soldier—that is to say a U.S. soldier—who incidentally is a relative of Gambino.

Asked about the incident, Scotto quickly dismissed it. "I must have sent a couple of dozen of those telegrams for one guy or

another," he said. "This is the first time I knew one of the fellows is related to Gambino. My name goes on a lot of things around the union. Sometimes you write a recommendation and then you regret it."

If Scotto is the prototype of the "new" ILA, it would have to be called an improvement—at least from outward appearances. He lectures at Harvard. He visits the White House. He attends international labor conferences. He is an officer of the recently founded American Italian Anti-Defamation League, Inc. (So is Dr. Thomas J. Sinatra, an ILA physician who happens to be Gambino's son-in-law. So, for that matter is Frank Sinatra—no relation.)

Unlike most ILA bosses, Scotto is chummy with public officials. At political gatherings, whenever he can, he seeks out and chats with U.S. Senator Robert F. Kennedy of New York. He lists public prosecutors as character references.

There is no question that when he's out in front doing the talking, Scotto is a polished, persuasive spokesman for the Brooklyn longshoreman. But behind him in the locals, the gangsters and their pals seem to be doing as well as ever.

Colozzo, for example, still brings Gambino's word to the ILA locals and acts as if *he*, not Scotto, were the boss of the Brooklyn piers. While Scotto bustles about the docks, Colozzo lazes in his union office. Barbers and manicurists come to *him*.

The expenditures of some ILA locals are under constant federal scrutiny, and one of them, currently, is Scotto's Local 1814. Particularly intriguing to federal officials are the fees paid in 1965 by the union to an accounting firm, the bulk of which were passed along by the firm to pay for a pad for Scotto's girlfriend. The firm, Farber & Landis, handles the books of Colozzo's and Scotto's locals and another ILA local, and also does the accounting for the ILA medical clinic fund in Brooklyn, and five businesses operated by Scotto and members of his family. In 1965, the fees from Scotto's local to Farber & Landis jumped from the $2,000 paid in 1964 to $7,000, or an increase of 250%.

Scotto insists that the firm got more money that year because it did more work. It was a coincidence, he said, that the accounting firm got the extra $5,000 at the very time that it incurred an additional expense—the $280 monthly rental paid by Farber & Landis for Penthouse K at 210 E. 58th Street in Manhattan.

The tenant in Penthouse K was Francine Huff, an auburn-haired fashion model and a warm friend of Scotto as well as of E. Richard Landis, the accountant, and Louis Pernice, an official of Local 1814. A federal grand jury has been looking into Penthouse K.

"The grand jury tried to establish that the rental was paid with union funds," said Scotto. "Thats not so. It was just a coincidence. The accounting firm paid the rent. We [he, Landis and Pernice] had a pad—it may have been immoral, but it was not illegal.

Union expenditures for such purposes would be misapplication of membership funds, a criminal offense under federal statutes.

According to Scotto, the grand jury called Miss Huff, Landis and Pernice. Miss Huff, he said, had invoked the Fifth Amendment.

Across the Hudson, in New Jersey, Catena's tight personal control of ILA locals has made Port Newark a flat Cosa Nostra concession. Catena's men in the Port Newark longshoremen's unions are John Leonardis, an ILA vice president, and Anthony Ferrara—known as "Ray Rats"—a business agent of Local 1235.

By Catena edict, New York officials of the ILA are forbidden to set foot on Port Newark docks without Leonardis'—*i.e.*, Catena's—O.K. The order was strictly enforced. An early violator was George Barone, a Manhattan ILA boss. Barone ventured over, without a Leonardis visa, to round up business for a ship maintenance company. A Catena warning—"Nobody spits in Port Newark unless we say O.K."—promptly chased him back to Manhattan. From there, Barone apologized, pleading ignorance.

For a price, or a piece of the action, however, Jerry Catena does permit gangsters from other Cosa Nostra families to set up shop in Port Newark. A Lucchese gang leader, John Dioguardi, for one, gave Catena an interest in an Emerson, N.J. gambling operation, and in return controls a union that organized Port Newark cigar workers.

Of all the malevolent things the Mob has perpetrated or tried to perpetrate on legitimate business and an unsuspecting public, nothing ever topped the Catena detergent caper. Indeed, it stands as a textbook example of what Cosa Nostra brings to the marketplace.

In the spring of 1964, Jerry Catena and his brother Gene wangled a contract from a manufacturer to wholesale an offbreed brand of detergent in the New Jersey area. Forthwith they began to push their "Brand X," as we'll call it here, through one of their front outfits, the Best Sales Co. of Newark. Best Sales has salesmen aplenty, of a sort—some 600 members of the gang that Jerry was running for Vito Genovese, plus others, such as representatives of the Amalgamated Meat Cutters and Butcher Workmen, and the Teamsters. Both had organized workers in food chain stores in New Jersey.

To move the Best Sales detergent Catena eventually pulled all the stops of Cosa Nostra power.

First, butchers' union agents began pointedly dropping word in food marts that the Best Sales product was a good thing. "Good people in that company," store managers were told, "particular friends of ours." Most of them got the message—and laid in a supply of the detergent, dutifully priced at 70¢ per box.

Early in 1964, the Catenas began thinking big, drawing a bead on the huge A & P chain. If the A & P could be "persuaded" to sell the product, or maybe even to push it over the big-name brands, the Catena boys would surely end up as soap czars.

There was no objection by A & P to testing the Catena detergent—indeed, it seemed for a few days that the Best Sales product was being favorably considered.

In April, however, A & P consumer tests disclosed that Catena's product didn't measure up to other brands—no sale. Within a few days, to add insult to injury, word reached Gene Catena that his detergent had been rejected *because A & P had learned that the Catenas were selling it.*

Gene, in a fury, promised to "knock A & P's brains out." And he tried.

On a May night in 1964, a fire bomb was tossed into an A & P store in Yonkers, N.Y. The store burned to the ground.

A month later, another Molotov cocktail touched off a fire that destroyed an A & P store in Peekskill, N.Y. In August, an A & P store on First Avenue in Manhattan was gutted, and in December, an A & P store in the Bronx.

Even then, though thoroughly frightened, executives of the chain did not connect the incendiary fires with their rejection of the detergent. The Catenas tried again to spell it out, in a more pointed way.

On the night of January 23, 1965, Manager James B. Walsh closed a Brooklyn A & P store and got into his auto to go home. A few blocks from the store, one of his tires seemed flat, and he got out to fix it. A car pulled up and four men got out. They killed Walsh with three pistol shots.

About two weeks later, on the evening of February 5, store manager John P. Mossner drove home to Elmont, N.Y. from his A & P supermarket in the Bronx. As he got out of his car in his driveway, a lone gunman stepped out of the shadows and shot him dead.

Two months after Mossner's murder, one more A & P store burned in the Bronx. The blaze had been started with a fire bomb.

Meanwhile, the butchers' union had begun negotiations on a new labor contract with A & P. The company's contract offers were rejected. The union made counterproposals which A & P considered outrageous The butchers threatened to strike, and the Teamsters let it be known they would not cross the picket lines.

The A & P officials were growing frantic in the face of the apparently motiveless murders and fire-bombings and the deadlocked union negotiations. In desperation they appealed to the federal government for assistance of some kind.

It took about a month for government informants to link the terrorism with the Catena detergent sales campaign. But proving that connection by producing the informants in a courtroom was out of the question. Accordingly, U.S. District Attorney Robert Morgenthau brought Jerry Catena himself before the federal grand jury. On his way into the jury room the puzzled gangster asked a government official why he had been called.

"We want to know about your marketing procedures," the official said.

"Marketing of what?" asked Catena.

"Detergent."

Ah, *detergent!* As of that moment, the A & P's terror ended. Catena appeared briefly before the grand jury and hurried from the courthouse. At their very next negotiating session, the strike-threatening butchers signed the A & P contract they had rejected weeks before.

A few days later, a federal investigator ran into one Gerardo Catena in lower Manhattan and asked pointedly how things were going in the detergent business. Catena's muttered answer was close to pleading.

"I'm sorry," he said. "I'm getting out of detergent."

And that was all. To try to muscle a mob-backed product onto A & P shelves, Catena or thugs in his employ had burned out five supermarkets and had murdered two innocent store managers in cold blood. And yet, because the government could not jeopardize its own informants by bringing them into court, Catena suffered only the minor inconvenience of a grand jury appearance and the failure of his detergent scheme. Gene Catena died a month ago, of natural causes. Jerry Catena, the hoodlum boss, and his bomb throwers and murderers continue to walk around free.

The bloody case is a measure of what the country is up against with the Mob and what the law is up against in bringing the mobsters to justice. On the editorial page of this issue LIFE states what it believes can and should be done to put an end to this disgraceful state of affairs.

OFFICIAL COVER-UP: A FLAGRANT CASE IN POINT

If the Fix is the Mob's most useful tool, the Cover-Up is of equal importance to public officials who allow themselves to be fixed or who ignore Fixes. Case in point: the censoring of the official report on organized crime of President Johnson's own crime commission. As an apparent result of political pressure, specific findings relating to official corruption were watered down or omitted.

Convened in 1965, the commission had the mandate to conduct the most far-reaching study of U.S. crime ever attempted. To prepare a special report on syndicated crime, the commission called upon a leading criminologist, Professor G. Robert Blakey of Notre Dame. The paper he submitted ran to 63 pages and, using Chicago as an example, dealt with specific links between public officials and organized crime. But when the commission issued its own final report, the

Blakey findings had been reduced to four footnotes.

Blakey himself has refused to comment on the censorship. The crime commission's executive director, Harvard Law Professor James Vorenberg, who edited the final report, has denied to LIFE that he did any tampering: "It's all in the footnotes. We didn't change a comma, and if somebody says we did, it's a lie."

Nonetheless, a lot did get left out. One commission investigator thinks he knows why. "I believe the report was emasculated by Vorenberg because we didn't dampen this and dampen that. There were protests from officeholders in Chicago and enormous pressure on us *not* to be specific."

Here, for the first time, are some of the suppressed items:

"The success of the Chicago group [of the Mob] has been primarily attributable to its ability to corrupt the law enforcement processes, including police officials and members of the judiciary. . . ."

"Control, sometimes direct, has been exercised over local, state and federal officials and representatives. Men have been told when to run or not run for office or how to vote or not to vote on legislative issues or [for judges] how to decide motions to suppress evidence or for judgments of acquittal."

Blakey's report also spoke of "racket influence" in the Illinois state legislature and charged that such influence had been used to hobble prosecutors and police.

Blakey had listed the high command of Cosa Nostra, whose names appeared in LIFE last week. Even this was deemed too hot for the final report. The reason is obvious: since Cosa Nostra leaders operate in specific localities, the mere fact of their success reflects on the performance of local officials.

WE CAN BREAK THE GRIP OF THE MOB

For too long, Americans have treated organized crime as a fascinating game of cops and robbers. We have watched from the sidelines, complacently sure that the violence and the corruption took place in some world apart from our own—and that anyway, the bad guys would get theirs in the last reel. We have refused to take organized crime seriously enough to mount a real attack against it. The conspiracy of crime prospers—and the cold catalogue of facts that Life has presented in the series that concludes in this issue must stand as an indictment not only of the Cosa Nostra but of all of us.

There is no boundary line now between the Mob's world and ours. Organized crime is gaining in sophistication if not in numbers, adapting the modern tools of economics and technology to the task of taking over great chunks of the economy.

More important than the economic damage, though, are the holes that are being chewed in the fabric of our political system. Cosa Nostra did not invent corruption. It has existed as long as man. But the Mob's operation depends for much of its success on its ability to search out the weak—and its resources can provide irresistible temptation. Its targets are few—a tiny percentage of all officials. But as long as it succeeds unmolested the impression grows that much of government is suspect.

To mount a war against Cosa Nostra, it is vital first to understand it—and to ask what it is in America that provides such a hothouse climate for a criminal system unparalleled in history. Born during Prohibition as a means to enforce a truce between competing gangs, the Mob has grown fat providing illegal "services" in fields where the customer demand is great.

National prohibition is gone. But the Mob has prospered by diversifying—into "services" like gambling, narcotics, prostitution, loansharking and bootlegging. Today its monopoly on illegal gambling alone yields a profit of nearly $7 billion a year—as much as the U.S. spends annually on its entire postal system. The first source of money for the Mob's treasury is the poor—the numbers player, the narcotics addict, the loan shark's victim. This was always comforting to the middle-class majority who were sure they were not involved. But the balance of the Mob's activities is shifting. It is involved in so much legitimate business now that it is no longer possible to ignore the fact that the Mob's reach is into everybody's pocket.

Cosa Nostra has learned well a basic law of economics. Money is worth nothing unless it is put to work. The profits of crime serve no function locked in a Swiss vault. But they represent tremendous power when they are brought back to this country and invested in legitimate businesses—businesses that often do not remain "legitimate" long, if the Mob takes over complete control. More and more, it is every consumer who pays—extra pennies for milk, higher road taxes for shoddy work, more for meals at restaurants where the Mob has a lock on the garbage removal.

Organized crime has often been referred to as a "government within a government." A key to its strength is the fact that the Cosa Nostra is an oligarchy—a despotism of the few. Control from the top is complete and unquestioned, with the exception of the occasional assassination or coup that is expectable in any dictatorship. And its structure is designed to take advantage of just those aspects of the American system that make ours a uniquely effective democracy.

We protect the rights of the individual above all else, with laws like the ones against wiretapping, self-incrimination and unreasonable searches and seizures. Our court rules of evidence are strict. And we prefer a number of local police agencies to one all-powerful national police force that smacks too much of governmental systems we deplore.

Members of Cosa Nostra have a better understanding of these safeguards than do most Americans. And they use them to insulate themselves from justice. They are perfectly willing to sacrifice the petty hoods that they franchise. But they attempt to insure that each link in the chain of evidence leading upward to themselves is one that can be screened by the protections our system affords.

The continued existence of Cosa Nostra is proof of how well the system has worked. In the period from 1961 to 1966, the government indicted 185 men out of several thousand in the Cosa Nostra—an organization whose methods are murder, kidnaping, extortion and torture Of those indicted, 102 were convicted—20 on narcotics charges, 16 for tax evasion, eight for contempt of court, two for parole violation, even one for violating the Migratory Bird Act. The conspiracy of silence that protects members of Cosa Nostra from the penalties fitting their more serious crimes has rarely been breached.

The crucial need is for tools that will break that conspiracy of silence. And chief among these are wiretaps and "bugs." There is only one federal law explicitly dealing with electronic surveillance—and it is ambiguous. But the net result of recent court decisions is to rule out any evidence gained from wiretaps and bugs. Paradoxically, while the courts have blocked the one source that most law enforcement officials believe is crucial in organized crime cases, they have had little success in stemming the increasing use of such devices against ordinary citizens by everybody from industrial spies to jealous husbands.

Those who are concerned about the rights of the individual have good cause to worry about the indiscriminate use of electronic surveillance. It would be to their advantage to support a bill that would outlaw the use of any such equipment—unless its use had prior court approval. We favor the proposal that such approval should come from a panel of three federal judges for protection from abuses by obliging judges. Just as courts can authorize search warrants, they should be permitted to authorize electronic surveillance when it has been proved that the target is the conspiracy of organized crime and that normal evidence-gathering techniques have been thwarted.

There are other fronts on which we can move. We don't need a national police force, but we do need coordination among the dozens of agencies responsible for some phase of the fight against organized crime. In the federal government alone, 26 separate investigative agencies are involved. There is logic to the argument that the FBI shouldn't have to tell all it knows to the police chief of a mob-dominated town. The armed services system of sharing information on a "need-to-know" basis with other officials of proven reliability should serve as a model.

We need such things as strong campaign-fund laws that will disclose the sources of finance for all elected officials. We need to look again at institutions that have grown creaky with time—the rules governing grand juries, for instance, or the traditions that can continue an incompetent judge in office.

The needs are known. They have been developed exhaustively by study groups and congressional committees. The time has come for the Congress to write a balance back into our laws—one that will continue to safeguard our rights as individuals and at the same time protect us from the Mob.

DEATH OF RICHARD H. AMBERG, PUBLISHER OF THE ST. LOUIS GLOBE-DEMOCRAT

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

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

There was no objection.

Mr. CURTIS. Mr. Speaker, the Nation lost a distinguished citizen during the Labor Day recess in the death of Richard H. Amberg, publisher of the St. Louis Globe-Democrat. I have sought for words in which to record my feelings about this gentleman, but I have found none that are equal to those expressed by the Reverend Dr. J. Layton Mauze, Jr., at the funeral services.

Many Members of the House and the Senate and leaders in the executive branch of the Government knew Mr. Amberg and knew him well. I know that they will enjoy reading these words of evaluation of the life of a distinguished and dedicated person.

The inspired words of Reverend Mauze follow:

[From the St. Louis Globe-Democrat, Sept. 7, 1967]

A FINAL TRIBUTE

(The eulogy delivered by the Rev. Dr. J. Layton Mauze, Jr., at the funeral of Richard H. Amberg)

It is quite difficult for me to crowd the reflections of 12 years of intimate association with Dick Amberg into a rather brief statement. Indeed a volume could be written of his worth and works, his true nobility and power, his good sense, his absolute integrity, his lovely companionableness, his goodness and his greatness.

The practice of the law of human service

is, in the eyes of all truly native members of an acquisitive society, the most drab and unattractive of pursuits. Such an observer must have been puzzled and incredulous when he saw the air with which this great friend of ours, Dick Amberg, trudged from an office interview to an important meeting, to a large dinner or some speaking engagement. For he did it all with a persistent gusto of enjoyment that makes me think of Francis of Assissi at the edge of a forest drawing one twig over another to make music for God and his living creatures.

"Heard melodies are sweet—but those unheard are sweeter."

Dick could give himself so constantly and so usefully because he was endowed with so many gifts of mind and heart. He had at once a deep love for men and a very shrewd understanding of their foibles as well as of their virtues. His sagacity in determining a course of action rested solely on his insight. A man who had been associated with him in various endeavors once said to me, "The only man whose judgment I would accept in preference to my own is Dick Amberg."

Dick loved and admired the simple worth of steadfast lives, whether in humble places or in high. But he counted it right to be helpful to all men. I personally know that he helped many, without harshness, who might be numbered among the unworthy. But he was never taken in by them. And I think it must have been a salutary experience for some of this sort to receive his generosity, while they had to bear at the same time the glance of those tolerant but penetrating eyes.

Dick's intellect was such that few men dreamed of matching it, but the erring, the humblest, the poorest, and the most illiterate, never felt uncomfortable or unhappy in his presence. His kindliness, his understanding, his sympathy, his broad outlook on life, his lack of thought of himself and what he had accomplished, somehow closed the barrier and made him kin with his less privileged brother.

With Dick there was never any waste of motion or effort. He did all that was to be done without friction, or delay or haste. He spoke no unnecessary words and he wasted no time. He was the soul of promptitude and accuracy and honor. His spirit was all kindness and goodness, but it was also direct and quick and intense. He made no concealment of his approvals or disapprovals when it was his duty to speak or act. In a day when multitudes think it's wrong to be right, Dick, was mostly right, and he courageously stood for it.

One of Dick's favorite passages from literature was when Joan of Arc was being hounded by her inquisitors: "Why was it your Standard had place at the crowning of the King in the Cathedral of Rheims, rather than those of other captains?"

Then soft and low, came this touching speech which will live as long as language lives, and pass into all tongues, and move all gentle hearts wheresoever it shall come, down to the latest day. Says Joan, "It had borne the burden; it had earned the honor."

Well, Dick also bore the burden and justly earned the multiplicity of honors conferred upon him, but he wore them all very lightly, there were no balloons under his armpits, and he forgot them entirely in his daily contacts with men and women.

Men trusted Dick because he was wise; they loved him because he was good. They confided in him because he had the large charity that covers a multitude of sins and the human sympathy that makes men kind. They sought his friendship because they knew that he himself followed his divine Master and Saviour Jesus Christ, in loving mercy, doing justly and walking humbly with his God.

He was a devoted and loyal member of this church and for many years served on the Session. Never a Sunday passed when Dick and his lovely family were absent from worship on Sunday morning except for illness or unless they were out of the city. He loved his Lord and he wasn't ashamed to say so. His faith was deep. You ask the secret of such a worthy life? It can only be one thing—it's a life hid with Christ in God. His life has been a great inspiration to all who have known and loved him, and somehow we have been better men because we have known him.

Now that he no longer walks with us in the flesh, we are the more keenly aware of his magnanimous spirit, and while we mourn our personal loss, we are eternally thankful to God that we were vouchsafed to know and love His worthy servant. Truly through him, there was ever manifested the Grace of our Lord Jesus Christ, the Love of God our Father, and the fellowship of the Holy Spirit.

I can see him now accepting the joys of Heaven with the same quick gladness, and heaven's honors with the same humble and slightly deprecating geniality with which he accepted, as they came, the joys and honors of earth, now that he has heard the summons, "Come up higher." Even then, we may surmise that he had to be led, or perhaps gently pushed by a smiling angel into the place God had prepared for one who loved Him.

To be sure, others will carry on Dick's work, but his place will always remain vacant.

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

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

Mr. HALL. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include extraneous matter.

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

There was no objection.

Mr. HALL. Mr. Speaker, I appreciate the heartfelt sympathy expressed by my colleague from Missouri.

The recent death of Richard Amberg, publisher of the St. Louis Globe-Democrat, came as a profound loss to those of us who knew him as one of Missouri's leading citizens. I was proud to know him as a personal friend, as a fellow member of the board of trustees of Drury College, and as a crusader for justice. His contributions to the journalism profession, to his city and State, are legion and need no further emphasis by me. But another gentleman who knew him well, Maj. Gen. Thomas A. Lane, U.S. Army (ret.), now a syndicated columnist in his own right, has written an eulogy which comes as close as anything I know to saying what all of us who knew Dick Amberg feel.

General Lane's story follows:

A KNIGHT THERE WAS

WASHINGTON.—There was a King of England who shone above all other knights of his day as an exemplar of chivalry. His name is cherished in legend as Richard the Lionhearted.

There have been many Richards. But since his day, there must surely be in every mother's heart a hope that her Richard will also be an examplar of the noble code.

It comes to pass. Not every man can be a king; but those who are worthy can be kingly in their mastery of themselves and in their service to mankind.

Such a man was my friend Richard. He fought in the lists of public policy. He represented the public interest as truly as ever any king did. He fought with a courage and a compassion which marked his code of personal responsibility.

Men fought in olden times with sword and shield and in coat of mail. They fight today with words and bullets, but the issues are the same. The duel with evil goes on apace.

As a young editor, Richard H. Amberg was cast into the thick of the fray. Here was the pivot of power, the link between people and authority. Every force in the community sought the fair image which the press could by approbation or silence convey.

Should he heed the unspoken warnings of powerful advertisers who could make or break his balance sheet? Should he ignore the corruption of public office by men in or out of office who enriched themselves in the exploitation of public authority? These are the questions of business and of conscience which every editor must face.

He had also the problems of unselfish partisanship. Should he embrace the zealotry of one set of utopians and oppose others? Should he be neutral and avoid controversy? Was it his responsibility to lead the community or should he leave that to others?

Richard Amberg made his choice. It was to be ever in the fray, battling for the common good. He stated his position when he became publisher of the St. Louis Globe-Democrat in 1955, "We are going to be a fighter for the right. We are going to take sides on every issue. . . . The Globe-Democrat will never run away from a battle. . . . We may not always be right but we will take an honest cut at the ball."

During World War II, Richard Amberg served on the naval staff of General Douglas MacArthur. After the war, he maintained a close personal relationship with the General, whom he greatly admired.

Richard Amberg also knew and was greatly devoted to President Herbert Hoover. In Hoover and MacArthur he found that unselfish devotion to country which animated his own soul.

His genius came to full flower in the postwar years and especially in his move to St. Louis. He gave new vitality to the Globe-Democrat and raised it to the first rank of U.S. newspapers. He committed his great talents and the resources of the Globe-Democrat to the service of his adopted community. His contribution was so exceptional that an honored elder of the community could say, after twelve years of fruitful service, "I think that Dick Amberg has contributed more to the well-being of St. Louis in the twelve years he has been here than any other man who has ever lived in St. Louis."

It was the measure of his greatness that Dick Amberg won honors and success not in serving the ruling powers but in challenging them. He fought for the great America he loved, the America of strength and courage and honesty and compassion. He fought against the corruption and selfishness which in all ages infect men and their institutions. To all who heard his voice or followed his pen, he bore his vision of a great America.

That is why I think of my friend as Richard the Lionhearted. Requiescat in Pace.

SETTING THE RECORD STRAIGHT

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

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

There was no objection.

Mr. MIZE. Mr. Speaker, in view of the recent charges made on the floor of the House by the gentleman from New York [Mr. RESNICK], I think my colleagues will be interested in seeing an editorial which was broadcast over the radio and television facilities of WIBW, Topeka, Kans. In making these comments, Thad M. Sandstrom, vice president and general manager of the sta-

tions, seeks to set the record straight with respect to the charges made against Kansas Insurance Commissioner Frank Sullivan and the Kansas Farm Bureau Insurance companies.

WIBW has made a copy of the editorial available to Mr. RESNICK and has offered him time to reply. Whether he replies or not is immaterial at the moment. What is important is the answer to the charges he has already made.

WIBW provides that answer in the editorial:

WIBW TV-RADIO-FM,
Topeka, Kans., September 1, 1967.

Hon. JOSEPH Y. RESNICK,
Member of Congress,
Washington, D.C.

DEAR CONGRESSMAN RESNICK: Attached you will find a copy of a WIBW editorial scheduled for broadcast on Sunday, September 3, on WIBW Radio, WIBW–TV and WIBW–FM.

Should you desire time to reply to this editorial, we will be happy to make it available. May I suggest that arrangements might be made through the office of Congressman Chester Mize or you may communicate directly with me.

Cordially,

THAD M. SANDSTROM.

WIBW EDITORIAL NO. 144

(By Thad M. Sandstrom, general manager, September 3, 1967)

Nowadays, we've grown accustomed to some strange stories from our Nation's Capitol. One story has developed in Washington during the past few weeks which seems unusually ridiculous. A New York Congressman has launched a one-man investigation of the nation's largest farm organization . . . the American Farm Bureau. This week, Congressman Joseph Resnick leveled charges at Kansas officials and criticized Kansas Farm Bureau Insurance Companies. It's time to set the record straight.

It all began in July when Congressman Resnick, speaking on the floor of the House of Representatives, charged that Farm Bureau is not a farm organization but a giant business combine. This attack brought an immediate rebuke from the other members of the House Agriculture Committee. By a 27 to 1 vote . . . the House Agriculture Committee passed a resolution stating that the committee would not endorse, condone or support any personal attacks made by fellow member Resnick on the Farm Bureau. Promptly, the Farm Bureau said it would be glad to furnish records and participate in any *official* Congressional hearing. However, the House Agriculture Committee made it abundantly clear that that body did not consider an investigation necessary.

Congressman Resnick was not satisfied. Rebuked by his colleagues, he launched a one-man investigation of the Farm Bureau. He states that the funds for this investigation are from his own pocket, and that no Congressional money is being used. This, then, makes the investigation not an official Congressional investigation, but one Congressman's personal vendetta.

Congressman Resnick has continued to stir up controversy with his one-man hearing during the past few weeks. It became of interest to Kansans when . . . from Washington . . . Congressman Resnick issued charges of wrong-doing in the office of Kansas Insurance Commissioner, Frank Sullivan.

The charges included accusations that Kansas Farm Bureau Insurance Companies had provided season tickets for K-State football and basketball games to Insurance Commissioner Frank Sullivan's office. Season tickets to football events at K-State have not exactly been a highly valued commodity for the past several years. It's a common practice for companies to buy tickets as a matter of civic support. It's logical that Farm Bureau Insurance, with its close ties to Kansas State University, should be a regular purchaser of K-State tickets. And it's a common practice to put those tickets to use by distributing them to employees, customers and friends. If this is the worst Congressman Resnick can find, he'd better stop looking. Insurance Commissioner Sullivan and the President of the Kansas Farm Bureau, Ray Frisbie, have both invited Congressman Resnick to come to Kansas and look over the records. The invitation has not been accepted. In fact, Congressman Resnick has not yet answered the invitation. Instead, Congressman Resnick has remained in Washington and continued to level blasts against Kansans . . . including the accusation that the Kansas Farm Bureau Insurance Companies have committed such wrong-doings as providing country club memberships and automobiles . . . even automobiles with trailer hitches . . . for their executives. So, what else is new?

We very seriously doubt that there are very many large companies in the country . . . insurance or otherwise . . . that do not entertain clients and provide transportation for the company executives. It's a normal cost of doing business, recognized by the Internal Revenue Service.

We're disturbed that a Congressman from the state of New York should take it upon himself to determine how businesses and state government in Kansas should be operated. It just isn't his business. In fact, we're under the impression New York has a few problems of its own. While we're helping to pay this Congressman's salary, he is spending his time conducting a witch-hunt that is supported by few, if any, of his fellow members of Congress.

The charges that Resnick has leveled against Farm Bureau could also be brought against many other organizations . . . both farm and non-farm. The National Grange is involved in insurance and in publishing a national magazine with commercial advertising. The National Farmers Union is also united with insurance companies and with firms and cooperatives that market agricultural products and sell supplies to farmers. Why, then, has the Farm Bureau been singled out for this attack?

It occurs to us that the American Farm Bureau is the only farm organization which has been openly critical of the Johnson administration's handling of farm problems. The Farm Bureau has had the courage to differ with the administration and with other farm groups as to the way farm programs should be handled. Their viewpoints have been gaining in popularity during the past several months. Could this be the reason the Congressman from New York is so anxious to find wrong-doing in the Farm Bureau—any Farm Bureau—including the one in Kansas.

If so, it's an indication that one of our most precious rights . . . the right to differ . . . is in jeopardy. Congressman Resnick should get back to the business of representing his district in Congress.

(CLOSE.—This has been a WIBW editorial. WIBW invites responsible groups and individuals to express their views in answer to our editorials. Copies of this editorial are available by written request.)

ECONOMIC UNFEASIBILITY OF INLAND CANALS—SPECIFICALLY, THE ILLINOIS–MISSISSIPPI RIVER CANAL

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

Mr. VIGORITO. Mr. Speaker, it is my wish today to bring to the attention of my colleagues a small point of economic history which may have passed unnoticed in this day of involvement with momentous national and international problems.

A short time ago we voted in the House of Representatives on the public works bill for fiscal 1968. The measure contained the budget requests for the Corps of Engineers' civil works projects, including the controversial Lake Erie-Ohio River Canal in Ohio and Pennsylvania.

This project had been backed by the corps on the grounds that it was engineeringly feasible and economically necessary. I do not argue with the first point. Where I disagree is the contention of the corps that an inland waterway such as this can be self-supporting and economically needed in the 20th century.

It is my feeling that in this age of modern integrated transportation concepts a canal or inland waterway is an outmoded and obsolete mode of transportation.

Today I would like to speak briefly about one of the last large canals built by the Corps of Engineers. Specifically, I am talking about the Illinois-Mississippi Canal. This 105-mile canal, which connected the Illinois and Mississippi Rivers never lived up to the grandiose predictions of the corps, and after a couple decades of use was finally declared obsolete in 1951.

Statistics contained in the Corps of Engineers' own annual reports graphically tells the sad story of the canal's failure. It never carried more than 35,000 passengers annually, and that figure was reached back in 1918 when World War I forced other methods of transportation to be used for the war effort. Its peak in freight tonnage was reached in 1929 when 30,161 tons were carried over the 105-mile canal.

After that, tonnage steadily declined. Even the busy years during World War II did not reverse the sharp downtrend in total annual tonnage. In 1945, tonnage had dropped from the 1929 peak of 30,000 tons to only 14,146 tons, and in 1947 the "bottom literally dropped out of the barrel" when only 394 tons were transported over the canal network. The next year, tonnage was so low the Corps of Engineers did not even bother to file a report.

Finally, in 1951, the Corps gave up the ghost and admitted to itself that the canal was unnecessary and declared it obsolete. A couple of years later the State of Illinois voiced interest in turning the canal into a historical and recreational project. There is a lesson to be learned from all this: canals are historical curiosities; their only purpose is to be enshrined as monuments to another age to show how this country evolved from the canal era to a modern period of integrated rail, highway, and plane transportation.

My question is, If the canal in the Mississippi River valley, using the longest

and greatest inland river in the country, could not survive economically, how did the Corps of Engineers expect to justify a canal running through Ohio and Pennsylvania?

THE HEAT'S IN THE KITCHEN

Mr. PICKLE. 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. PICKLE. Mr. Speaker, in recent weeks much of the news media have been echoing various charges being leveled at President Johnson by his critics.

I submit that this criticism is not only unfair, but unsound, and that history will prove our President has been wise, prudent, and outstanding in his administration of our national affairs. This unjust criticism will boomerang.

It is pleasing to note that there was at least a major exception to the follow-the-leader game of picking on the President, and I refer to this Sunday's column of William Randolph Hearst, Jr., in the San Antonio, Tex., Light.

In this column, Hearst, the editor in chief of the Hearst newspapers, has provided an excellent prospective of the matter at hand.

I insert his "Editor's Report" in the RECORD at this point, and I am hopeful that our colleagues can give it their consideration.

The article follows:

EDITOR'S REPORT: THE HEAT'S IN THE KITCHEN

(By William Randolph Hearst, Jr.)

NEW YORK.—During the last week of my reluctantly-ended vacation at San Simeon I prepared for the chore of resuming this column by doing more reading than time generally allows. I didn't have to look far for a theme.

It's really amazing. Whatever news magazine I picked up, whatever commentator or pundit whose deathless prose I encountered in print or on the airwaves, all seemed to be engaged in discussing the same topic—Lyndon B. Johnson "in trouble."

Lambasting the President these days is practically a full-time job for his howling pack of vociferous critics. He is being bedeviled, reviled, belittled and beset on all fronts. And I, for one, think it's damned unfair.

The points that I propose to make here are not intended as a defense of Johnson, per se. He's a man who can take care of himself. Furthermore, I am hardly what you would call a lifelong, dyed-in-the-wool Democrat.

But the fact is the President is getting all kinds of blame he does not deserve and little or no credit for what he does deserve. It offends my sense of fair play to see him so unjustly attacked for whatever happens in Vietnam, for the riots in our cities, for lack of congressional action on civil rights and social programs and for practically everything else that's wrong.

What I would like to try to do here is to put things in a clearer perspective, to encourage a little sober reflection on what Johnson has done and is attempting to do, and even possibly influence some of his critics to use logic instead of invective.

There's not much chance of any success on the last point not when you line those critics up and take a look at them. They're a great bunch.

Over here we have the unwashed beatniks. Over there are the pink-eyed super-liberals. Behind them are such racist anarchists as Stokely Carmichael and H. Rap Brown. Howling loudest are the enemy-serving stop-the-bombing gang and congressional popoffs led by Democrats Sen. J. William Fulbright and Sen. Robert F. Kennedy and countless Republicans whose names escape me at the moment.

The latest to join the gang is a beaut—that sterling, tongue-tied governor of Michigan with the halo of white hair over his ears, George Romney. This new war critic who would be president himself now claims he was "brainwashed" into his earlier support of the Vietnam war effort.

IN POSITION TO CREATE MISCHIEF

This might be funny if it weren't for the mischief a man in Romney's position can create. But still, imagine having a president who proclaims he can be brainwashed by a high-pressure sales talk. If he ever got in the White House they wouldn't dare let him out of the country. I hate to think what would happen to him at the hands of the diplomatic slickers in Moscow, England, France, Rome or even India.

Any fair-minded person who examines the various charges being leveled at President Johnson, either directly or by snide implication, will find they just don't stand up. Let's take a brief look-see at the three major areas in which he is taking the most abuse—Vietnam, the Negro problem and social legislation:

Not even the President's severest critics can accuse him of starting the war; he inherited it. Whether his policies are right or wrong, only time will tell. Meanwhile, in accordance with the advice of the nation's most experienced experts, he has chosen a course of action and is sticking to it.

That course of action, no matter what anyone says, is clearly aimed at achieving a just and lasting peace in Vietnam by arresting Communist aggression. Our commitment to contain communism is not new; we followed it in Korea, Berlin and Cuba. It is a highly honorable commitment, and the honor of the nation is at stake. In pursuing it, President Johnson—far more than anyone else in the world—at the same time has done everything in his power to get peace talks under way. Yet every one of his initiatives has been spurned by the enemy.

RECORD EXCEEDS THAT OF FDR

Just as nobody has done more to get us out of Vietnam than Johnson, so no president with the exception of Abraham Lincoln has done more for the American Negroes. His record on civil rights exceeds even that of Franklin Delano Roosevelt, whose philosophy of spending to help the poor he adopted and expanded. Time and again he has defied Southern political forces by naming qualified Negroes to high office, even to the U.S. Supreme Court.

One would think the liberals who are so busy criticizing the President would instead be commending him for his civil rights record. The thing that strikes me as especially interesting on this point is that the great majority of the Negro population knows what Johnson has done and is trying to do for them. No single group in this country was subjected to a more concerted organizational drive by the Communists, yet that drive notably failed. So far as loyalty to their country is concerned, the record of our Negroes as a group is far better than that of some of our intellectuals and college professors.

Social legislation, of course, is interlinked with the problems of underprivileged Negroes, Here, again, the sweep and number of Johnson-sponsored laws passed by the last Congress is without precedence in our history. The slowdown in further action by the present Congress is certainly not the President's fault, nor his desire.

MONEY ALONE NOT THE ANSWER

His administration has spent tremendous sums of money to improve the lot of our poor, both in the cities and elsewhere. Yet he is accused of not spending enough when mass rioting continues in the cities—even though what happened in Detroit and New Haven proved that money alone is not the answer. There is no simple answer to social unrest and President Johnson has done all a sound executive can do by summoning the nation's best brains to work out effective remedies.

And so, right down the line, we find a man in the White House who is wrestling with tremendous problems. He is doing what he believes to be the best for his country according to the dictates of his truly liberal conscience based on the most expert advice available. I think, under the circumstances, he is doing very well. At least as far as I'm concerned I have not heard anybody make any suggestions which are preferable.

The man unquestionably has a most serious drawback. He speaks with a Texas accent and that's against the grain of our self-proclaimed enlightened intellectuals. They prefer the Oxford variety or that Harvard accent with which they were charmed by FDR and Jack Kennedy. With them, apparently, it's not so much what you say as how you say it.

If Johnson has this drawback, he also has a counterbalancing asset. That big plus is his remarkable patience and unflappability. His self-control in the midst of the critical storm raging about him sometimes seems superhuman. Yet, after all, why should he bother to answer every heckler who comes along—most of whom are far beneath him intellectually, morally and in every other way?

Another of our down-to-earth presidents, Harry S. Truman, once remarked when the going was toughest that anybody who can't stand the heat should get out of the kitchen.

The heat is on President Johnson—much of it unfair and undeserved—but I have a feeling he likes the job of head cook.

CHRISTIAN SCIENCE MONITOR PRAISES NEW YORKERS FOR SHUNNING STATE LOTTERY

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

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

There was no objection.

Mr. PATMAN. Mr. Speaker, the respected newspaper, the Christian Science Monitor, has extended an editorial pat on the back to the people of New York for refusing to go along with that State's lottery scheme.

On its editorial page of August 29, the newspaper points out that the New York State lottery has been a dismal failure. The main reason is that State residents have refused to support the scheme. At the same time, the newspaper condemns lottery officials for trying to "beef up" its "come on" by advertising the lottery as a get-rich-quick scheme.

This of course is designed solely to attract the people who can least afford to spend their money on a hopeless cause.

It is now clear that the New York State lottery is working a greater hardship on the people of New York than any benefits that might derive from lottery tickets. For every dollar that goes to education, a matching dollar is being virtually

snatched from the pocketbook of the poor. It is a cruel and vicious method of regressive taxation.

I commend the Christian Science Monitor for its strong stand against the lottery. A copy of the editorial is included, as follows:

SCRAP NEW YORK'S LOTTERY

Having taken a bad road when it decided to authorize a state lottery, New York is now choosing an even worse one. It is planning to seek to boost lagging lottery ticket sales on one of the weakest and poorest grounds possible—that of advertising the lottery as a "get-rich quick" scheme.

Ever since the first lottery made its appearance, people have been separated from their money and made poorer by this hollow and deceptive appeal. It is an argument that runs counter to all good sense, to every lesson on how to succeed, to every worthwhile moral precept, and to every law of probability.

To find a state deliberately advocating an attitude which has been conclusively shown to undermine ambition, initiative and thrift is as startling as it is reprehensible. New York is deliberately fostering an attitude which—even though the lottery were a resounding financial success instead of a dismal failure—would weaken rather than strengthen the state. And that all this is done in the name of education only caps the disgrace.

We can only say that we wish to congratulate the people of New York State on staying away from the lottery in droves. In doing so they are demonstrating better sense than did the state officials who put the lottery through.

We also wonder what Gov. Nelson Rockefeller's thoughts on this may be. Although he initially opposed the lottery, he later went along with it, to the disappointment of many of his friends. His acquiescence in this could become a heavy political handicap, were he drafted for national office. Might this not be additional reason for him to seek to scrap an experiment which should never have been tried and has now failed?

MEDICAL RESEARCH HELPS THE CAUSE OF PEACE

Mr. MAYNE. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. GUBSER] 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 Iowa?

There was no objection.

Mr. GUBSER. Mr. Speaker, it is almost routine for Americans to be greeted each morning with news reports of war, rebellion, riots, and all kinds of domestic and international tension. Such daily news is discouraging and tends to obscure some of the great and continuing efforts made by unselfish scientists to make this world a better and more peaceful place. We tend to forget that science, and medical research in particular, does more than merely help our own people. It is also helping in the struggle to achieve a lasting world peace.

During a recent visit to the Stanford University School of Medicine, I was emphatically reminded of the great role medical research is playing in cementing human relations around the globe.

I learned, for example, that a 1964 graduate of the Stanford Medical School was serving in South Vietnam with a civil affairs company to administer medical aid to refugees. To assist in Captain Glatstein's work, members of the Stanford Medical Student Association sent him medical stains, a microscope, and other medical equipment.

In another instance I discovered that Dr. Frank C. Winter has made repeated trips to an isolated village at the tip of Baja California to treat eye disorders in the villagers. At the time of my visit to Stanford, Dr. Winter, Acting Chief of the Division of Ophthalmology, had completed six trips to the village where he had performed over 100 operations for cataracts and other disorders. Additionally, he had prescribed glasses for hundreds of partially sighted patients and supplied them with glasses donated by Parsons Optical Co., of Palo Alto, Calif.

One of the individuals Dr. Winter treated was a 9-year-old boy who had already been blinded in one eye by a stick. Vision in the other eye was also in grave danger from a diseased cornea. Thanks to Dr. Winter and his assistant, Dr. Richard Yukins, and James Duncan, who flew the doctors to the village, a new cornea furnished by "Stanford Eye Alert" was grafted to the young boy's eye.

To express their appreciation for Dr. Winter's work in restoring sight to over 100 of their people, the villagers of San Jose del Cabo presented him with a gold medal inscribed in Spanish: "Con Gratitude Dr. Winter."

Stanford's medical staff also serves individuals of other nations in its own home clinic. For example, in a small Belgian country village called Sprimont, a tiny baby, Pascale Neuville, was born with a defective heart. Having learned that the best chances for surviving delicate open heart surgery would be at the Palo Alto-Stanford Medical Center, the town's people and a Belgian industrialist helped the family send Pascale to Stanford for treatment. There, Dr. Norman E. Shumway, professor of surgery, and Dr. Norman J. Sissman, associate professor of pediatrics, successfully treated the child. Furthermore, the clinic canceled all professional fees, and newfound friends in San Jose, Calif., offered their home to the Neuville family so that the child might better recuperate before her long trip back to Belgium.

Similarly, Dr. Shumway operated on a prominent Spanish physician who had a calcified aortic valve. Dr. Shumway replaced the heart valve with an artificial one and the patient returned to his wife and four children in Seville.

Not only are the results of medical research being applied irrespective of national borders, but in many other ways medical research is making a noticeable and favorable impact upon international relations.

Dr. Radha Pant, during a year's leave of absence from the University of Allahabad, in India, served as a research associate at Stanford's School of Medicine where she studied the biochemistry of insects. Although Dr. Pant's primary interest centers on improving the nutritive value of beans and peas, which comprise the traditional staples of the Indian diet, the special research training she received from Dr. Raymond B. Clayton will be valuable in her efforts to improve the culture of silkworms, one of India's economic resources. Having returned to India, Dr. Pant works at the University of Allahabad in a new biochemistry department which she was instrumental in establishing. So that she might continue her research in the new department, the South Palo Alto Lions Club, the Stanford University School of Medicine, and the Palo Alto Medical Research Foundation assisted Dr. Pant in obtaining $15,000 worth of surplus equipment to take home. With this help and training she will be better prepared to tackle two of her country's biggest problems—malnutrition and economic depression.

Often it is the American medical student or physician who goes to other lands to learn more about special aspects of medicine. Such was the case of Michael Klein, a Stanford Medical School student who traveled to Ethiopia to gain experience in tropical medicine. Financed by the Stanford Department of Pediatrics, the International Pediatric Fund, and the Ethiopian Government, Mr. Klein—at the time not yet a licensed physician—worked primarily on the problem of rickets. His duties included serving as a house officer in the 50-bed Ethio-Swedish Pediatric Clinic in Addis Ababa, directing a Rickets Specialty Clinic, doing research on rickets, and traveling some 10,000 miles with a mobile child health unit to educate the people in outlying villages and to set up clinics in the villages.

As is so often true, young Klein's interest was not confined to medicine. He returned to the United States not only medically wiser, but also possessing a greater knowledge of and appreciation for the Ethiopians themselves. This was dramatically reflected by his photographic study of Ethiopian people which he later displayed at Stanford's School of Medicine.

It is not uncommon for scientists of different nations to join hands in search of new medical knowledge. All of us remember the tragic death of the late President Kennedy's son from a mysterious condition called hyaline membrane disease, which kills over 50,000 infants each year in the United States alone. It was in an effort to understand and treat this disorder that a team of American and Malaysian doctors worked together in Singapore. The group included Drs. John Clements and William H. Tooley of the University of California, Dr. Marshall H. Klaus from the Stanford Medical Center, Dr. Josephine Chu of Cleveland's Mount Sinai Hospital, and Dr. M. A. Thomas of the University of Singapore medical faculty.

Theorizing that improper timing of a nerve reflex which causes constriction of arteries carrying blood to the lungs was the major underlying cause of the disease, the doctors devised a technique to counteract the harmful effects.

Since returning from Singapore, the American physicians have continued their studies and have successfully treated several infants suffering from respiratory distress. One day, families all over the world will be grateful to the international team of physicians who joined in the cooperative medical re-

search effort which led to this promising new treatment.

Adding to these examples of the great impact medical research continues to make upon international relations are the medical uses made of animals and plants native to various countries around the world. For example, while on a recent sabbatical leave from Stanford, Drs. Keith F. Killam and Eva King Killam joined Dr. Robert Naquet in Marseilles, France, in a study of epilepsy. Quite by accident, the collaborators' study led to the discovery of a new animal model—a baboon from West Africa—in which epilepticlike seizures occurred naturally. Because this is the first animal to be found having symptoms like human epilepsy, and because the phenomenon appears to be a species characteristic, a whole new avenue is now open to the study of experimental treatment of epilepsy. Back at Stanford, Dr. Killam and his wife are continuing their studies with ten baboons from Senegal. Their work is supported by the National Institute of Mental Health of the U.S. Public Health Service.

In another instance, the research of Stanford's Dr. Lewis Aronow, undertaken while he was serving as visiting professor at the Jose Vargas School of Medicine in Caracas, led to the discovery of an antidote for the virulent poison of a nut native to Venezuela. A local medical society awarded a gold medal to Dr. Aronow and his Venezuelan colleague, Dr. Kerdel-Vegas, for their discovery.

The examples set by these people are encouraging because they are being repeated the globe over. Thus, the results of medical research are being applied across national boundaries to relieve suffering from disease; scientists from many countries are collaborating in the search for causes and cures of baffling disorders; professional men are exchanging knowledge and training one another's workers in various specialized areas of medicine; animals and plants native to one country are being studied and shared for the good of mankind in all countries; equipment and financial support are finding their ways across national borders as medical needs require; and in many other ways medical research is serving as an effective ambassador for peace.

We may not awake to radio reports of the remarkable impact medical research is making each day on international relations, but I, personally, take heart in knowing that instances such as those I learned of at Stanford far outnumber the bombs dropped or the rioters jailed. I know that through such strong ties among citizens of widely separated countries will peace be brought closer to reality.

The medical men and women of the Stanford University School of Medicine and their counterparts around the world are truly ambassadors in the cause of peace.

DOUBLE STANDARDS FOR RETIRED MILITARY PERSONNEL

Mr. MAYNE. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. GUBSER] 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 Iowa?

There was no objection.

Mr. GUBSER. Mr. Speaker, recently a very interesting article by Mr. Bob Schweitz appeared in the August 23 western edition of the Army Times. This article predicted that the Defense Department will make a proposal next year whereby the survivors of deceased retirees from the military services will get cash payments.

A surprising number of Congressmen do not realize that the surviving spouse of a man who has devoted his life to a career in the armed services does not receive one single cent in cash payments or annuities. The only exception is when the serviceman contributes part of his pay to the retired serviceman's family protection plan. This is a plan which is very expensive by comparison with the benefits accorded the surviving spouses of civil service retirees and, in my opinion, is not a sound investment.

I am happy to hear the report that the Defense Department is finally coming to the point where it will give some consideration to the families of men who have given their lives in service to their country. I am disturbed, however, that preliminary thinking on such a plan would apparently limit it to those who retire in the future. Once again, retirees, most of whom served in two wars and many of whom have served in three, are to be slighted and given a short shrift.

One particular paragraph in the Times article is especially significant. It says:

> Defense [Department of Defense] figures that servicemen are contributing to their retired pay now about 6.5 percent, by accepting a lower active duty pay. But nothing is credited to their accounts and if they leave before retirement or die after it they have no equity to collect.

This quotation, Mr. Speaker, points up a most significant fact that cannot be emphasized too often. Though retired military pay is not based upon a contributory system, it is in effect deferred earned pay which is paid upon retirement. It is earned because the serviceman accepts a lower rate of pay while on active duty. Let me emphasize this point again—retired pay is earned pay.

This fact places the glare of truth upon several inequities in the treatment of the retired military man. First of all, he is subject to the dual compensation laws and if he is receiving retired military pay he is not allowed to hold a second position after retirement wherein he receives additional pay from the Federal Government. Why should he be restrained in his future earning power if he is merely being paid a sum which he has already earned during his active duty years? This is a clearcut inequity and a dual standard which adversely applies to the military man.

Second, there is the question of recomputation. For more than 100 years military men were recruited and continued their service with the clearcut understanding that their retired pay would be based upon a percentage of current active duty pay. But finally Congress and the Defense Department went back on this promise and today we find a situation where a man who retires prior to a pay raise, and who has exactly the same grade and the same length of service, will receive one level of retired pay while another man who retires after the enactment of a pay raise will receive a greater sum. This is an out-and-out inequity and, if retired pay is in fact earned pay—as the Defense Department has now admitted—then why should it be bestowed upon military retirees under a dual standard? This is an inequity and one which I have long thought should be corrected.

Finally, the article shows the disparity between the treatment of civil service employees and military retirees. It is high time that those who have contributed to their retirement by accepting reduced pay, who have earned retired pay, should be given some reasonable means of protecting their surviving spouses. We certainly should not discriminate against one class of military retirees because they are already retired and refuse them the benefits which the Defense Department now seems willing to accord those who retire in the future. Both have earned their retired pay and both should have the same opportunity to protect their families. Let us not commit the same sin as we did with recomputation. Let us not again discriminate as between retirees.

Mr. Speaker, it is time dual standards were eliminated and we stopped treating one class of military retirees differently than we treat others.

RURAL AREA JOBS

Mr. MAYNE. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. MIZE] 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 Iowa?

There was no objection.

Mr. MIZE. Mr. Speaker, there has been fine editorial comment in support of the Rural Job Development Act which has several sponsors in both the House and Senate. As one of the first sponsors of the bill in the House, I am pleased to call attention to an editorial from the Allendale, S.C., County Citizen, of August 17, 1967. Under leave to extend my remarks, I include the editorial, "Rural Area Jobs," in the RECORD:

> RURAL AREA JOBS
>
> Recently introduced in the House of Representatives, by Rep. Chester L. Mize of Kansas and others, is the Rural Job Development Act, which, according to Mr. Mize would encourage the development of job-creating industries in rural areas.
>
> "It provides for a series of tax incentives to encourage private investment in rural America so that there will be jobs for people in the thousands of smaller communities across the land.
>
> "They will not have to leave the pleasant, uncomplicated way of living in these communities and move to the cities to find work. We will keep more people from crowding into the overpopulated areas where the pressures keep magnifying every day. . . ."
>
> Benefits of the bill provide tax incentives against investment in plant and machinery

with the industry charged with proving that it would create new jobs and provide employment for a specified percentage of its labor force from the community where the plant is located.

It would also enable many in search of work, who now must go to some far city, to an utterly new and strange way of life, and a fierce competitive struggle for the jobs, to remain at home, to further their own interests in the smaller community. That such would also enjoy a life with opportunity for leisure time activities, denied the dweller in the crowded city goes without saying.

Aside from adding to the tax incentive a type of training assistance, as outlined here in our issue of the week of July 25, the proposed measure fits perfectly our idea that something should be done to provide industrial jobs for persons displaced from farming operations, now largely mechanized.

The Congress would do well to give the proposal immediate consideration and State authorities would do well also, to begin at once a type of survey to determine what areas these industries could serve and the types of industries which should be sought.

THE "Y" OF IT ALL

Mr. MAYNE. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. ASHBROOK. Mr. Speaker, the American farmer, fed up with the Johnson-Freeman programs designed to run him out of business and off the farm now has the most wonderful spare time challenge.

Knowing that farmers are pushing for a 5-hour day and a 3-day week, and thus have a great deal of time for extra curricular quadratic equations, the Department of Agriculture has come up with an interesting study of parity, or parody of parity.

Now all the farmer has to do to find out how bad off he is, is figure out "Y." This, of course replaces taking notice of dwindling bank accounts, lower milk checks, higher cost across the board, and increased outlays at every turn.

"Y," says the Department, represents the "income observations" and from there all one need do is realize that "Y" equals a minus 3471.3235 plus $226.60418^{**}X_1$ minus $51.64458^{**}X_2$ plus $2.094.5807^{**}X_3$ minus $2.44571^{**}{}_1{}^2$ plus $14.94676^{**}X_2$. Never mind that one of those numbers has two decimal points in it and that USDA cannot figure out which one to keep. Do remember, of course, that X_1 equals age, X_2 equals education, and X_3 equals sex, except for cross-breeding purposes. In addition, the R_2 multiple for this "do it yourselfer" is 0.89 and that when other equations were tried, some of them, having interaction terms, were not significantly different from zero and the R_2 was not "materially" increased.

If you are concerned about your R_2 materially increasing so you can send your children to college or replace machinery or fix the well, do not worry about it, USDA is not going to come up with a formula that will significantly increase your R_2, or your material anything, for that matter.

Nothing like a good quadratic equation to take your mind off that last severe hail storm or the interest payments on your notes. And for those whose "Y's" do not ultimately indicate that they are down to about 74 percent of parity—and that is after you have thrown in the manure spreader—do not be too hard on President Johnson or Secretary Freeman; after all, it would be rather stupid on their parts to give the farmer an easy way to find out how bad off he is, even if the farmers are paying for it.

For those who also want to know the "Y" of the Johnson farm parity programs and care to take a peak at the results of the parity study, I include in the RECORD a section of the report. This is how you do the figuring, straight from the horse's mouth.

The section of the report follows:

PART 2: PARITY RATES OF RETURN TO FARM OPERATOR AND MANAGEMENT AND UNPAID FAMILY LABOR

The return to labor and management included in the parity return standard should indicate what comparable resources could earn in alternative employment. A person's income-earning capacity depends at least in part on such personal characteristics as age, educational attainment, and sex. Operators of farms in the different economic classes vary widely with regard to these characteristics, as shown in table 3. Data are also shown for hired farm workers who worked 25 days or more on farms, and for unpaid family labor.

TABLE 3.—MEDIAN AGE, EDUCATIONAL ATTAINMENT, AND PROPORTION OF MALES, FARM OPERATORS BY ECONOMIC CLASS OF FARM, AND HIRED FARMWORKERS

Group	Level of gross sales	Median age (years)	Median educational attainment (years)	Proportion of males
Farm operators by economic class of farm:				
Class I [1]	$40,000 and over	46.8	11.8	0.982
Class II [1]	$20,000 to $39,999	46.4	11.6	.982
Class III [1]	$10,000 to $19,999	48.1	10.4	.982
Class I, II, III [2]	$10,000 and over	46.5	10.5	.982
Class IV [2]	$500 to $9,999	48.8	8.0	.984
Class V [2]	$2,500 to $4,999	52.4	7.5	.965
Class VI [2]	Under $2,500	53.8	7.0	.939
Part time and abnormal [2]	do	49.0	8.0	.956
Part retirement [2]	do	70.5	7.2	.917
All farms [2]		51.0	7.8	.963
Hired farmworkers [3]		30.0	8.0	.790
Unpaid family workers [4]		40.0	7.8	.405

[1] Age and educational attainment medians derived from preliminary data from the 1964 Census of Agriculture. Proportion of males assumed to be equal to the 1960 ratio shown for classes I, II, and III combined.

[2] Unpublished estimates from a cooperative study conducted by the Economic Development Division, ERS, USDA, and Bureau of Census. In the study, some 9,000 enumeration schedules from both the 1960 Population Census and 1959 Agriculture Census were matched. Combined medians for economic classes I, II, and III are used for 1960 because of the relatively small number of observations obtained for each of these classes in the 1960 study.

[3] Hired workers who worked more than 25 days on farms in 1959. From ERS series on hired farmworkers.

[4] Estimates developed in ERS. The median age is a rough approximation. The education and sex data are firm estimates.

To ascertain how much was earned in nonfarm employment by people in different age, education, and sex groups, five steps were followed:

(1) A multiple regression equation was calculated showing 1959 income as a function of age, education, and sex of people in central cities of urbanized areas.

(2) For each of the groups shown in table 3, the typical or median attributes (age, education, and sex) were substituted into the regression equation. The resulting income levels reflected the total income that people having these age, education, and sex attributes would have earned on the average in central cities or urbanized areas during 1959.

(3) These 1959 annual income data were adjusted downward to reflect income from wages and salaries only.

(4) The annual wage and salary incomes for 1959 were converted to hourly rates using estimates of the number of hours worked per year.

(5) Comparable hourly income estimates were calculated, for 1964 and 1966 using the U.S. average manufacturing wage rates for these years as a base.

The details of these calculations and their underlying assumptions are discussed below.

(1) The multiple regression equation was calculated showing income as a quadratic function of age, education, and sex. Observations were obtained from 1960 Population Census data for central cities of urbanized area.[1] The income observations (Y) were the 1959 median incomes of persons in the various age-education-sex cells tabulated in the Census report. The age (X_1) and education (X_2) observations were taken as the mid-range of the age class or education interval, respectively. Sex (X_3) was coded as 1.0 for males and 0 for females. This allowed a literal interpretation of this variable in the equation as the proportion of males in each group, as shown in table 3. A total of 148 observations were obtained in this way from the tabulated Census data. The resulting equation is as follows:

$$Y = -3471.3235 + 226.60418^{**}X_1 - 51.64458^{**}X_2 + 2.094.5807^{**}X_3 - 2.44571^{**}X_1^2 + 14.94676^{**}X_2^2$$

* The coefficient is significantly different from zero at the 0.80 level of probability.

** The coefficient is significantly different from zero at the 0.999 level of probability.

The multiple R^2 for this equation is 0.89. All the coefficients were statistically significant at an acceptable level of probability. Other equations were also evaluated, including some equations having interaction terms.

[1] U.S. Bureau of the Census. U.S. Census of Population: 1960. Subject Reports. Educational Attainment. Final Report PC (2)—5B. U.S. Govt. Printing Office, Washington, D.C., 1963. Table 6, pp. 92–93; table 7, pp. 116–117. For the 21 to 24-year age groups, observations showing more than 12 years of educational attainment were deleted. Likewise for the 25 to 29-year age group, observations showing more than 16 years of education were deleted. These observations were deleted because they were thought to be unduly influenced by the low earnings of college students prior to graduation.

These interaction terms were not significantly different from zero, and the R^2 was not materially increased. Consequently, these alternative equations were rejected in favor of the one shown above.

(2) For each group shown in table 3, the typical or median age, education, and sex attributes were substituted into the regression equation to determine the total money income that persons having these attributes would have earned in 1959 in central cities or urbanized areas. Results of these calculations are shown in column 1, table 4.

(3) These 1959 annual income data were then adjusted downward to reflect income derived from wages and salaries only. The estimated proportion of income derived from wages and salaries in 1959 was used in making this adjustment (column 2, table 4). For persons over age 65 (corresponding to the part-retirement class of farms) the proportion of total income derived from wages and salaries was estimated as 32 percent. This estimate was obtained by interpolating data for unrelated individuals over age 65. In attempting to obtain a similar ratio for the other groups, we examined Census data indicating the wage and salary incomes of families in urban areas, and the total income of these people. These data suggested that in the $4,000 to $5,000 income interval, roughly 85 percent of total income was wage or salary earnings.

ALLEN M. KREBS AGAINST JOHN M. ASHBROOK

Mr. MAYNE. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. ASHBROOK. Mr. Speaker, on April 19 of this year I inserted in the CONGRESSIONAL RECORD on page 10058 the supplemental brief of the Department of Justice regarding the case of Dr. Allen M. Krebs et al. against John M. Ashbrook et al. This case stemmed from the hearings held by the House Committee on Un-American Activities in August 1966, on bills to make punishable assistance to enemies of the United States in time of undeclared war. It will be remembered that the committee's hearings were disrupted by unruly conduct on the part of some present at the hearings. Court action was initiated by Dr. Krebs and others seeking permanent and temporary injunctive relief from the committee's hearings. I wish at this point to insert in the RECORD the supplemental brief submitted by the plaintiffs in the case.

[In the U.S. District Court for the District of Columbia]

DR. ALLEN M. KREBS, ET AL., PLAINTIFFS, *v.* JOHN M. ASHBROOK, ET AL., DEFENDANTS—CIVIL ACTION NO. 2157–1966

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PLAINTIFFS' MEMORANDUM OF LAW

This memorandum is submitted in accordance with the *sua sponte* order of this three-judge statutory district court entered on August 17th, 1966, requesting counsel to submit memoranda directed toward the question as to "whether or not this case should proceed before this specially constituted three-judge court or be remanded to a single district court judge."

A. Procedural status of the litigation

On Monday, August 15th, plaintiffs filed the complaint seeking *inter alia* permanent and temporary injunctive relief restraining the enforcement of an Act of Congress, the Legislative Reorganization Act of 1946, insofar as it enacted Rule XI establishing the House Committee on Un-American Activities. The plaintiffs moved for an order convening a three-judge statutory court pursuant to Title 28 U.S.C. 2282, 2284 and for a temporary restraining order pursuant to Title 28 U.S.C. 2284.

The motions for an order convening the statutory court and for the temporary restraining order came on before the Honorable Howard F. Corcoran, District Court Judge for this District. After a full argument by all parties the District Judge entered an order pursuant to Title 28 U.S.C. 2282, 84, granting plaintiffs' motion to convene a three-judge statutory court. The District Judge rendered an opinion finding that (1) the constitutional issues raised in the complaint were "not insubstantial" and (2) that the complaint presented a justiciable "case and controversy." Accordingly, the District Judge concluded that he was required to request the convening of a statutory court. Following the granting of the motion for the convening of a statutory court the District Judge issued a temporary restraining order pursuant to Title 28 U.S.C. Section 2284.

At nine-thirty that evening a panel of the Court of Appeals was convened to hear a motion of the defendants for leave to file a motion to dissolve the temporary restraining order. After oral argument counsel were directed by the Court of Appeals to file memorandum by the following morning directed toward the jurisdiction of the Court of Appeals to hear defendants' motion.

The following morning, Tuesday August 16th, an order was read in open court announcing that (1) the Chief Judge of the Circuit, in response to the certification of the District Judge (See Appendix A), had ordered convened a three-judge statutory court, pursuant to Title 28 U.S.C. 2282–84 (See Appendix B) that (2) the Chief Judge and Circuit Judge Fahy had been appointed to sit on the Court together with the certifying District Judge; (3) that the three-judge statutory court had already convened and had dissolved the temporary restraining order issued by the single District Judge; (4) the statutory district court would hear as promptly as requested applications for relief from the parties in the cause before it and that (5) the panel of the Court of Appeals had granted the defendants' motion for leave to file a motion to dissolve the temporary restraining order, and had denied that motion as moot.

On Tuesday, August 16th, in accordance with the order of the three-judge statutory court the plaintiffs requested a hearing before the Court to hear and determine a motion for further temporary relief. The statutory court then directed that such a hearing be held on Thursday, August 17th, at 2:30 P.M. On Thursday morning plaintiffs filed motions seeking a new temporary restraining order and a temporary injunction, and pursuant to the rules, requested that evidence taken in support of the notions for temporary relief be considered together with any application for permanent relief. Defendants filed a motion to dismiss the complaint and in opposition to plaintiff's motion for preliminary injunction, with an attached memorandum. Plaintiffs also filed a motion for leave to file supplementary pleadings adding certain party plaintiffs.

On Thursday morning, August 17th, the statutory court entered its *sua sponte* order postponing the hearing scheduled for 2:30 p.m. until further order of the Court and directing counsel to file memoranda of law on the question as to "whether or not this case should proceed before this specially constituted three-judge court or be remanded to a single district court judge." This memorandum is filed in accordance with this direction.

I

The three judge statutory court having been duly convened and constituted pursuant to title 22 U.S.C. 2282, 84 must in accordance with the statute proceed "to hear and determine the action or proceeding."

In full accordance with the provisions of Title 28 U.S.C. 2282 and 2284, a District Judge has found after hearing that this complaint requires the convening of a three-judge statutory court. In further accordance with the statute the Chief Judge of this Circuit has accepted the certification of the District Judge and has duly convened the statutory court. The Court has met and has proceeded to exercise its statutory jurisdiction. We will in the course of this memorandum indicate why the decisions of the District Judge in certifying the necessity for convening a statutory court and the decision of the Chief Judge of the Circuit in accepting the certification and in convening the statutory court[1] were proper decisions fully supported by binding decisions of this Court and the United States Supreme Court. We will fully demonstate that the Constitutional issues here presented are not "patently frivolous," *Reed Enterprises v. Corcoran*, 354 F. 2d 519 (Court of Appeals for the District of Columbia); *Idlewild Bon Voyager Liquor Corp. v. Epstein*, 370 U.S. 713 and that the complaint "formally alleges a basis for equitable relief." *Reed Enterprises v. Corcoran; Idlewild Bon Voyager Liquor Corp. v. Epstein, supra*, Cf. *Dombrowski v. Pfister*, 380 U.S. 479 (1965). However, we would suggest that there is a threshold consideration which may dispose of the Court's *sua sponte* question as to whether the case should proceed before the three-judge statutory court or be remanded to a single district judge.

In *Eastern States Petroleum Corporation v. Rogers*, 280 F. 2d 611, the Court of Appeals for this Circuit has prescribed the precise procedure which must be followed in the present posture of this case. In *Eastern States* the plaintiff had sought from a district

[1] The Third Circuit has held that the decision of the Chief Judge to convene a statutory court is not merely ministerial but is properly an exercise of judgment as to whether the conditions of the statute have been met. *Miller v. Smith*, 236 F. Supp. 927 (E.D. Pa. 1965, opinion by Chief Judge Biggs). Chief Judge Biggs characterizes the judicial acts involved in convening a three-judge court in the following manner:

"The constituting of a three-judge court requires two separate acts of judicial judgement as indicated, neither ministerial." 236 F. Supp. at p. 934. See also *Kirk v. State Board*. 236 F. Supp. 1020 (E.D. Pa. 1965), opinion by Chief Judge Biggs.

judge an order convening a three-judge court. The single judge refused to convene the statutory court and dismissed the complaint for lack of jurisdiction. The plaintiff argued to the Court of Appeals that the 1942 amendment to the three-judge court statute providing that "a single judge shall not . . . dismiss the action," 28 U.S.C. Section 2284, overturned the prior rule embodied in *ex parte Poresky*, 290 U.S. 30 that a single judge could refuse to convene a statutory court for failure to meet the statutory requirements and dismiss a complaint for lack of federal jurisdiction. The Court of Appeals in an opinion by Circuit Judge, now Chief Judge Bazelon, rejected this contention pointing out that 'the provision of Section 2284 precluding single judge dismissal, along with the other procedural requirements of that section, *becomes operative only after a three-judge court is convened.*" 280 F. 2d at p. 616 (emphasis added). This opinion of Judge Brazelon for the Circuit appears to be determinative here. Unlike the situation in *Eastern States*, here the three-judge statutory court has already been convened. The consequences are clear. The provisions of Section 2284 "precluding single judge dismissal, along with the other procedural requirements of that section" have become "operative." *Eastern States*, at p. 616. The statutory jurisdiction of the three-judge court has fully attached and the three-judge court alone can hear and determine the cause. *Idlewild Bon Voyage Liquor Corp. v. Epstein, supra.*

The impact of the decision of the Court of Appeals in *Eastern States* that the provisions of Section 2284 become "operative" *after* the statutory court has been convened is strikingly clear here. Under the decision in *Eastern States* after the convening of the statutory court a single judge is precluded from dismissing the action. And yet every major argument addressed to the single judge by the defendants in their opposition to the original convening of the statutory court and renewed in their motion to dismiss before this Court are questions a single judge is now precluded from action upon in an order of dismissal. If there is any merit to defendants' contentions that for some reason the federal courts are powerless to grant the relief plaintiffs seek, and this is the burden of their argument, under the clear words of *Eastern States* only the three-judge court can now dispose of these contentions. We shall show that these contentions are wholly without merit but as a threshold question only this statutory court can now dispose of these issues. Under the Court of Appeals' clear interpretation of the statutory mandate a single judge would now be precluded from dismissing the complaint for any of the reasons urged by the defendants in their motion to dismiss. The only proper course of conduct for this statutory court to follow under the guidance of the Court of Appeals' interpretation of the governing statute, is to accept the mandate of the statute and "hear and determine the action" 28 U.S.C. 2284 (1). Both defendants' motion to dismiss and plaintiffs' motions for temporary and permanent relief should be set forthwith for argument.[2]

II

The determination of the district judge and the chief judge of the circuit to convene a three-judge statutory court to hear this cause was proper and should be adhered to.

Even if the statutory provisions of Section 2284 had not become operative "precluding single judge dismissal" under Eastern States, there are no considerations in law or police which could sustain a conclusion at this particular procedural posture of the case that the determinations of the District Judge and the Chief Judge of the Circuit to convene a statutory court were improper. Under all the relevant decisions of the Supreme Court and the Court of Appeals of this Circuit the decisions of last week to invoke the statutory jurisdiction of Title 28 U.S.C. 2282, 2284 were soundly based and unimpeachable. They should be adhered to and this cause should proceed as originally directed by the Court.

A. *The Statutory Three-Judge Court was Properly Convened Under the Statute.*

In both *Idlewild Bon Voyage Liquor Corp. v. Epstein* and *Reed Enterprises v. Corcoran*, both *supra*, the Supreme Court and the Court of Appeals for this Circuit have recently restated the narrow scope of inquiry open to the District Judge and the Chief Judge of the Circuit in ascertaining whether the statutory three-judge court jurisdiction has been properly invoked. In *Idlewild*, the Supreme Court in its *per curiam* opinion placed the scope of the inquiry in these words:

"When an application for a statutory three-judge court is addressed to a district court, the court's inquiry is appropriately limited to determining whether the constitutional question raised is substantial, whether the complaint at least formally alleges a basis for equitable relief, and whether the case presented otherwise comes under the requirements of the three-judge statute."

In *Reed Enterprises*, this Circuit recently framed the issues in this manner:

"The problem presented as to whether the convening of three-judge District Courts is required in these cases divides itself into three parts: (1) the presence or absence of a substantial constitutional question; (2) the necessity for injunctive relief; and (3) the presence or absence of a case or controversy . . ." (at 521)

Under the tests enunciated in *Idlewild* and *Reed Enterprises*, the opinion and order of the District Judge certifying the necessity for a statutory court and the order of the Chief Judge convening the Court are wholly proper.

1. *The Constitutional Questions Presented in the Complaint Are Not "Patently Frivolous".*

The test of constitutional substantiality sufficient to invoke the statutory jurisdiction of Title 28 U.S.C. 2282, 84 has been variously phrased. In this Circuit the most recent formulation is that in *Reed Enterprises*, Circuit Judge Wright, writing for the Court (Circuit Judges Wright, Fahy, and Leventhal) placed the test in terms of whether the question was "patently frivolous":

"While we do not, of course, intimate any opinion as to the constitutionality of the 1958 amendment, an attack on a statute which would permit the prosecution a multiple choice of venue in this protected area of First Amendment freedoms is not patently frivolous" (at 522).

More recently Circuit Judge Wright discussed the measure of "substantiality" in similar terms in *Hobson v. Hansen*, 252 F. Supp. 4 (D.C.D.C., March 25, 1966) (opinion certifying to the Chief Judge of the Circuit the necessity for a three-judge court):

"28 U.S.C. Section 2282 provides: 'An interlocutory or permanent injunction restraining the enforcement, operation or execution of any Act of Congress for repugnance to the Constitution of the United States shall not be granted by any district court or judge thereof unless the application therefor is heard and determined by a district court of three judges under section 2284 of this title.' Since the complaint in this case alleges the unconstitutionality of an Act of Congress and prays for a permanent injunction restraining its enforcement, a literal interpretation of 28 U.S.C. Section 2282 would require the convening of a three-judge district court. In interpreting the need for such a court, however, the Supreme Court, in Bailey v. Patterson, 369 U.S. 31, 33, 82 S. Ct. 549, 551, 7 L Ed. 2d 512 (1962), has held that such a court is not required 'when the claim that a statute is unconstitutional is wholly unsubstantial, legally speaking non-existent,' nor when 'prior decisions make frivolous any claim' that the statute is constitutional. In short, if the claim of constitutionality or unconstitutionality is frivolous, a three-judge district court is not required."[3] (at 5)

The District Judge, in his opinion of August 16th has found that the constitutional questions raised in the complaint are not frivolous within the meaning of *Reed Enterprises* and has held, in his words, that these constitutional questions are "not insubstantial." Opinion of August 16th, p. 2. The District Judge has based this finding primarily upon the recent grant of certiorari by the Supreme Court in *Gojack* v. *United States*, 86 S. Ct. 398 (1966) as to identical constitutional issues raised in this complaint. Thus, the District Judge stated:

"Only recently, however, in Gojack v. U.S., the Supreme Court saw fit to accept the case for review under a writ of certiorari on certain questions among which several expressly directed to the constitutionality of the Reorganization Act of 1946 as applied to Rule XI of the Congress. As the Court noted in the course of the oral argument today, the Supreme Court avoided the constitutional

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[2] None of the reported cases following the 1942 amendments in which a three-judge statutory court has been "dissolved" have been in circumstances similar to the present procedural posture of this case. See, for example, *Marcello v. Kennedy*, 194 F. Supp. 748 (D.C.D.C. 1961), three-judge court ruled on the constitutional merits of the claim, and then "dissolved" three-judge court for single judge to rule on the remaining non-constitutional issues. But Cf. *American Travelers Club, Inc. v. Hostetter*, 219 F. Supp. 95 (1963); *Dowell v. School Board*, 219 F. Supp. 427 (1963, W.D. Okla.), three-judge court heard evidence on the merits of the claim, concluded that while relief was proper, facial constitutionality was not involved and so after final hearing cause remanded to single judge for relief; *Nelson v. Jessup*, 134F. Supp. 221 (S.D. Ind. 1955), after evidence taken and full hearing, three-judge court concluded that issue not really constitutional claim but supremacy clause, motion to dismiss overruled and cause remanded to single judge for appropriate relief; *Moon v. Freeman*, 245 F. Supp. 837 (E.D. Wash. 1965), after final hearing three-judge court held that evidence showed no basis for injunctive relief, but rather if anything, monetary relief, and remanded cause to a single judge. *Horton v. Humphrey*, 146 F. Supp. 819 (D.C.D.C., 1950) three-judge court "dissolved" itself and dismissed the action which was properly within the exclusive jurisdiction of Customs Court. Appeal lay to Supreme Court which treated opinion as dismissal on the merits by three-judge court. Thus, in *Horton v. Humphrey*, 352 U.S. 921 (1956) statutory direct appeal jurisdiction was assumed and the judgment affirmed. None of these cases involve situations in which after the three-judge court has been duly convened a cause has been remanded for dismissal by a single judge. (Cf. *Horton v. Humphrey, supra*, treated by Supreme Court as a dismissal, not dissolution and remand, by three-judge court for purposes of direct appeal jurisdiction, see 352 U.S. 921). Such a remand with directions to dismiss would be violative of the statutory mandate which precludes a single judge from dismissing an action after a three-judge court has been convened.

[3] The test has been stated in other words: Is the claim asserted "wholly insubstantial, legally speaking non-existent?" *Bailey* v. *Patterson*, 369 U.S. 31, 33 (1962). See also *Powell* v. *Workmen's Comp. Bd. of New York*, 327, F. 2d 131, 138 (2d Cir. 1964) ("wholly insubstantial"); and *Keyshian* v. *Board of Regents*, 345 F. 2d 236, 239 (2d Cir. 1965).

issue when the case was finally argued and so has cast no light upon the question involved if there is one. It has, however, given passing recognition to the problem."

Accordingly, the District Judge concluded that "a not insubstantial" constitutional issue has been raised. Opinion of August 16th, 1966. The conclusion of the District Judge is wholly sound.

1. The District Court's analysis of the significance of the grant of certiorari in *Gojack* is unassailable. The Supreme Court has only recently authoritatively indicated that the precise constitutional issues as to the validity of Rule XI here raised are serious and substantial questions worthy of consideration and review by that Court itself. In *Gojack* v. *United States,* 86 S. Ct. 398 (1956), the grant of certiorari brought before the Court the very questions of constitutionality which the defendants in this proceeding would have this Court disregard "as clearly frivolous." (Defendants' Motion to Dismiss and Opposition to Preliminary Injunction, p. 1). In *Gojack* the Supreme Court granted certiorari on the following issue:

"Whether the statute creating the Committee and defining its power is unconstitutional on its face or as applied in this case in that—

"(a) it exceeds the legislative power of Congress;

"(b) it is too vague and indefinite;

"(c) it abridges rights secured by the First Amendment;

"(d) it violates the constitutional principle of separation of powers."

The Supreme Court, of course, does not exercise its certiorari power to review questions which are "patently frivolous" or "obviously without merit." [4]

The decision of the Court in *Gojack* on June 13th of this year, 86 S. Ct. 1689, further underlines the substantiality of the constitutional issues involved in the *Gojack* grant of certiorari and the complaint herein. In his opinion for the unanimous Court, Mr. Justice Fortas specifically noted that the Court in reversing the contempt conviction there involved for violation of the Committee's own rules was not disposing of the important constitutional questions involved in the grant of certiorari. Thus, Mr. Justice Fortas wrote: "Since we decide the present case on other grounds, it is not necessary, nor would it be appropriate to reach the constitutional question." 86 Sup. Ct. at p. 1692. This "constitutional question," the issues raised in the *Gojack* grant of certiorari and presented in this complaint, the challenge to the constitutionality of the statute embodying Rule XI of the House Committee on Un-American Activities, remains an open, serious, and substantial question. In light of the *Gojack* grant of certiorari and the *Gojack* opinion, it is incredible to suggest as the defendants do here, that these questions, already accepted for review by the High Court are "clearly frivolous." Defendants Motion to Dismiss, p. 1.

2. Despite the grant of certiorari in *Gojack,* and the refusal of the *Gojack* court to foreclose the constitutional issue by reaffirming *Barenblatt* v. *United States,* The defendants here continue to assert that the 5–4 decision in *Barenblatt* utterly precludes the present constitutional questions presented in the *Gojack* grant of certiorari and in this complaint. But if there was the slightest question that the fundamental issues of constitutionality raised in this complaint remain "foreclosed" afer the grant of certiorari in *Gojack* and the *Gojack* opinion itself, that question was completely settled in the decision this Term of Court in *DeGregory* v. *Attorney General of New Hampshire,* 86 S. Ct. 1148 (April 4, 1966).

The majority opinion of Mr. Justice Douglas in *DeGregory* vitiates any lingering doubt that Barenblatt "forecloses" the issue of the constitutionality of Rule XI or the operations of the House Committee. In words directly applicable to the basic constitutional contention advanced in the complaint at bar, Mr. Justice Douglas reminds us that ". . . Investigation is a part of lawmaking and the First Amendment, as well as the Fifth, stands as a barrier to state intrusion of its privacy." The vice in the Committee's overboard enabling statute is sharply highlighted by Mr. Justice Douglas' injunction that ". . . the First Amendment prevents the Government from using the power to investigate enforced by the contempt power to probe at will and without relation to existing need."

The DeGregory opinion reveals that at the present time six members of the Supreme Court do not regard the 5 to 4 decision in *Barenblatt* in 1959 as "foreclosing" the fundamental questions of constitutionality involved in the present proceeding. Significantly, in discussing the constitutional limitations upon the legislative power to investigate, the majority of the Court does not even advert to the *Barenblatt* opinion. Rather, the Court finds the precedent source for the limitation it imposed upon the legislative power in the earlier opinion of *Watkins* v. *U.S.,* 354 U.S. 178 (1957). Only the three dissenting judges would invoke *Barenblatt* as pertinent authority in defining the limitations imposed upon legislative investigating power by the First Amendment.

The entire spirit of the DeGregory opinion is expressed in the conclusion of the Court that the invocation of the contempt power on the record before the Court could not ". . . override the guarantee of the First Amendment that person can speak or not, as he chooses, free of all governmental compulsion." Thus, the majority opinion underscores the substantiality of constitutional questions accepted for review in *Gojack* and presented in the complaint in this proceeding.

3. A series of important decisions from *NAACP* v. *Button,* 371 U.S. 415 (1963) to *Dombrowski* v. *Pfister, supra,* have seriously undermined whatever authority *Barenblatt* v. *United States* may have had. From *Button* to *Dombrowski,* to *Elfbrandt* v. *Russell,* in the last Term the Court had enunciated time and again the important concept that statutes overbroad in the area of the First Amendment, unconstitutional on their face, operate to create a "chilling effect upon the exercise of First Amendment rights." *Dombrowski* v. *Pfister, supra,* at p. 487; see *NAACP* v. *Button,* supra, at 432–433; *Baggett* v. *Bullitt,* 377 U.S. 360, 378–379; *Reed Enterprises* v. *Corcoran, supra,* at p. 522.[5]

This newly emerging constitutional concept which reaches full flower in *Dombrowski* [6] reflects the essence of the critique of the facial constitutionality of Rule XI of the House Committee first suggested by the Chief Justice in *Watkins* v. *United States,* 354 U.S. 178 (1957)[7] and later the core of the four dissenting opinions in *Barenblatt.* In light of the repeated reaffirmation by the present majority of the Court of the constitutional doctrine which was at the heart of the dissenting conclusion of four Justices in *Barenblatt,* who remain on the Court, it is difficult, if not impossible to conclude that *Barenblatt* totally forecloses the serious constitutional questions raised here [8] or that the constitutional attack of Rule XI of the

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[4] It does not seem necessary to argue this obvious proposition at any length. See Rule 38(5) of the Rules of the Supreme Court:

"A review on writ of certiorari is not a matter of right, but of sound judicial discretion, and will be granted only where there are special and important reasons therefor."

The significance of a grant of certiorari to review a given question is fully discussed in Stern and Gressman, *Supreme Court Practice,* p. 136, 137, 138.

"Sec. 4–11. Importance of issues involved as a basis for granting certiorari—in general. Except where an irreconcilable conflict compels review by the Supreme Court, the importance of the issues involved in the case as to which review is sought is of major significance in determining whether the writ of certiorari will issue. The Court does not have time to give full consideration to all cases which present novel or interesting issues. It must necessarily confine itself to those which reflect the more important legal problems within the realm of its jurisdiction. And the problem, though intrinsically important, must be 'beyond the academic or the episodic.' . . ."

"Where the writ of certiorari is granted, a combination—of factors is usually present to lead the Court to believe that the case is sufficiently important to warrant further review. . . ."

". . . The issues must be novel, unsettled or important, a conflict of decisions must exist, or the law on the matter must be such as to warrant further consideration. . . ."

See the discussion of Mr. Justice Fortas as to the present questionable vitality of that opinion at 86 S. Ct. at p. 1692.

[5] *Dombrowski* v. *Pfister* and *Baggett* v. *Bullitt,* are directly in point in respect to the precise constitutional question presented in this case. Both opinions strike down as overly broad in the First Amendment area statutes using the words "subversive." Cf. *Dombrowski, supra,* at p. 493, 493; *Baggett, supra,* at p. 362, 363, n. 1.

[6] *Dombrowski* has been consistently reaffirmed by the Court in the most recent decisions. Cf. *Cameron* v. *Johnson, Peacock* v. *City of Greenwood* (opinion of Mr. Justice Stewart). *Cameron* v. *Johnson,* 85 S. Ct. 1751, *Peacock* v. *City of Greenwood,* 86 S. Ct. 532.

[7] It is interesting that in the most recent discussions of the constitutional questions involved in judicial control over the investigative power of Congress, the Court has seen fit to return to *Watkins* as its jumping off point rather than *Barenblatt.* See for example, Mr. Justice Douglas' discussion in *DeGregory, supra,* at p. 1151, and Mr. Justice Fortas' discussion in *Gojack* at p. 1695 and in particular, footnote 9 in which he wrote for the Court:

"This Court has emphasized that there is no congressional power to investigate merely for the sake of exposure or punishment, particularly in the First Amendment area. In *Watkins* v. *United States,* 354 U.S. 178, 77 S. Ct. 1173, 1 LEd 2d 1273, the Court stated: 'We have no doubt that there is no congressional power to expose for the sake of exposure.' Id., at 200, 77 S. Ct., at 1185.

"There is no general authority to expose the private affairs of individuals without justification in terms of the functions of the Congress. * * * Investigations conducted solely * * * to 'punish' those investigated are indefensible." Id., at 187 77 S. Ct. at 1179.

See also cases cited at note 3, *supra;* and see note 6, *supra.*

[8] See, for example, *Keyishian* v. *Board of Regents,* 345 F. 2d 236 (2nd Cir. 1965), the Court of Appeals ordered a three-judge court convened to rule upon the very same section of the New York Education Law which the United States Supreme Court had upheld in *Adler* v. *Board of Education,* 342 U.S. 485 (1952). The Second Circuit held that the Constitutional questions involved were substantial despite the existence of a precedent Supreme Court case because the particular constitutional attack made on the law in *Keyishian* had not been made in *Adler* and because subsequent decisions of the Supreme Court raised doubts as to whether the holding in *Adler* would continue to be adhered to. See *Baggett* v. *Bullitt,* 377 U.S. 360 (1964); *Dombrowski* v. *Pfister,* 380 U.S. 479 (1965).

House Committee is "patently frivolous." *Reed Enterprises* v. *Corcoran, supra.*[9]

We would suggest accordingly, that it is "patently" obvious that the conclusion of the District Judge that the constitutional issues here raised are "not insubstantial" is sound in every respect and ought to be adhered to by the statutory court.

2. *The Complaint at Least Formally Alleges a Basis for Equitable Relief.*

In order to properly invoke the statutory jurisdiction of Title 28 U.S.C. 2282, 2284 the complaint in the words of the Court in *Idlewild Bon Voyage Liquor Corp.* v. *Epstein, supra,* at p. 715, must "at least formally allege a basis for equitable relief." See also *Reed Enterprises* v. *Cocoran, supra,* at p. 521. As the District Judge indicates in his opinion, the complaint fully meets this requirement under the recent decisions of the Supreme Court in *Dombrowski* v. *Pfister, supra,* and the Court of Appeals for this Circuit in *Reed Enterprises* v. *Corcoran, supra.*[10]

A. *This Complaint Formally Alleges a Basis for Equitable Relief under the Decision of the Supreme Court in Dombrowski v. Pfister.*

The allegations in this complaint set forth a basis for equitable relief under the governing principles of *Dombrowski* v. *Pfister,* 380 U.S. 479 (1965).

1. The recent opinion of Mr. Justice Brennan for the Court in *Dombrowski* develops certain broad concepts of equitable jurisdiction which have sweeping implications in the area of judicial protection of fundamental constitutional rights and liberties.[11] Central among these concepts is the principle which emerges as the very heart of the *Dombrowski* opinion—that the defense of a criminal proceeding under an overbroad statute affecting the exercise of First Amendment freedoms is not an adequate vehicle for the protection of the "precious rights" involved and that accordingly the intervention of a federal court of equity to restrain in advance the criminal proceedings is required to safeguard the First Amendment rights affected by the overbroad sweep of the offending statute. Mr. Justice Brennan carefully developed the rationale as to why in the area of overbroad statutes affecting the First Amendment a defense of the "criminal prosecution will not assure adequate vindication of constitutional rights" 380 U.S. at 485.

"A criminal prosecution under a statute regulating expression usually involves imponderables and contingencies that themselves may inhibit the full exercise of First Amendment freedoms. See, e.g. *Smith* v. *California,* 361 U.S. 147. When the statutes also have an overbroad sweep, as is here alleged, the hazard of loss or substantial impairment of those precious rights may be critical. For in such cases, the statutes lend themselves too readily to denial of those rights. The assumption that defense of a criminal prosecution will generally assure ample vindication of constitutional rights is unfounded in such cases. *See Baggett* v. *Bullitt, supra,* at 379. For '[t]he threat of sanctions may deter . . . almost as potently as the actual application of sanctions. . . .' *NAACP* v. *Button,* 371 U.S. 415, 433. Because of the sensitive nature of constitutionally protected expression, we have not required that all of those subject to overbroad regulations risk prosecution to test their rights. For free expression—of transcendent value to all society, and not merely to those exercising their rights—might be the loser. Cf. *Garrison* v. *Louisiana,* 379 U.S. 64, 74–75.

This central concept which emerges so sharply from the Brennan opinion governs the request for equitable intervention in this case. The principal position of the defendants in arguing against the availability of equitable relief here is that all the constitutional claims advanced now may ultimately be raised as a defense in the criminal contempt proceedings to be instituted under Title 2 U.S.C. 192. But this is precisely the argument rejected in *Dombrowski.* The defendants totally misconceive the basic thrust of the Brennan opinion. The issue is not whether eventually the plaintiffs may be vindicated in the criminal proceedings in the District Court, the Court of Appeals or ultimately on review in the Supreme Court. This misses the entire point of *Dombrowski.* As Justice Brennan so sharply states, "a substantial loss or impairment of freedoms of expression will occur if appellants must await the state court's disposition and ultimate review in this Court of any adverse determination." 380 U.S. at 486. This the Justice has told us is because "the chilling effect upon the exercise of First Amendment rights may derive from the fact of the prosecution, unaffected by the prospects of its success or failure." 380 U.S. at 487.

The words of Mr. Justice Brennan could not have been more appropriately written for the complaint presently before this Court. The evil of the overly broad mandate of this Committee is not only the injuries to the citizens subjected to its inquisitorial harassment and the threats of imprisonment for exercising elementary constitutional liberties as serious as these injuries are to these individuals directly involved.[12]

The further and even more serious evil flows from the "chilling effect" upon the exercise of First Amendment rights, 380 U.S. at 487, throughout the entire nation which compulsory interrogations and threatened criminal proceedings create. See paragraph 13 (a), (b), (c), (d) and (e) of the complaint.[13] It is this "chilling effect" which is the "substantial loss or impairment of freedoms of expression" which requires under *Dombrowski* the intervention at this stage, prior to the outcome of criminal proceedings, of a court of equity. For as Justice Brennan points out in *Dombrowski,* even the fact of a likelihood of ultimate success in a defense of a criminal proceeding[14] does not meet the problem of immediate protection of the "precious rights" involved. As the Justice wrote "we have not thought that the improbability of successful prosecution makes the case different. The chilling effect upon the exercise of First Amendment rights may derive from the fact of the prosecution, unaffected by the prospects of its success or failure." 380 U.S. at 487.

The impact of the new and sweeping cen-

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[9] There are in addition to the important and substantial constitutional questions raised by the overboard sweep of the statute in the First Amendment area other serious and substantial constitutional questions presented in this complaint. For example, the complaint charges that the Rule on its face and as applied violates the fundamental right of privacy of American citizens to their political beliefs, and associations. See paragraph 9(f) of complaint. In light of the recent decision in *Griswold* v. *Connecticut,* 381 U.S. 479 (1965), it cannot be said that this claim is "patently frivolous". Nor in light of *United States* v. *Brown,* 381 U.S. 437 (1965) can the claim that Rule XI operates as an unconstitutional Bill of Attainder authorizing legislative punishment without a judicial trial, see complaint, paragraph 9 (i, j, k) be dismissed as "wholly insubstantial." Compare concurring opinion of Mr. Justice Black in *Gojack* v. *United States, supra.*

[10] It is important to note at this point the warning of the Court of Appeals in *Reed Enterprises, supra,* that the issue at this point is *not* whether plaintiffs can prove their allegations but whether as pleaded they "outline a basis for equitable relief." As Judge Wright wrote in *Reed Enterprises.*

"For the purpose of determining whether three-judge courts are required, these allegations, unless obviously colorable, must be taken as true, and the answers of the Government addressed to three-judge courts." at p. 522.

[11] Recognition of the fact that *Dombrowski* v. *Pfister* marked a turning point in the developing law of First Amendment freedoms was given by the academic legal community in *Duke Law Journal,* Winter, 1966, 13 U.C.A.L.A. Rev. 153, November 1965, 34 Fordham L. Review 71, October, 1965, 32 Tennessee L. Rev. 641, Summer 1965 and 79 Harvard L. Rev. 170, Nov. 1965.

[12] The enormous immediate and direct impact of these compulsory hearings upon citizens and the nature of the irreparable injury they suffer from hearings before these defendants is well described in an article written a number of years ago by the now Mr. Justice Abe Fortas in the Connecticut Bar Journal, 27 Conn. B.J., 428 (1953). The present Justice then wrote in describing the type of proceedings set forth in the present complaint:

"The arena in which the war for freedom is being fought has shifted. It is no longer the courts. It is the room of a committee of Congress and the hearing chamber of a loyalty board of an agency of government. Imprisonment may not result before these agencies—at least directly—but the penalties are hardly less severe: ostracism and impoverishment and denial of access to one's friends.

"The kind of display that is staged is ideal for their purposes. It provides the committee with unique opportunities for drama and publicity; and at the same time it avoids the complications and doubts that might be created if counsel for the accused were allowed to participate, if the accused were allowed to testify under examination by his own counsel, if adverse testimony were subjected to cross-examination, or if argument were permitted. It is represented and generally accepted as a hearing. A hearing conveys to the public a sense of comfort and satisfaction. They feel that the proper legal forms have been employed and that the accused has had an opportunity to defend himself. They do not realize that the proceedings are so conducted that practically none of the substance of a hearing is present. It is a hearing in name only.

"The net result of all of this is a dangerous deception, however sincere the committee members may be and whether or not they are aware of the implications of their procedures. The net result is a sham, not a hearing. Hearings are supposed to serve the purpose of permitting the accused to defend his innocence or to present facts in mitigation of guilt, and to assure that all factors are considered by his judges. They are not supposed themselves to be punishment or to be vehicles for condemnation or abuse. But that is exactly what a hearing has become in the hands of some—not all, but some—of our legislative inquisitors. In their rough grasp, the hearing has become a weapon of persecution, a useful tool to the demagogue, a device for the glory of the prosecutor, and a snare for the accused. And it is an alarming fact that through the medium of television and radio the American people are being educated to the notion that these spectacles are hearings which satisfy democracy's insistence upon due process.

[13] Plaintiffs have moved for temporary and permanent relief and have submitted an offer of proof in support of their allegations. This evidence of a most varied nature, plaintiffs are prepared to adduce to support their allegations of the "chilling effect" upon the exercise of First Amendment rights flowing from the application of the overbroad mandate of this Committee.

[14] No criminal contempt proceedings involving this Committee under Title 2 U.S.C. 192 have been sustained by the Supreme Court since *Braden* v. *United States, supra* (1961).

tral concepts of *Dombrowski* upon this case are clear. A court of equity will intervene prior to the institution of criminal proceedings where the threat of such proceedings brought to enforce the overbroad sweep of a statute which trenches upon First Amendment areas creates a chilling effect upon the exercise of these First Amendment liberties. This complaint depicts precisely such a situation. If *Dombrowski* means anything at all, it means that American citizens threatened with criminal proceedings flowing from an effort to enforce against them the overly broad mandate establishing the House Committee on Un-American Activities need no longer await the long drawn out criminal contempt proceedings and ultimate review by the Supreme Court in order to press their contention of facial constitutional invalidity of Rule XI. Under *Dombrowski* they may, as they do here, seek the intervention of a federal court of equity. Under *Dombrowski* this complaint, in the words of the Court in *Idlewild*, "at least formally alleges a basis for equitable relief." *supra*, at p. 715.

2. The applicability of the teachings of the Court in *Dombrowski* to this case are apparent in many varied ways.

a. The allegations of irreparable injury found sufficient in *Dombroski* to ground a cause of action for equitable relief are identical in character to the allegations of irreparable injury here. The basic allegations in Paragraph 13 of the complaint, which as this Circuit has said "unless obviously colorable, must be taken as true . . . for the purpose of determining whether three-judge courts are required . . ." *Reed Enterprises* at p. 522, are allegations which show on a vast scale that "a substantial loss or impairment of freedoms of expression will occur" if plaintiffs are required to await the court's disposition of the threatened contempt proceedings and ultimate review in the Supreme Court.[15] We remind the Court that the issue at this moment in the case is not whether these allegations of irreparable injury are true. Plaintiffs are prepared, and were prepared at the Thursday hearing, which was postponed by the *sua sponte* order of the Court, to prove by competent evidence the truth of the allegations. However, the only issue now before the Court is the sufficiency of these allegations under *Dombrowski*. The defendants' arguments are not addressed to this question at all. They refuse to recognize the central thrust of the Brennan opinion and fail to understand that the basic allegations of irreparable injury which will invoke the equity power are those injuries flowing from "the chilling effect upon the exercise of First Amendment rights" caused by the threatened enforcement of an overbroad statute in the First Amendment area. Such allegations are fully made here and accordingly set forth a formal basis for equitable relief.

b. In *Dombrowski*, the "chilling effect" upon the exercise of First Amendment rights was created by the threatened enforcement of an overbroad statute affecting the area of First Amendment liberties. The "overbreadth" was found primarily in the statutory term "subversive." 380 U.S. 494. Cf. *Baggett* v. *Bullitt*, *supra*. The parallelism to this case is striking. Here, the "chilling effect" is alleged to be created by the threatened enforcement of an overbroad statute affecting the First Amendment areas, Rule XI, of the House Committee. The "overbreadth" here flows from such terms as "Un-American," surely no more precise than "subversive" found violative of the Amendment in *Dombrowski* and *Baggett*. Cf. *Watkins* v. *United States*, *supra*.

c. In *Dombrowski* the plaintiffs alleged a threat of criminal prosecution under the overly broad statute. Contrary to the defendants' assertions here in their motion to dismiss, the federal action was not commenced after criminal indictment but before a Grand Jury was convened. 380 U.S. at 488. The actual "threat" of criminal prosecution in *Dombrowski* was a statement made by one of the defendants, one Pfister, Chairman of the Louisiana Un-American Activities Committee and a statement of the Committee itself calling for criminal prosecutions against the plaintiffs. The Committee had no authority whatsoever to institute criminal proceedings and the allegation in the complaint was merely that they "called upon" the District Attorney to prosecute the plaintiffs. Furthermore, at the time of the complaint there were no criminal proceedings whatsoever pending against the plaintiffs since the earlier warrants of arrest had been vacated by a state court judge. See complaint in *Dombrowski* v. *Pfister*, paragraphs 13, 14, 15, 16. If anything the threats of criminal prosecution are more imminent and more real in the present complaint. The original complaint in paragraph 12 alleges that the defendants have threatened and continue to threaten to cause to be instituted against the plaintiffs criminal proceedings under Title 2 U.S.C. Sec. 192 if the plaintiffs refuse to submit to the defendants' threatened compulsory investigation into their exercise of First Amendment rights. This allegation is one of even greater immediacy than the allegation found sufficient in *Dombrowski* since here, unlike in *Dombrowski*, the defendants, members of the House Committee and the United States Attorney for the District of Columbia, are the actual individuals who under Title 2 are authorized to take certain steps to institute the threatened criminal proceedings.

In *Dombrowski* it will be recalled, the individuals making the threats of criminal prosecution had no official relationship whatsoever to the institution of criminal proceedings. Accordingly, the allegation in this complaint of threats of criminal proceedings more than meets the tests posed by *Dombrowski*.[16]

B. *This Complaint Formally Alleges a Basis for Equitable Relief Under the Decision of this Circuit in Reed Enterprises v. Corcoran.*

Only recently this Circuit has handed down an opinion which further distils the rationale of *Dombrowski* in a manner determinative of the question presently before the Court. In *Reed Enterprises* v. *Corcoran*, *supra*, the Court of Appeals (Circuit Judges Fahy, Wright and Leventhal) discussed the applicability of *Dombrowski* in a manner instructive here.

1. *Reed Enterprises* presents an application of *Dombrowski* to the federal arena. It authorizes equity intervention to restrain the enforcement of a federal statute trenching upon the First Amendment area without requiring the potential defendant to exhaust his remedies via the criminal route. *Reed Enterprises*, accordingly wholly disposes of the strongly argued position of the defendants here that for some reason, not altogether clear, *Dombrowski* is inapplicable because the challenged statute is a federal rather than state statute. *Reed Enterprises* applies the *Dombrowski* doctrine fully in the federal arena[17] and is dispositive on this point.

2. *Reed Enterprises* does not stand for the proposition which defendants urge that the *Dombrowski* doctrine is narrowly confined to the threat of *multiple* prosecutions. As Judge Wright wrote for the Court in *Reed Enterprises:*

"Moreover, under some circumstances even a single 'criminal prosecution under a statute regulating expression usually involves imponderables and contingencies that themselves may inhibit the full exercise of First Amendment freedoms. * * * The assumption that defense of a criminal prosecution will generally assure ample vindication of constitutional rights is unfounded in such cases.' Dombrowski v. Pfister, supra, 380 U.S. at 486, 85 S. Ct."

3. *Reed Enterprises*, as *Dombrowski*, stands squarely for the proposition that a citizen may no longer be remitted to the long and arduous processes of criminal defense in order to litigate a claim of facial unconstitutionality of a statute overly broad in the area of the First Amendment, Judge Wright's rejoinder in *Reed Enterprises* to the government's argument that the petitioners there had an "adequate remedy" in the threatened criminal proceedings, is most appropriate here in response to the contentions of the defendants here that plaintiffs have an "adequate remedy" in the threatened criminal contempt proceedings:

"The Government's suggestion that petitioners have an adequate remedy at law in the criminal proceedings now pending against them, while perhaps appropriate in cases outside the First Amendment area where a single prosecution is contemplated, is unavailing here."

As in *Reed Enterprises*, these plaintiffs have set forth a basis for equitable relief. And as in *Reed Enterprises*, all of "the answers of the government [must be] addressed to three-judge courts". 354 F. 2d at 522.

3. *The Complaint Sets Forth a Justiciable Case or Controversy.*

The District Judge in his opinion granting the motion to convene a three-judge statutory court specifically found that the complaint sets forth a case or controversy. The District Judge held as follows in this connection:

"As to whether a controversy between the parties exists, there is room for substantial difference of opinion as to when a controversy begins and when a person's constitutional rights are being affected.

"The appellate courts seem more prone to find a controversy when there is possible—not necessarily probable—and certainly not actual—threat to the First Amendment rights. This is illustrated by *Reed Enterprises* v. *Corcoran*, and *Dombrowski* v. *Pfister*.

"Since this court is bound by the decisions of the appellate courts in the field, its discretion is limited and it must of necessity find the presence of a case and controversy in this instance where subpoenas have been issued and the witnesses are subject to process.

"In view of the foregoing, this court is limited in its discretion and must of necessity order the convening of a three-judge court."

The ruling of the District Judge that the complaint states a case or controversy is wholly proper under the decisions of the Supreme Court in *Dombrowski* v. *Pfister* and this Court of Appeals in *Reed Enterprises* v. *Corcoran*. Under both *Dombrowski* and *Reed*

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[15] A comparison of the allegations of irreparable injury in the *Dombrowski* complaint with the allegations in this complaint will reveal their essential similarity.

[16] Plaintiffs intend to, simultaneous with the filing of this memorandum, or shortly thereafter, to file a motion for leave to file supplemental pleadings in accordance with the federal Rules. This supplemental pleading will allege further additional facts occurring during the last week of hearings before the Committee, including specific threats by defendant Pool and other defendant members of the Committee, to the effect that they threaten to seek criminal contempt proceedings against the plaintiffs and other individuals who failed to "cooperate" with the compulsory inquisition undertaken under the authority of the overly broad mandate of Rule XI.

[17] It should be quite obvious that if anything the *Dombrowski* doctrine is easier to apply in the federal arena since the delicate state-federal relationships which had to be surmounted in *Dombrowski* have no relevancy where a federal statute is involved.

Enterprises it is perfectly clear that a threat of possible prosecution or enforcement against a plaintiff under a statute challenged for vagueness and overbreadth under the First Amendment is sufficient to constitute a justiciable case or controversy. *Dombrowski* v. *Pfister*, 380 U.S. (1965); *Reed Enterprises* v. *Corcoran*, 354 F. 2d 519; 522 (Ct. of App, D.C. Cir. 1965).

1. *Reed Enterprises* v. *Corcoran* is wholly dispositive on this question of the existence of a justiciable case or controversy in this cause. It fully supports the ruling of the single District Judge. In *Reed Enterprises* the Government argued in an analogous situation that no case or controversy was presented in plaintiff's complaint, relying upon the earlier decision of the Court of Appeals in *Lion Manufacturing Corp.* v. *Kennedy*, 330 F. 2d 833. Circuit Judge Wright's opinion for the Court rejected the Government's contention in terms which are dispositive here:

"The Government's argument that the applications for three-judge courts were properly denied because the litigation in the District Court did not present a case or controversy within the meaning of Article 3 of the Constitution is predicated primarily on our opinion in *Lion Manufacturing Corporation* v. *Kennedy*, 117 U.S. App. D.C. 367, 330 F. 2d 833 (1964). There, in an action to enjoin enforcement of the Slot Machine Act of 1951 as amended by the Gambling Devices Act of 1962, 15 U.S.C. §§ 1171–1178, we held that an application for a three-judge court was properly denied, the District Court being without jurisdiction since the complaint stated no case or controversy. In Lion, '(i)t is nowhere alleged that the Attorney General, or anyone acting for him, has taken steps to initiate criminal prosecutions against plaintiffs or to require registration, nor that threats to this effect have been directed to plaintiffs,' 117 U.S. App. D.C. at 372, 330 F. 2d at 838. The factual difference between Lion and these cases is manifest. Moreover, Lion is not concerned with the protected area of First Amendment freedoms. Where the plaintiff complains of chills and threats in the protected First Amendment area, a court is more disposed to find that he is presenting a real and not an abstract controversy.

"We conclude that there is indeed presented a case or controversy within the intendment of Article 3 in each of these cases and that under 28 U.S.C.. § 2284 three-judge District Courts are required to hear them." (At 523)

All of the ingredients relied upon by the Court in *Reed Enterprises* to find the existence of a justiciable case or controversy are present here. Threats to take "steps to initiate criminal prosecutions" are present here. This case, like *Reed Enterprises*, and unlike *Lion* is "concerned with the protected area of First Amendment freedoms". And here, as in *Reed Enterprises* "the plaintiff complains of chills and threats in the protected First Amendment area." Accordingly, here, as in *Reed Enterprises*, "a court is more disposed to find that he is presenting a real and not an abstract controversy", 354 F. 2d, at 523.

2. As the District Judge observed the entire trend in recent years, for important policy reasons, has been to relax the more orthodox rules of case or controversy and standing to sue in the area of the First Amendment. These reasons for this relaxation are fully set forth by Mr. Justice Brennan in *Dombrowski*. Thus, the Justice writes in explaining why a different and more relaxed standard is applied to questions of standing and its interrelated concept, case or controversy, occurring in the First Amendment area:

"Because of the sensitive nature of constitutionally protected expression, we have not required that all of those subject to overbroad regulations risk prosecution to test their rights. For free expression—of transcendent value to all society, and not merely to those exercising their rights—might be the loser. Cf. *Garrison* v. *Louisiana*, 379 U.S. 64, 74–75. For example, we have consistently allowed attacks on overly broad statutes with no requirement that the person making the attack demonstrate that his own conduct could not be regulated by a statute drawn with the requisite narrow specificity. *Thornhill* v. *Alabama*, 310 U.S. 88, 97–98; *NAACP* v. *Button*, *supra*, at 432–433; cf. *Aptheker* v. *Secretary of State*, 378 U.S. 500, 515–517; *United States* v. *Raines*, 362 U.S. 17, 21–22. We have fashioned this exception to the usual rules governing standing, see *United States* v. *Raines*, *supra*, because of '. . . danger of tolerating, in the area of First Amendment freedoms, the existence of a penal statute susceptible of sweeping and improper application.' *NAACP* v. *Button*, *supra*, at 433. If the rule were otherwise, the contours of regulations would have to be hammered out case by case—and tested only by those hardy enough to risk criminal prosecution to determine the proper scope of regulation. Cf. *Ex parte Young*, *supra*, at 147–148. By permitting determination of the invalidity of these statutes without regard to the permissibility of some regulation on the facts of particular cases, we have, in effect, avoided making vindication of freedom of expression await the outcome of protracted litigation." [18]

As Mr. Justice Brennan has stated the reason underlying the tendency of appellate courts to find more quickly a "case or controversy" or "standing" in a case involving First Amendment rights which the District Judge has commented upon, is the ". . . danger of tolerating in the area of the First Amendment freedoms, the existence of a penal statute susceptible of sweeping application." 380 U.S. at 487. A plaintiff who seeks to protect his own rights which are injured by the dragnet sweep of an overbroad statute in the First Amendment area, by protecting his own rights also is protecting the rights of hundreds of thousands if not millions of citizens who are also affected by the "chilling effect" of such a statute upon the exercise of First Amendment rights. There is accordingly a sound and crucial policy reason for relaxing otherwise more conventional standards of standing and case or controversy in such a case. In the deepest sense the public interest is thus served by permitting the litigant, himself injured, to sue on his own behalf and thereby on behalf of society itself, for as Mr. Justice Brennan has reminded us, unless this "chilling effect" is removed "free expression—of transcendent value to all society, and not merely to those exercising their rights—might be the loser." 380 U.S. at 486.

For all of these reasons the District Judge was properly moved under the mandate of *Dombrowski* and *Reed Enterprises* to find that the complaint has adequately stated a case or controversy for judicial relief.

3. We have fully demonstrated in this memorandum that the constitutional questions presented in the complaint are not "patently frivolous"; that the complaint at least formally alleges a basis for equitable relief; and that the complaint sets forth a justiciable case or controversy. All the necessary prerequisites for the invocation of three-judge court statutory jurisdiction set forth in *Idlewild Bon Voyage Corp.* v. *Epstein* and *Reed Enterprises* v. *Corcoran* have been complied with. The order of the District Judge certifying the cause and the order of the Chief Judge of the Circuit convening the Court are wholly proper. There remains only for the Court to proceed in accordance with the statute to "hear and determine the action."

One remaining contention of the defendants remains to be put to rest. In the emotional context of a case of high constitutional order the defendants seek to evade the clear mandate of the three-judge court statute and the compelling decisions of the Supreme Court and this Circuit by asserting at every juncture that judicial relief is somehow precluded in some manner by the doctrine of "separation of powers". But "separation of powers" like other maxims such as "checks and balances" which are often oversimplified symbols of highly complex relationships are not "abstract doctrines" simply applied wherever one branch of government comes into contact with another, but are understandable only in terms of a concrete problem and a concrete case. See Frankfurter and Greene, *Power of Congress over Procedure in Criminal Contempts in "inferior federal courts—a study in separation of powers"* 37 Harv. L. R. 1010.

"Separation of Powers" as a barrier to the relief sought has of course nothing whatsoever to do with this case. Ever since *Marbury* v. *Madison*, 1 Cranch 137, the judicial branch has asserted the right and the duty to exercise the power of judicial review over acts of Congress claimed to be violative of the Constitution in cases properly brought before them. The great Chief Justice said in these words applicable then and now:

"It is emphatically the province and duty of the judicial department to say what the law is.

"So if a law be in opposition to the Constitution; if both the law and the Constitution apply to a particular case, . . . the court must determine which of these conflicting rules governs the case. This is of the very essence of the judicial duty."

This is all that is involved here. The complaint sets forth a cause of action for judicial relief in which an Act of Congress is claimed to be in violation of the Constitution. The decision as to whether this Act of Congress is in violation of the Constitution is "of the very essence of the judicial duty."

Furthermore, it is too late to argue that the investigative powers of Congress are not subject to the controls of the Constitution and judicial review. From *Kilbourn* v. *Thompson*, 103 U.S. 168 to *Watkins* v. *United States*, 354 U.S. 178 the principle is crystal clear that the investigative functions of Congress are subject to constitutional control. The words of the Chief Justice in *Watkins* are decisive here:

"Clearly, an investigation is subject to the command that the Congress shall make no law abridging freedom of speech or press or assembly. While it is true that there is no statute to be reviewed, and that an investigation is not a law, nevertheless an investigation is part of lawmaking. It is justified solely as an adjunct to the legislative process. The First Amendment may be invoked against infringement of the protected freedoms by law or by lawmaking."

Lest there be any impression whatsoever that the investigative functions of Congress are free of judicial restraint through some magic invocation of a formula of "separation of powers" the Chief Justice went on further in *Watkins* and warned:

"We cannot simply assume, however, that every congressional investigation is justified by a public need that overbalances any private rights affected. To do so would be to abdicate the responsibility placed by the Constitution upon the judiciary to insure that the Congress does not unjustifiably encroach upon an individual's right to privacy

[18] See also *Freedman* v. *Maryland*, 380 U.S. 1 (1965). "In the area of freedom of expression it is well established that one has standing to challenge a statute on the ground that it delegates overly broad licensing discretion to an administrative office, whether or not his conduct could be proscribed by a properly drawn statute, and whether or not he applied for a license."

See also *Staub* v. *City of Baxley*, 355 U.S. 313.

nor abridge his liberty of speech, press, religion or assembly."

The words of the Chief Justice in *Watkins* are clear and they were only recently restated by the Court last Term in *DeGregory* v. *New Hampshire*, "Investigation is a part of law making and the First Amendment as well as the Fifth stands as a barrier to . . . intrusion of its privacy." 86 S. Ct. at p. 1151. Obviously, "separation of powers" as an abstract question is no barrier to the relief sought by the plaintiffs. Any such approach here would "abdicate the responsibility placed by the Constitution upon the judiciary to insure that the Congress does not unjustifiably encroach upon an individual's right to privacy, nor abridge his liberty of speech, press, religion or assembly." 354 U.S. 178.

This case poses in the most fundamental terms the issue as to whether the "responsibility placed by the Constitution upon the judiciary" enunciated by the Chief Justice in *Watkins* will be fulfilled. A three-judge statutory court has been properly convened. A district judge has certified its necessity; the Chief Judge has ordered it convened. The constitutional issues posed are clearly not "patently frivolous"; a formal basis for equitable relief has been alleged; the complaint sets forth a justiciable case or controversy. This Court should proceed as it is required to under the law to "hear and determine this action." The plaintiffs' motions for temporary and permanent relief, and the defendants' motion to dismiss should be set down for hearing. To meet this "responsibility placed by the Constitution upon the judiciary" *Watkins* v. *U.S.* at p. 178, in a case of high constitutional and public importance is "of the very essence of the judicial duty". *Marbury* v. *Madison, supra.*

Respectfully submitted by John de J. Pemberton, Jr., American Civil Liberties Union, 156 Fifth Avenue, New York, N.Y.; Arthur Kinoy, 511 Fifth Avenue, New York, N.Y.; William M. Kunstler, 12 Tenth Street, N.E., Washington, D.C.; Peremiah S. Gutman, 363 Seventh Avenue, New York, N.Y.; Henry M. di Suvero, c/o New York Civil Liberties Union, New York, N.Y.; Beverly Axelrod, 345 Franklin Street, San Francisco, Calif., Attorneys for Plaintiffs.

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APPENDIX A

ORDER OF DISTRICT JUDGE OF AUGUST 15

Plaintiffs having moved the Court for an order convening a District Court of three judges pursuant to Title 28 U.S.C. Section 2282 and 2284, and the Court having concluded that the constitutional question issued by the plaintiffs is not insubstantial, it is hereby

Ordered that the plaintiffs' motion to convene a District Court of three judges pursuant to Title 28 U.S.C. Section 2284 be and it hereby is granted

Hon. HOWARD F. CORCORAN,
U.S. District Judge.

APPENDIX B

ORDER OF CHIEF JUDGE CONVENING THE THREE JUDGE STATUTORY COURT

The Hon. Howard F. Corcoran, United States District Judge for the District of Columbia, having notified me that a complaint has been filed in said Court for a permanent injunction and for a declaratory judgment, that Rule XI of the Rules of the House of Representatives and the Legislative Reorganization Act of 1946, 60 Stat. 817, 828 insofar as this incorporates and sets forth Rule XI is void and as applied to the plaintiffs is violative of the Constitution of the United States, it is

Ordered, pursuant to Title 28 U.S.C., Section 2282, 2284, that the Hon. David L. Bazelon, Chief Judge of the United States Court of Appeals, and the Hon. Charles Fahy, Circuit Judge, are hereby designated to serve with Hon. Howard F. Corcoran, United States District Judge, as members of the Court to hear and determine this action.

DAVID L. BAZELON,
Chief Judge, U.S. Court of Appeals for the District of Columbia.

FARM PROGRAMS HAVE NOT WORKED

Mr. MAYNE. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. FINDLEY] 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 Iowa?

There was no objection.

Mr. FINDLEY. Mr. Speaker, after 7 years' experimentation, the Congress should face the stark fact that Great Society farm legislation has not worked, and come up with something new and hopeful. Prices farmers must pay to stay in business are rising sharply, like for everyone else, but this hardship is compounded by the incredible drop in prices they get for commodities.

To illustrate the worsening cost-price squeeze, the Illinois parity ratio dropped to 72 on August 15, down from 85 a year earlier. The ratio has been computed on a monthly basis since 1937, and only twice previously has it gone as low as 72 on August 15. This occurred when it hit 69 in both 1939 and 1964.

This is significant because parity ratio relates the prices by Illinois farmers with the prices paid nationally by farmers. It is computed by the Illinois Crop Reporting Service.

To illustrate the price decline for Illinois farmers, here are commodity prices reported by USDA for August 15 of this year, compared with a year earlier: wheat $1.36 a bushel, $1.80; corn $1.11 a bushel, $1.39; hogs $20.30 hundredweight, $24.90; milk $4.40 hundredweight, $4.55; eggs 25 cents a dozen, 32 cents. Only cattle is up over a year earlier, moving slightly from $22.90 to $23.90.

CANCEL IMPORTS FROM SOVIET UNION

Mr. MAYNE. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. FINDLEY] 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 Iowa?

There was no objection.

Mr. FINDLEY. Mr. Speaker, today I have requested a major U.S. processing firm to cancel its orders for massive imports of edible oil from Soviet sources. I set forth the request in the following telegram to Harold Williams, president of Hunt-Wesson Food Products Corp., Fullerton, Calif.:

DEAR MR. WILLIAMS: For the sake of American farmers whose sons are facing lethal Soviet weapons in Vietnam, I appeal to you to cancel the massive orders for edible oil that your firm, Hunt-Wesson Food Products Corporation, manufacturer of Wesson Oil, has placed with the Soviet Union.

Shipments your firm has recently unloaded constitute the first major imports of edible oil from the Soviet Union in more than a quarter of a century.

Under the circumstances the price advantage and any other commercial convenience your firm gains by dealing with Moscow will inevitably be interpreted as being to the disadvantage of broad U.S. interests.

As you know wartime inflation has hit farmers doubly hard with a cruel form of discrimination. While prices they must pay to stay in business have climbed sharply, prices they receive for crops have dropped sharply. For example, the price of soybeans—and soybean oil—is down one-third from a year ago. So is the price of cottonseed oil.

There is no shortage of edible oils in free-world markets, as evidenced by declining prices.

A major cause of the price drop of these edible oils is Soviet dumping in western markets this past year. Through dumping state-trading Communist governments like the Soviet Union engage in economic warfare against American soybean and cottonseed farmers on the home front. At the same time Soviet weapons are fired against the sons of these same farmers on the military front in Vietnam.

As you know your firm has unloaded from Soviet sources 13,575,143 pounds of edible oil since March, and some of it undoubtedly is already on grocery shelves as Wesson Oil being purchased by unsuspecting customers—yes, even by the wives of farmers who wrongly assume the origin of the product is U.S. acreage.

The first shipment you received from Soviet sources consisted of 6,533,604 pounds. It was unloaded March 31 at New Orleans. The second consisted of 6,983,000 pounds, and it was unloaded at Savannah in July. Taken together these Soviet oils already unloaded are the equivalent of 1,300,000 bushels of soybeans.

The Treasury Department has confirmed that an additional shipment consisting of about 20,000,000 pounds is scheduled to arrive from the Soviet Union at New Orleans in October, and reliable sources have informed me that your firm has arranged to purchase an additional 40,000,000 pounds.

This adds up to more than 73,000,000 pounds, the equivalent of 7 million bushels of soybeans—which, I might add, happens to equal the entire present government stockpile of soybeans.

You are, I believe, within your legal right to purchase this massive quantity of edible oil at cut-rate prices from Moscow. But with more than 14,000 American soldiers killed and 90,000 others wounded in Vietnam—many of them by Soviet weapons—I question your moral right.

In my view, you owe it to our men in Vietnam to call off this questionable transaction. Cancellation may cost your firm a few dollars, but these will be more than repaid in the new high esteem this action will bring to your firm and its products.

PAUL FINDLEY,
Representative in Congress.

FAIRMONT, MINN., CITIZENS OPPOSE THE PRESIDENT'S SURTAX PROPOSAL

Mr. MAYNE. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. NELSEN] 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 Iowa?

There was no objection.

Mr. NELSEN. Mr. Speaker, one of the most important actions the Congress will be taking this session will be the decision we make concerning the President's request for a 10-percent surtax on individual and corporate incomes. The action taken will be in a climate of public opinion strongly opposed to any additional tax burden on the already heavily burdened American taxpayer.

In my travels through my district during the Labor Day recess, I encountered much criticism of the President's tax proposal and many complaints about the high level of Government spending. Correspondence coming into my office indicates the same high degree of concern, and a petition sent to me by a number of people in Fairmont, Minn., certainly demonstrates the growing desperation of American taxpayers. They even go so far as to ask for information on living conditions in Australia. I am including the text of this letter at this point in my remarks:

DEAR CONGRESSMAN NELSEN: It is not often that we feel so moved by the national problems facing us that our attitude of optimism in our leaders finally reverts to complete pessimism.

The present proposal of adding a surtax to the tax load of all of us is without a doubt the straw that will break our financial backs. Certainly not every one will "go broke," but we have calculated by simple arithmetic and without any professional help from any experts in economy, that our lives up to now have been from paycheck to paycheck and that extra tax money is just not there—unless of course we discontinue our house payments (as we did the children's college fund), etc. Most of us have had to work our "way thru college" and should be in the middle of our productivity with a little surplus put away for retirement. As things really are, despite what Washington experts say, we are a generation of withouts. We are not nightclubbers, have stayed home on vacations because we can't afford too much travel and real-estate taxes too, don't own boats or sport cars, haven't had new suits of clothes in years. All because we insist on personal family fiscal sanity and deplore deficit spending on public or private levels. We have seen all taxes rise rapidly in the last 10 years and have been hoping for stability in spending at the very least.

With the cost of living rising to meet the tax increases, we feel we sincerely cannot extend ourselves any more. Something has to give, just to live normally and own a home. With the passage of this tax, and the others that will surely follow, we will have only 2 choices:

1) lose our homes and hope enough taxpayers remain to keep us in the choice welfare state that now exists, or;

2) move to another country, not as nice perhaps, but still offering a challenge and reward for those of us who believe in hard work and thrift. (In view of this we respectfully request any information you can provide on the country of Australia.)

We thank you for your time and pray that God help you in the proper judgment of all problems before you.

Sincerely . . .

The great tragedy of rising taxes at all levels of government is that they are discouraging initiative, as the letter from my constituents so fundamentally illustrates. To take more from the people than they can afford to pay will turn the self-supporting into the dependent. There can be no new jobs if those providing them are taxed out of existence. There can be no educational betterment if those supporting our schools are economically destroyed. There can be no improved housing if those who would build are put out of business.

The dream of almost every American is to create a better land of opportunity and prosperity for all. That dream can be shattered if we continue to put the financial cart before the horse.

The spenders are justifying the increased Federal tax on the basis of Vietnam. However, the facts show that since 1960 spending for nondefense programs increased 97 percent while defense spending rose 68 percent. Without question, if domestic spending were substantially curtailed, there would be far less necessity to hike tax rates.

THE "NEW ECONOMISTS" AND THEIR "ECONOMIC" DIALOG

Mr. MAYNE. 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 pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. CURTIS. Mr. Speaker, I am inserting in the CONGRESSIONAL RECORD at this point an article by the North American Newspaper Alliance, carried widely in many papers across the Nation, entitled "Political Aims Changing the English Language." The article succinctly captures the frustration experienced by many members of the Ways and Means Committee in trying to get to the bottom of the administration's arguments for the need for their proposed tax increase.

It also exposes the disturbing extent to which the administration is distorting the dialog on this important matter which affects all of us, and perhaps most of all the Nation's lower income groups:

POLITICAL AIMS CHANGING THE ENGLISH LANGUAGE

WASHINGTON.—As a lesson in economics the hearings on President Johnson's proposed 10 percent surtax before the House Ways and Means Committee were about as enlightening as a view of the subject through a glass of root beer.

But as a case study of the strange things that are happening to the English language it is historic.

For "inflation" read "run-away inflation."
For "noninflationary" read "inflationary."
For "stable" read "unstable."

The hearing, in other words, is finally driving home to the American people for the first time just how thoroughly the classic definition of inflation has been altered to fit the political concepts of the New Economists, and just how totally these alterations have been accepted.

Forty years ago, for instance, it is inconceivable that there would have been a straight face in the room at Treasury Secretary Henry H. Fowler's explanation of the need for the tax hike:

"This unusual and temporary cost must be financed in a manner consistent with preserving sound, balanced economic growth without inflation at home.

"Fiscal responsibility," Fowler continued, "in a wartime context must include the courage and willingness to raise the money that is as necessary as the guns, planes and materiel needs of our forces in southeast Asia."

Rhetorically, such a stirring call to the colors is not without merit, but as an accurate usage of such expressions as "sound, balanced economic growth, without inflation and fiscal responsibility," Fowler has not merely played fast and loose with the English language, he has trampled the art of semantics six feet underground.

The "fiscal responsibility" to which he refers, for instance, comes at a period in history when the United States is busily embracing its 32nd deficit in the last 38 years, and has seen the value of the 1939 dollar shrivel away to less than 42 cents.

And, a few weeks ago, another government spokesman in commenting on the surtax issue, was quoted as saying: "nobody can promise the 1.5 percent annual noninflationary kind of price increases we had in the good old days."

This "noninflationary" inflation computes out to a 14 percent cut in the dollar's value in 10 years, and to a 26 percent drop in 20 years.

What concerns conservative economists, such as the Boston-based investment and research firm for David L. Babson and Co., is that this constant distortion, misuse and perversion of economic terms to fit political aims has confused the American people to such an extent that they:

Believe that Vietnam War costs are responsible for today's economic mess. In actuality, the war has been responsible for only one fourth of the gain in government expenditures since 1960, and, in the last seven years, civilian outlays have risen almost 50 percent more rapidly than military spending and eight times faster than the population, itself.

Accept the thesis that you must have a continuing increase in living costs or you will have a recession. Historically, Babson points out, there is no basis for this since, before the era of perennial deficits, there were long periods in this country when the value of the dollar actually increased in value as the economy similarly prospered.

See no relationship between budget deficits, inflation and urban disorders. Actually, few socio-economic groups in the country are hurt more deeply by the eroding dollar—the bulk of the blame for which must rest with the government's deficit spending—than the ghettos' poor.

Many are living on fixed incomes, such as welfare or tiny annuities, and if the squeeze in this direction weren't painful enough, their plight is further worsened by the fact that the greater increases in the cost of living have been in the service industries, rather than in goods, the purchase of which might be considered postponable.

A glance at the fastest-rising items on the Labor Department's consumer price index, for instance, reveals that of the top 10, seven represent services which hit particularly hard at the poor: auto registrations, hospital costs, local transit fares, movie admissions, haircuts, doctors' fees and child care.

Feel that it is entirely possible to have "a little" inflation every year without, finally, having a lot of inflation and, in time, financial chaos.

As Babson puts it: "One of the intriguing questions of this whole subject is why our policy-makers think the United States can do what no other nation in the history of the world has been able to do."

But, perhaps in the new English of today's economists, there's a new meaning for "financial survival," too.

EDITORIAL SUPPORT FOR VIETNAM DEESCALATION

Mr. MAYNE. Mr. Speaker, I ask unanimous consent that the gentleman

from Massachusetts [Mr. MORSE] 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 Iowa?

There was no objection.

Mr. MORSE of Massachusetts. Mr. Speaker, I continue to call the attention of the House to the favorable editorial support for the July 10 proposal of eight House Republicans for the gradual, reciprocal, deescalation of the war in Vietnam. I include for the RECORD today editorials from the Fort Madison, Iowa, Democrat; the Washington, D.C., Post, the Nation; WCBS editorial broadcast; and the Des Moines, Iowa, Register:

[From the Fort Madison (Iowa) Democrat, July 24, 1967]

TO ESCALATE OR DEESCALATE?

"We are winning the war—but . . .," was the message given to Robert McNamara by field commanders during the ninth visit by the secretary of defense to Vietnam.

The "but" translates into a call for still more troops—perhaps 100,000—to be added to the 466,000 there at present.

This number, we are told, is the minimum needed to complete the job begun by a relative handful of American advisors only a few short years ago.

Yet behind the now somewhat guarded and muted predictions of eventual victory for the cause of democracy lies the sobering belief of the generals that this many troops will be required solely to keep us on top of the Viet Cong and North Vietnamese during the coming months.

For the fact is that escalation has been met by escalation since the beginning. Communist troop strength is higher than it has ever been, despite the bombing of North Vietnam and ever-increasing battle losses.

McNamara described more than the immediate situation when he said at Da Nang: "Our casualties are high but we have also inflicted high casualties on North Vietnamese army units."

What he described was the situation as it was in 1965, and 1966 and as it is likely to be in 1968. Only the numbers have been changed—for the higher.

It is often forgotten that escalation is not the prerogative only of this country. Options open to the Communists include a step-up of terrorist bombing in Saigon and other South Vietnamese cities; the infiltration in even greater numbers of the large North Vietnamese standing army; the use of Communist "volunteers" from other countries; the opening of diversionary action in Korea.

This was emphasized by eight Republican congressmen the other day as they introduced a scheme for a de-escalation of the war that would steer a middle course between "those who would bomb more and those who would bomb less."

Representatives Morse of Massachusetts, Dellenback of Oregon, Esch of Michigan, Horton of New York, Mathias of Maryland, Mosher of Ohio, Schweiker of Pennsylvania and Stafford of Vermont propose a halt to all bombing in North Vietnam north of the 21st parallel for 60 days. This would exempt the city of Hanoi but not the port of Haiphong.

If the North Vietnamese responded with a similar de-escalatory step, such as dismantling major supply depots along the Ho Chi Minh Trail, the United States would then end all bombing north of the 20th parallel for a like 60-day period—and so on down in five steps until the 17th parallel dividing North and South Vietnam was reached.

The staged de-escalation plan would produce a growing atmosphere of mutual confidence, think the congressmen. Its virtue is that most military targets are in southern North Vietnam.

Thus, should the North Vietnamese fail to respond to the first bombing limitation, bombing could be resumed north of the 21st parallel without having caused the military effort in South Vietnam any disadvantage.

Would such a plan work? The congressmen honestly don't know. Their proposal is put forth not as a panacea for Vietnam but in the belief that the best chance for peace lies in small steps, taken quietly, that make the position of each side credible to the other.

That we are willing to invest another 100,000 men in Vietnam is probably quite credible—and acceptable—to Hanoi. That we are ready to deescalate by small steps, however, is something that does not seem to have been made as credible to them as it might be.

[From the Washington (D.C.) Post, July 11, 1967]

VIETNAM MEASUREMENT

Proposals of Representative Bradford Morse of Massachusetts and seven Republican colleagues for a scaled de-escalation of the war in Vietnam are themselves less impressive than the thoughtful review of the situation out of which this suggestion emerged.

The Congressmen have proposed a quiet staged reduction of bombing that would cut it back from one parallel to another if initial steps produce reciprocal de-escalation. It is a kind of pause that has much to recommend it over a cessation of bombing and over a diminution of a limited period. It is to be feared that no ingenious gimmickry will achieve the purpose in mind, but the Congressmen must be given credit for taking a fresh look at the problem and for producing an imaginative alternative to the present course.

It is this sort of imagination and ingenuity that ought to mark the review of Vietnam policy that will commence when Secretary McNamara returns. Those most committed to the fulfillment of American obligations in Southeast Asia will not be content, this time, with a mere repetition of previous optimistic cliches about the progress of the war. If the criterion of progress is a rise in the kill rate inflicted on the enemy, it is correct to say that there is progress. But, in a larger sense, there is no progress unless events move toward the day when South Vietnam can defend its own sovereignty and integrity. And no one can say, at this juncture, that the tactics of the past have much advanced that day and hour, however gratifying it is to know that the possibility of a purely military defeat has been diminished.

Alternately, the country is told that the key to progress is pacification in the South and the destruction of main force units in the North. And there have been successive assurances by the military that the chief requirement for progress in both of these areas is more men. As each successive increase has been achieved without decisive consequences, public confidence that the only thing required is more men has diminished. The country will not be content with the time-honored medical cliche that the operation is a success but the patient fails to rally. The country, like the patient's relatives, is less interested in the technical triumphs of military surgery than in the progress of the patient. This is the real standard of measurement that must be put on Vietnam operations.

Perhaps the President is the only one in a position to employ such a standard—to see Vietnam in its totality, militarily, diplomatically and politically. It is to be hoped that he will sternly apply that measurement. If, on applying it, there is need for more troops and more money, the country will support this hard decision, but only if it is convinced that there is also being made available more imagination, more ingenuity and more invention.

[From the Nation, July 31, 1967]

THE VIEW FROM HANOI

Columnist Clayton Fritchey recently paid President Johnson the great compliment of assuming that the continuingly sharp escalation of the Vietnamese War is not a blind, mindless lunging into a void but a real campaign strategy aimed at 1968. "The strategy," writes Fritchey, "is simple: Prosecute the war so aggressively that the opposition cannot demand much more without calling for an invasion of North Vietnam or the bombing of China." Then Johnson's own gothic attitude might, by comparison, seem almost civilized.

If this is Johnson's scheme, the Republicans so far have avoided the trap. Romney has reversed himself again, and now advocates no more escalation. Another alternative to the Administration's pell-mell intensification of the war has come from eight Republican Congressmen who proposed that bombing in the Hanoi area be halted for two months. If, during that time, the North Vietnamese reduced their own belligerency, then we would move the bombing line one step south, and thus, zone by zone, as each de-escalating quid was balanced by a de-escalating quo, the war could be trimmed down to the negotiating table.

The proposal is basically faulty, even dangerous, in that success depends on what could be accomplished in sixty days (and what act of reciprocity would we accept as an adequate response?). But at least the proposal brought the war into debate in the U.S. House of Representatives for the first time in weeks—a healthy release of poison from the body politic. And best of all, the Republicans treated the public to a discussion of the North Vietnamese as a people with a point of view and a pride that should be taken into consideration. As Rep. Frank J. Horton (R., N.Y) put it: "The purpose of this plan is not to determine who is going to lose, but to save face so that both sides can de-escalate" The restraint of the North Vietnamese was noted by Rep. Bradford Morse (R. Mass.), who correctly pointed out that there is plenty of escalating that the North Vietnamese could already have done—more terror bombings of civilians, more use of their enormous standing army, etc—if they were as fanatical as President Johnson tries to make them out to be.

Accepting the North Vietnamese as a sensible people with an ethics and a pride is the thing most needed by our leaders today. Evidence continues to mount that the North Vietnamese make an undistorted appraisal of the war and that what they say of conditions are at least as trustworthy as the estimates from our own side. To illustrate, compare the statements made in a Hanoi radio broadcast on June 2 with information supplied either by the Pentagon, by US officers in Saigon (as told to responsible journalists) or developed independently by the journalists themselves:

WCBS DISCUSSES VIETNAM DEESCALATION PROPOSAL

The war in Vietnam pursues its relentless course. Since the beginning of May 2400 Americans have been killed in the battle zones, bringing our total dead for the war to eleven-and-a-half thousand. At home, on the political front, the Administration has gingerly side-stepped a military request for reportedly up to 120,000 men, opting instead for a scaled down troop assignment and more effective use of the manpower already in the field. Mike Mansfield, the Senate Democratic leader, has renewed a warning that a Third World War may be "incubating in the ever

deepening struggle in Southeast Asia." And eight liberal Republican members of the House have offered a plan for gradual military disengagement that relies heavily on an American initiative to halt the bombing of North Vietnam in an effort to get peace talks started. These pronouncements reflect an ever growing official concern over the conflict—concern really is too mild a term—and a search for alternatives to President Johnson's unyielding policy of demanding a simultaneous concession from Hanoi for any United States de-escalation of the war.

The Mansfield speech was blunt and bitter. The Senator discredits optimistic reports from the military that we are slowly but steadily winning the war, his pessimism shared to a large degree by journalists and foreign diplomats in Vietnam now. The Senator implies broadly that the American people are being hoodwinked: that we are not being told how heavy a price for continued escalation we will be forced to pay in lives, in increased taxes, wage and price controls, a call-up of reserves, and what he calls the "countless adjustments in our national life which are implicit in further extensions of the American involvement." The House Republicans' plan for gradual withdrawal was developed by Rep. F. Bradford Morse of Massachusetts; it was signed by, among others, Rep. Frank Horton of upstate New York. The plan suggests a five-step halt in our bombing campaign against North Vietnam in return for a series of matching de-escalations from Hanoi. Its salient point is that disengagement begin with our side—subsequent withdrawals on our part depending upon Hanoi's response.

We are, in Vietnam, embarked it seems upon a quest for a military solution that is depleting our young manhood and national treasure. The war appears to be at a standstill. It may be that a military solution is beyond this nation's grasp unless we employ the numbers and the arms that carry with them the implicit threat of world war. Whether proposals such as the one offered by the eight House Republicans are viable we do not know. But they at least indicate an approach, a real quest for flexibility and concessions on our part that hold out some hope of bringing the principals to the bargaining table. Current policy seems not even to give us that much.

EXPERIMENTAL CUTBACK IN WAR

It is tempting to reply to Secretary of State Dean Rusk's refrain that the United States cannot "stop half a war" by saying, "Why not? Isn't stopping half a war better than stopping none?"

But that isn't fair. Stopping our half would be dangerous if the enemy half went on, which is likely—dangerous to Americans if they stayed on in Vietnam, dangerous in any case to South Vietnamese who had accepted American protection. These dangers need to be weighed against the high cost and counterproductiveness of the war itself, which is something the Administration does not seem to do. The weighing would necessarily be a guess. The long war in itself is certainly a major disaster, to everyone involved.

Of course, stopping our half of the war would be wonderful if it led the enemy to stop the other half.

But what about our stopping a much smaller fraction? An eighth, say or 1/32? Or less? That is the essence of what eight Republican congressmen (F. Bradford Morse of Massachusetts and others) proposed July 10 and repeated July 17. They hope the enemy would respond in kind, and that repeated small steps by each side in turn might lead to peace.

The enemy keeps saying that if the U.S. stopped bombing North Vietnam this would lead to peace talks soon. If that meant just peace talks in which they reiterated their demand for a U.S. pullout and Viet Cong dominance in South Vietnam, it would hardly be helpful, even if U.S. bombing of the North is of little military value. If the bombing is essential, as the Pentagon maintains, stopping it in return for a sterile argument while fighting and infiltration continued would hamper the U.S.

Representative Morse and his colleagues do not ask the government to stop its half of the war, or even the whole of its bombing effort in North Vietnam, which is a small fraction of the war. They only ask it to stop the small part of that bombing north of the 21st parallel. (This would exempt Hanoi but not Haiphong and not the infiltration routes.) This halt would be announced unilaterally, for 60 days, with the avowed hope that the other side would respond with an equivalent step down the de-escalation ladder. If there was no adequate response, bombing could be resumed. An adequate response could lead to another small step by the United States, and so on by each side in turn.

Would the enemy respond? There is no way to be sure without trying, and the try would bring little risk and little or no military handicap to our side. That would be stopping about 1/100 of the war.

SMALL GRANT HAS TURNED OUT TO BE A GREAT BARGAIN FOR THE NATION

Mr. MAYNE. Mr. Speaker, I ask unanimous consent that the gentleman from Colorado [Mr. BROTZMAN] 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 Iowa?

There was no objection.

Mr. BROTZMAN. Mr. Speaker, during my service in the 88th Congress the Federal Aviation Administration made a comparatively small grant in my district which, I think, has turned out to be a great bargain for the Nation.

It also has proved to be seed money for the economic development of a very alert and deserving community.

The grant was for an air traffic control tower for the Jefferson County Airport, which at the time had aspirations of serving a significant portion of the general aviation requirements of the Denver metropolitan area.

The aspiration has become reality, thanks to a happy combination of local government foresight, Federal Aviation Administration cooperation, excellent airport management and the solid support of the community of Broomfield, Colo.

Incidentally, Mr. Speaker, I think this project also should be of interest to the Congress in light of the growing air traffic crises at our major metropolitan airports. The extension of FAA control facilities and equipment to new airports such as the Jefferson County can go a long way toward relieving the congestion at our busiest airports.

The story of the fine cooperation between the FAA and the Jefferson County and airport officials was summarized in excellent fashion last week in an outstanding weekly newspaper, the Broomfield Star-Builder, by Vic Boccard, a columnist. The text follows:

There are no shortages of success stories in the Broomfield community. One of the most noteworthy lies within a long stone's throw of our corporate doorstep. We refer to the Jefferson County Airport under the able management of Bill Huntsbarger.

It was our fortunate lot to fall into possession of some startling growth figures listing F.A.A. Air Traffic Activity. And while statistics are not the be-all and end-all in judging values, these seem worthy of passing along. It seems that when the new tower was installed on February 2, 1967, the Jefferson County Airport was rated 301st in the nation based upon number of operations. If this term, "operations", does little to widen the eye, stretch the mind and race a tingle along the spine . . . let us hasten to explain that operations refers to aircraft touchdowns and take offs.

Since the installation of the tower, our airport has jumped from 301st to 109th. To date as of August 27th, the Broomfield Airport has logged in 168,066 operations. Further, it is estimated by Manager Huntsbarger that the number will reach 300,000 by the end of the year. By comparison, Stapleton is 7th in the nation, St. Paul was nosed out and remains in 110th spot and Colorado Springs ranks 122nd. The figure becomes all the more impressive when you take into account that the tower is a 16 hour, not a 24 hour, operation, and that due to a shortage of weather equipment and instrumentation the whole airport shuts down and the lights go on when the ceiling is 1000 feet or less.

In short, the government made a mighty wise investment when they came through with enough scratch to construct this much needed tower. It also seems evident that the seven controllers and the tower chief in the tower have been busier than a barnacle at high tide since February 2nd.

One of the high points . . . other than the tower . . . is that the growth of the airport can be attributed to non-partisan support. Starting with an initial request to Congressman Don Brotzman during his first term in office, the ball has been carried successively and successfully by Democrats and Republicans alike. Further, the airport authority act which officially put the airport in business, passed overwhelmingly through a then split state legislature. The County Commissioners, whose political pedigrees are unknown to this writer, were the driving force in the spade work department.

Where does the Jefferson County Airport go from here? As openers, the FAA grant of $77,410 on a matching fund basis, will enable Bill Huntsbarger and force to extend the existing runway from 6,000 feet to 7,500 feet. It will also enable the construction of a high speed turnoff and the lighting of all taxi runways. The high altitude safety margin has been bumped upward and the airport is now equipped to handle all business jets.

From Broomfield's standpoint, the airport is a mighty good deal. It gives us a fine facility at our doorstep at no cost, an attractive magnet for industry and many fine, solid citizens whose work is concentrated in the airport complex. From the airport's standpoint, Broomfield supplies a fine, modern city at no cost. The workers from the airport give welcome support to our restaurant and other retail outlets. The airport, in turn, has received much help from our Chief of Police, water department, ambulance, fire department and so on down the line.

In short, here's one bonafied partnership in which both sides benefit. And if we do a little button popping on the side over the airport's fine progress, there's much tangible justification.

PROPER JOB RECOGNITION AND JOB STATUS BY MEANS OF RECLASSIFICATION OF POSITIONS

Mr. MAYNE. Mr. Speaker, I ask unanimous consent that the gentleman from

Pennsylvania [Mr. FULTON] 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 Iowa?

There was no objection.

Mr. FULTON of Pennsylvania. Mr. Speaker, it is refreshing to find restraint being practiced in one important area when excesses appear to be the order of the day in many places.

In a letter to the more than 200 sponsors of bills identical or similar to H.R. 7, the rank and file postal workers, under the leadership of the National Association of Letter Carriers and the United Federation of Postal Clerks, have made their position clear. In effect they say, "Go ahead and give all other Federal workers whatever pay increase Congress feels proper, but in our case, in lieu of a pay raise this year, give us proper job recognition and job status by means of a justified and long past-due reclassification of our positions."

Mr. Speaker, the letter to which I refer sets forth the position of these employees in clear and unequivocal terms. I include it in the RECORD at this point for the information and enlightenment for every Member of this body:

NATIONAL ASSOCIATION OF LETTER CARRIERS AND UNITED FEDERATION OF POSTAL CLERKS, AFL–CIO,
Washington, D.C., September 8, 1967.

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C.

DEAR CONGRESSMAN JIM FULTON: This is in reference to a letter dated August 30, 1967, from Rep. James M. Hanley, Chairman of the Reclassification Subcommittee of the Post Office and Civil Service Committee, to each of the over 200 sponsors of bills identical or similar to H.R. 7, and H.R. 4897.

It is the purpose of this letter to make sure that all concerned have a crystal clear understanding of the motivation that prompted the introduction of H.R. 7, H.R. 4897 and similar bills as well as the situation existing at this time.

First, the positions of approximately two million Federal employees can be, and frequently are, reclassified by the Civil Service Commission or by Administrative action of the various and sundry departments and agencies.

Second, only designated "Key Positions" in the Postal Field Service require affirmative action by Congress before they can be reclassified. Both clerks and carriers occupy designated "Key Positions," so they must seek relief from Congress. Unlike other Federal employees, they cannot seek and obtain reclassification by Administrative action.

It long has been deemed good personnel practice throughout the Federal Service to review positions for classification purposes on an annual basis. These annual surveys have resulted in the reclassification of thousands of positions each year on a routine basis. At no time in the history of the Federal Service has a reclassification action been construed to be a "pay raise" as such. However, in the Postal Field Service, designated "Key Positions" have remained frozen at their original levels since they were first classified by Congress in 1955 (Public Law 68). The classification of these positions arbitrarily fixed at that time was by its very nature a compromise between an Administration under one party and a Congress dominated by a second party. Even that action followed two Presidential vetos. The employees then in these positions did not consider the compromise classification of their positions proper and those now in these positions are strongly of the same view.

Accordingly, even before the introduction of the Administration's pay proposal, a move was started to reclassify upward by one level positions in each of the lower five levels in the Postal Field Service. Admittedly, this would result in an increase in pay for the individual employees occupying the positions. However, the primary consideration was not a pay increase as such, but rather a just and proper classification of the positions in relation to other positions in the Federal Service and those of a comparable nature in private industry.

Congressman Hanley and the over two hundred other Congressmen who introduced companion bills to H.R. 7 are to be commended for their desire to correct a long-standing inequity. We are confident that he and the others recognized that those bills contained certain costly provisions in addition to the reclassification of the lower levels. We wish to make clear that those extraneous matters are not the current issue. Reclassification of the lower five levels is the *only* matter of current concern.

Narrowed down in this manner to one issue, only two factors are for consideration. One is cost, and the other is justification.

As to cost:

The Administration has estimated that the payroll cost of reclassifying the first five levels will amount to $325 million on an annual basis.

The Administration's pay increase of 4½ per cent increases the payroll cost in the first five levels by $205 million.

If reclassification of the first five levels is approved by Congress *in lieu of any pay increase in the first five levels, the difference in payroll costs amounts to only $120 million on an annual basis.*

Pending before the Committee is a measure in the nature of a compromise which gives a six per cent increase in the lower five levels. The cost of this would amount to $255 million on an annual basis for the lower five levels.

Reclassification of the lower five levels *in lieu of this compromise increase* would cost only $70 million more on an annual basis.

These figures, as provided by the Administration to the Committee, should put to rest once and for all the fantastic cost figures so loosely used by some opponents of reclassification.

And let it be made clear here and now that *reclassification of the positions is preferred in lieu* of either of the pay increase proposals described above.

As to justification:

In the main, the positions involved are those of distribution clerks and letter carriers often referred to as the "white and red corpuscles of the mail bloodstream."

These positions are responsible and exacting. They require men of integrity and dependability. Men devoted to their tasks and with a recognition that there is little, if any, opportunity for advancement.

In short, if we are to attract and retain the type of personnel required to maintain the traditional high standards of our postal service, a proper and just classification must be given their positions.

We are deeply appreciative of your friendship and hope that you will give our request your favorable consideration.

Sincerely and respectfully,

E. C. HALLBECK,
President, U.F.P.C.
PATRICK J. NILAN,
Legislative Director, U.F.P.C.
JEROME J. KEATING,
President, N.A.L.C.
JAMES H. RADEMACHER,
Vice President, N.A.L.C.

BILL INTRODUCED BY FRESHMAN CONGRESSMAN IS PASSED: A HELPING HAND TO GOVERNMENT PROSECUTORS IN THEIR EFFORTS AGAINST CRIME

Mr. MAYNE. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. ERLENBORN] 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 Iowa?

There was no objection.

Mr. ERLENBORN. Mr. Speaker, if I may speak with a trace of friendly envy, I would like to call the attention of this House to H.R. 8654, to permit an appeal by the United States in some instances from an order made before trial on the suppression of evidence.

This bill was introduced by my Illinois colleague, the Honorable TOM RAILSBACK. In his first year as a Member of Congress, he has found a way to give our Government prosecutors a helping hand in their efforts against crime. Not many of us are privileged to initiate an important improvement, such as this, and to get it passed by the House so quickly.

The merit of his proposal, however, has been recognized by his fellow members of the Judiciary Committee, who gave it their unanimous endorsement.

The gentleman from Illinois [Mr. RAILSBACK] is our youngest colleague from Illinois on two counts—point of service and date of birth. I am proud to have served in the Illinois General Assembly with him, and I was glad last January to welcome him to Washington.

He has served with distinction, both in Springfield and in this House. Passage of this bill is an indication of his effectiveness. Many majority Members have difficulty getting a bill passed in their freshman terms; and it is not unheard of that a minority Member serve two terms before his first success.

I am happy for my colleague, and I predict that this is only the first of many contributions he will make to the law and to the United States.

NEW LEFT'S NATIONAL CONFERENCE FOR NEW POLITICS

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

Mr. KASTENMEIER. Mr. Speaker, it has come to my attention that a series of articles written by Alice Widener, a syndicated columnist, and rewritten by other publications including the Chicago Tribune by Chesly Manly purport to show a connection between myself and and other Congressmen and the New Left's National Conference for New Politics, as well as with the riots in the Nation's cities.

The fact is that neither I nor any of the other Members mentioned in these articles have any connection whatsoever with a new politics conference. Nor is

there any substance to the outrageous insinuation that my office has something to do with the deplorable riots which have taken place this summer. Indeed, as my statement of August 1 indicates, I am concerned with assigning the highest priority to improving the conditions of the cities which are the underlying cause of riots.

The tenuous basis for these articles appears to be the allegation that a research assistant sent a handwritten note on a copy of a broadly circulated press release to someone allegedly connected with the National Conference for New Politics. This does not constitute a connection with that or any other organization.

As an example of the inaccuracies engendered by these articles, I cite a report by Richard Wilson in the August 30 Washington Evening Star that I and several other Members were sending an observer to the new politics conference. Had any of the reporters bothered to check with my office, they would have been informed of the falsity of this and the other allegations circulated in these articles.

POLITICAL ATTACK ON THE GOVERNOR OF MICHIGAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. RIEGLE] is recognized for 10 minutes.

Mr. RIEGLE. Mr. Speaker, it was with amazement and disgust that I learned of the political attack on the Governor of my State of Michigan by the Secretary of Defense. As year after year of inept management of the war in Vietnam mounts up, and U.S. casualties multiply, I wonder how the Defense Secretary can, in good conscience, find time to turn away from his duties of Defense Secretary to launch a political attack on Governor Romney. If the Defense Secretary has any extra time, he ought to use it to get the South Vietnamese to start pulling their share of the load in the war there.

The facts show, however, that Secretary McNamara's greatest distinction is that he has produced two "Edsels" in one lifetime. The first nearly crippled the Ford Motor Co., the second, the vicious Vietnam stalemate, is fast crippling our Nation. On the basis of a record distinguished by consistently poor judgment, one must write off to this poor judgment, or to political expediency, or both, the worthless charge by the Defense Secretary that Governor Romney "could not recognize the truth, if he saw it." Secretary McNamara's own statements demonstrate, and sadly so, that he is totally unqualified to speak on the subject of truth.

On February 18, 1962, Secretary McNamara asserted that guerrilla tactics in Vietnam called for a response "not with big weapons and large forces but with companies, squads, and individual soldiers." Mr. Secretary, where was the truth in that statement—when we now see nine U.S. divisions committed in Vietnam to a war that has dearly cost the United States nearly $100 billion and 87,000 casualties from among our finest young men.

On June 13, 1963, Secretary McNamara said:

> Progress against the Vietcong has been very satisfactory indeed.

Mr. Secretary, where was the truth in that statement?

On October 2, 1963, Secretary McNamara said:

> The major part of the U.S. military task can be completed by the end of 1965, although there may be a continuing requirement for a limited number of U.S. training personnel.

Mr. Secretary, where is the truth in that statement?

On January 27, 1964, Secretary McNamara said:

> This is a Vietnamese war and in the final analysis it must be fought and won by the Vietnamese.

Mr. Secretary, where is the truth in that statement? When that statement was made, some 15,000 American troops were in Vietnam—that number has multiplied over 30 times. So today, there are more American men in frontline combat than there are Vietnamese.

On February 3, 1964, Secretary McNamara said:

> I personally believe this is a war the Vietnamese must fight. It is a guerrilla war that must be fought by Vietnamese countering the local Viet Cong guerrillas. I don't believe that we can take on that combat task for them.

Mr. Secretary, where was the truth in that statement, in light of our present involvement in Vietnam?

On May 6, 1964, Secretary McNamara said:

> We can provide advice; we can provide logistical support; we can provide training assistance, but we cannot fight the war itself.

Mr. Secretary, where was the truth in that statement?

On May 15, 1964, Secretary McNamara said in answer to a question on how the number of U.S. personnel in Vietnam would expand, "on balance the number is not likely to increase substantially." Mr. Secretary, where was the truth in that statement? Since that time, U.S. troops in Vietnam have increased by over 440,000, over 12,000 have been killed, and 74,000 wounded.

On August 9, 1965, Secretary McNamara said:

> Well, first, has our policy been successful? I think you have to look at this over a period of years and I would say the answer is yes.

Going further the Secretary said:

> It (the increase in guerrilla strength) requires that we supplement, not substitute for, but supplement the South Vietnamese forces, and since our forces will supplement and not substitute for their forces; it remains a South Vietnamese war. They are bearing the brunt of the fighting; they will continue to bear the brunt of the fighting.

Mr. Secretary, where was the truth in that statement?

And as late as October 14, 1966, Secretary McNamara, after returning from a 4-day visit to Vietnam, said—3 weeks before the 1966 congressional elections:

> I have seen nothing indicating that there is a requirement for a faster rate of deployment of United States troops to Vietnam.

Mr. Secretary, where was the truth in that statement? Because, since that date 119,000 additional American troops have been sent to Vietnam, and an additional 45,000 have been asked for.

Mr. Secretary, I cannot find the truth in those statements—and neither can the American people—and that includes Governors as well as the man on the street.

You might be interested to know that a constituent of my district, who, incidentally, identified himself as a Democrat, said to me the other day at a plant gate, and I quote:

> McNamara is either the biggest liar or the biggest fool that ever came down the pike.

Optimistically worded press statements, flashy computer analyses, dramatic trips to Vietnam, and gimmicks like the electronic wall are altogether a poor substitute for the unvarnished truth.

Mr. Secretary, it was your own Assistant Secretary of Defense, Mr. Sylvester, who said:

> It's inherent in government's right to lie to save itself . . . that seems to me basic.

On that same date he also said:

> When the administration is on the defensive under our political system, I would always be suspicious of what it said.

And in July of 1965, the Assistant Secretary of Defense said again:

> Look, if you think any American official is going to tell you the truth, then you're stupid.

Well, the American people are sick and fed up with phony assessments of the Vietnam situation whether their source is poor judgment or outright deception—and if this point is not clear now, the citizens of this Nation will make it crystal clear in November 1968.

THE APPROPRIATIONS BUSINESS OF THE SESSION

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. MAHON] may extend his remarks at this point in the RECORD and include extraneous matter and tables.

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

There was no objection.

Mr. MAHON. Mr. Speaker, under leave granted, I am including herewith, for the information of Members and others interested, up-to-date tabulations showing in summary form the status of the appropriations bills of the session.

HOUSE ACTIONS

The House has considered budget requests for appropriations of some $138.6 billion at this session. Those requests have been reduced in the House by $3,988,939,998. Of that total, $3,816,483,298 was cut from requests in the 12 bills dealing with fiscal 1968.

Some $9 billion, plus—roughly—of additional appropriation requests are yet to be reported in appropriation bills dealing with military construction, foreign assistance, and the closing supplemental bill. These bills hinge wholly or almost entirely on annual authorization

legislation not yet enacted, or in some instances not reported from committee. The Committee on Appropriations continues to mark time on them.

SENATE ACTIONS

The Senate has considered 8 of the 14 appropriation bills sent over from the House this session. They involve budget requests for appropriations of some $113.9 billion and in summary, they are above the appropriation budget requests by the net amount of $111 million. This is brought about by the fact that the Senate added slightly over $2 billion to the House amounts in the agricultural appropriation bill. That bill is pending in conference. And the Labor-HEW bill is also pending in conference.

FINAL ACTIONS

If we include the money totals in the Defense conference agreement, for which the report has been filed, final action has been taken on six bills this session—two supplementals for fiscal 1967 and four regular annual bills for fiscal 1968. They appropriate $93,535,259,802, a sum $1,931,586,060 below the corresponding budget requests. The four bills pertaining to fiscal 1968 appropriate $79.1 billion, a reduction of about $1.8 billion from the requests.

The conference agreement on the Defense bill resolves all matters as to amounts of money appropriated, but does put one language provision in disagreement.

Mr. Speaker, I include two tables—a summarization of the totals and a listing by individual bills:

COMPARATIVE SUMMARY OF APPROPRIATION BILL TOTALS, 90TH CONG., 1ST SESS., AS OF SEPT. 11, 1967

[Does not include any "back-door" type appropriations, or permanent appropriations[1] under previous legislation. Does include indefinite appropriations carried in annual appropriation bills. All figures are rounded amounts]

	Bills for fiscal 1967	Bills for fiscal 1968	Bills for the session
A. House actions:			
1. Budget requests for appropriations considered	$14,411,000,000	[2][3] $124,163,000,000	$138,574,000,000
2. Amounts in 14 bills passed by House	14,238,000,000	[2][3] 120,347,000,000	134,585,000,000
3. Change from corresponding budget requests	−173,000,000	−3,816,000,000	−3,989,000,000
B. Senate actions:			
1. Budget requests for appropriations considered	14,533,000,000	[3] 99,379,000,000	113,912,000,000
2. Amounts in 8 bills passed by Senate	14,457,000,000	[3] 99,567,000,000	114,024,000,000
3. Change from corresponding budget requests	−76,000,000	+188,000,000	+112,000,000
4. Compared with House amounts in these 8 bills	+219,000,000	+2,271,000,000	+2,490,000,000
C. Final actions:			
1. Budget requests for appropriations considered	14,533,000,000	80,934,000,000	95,467,000,000
2. Amounts approved in 6 bills enacted	14,394,000,000	[4] 79,141,000,000	93,535,000,000
3. Comparison with corresponding budget requests	−139,000,000	−1,793,000,000	−1.932,000,000

[1] Permanent appropriations were tentatively estimated in January budget at about $15,212,066,000 for fiscal year 1968.

[2] Includes advance funding for fiscal 1969 for urban renewal and mass transit grants (budget $980,000,000; House bill, $925,000,000) and for grants-in-aid for airports (budget, $75,000,000; House bill, $65,000,000).

[3] And participation sales authorizations as follows: Total authorizations requested in budget, $4,300,000,000; total in House bills, $1,946,000,000; total in Senate bills, $700,000,000.

[4] Includes Defense conference agreement; pending House and Senate approval.

SUMMARY OF ACTION ON BUDGET ESTIMATES OF APPROPRIATIONS IN APPROPRIATION BILLS, 90TH CONG., 1ST SESS., AS OF SEPT. 11, 1967

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

	Budget estimates considered by House	Passed House	Budget estimates considered by Senate	Passed Senate	Enacted	(+) or (−), latest action compared to budget
Bills for fiscal 1968:						
Treasury-Post Office	$7,613,787,000	$7,499,230,000	$7,615,148,000	$7,555,167,000	$7,545,641,000	−$69,507,000
District of Columbia:						
Federal payments	63,499,000	59,499,000				−4,000,000
Federal loan appropriation	49,600,000	48,100,000				−1,500,000
Interior	1,443,793,000	1,365,310,150	1,458,218,000	1,399,359,550	1,382,848,350	−75,369,650
Loan and contract authorizations	(30,700,000)	(16,200,000)	(30,700,000)	(16,200,000)	(16,200,000)	(−14,500,000)
Independent offices-HUD	[2][3] 10,804,642,700	[2][3] 10,013,178,782				−791,463,918
Contract authorization	(40,000,000)					(−40,000,000)
Labor-HEW	[3] 13,322,603,000	[3] 13,137,488,000	[3] 13,424,146,000	13,421,660,000		−2,486,000
State, Justice, Commerce, and the Judiciary	[3] 2,342,942,000	[3] 2,194,026,500				−148,915,500
Legislative	231,311,132	228,089,952	276,005,210	275,885,804	275,699,035	−306,175
Agriculture	[3] 5,021,097,400	[3] 4,770,580,950	[3] 5,021,097,400	[3] 6,782,529,789		+1,761,432,389
Loan authorization	(859,600,000)	(859,600,000)	(859,600,000)	(909,000,000)		(+49,400,000)
Defense	71,584,000,000	70,295,200,000	71,584,000,000	70,132,320,000	[4] 69,936,620,000	[4] −1,647,380,000
Transportation	[5] 1,718,618,772	[5] 1,530,198,372				−188,420,400
Public works	4,867,813,000	4,622,922,000				−244,891,000
NASA	5,100,000,000	4,583,400,000				−516,600,000
Military construction	[6] (2,937,000,000)					
Foreign assistance	[6] (3,818,736,000)					
Supplemental (poverty, other deferred items; usual supplementals)	[6] (2,284,949,000)					
Subtotal, 1968 bills	124,163,707,004	120,347,223,706	99,378,614,610	99,566,922,143	79,140,808,385	−1,929,407,254
Bills for fiscal 1967:						
Defense supplemental (Vietnam)	12,275,870,000	12,196,520,000	12,275,870,000	12,196,520,000	12,196,520,000	−79,350,000
2d supplemental	2,134,932,833	2,041,826,133	2,257,604,652	2,260,246,933	2,197,931,417	−59,673,235
Subtotal, 1967 bills	14,410,802,833	14,238,346,133	14,533,474,652	14,456,766,933	14,394,451,417	−139,023,235
Cumulative appropriation totals for the session:						
House (14 bills)	138,574.509,837	134,585,569,839				−3,988,939,998
Senate (8 bills)			113,912,089,262	114,023,689,076		+111,599,814
Enacted (6 bills)			95,466,845,862		93,535,259,802	−1,931,586,060

[1] Permanent "appropriations" were tentatively estimated in January budget at about $15,212,066,000 for fiscal year 1968. (All forms of permanent "new obligational authority" for 1968 were tentatively estimated in the January budget at $17,452,899,000.)

[2] Includes advance funding for fiscal 1969 for urban renewal and mass transit grants (budget, $980,000,000; House bill, $925,000,000).

[3] And participation sales authorizations as follows: Independent offices-HUD, $3,235,000,000 in budget estimates and $881,000,000 in House bill; Labor-HEW, $115,000,000 in budget estimates and House bill; State, Justice, Commerce, and the Judiciary, $150,000,000 in budget estimates and House bill; Argiculture, $800,000,000 in budget estimates and House bill, $700,000,000 in Senate bill. Total authorizations requested in budget, $4,300,000,000; total in House bills, $1,946,000,000; total in Senate bills, $700,000,000.

[4] Conference agreement; pending House and Senate approval.

[5] Includes advance funding for fiscal 1969 for grants-in-aid for airports (budget, $75,000,000; House bill, $65,000,000).

[6] These are the amounts presently pending consideration in the committee.

ADDRESS BY CHARLES COGEN

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. WILLIAM D. FORD] 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 New Jersey?

There was no objection.

Mr. WILLIAM D. FORD. Mr. Speaker, I am pleased to call the attention of my colleagues to excerpts from a very fine address delivered by Mr. Charles Cogen, president of the American Federation of Teachers, at the 51st Annual Convention of the AFT on August 21:

Once again, we are gathered together in our annual convention for the purpose of laying down broad policy which will govern the actions of our union for the coming year. We are more numerous and more influential than ever before. The past school year was the greatest year of growth in AFT history. Our membership increased by 15%, a rate almost twice that of the non-union associations.

I call attention to the continuing rapid growth of the AFT, not in any sense of smug satisfaction, but rather to point out the fundamental significance which underlies our progress. That significance is simply this: teachers want to do things for themselves. They want the freedom and the power to control their own professional destiny. The AFT provides the means for achieving these objectives.

Teachers and the AFT are coming of age, and we demand our due place in the national educational policy-making process. Our change of headquarters, minor as it may seem, serves as a signal of that determination.

THE SOCIAL CRISIS AND THE NEED FOR EDUCATIONAL REFORMATION

It would be an over-statement to assert that if the people of Detroit, or Newark, or Milwaukee, or a dozen other cities had good schools, there would have been no riots this summer. We must reject such a simple, self-serving analysis. But it is true that the rebuilding, reformation, and revitalization of American education is probably the most important need in the general reconstruction of American society.

The first step in any such reformation must be a frank and honest assessment of the needs of society and the shortcomings of our present educational endeavor. I very strongly urge that this convention give wholehearted support to the present effort to make a national educational assessment.

Haven't we been saying all along that our schools are not good enough? That classes are too large to teach effectively? Too large to permit teachers to give individual guidance to students? Have we not been saying that the shortage of teachers is a national disgrace? Have we not been saying that regardless of the cost, all children must be taught to read? We have been saying these things and much more for many years, but it has been difficult for us to present our case on all of our educational problems in black and white, in statistics, in irrefutable research. Besides, since teachers do not have a personal interest in such matters, our opinions are often not taken as seriously as they should be.

NEEDED: A NATIONAL MASTER PLAN FOR EFFECTIVE EDUCATION

I urge that the President of the United States convene a national educational strategy conference . . . with the responsibility for producing a master plan for education for the nation, including specific details and a time-table for accomplishment so that progress in fulfilling the plan will be clearly evident.

Now some will say, "Oh, you are talking about another White House Conference on Education." This is precisely one of the things I am not talking about. I have attended White House Conferences on Education. Very few teachers or teacher representatives are present. The conference talks for two or three days. By the rules of the game, it is forbidden to adopt resolutions (to make doubly sure that nobody rocks the boat). Above all, such a conference must not ask for more money.

NEED FOR NATIONAL STANDARDS

There may be some school systems or some states which do not want Federal money, but they are few indeed. And yet there are many people, including those in the non-union association, who think that the federal government should use its taxing power to raise money and simply turn it over to the states to spend, with no strings attached, especially no strings of desegregation.

It is almost as important to the citizens of New York City, Chicago, and Los Angeles that the states of Mississippi, Alabama, Louisiana, Arkansas, and a dozen others have good schools as it is for those cities to have good schools within their own school districts.

GREATER LOCAL COMMUNITY AND TEACHER PARTICIPATION

There is a great deal of evidence to support the idea that our traditionally elected or appointed school boards are in many cases alienated from large sections of the communities whose educational interests they are chosen to safeguard. This is another problem which the national educational strategy conference, to which I have been referring, should deal with.

In the case of teachers, increased local participation in the schools means the increased development of collective bargaining. In the past year, the number of collective bargaining contracts negotiated by AFT locals has more than doubled. Most of these contracts were negotiated, incidentally, without work stoppages.

Much more can be done through the instrument of collective bargaining at the local level.

Another area of local negotiation which I very strongly urge upon our unions is that of research and development. Too much of current educational research is carried on by institutions with only tangential relationship with the schools. Classroom teachers are rarely involved in the planning and evaluation of such research.

MORE EFFECTIVE SCHOOLS

A final and most significant goal of negotiation should be the More Effective Schools Program.

Joseph Alsop found it important enough to follow up his syndicated series, mentioned by me in my printed report, with an article in the July 22 issue of the *New Republic*. The title is, very appropriately, "No More Nonsense About Ghetto Education."

The AFT has been, since 1964, the recognized leader in the effort to create effective school systems. It is regrettable, but a fact, that no educational organization, outside of the AFT, nationally or locally, has shown much concern for the educational plight and blight facing our nation's schools.

CHANGES IN EDUCATIONAL STRUCTURE

The most manifest example of the changes being introduced into our schools by the new establishment is the massive use of teacher aides—"para-professionals," as they are coming to be called.

It must be confessed that not only is it possible to assign to aides many non-instructional chores which have traditionally been performed by teachers, but many auxiliary instructional duties, as well, might very well be given to such personnel.

. . . it is essential that career lines be established, perhaps leading to full teacher status. Neglect of the career concept will inevitably result in the sort of paternal and master-servant relationship between teachers and aides which we have found so abhorrent in the relationship of administrators and teachers.

It is important to note that where these para-professionals, or auxiliary aides have been introduced in schools, teachers are almost universally pleased with this assistance.

I am not in any way contemplating increasing the number of pupils who would be under the general supervision of the teacher with or without aides. I am suggesting that the use of these so-called "para-professionals" can enhance the intensity and the quality of instruction.

I wish to point to a measure now pending before the Congress introduced by Representative James H. Scheuer from the Bronx, New York. Representative Scheuer's proposal is a modest one. But it is certainly a step in the right direction. It would provide for federal assistance for the training for career lines within our social services, including education.

There are many more changes coming from our new establishment which will profoundly affect teachers and the schools, some of them obviously good, and some which seem, at first glance, to be dangerous, and this is one of the main reasons why we have called your attention to the developing relationship among teachers, schools and the government through the wording of the convention theme.

Now all of the things I have just enumerated are certainly uncontestably necessary. Yet, in conference after conference, someone is apt to get up and say, "Good schools are not a matter of money. It is a matter of how you spend the available money." Then they proceed to set forth their personal panaceas for our ailing school systems. What nonsense that is! Good schools cost good money, and we are not afraid to say so. And we all oppose anyone who thinks that you can get good education without spending much more money than we are now.

I do not propose to judge at this point whether or not this country is spending its money wisely in Vietnam, or at Cape Kennedy, or in scores of federally supported space and armament production centers.

Economists have estimated that at least $40 billion a year is lost through tax loopholes: oil and gas depletion allowances; the inadequacy of the tax on long-term capital gains; exemption of income from interest on state and municipal bonds; inflated expense allowances; unlimited exemptions, in some situations, on charitable organizations, some of which can be called "charitable" only in the most charitable use of the term. There are many individuals in the United States who make large incomes and yet through clever manipulation and sound advice from people who specialize in such things, pay no tax whatever.

Now let no one tell us that this nation cannot afford good schools!

A YEAR OF SIGNIFICANT ACTION: 1966–67

Before we turn to the business of this convention, I should like to call your attention to this year's Officers' Reports. A copy of the booklet has been distributed to each delegate. The impressive thing about this booklet is the evidence it gives of the tremendous union activity which has been going on during the past year in every area of the country. One hundred and three new locals were chartered. More than 50 new contracts were negotiated, some of them, such as the Chicago contract, affecting tens of thousands of teachers and hundreds of thousands of students.

We have begun to organize successfully in colleges. And college teachers in Illinois, Michigan, New York, and California have shown that collective bargaining is just as appropriate on the higher education level as it is for elementary and secondary school teachers.

In December we held a remarkable conference on racism in education which attracted nationwide attention. Our new journal, Changing Education, has received many accolades from the academic community. Time and again we have been featured in nationwide newspaper and magazine stories about education. Educational and civic organizations increasingly ask us to provide speakers for their conferences.

We have established a public review board to act upon any complaints of union members about the way our union is functioning. We finally saw our plan for a council of unions within the AFL–CIO which enroll "professionals" come to fruition. Our training workshops at the University of Illinois and Cornell University were the most successful ever. Our research grant program has elicited great grass roots response and our research publications have had wide circulation.

We continue to win key collective bargaining election victories. Two years ago, who would have thought that the teachers of Baltimore would now be represented by the AFT as their exclusive bargaining agent? And one year ago, who would have thought that this, our nation's capital, and the home base of the NEA, would be an AFT town!

I urge that you read the Officers' Reports booklet. I think you will agree that the AFT, with each succeeding year, becomes a more dynamic and influential force in American life.

THE YEAR AHEAD

We have every reason to believe that the coming year will see the AFT continue along its successful road. Our major tasks are clear and unmistakable. To begin with, there are still school districts employing a total of approximately 100,000 teachers which do not know whether schools will open on time this Fall because their school managements have not gotten down to brass tacks in their negotiations with our locals.

Let me make one thing clear: the AFT wants good contracts, providing for improvement in the quality of education—not strikes. But if school and government authorities refuse to bargain in good faith, refuse to do all that they possibly can do to provide good schools, it is our professional duty to refuse to permit schools to operate on such a less-than-satisfactory basis. For our part, we will do everything we can to reach agreement in these districts. Our locals will bargain in good faith and the National officers and staff, as I have noted earlier, will do everything possible to assist them. But if it becomes necessary to conduct a work stoppage, we will help them win it!

Serious roadblocks are being placed in our way. More states are passing what they consider "enforceable" anti-strike laws. Judges are increasingly imposing fines and even jail sentences in injunction violations. This has happened even in an instance like the Cook County (Chicago area) College local's situation, where a settlement had already been reached between the contesting parties. In this case, Judge Covelli stated, "Teachers have been coddled too long; it's about time they were paddled." What judicial arrogance this is!

Of vital importance is the plan of mass resignations which the United Federation of Teachers, our New York local, has decided to follow in case of an impasse. The outcome of this procedure may well be as historic in its consequences as its strikes of 1960 and 1962.

The right not to work under substandard conditions is a right we must insist upon regardless of fines, jailings, or other threats. Without this right, we have no collective bargaining and we have no freedom. It is a right which employees in other unions had to win against the same forces that now stand in opposition to us. We will succeed just as they have succeeded.

Another pressing problem in which the National union must provide leadership is that of establishing proper standards in licensing and certification of teachers. We have learned that relying upon legislation and certification standards established by state bodies is unrealistic. Every time there is a shortage of fully-certified teachers, thousands of additional persons are given provisional licenses to fill the vacant positions. It is this "don't-raise-the-bridge-lower-the-river" philosophy which has resulted in the present overwhelming lack of fully qualified teachers.

If we use our bargaining power in a planned and concerted, meaningful way, I am confident that we will be able to establish a nationwide standard for the certification of teachers. During the year ahead, we plan to explore this idea and to develop it.

We must also come to grips with problems having to do with the relationship between teachers and the communities in which they teach. We must avoid alienation from society at all costs because the school is a social institution and it can succeed only if it is responsive to the needs of society.

Finally, still another major area of concern for the AFT must be that of legislation in the states and in the national Congress. It is not enough to be able to back up our policies and our demands by reason and research, although these are important. We must also be able to talk the language of the politician in terms that he can understand, and that means that we must intensify our political action. To do this, we must have strong state federations and I very strongly urge adoption of the amendment to our constitution which would require every AFT local to maintain state affiliation.

What we do during the year ahead may very well have a great bearing on the outcome of the Fall 1968 elections. We must proceed vigorously, but not in any partisan sense. Our over-riding concern must be the welfare of the schools, for if teachers do not fight for good schools with every means at their disposal, who will?

CONCLUSION

And so, we are about to begin our deliberations. The AFT conventions is a *meaningful* gathering together of teacher delegates to deliberate major policy concerns of our union. An AFT convention is also a happy time—not only because of the chance it gives us to meet with long-time friends, but also because it is always heart-warming to know that there are many kindred spirits in the AFT. So, let us proceed in all seriousness, but with good feeling, to attempt to solve the problems which confront us!

FOREIGN ASSISTANCE ACT OF 1967

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. FARBSTEIN] 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 New Jersey?

There was no objection.

Mr. FARBSTEIN. Mr. Speaker, as we are all aware, House consideration of the Foreign Assistance Act on August 24, carried over into the early hours of Friday morning. I had hoped to submit a statement for the record that night on specific provisions of the act. However, the hour grew late and the amendments were many, so rather than insert a statement that night, I decided to prepare a more detailed commentary, particularly on policy positions taken by the Committee on Foreign Affairs.

Mr. Speaker, I want to add my personal thanks to the chairman of the Committee on Foreign Affairs [Mr. MORGAN], for the patient way in which he conducted the hearings on the foreign assistance bill.

The committee gave this legislation careful study, for we were all aware of the questioning mood prevailing in Congress and among our citizens over the effectiveness of this program. As several of my colleagues have mentioned, the committee spent 53 days listening to and evaluating the testimony of both public and private witnesses, so the bill brought to the floor had undergone close committee scrutiny.

It was obvious to all of us in this Chamber that much of the frustration over this program related to other American commitments, such as Vietnam and the related fiscal deficit, the Middle East, and to the riot-filled summer we have just experienced in this country. I believe that in considering the foreign aid bill, we would have done well to remember not to allow our frustrations over other U.S. policies to distort our perspective on this issue. I will not deny that foreign aid is related to other foreign and domestic policy issues; but we are in error to reduce this aid program as a reaction against, for instance, our policy in Vietnam.

I voted in committee in support of the bill's authorization of $3.1 billion as necessary to carry out the provisions of the act. I regret that the House membership did not, in its wisdom, support the committee's recommendation. It is unfortunate that the long-term development loan funds were cut $150 million from the committee-approved $600 million to $450 million. These loans are available only to those countries making economic progress, and are repayable. The executive has programed 22 countries for assistance under this program in fiscal 1968. Such loans can be effectively applied to construct a nation's infrastructure, such as dams, irrigation, and power facilities which are basic to any economic development plan. I particularly regret the House action cutting technical assistance authorization $33 million from the committee-approved level of $243 million to $210 million. As I stated during the debate on this provision, technical assistance is aimed at encouraging developing countries to engage in self-help, to pull themselves up by their own efforts so that they will not have to depend on foreign aid. In my judgment, it is inconsistent to vote against technical assistance on the grounds that it will save this country money next year. In the long run, the cutting down of these funds will limit the march of many developing nations toward economic self-sufficiency and may end up costing the United States additional funds in the years ahead.

I fully supported the committee's

statement on self-help. It is evident to most of us that development is basically the responsibility of less developed nations. Unless these countries are willing to establish the environment within which development can take place, we can be of little aid to them. In countries where a favorable development climate exists, the United States can aid through capital loans and grants, through technical assistance, but most importantly by encouraging the involvement of U.S. private enterprise in these countries.

The need for these countries to create a favorable climate in which development can take hold was brought home time and again in the committee hearings, and in recent hearings held by the Subcommittee on Foreign Economic Policy, which I have the honor of serving as chairman. The subcommittee has examined the question of U.S. private enterprise involvement in developing countries as basic to any sound air program. We will hold additional hearings.

The committee bill included a new subsection authorizing the use of excess foreign currencies owned by the United States to encourage private enterprise in friendly less-developed countries, giving priority to enterprises designed to promote, increase, or improve food production, processing, distribution and marketing. In my judgment, the use of excess foreign currencies to strengthen the private sector in countries like India, Pakistan, and Burma, can only work to benefit the long-term foreign policy objectives of the United States. This provision is consistent with the self-help concept, for the job of using this money to profitable advantage is still left in the hands of local entrepreneurs. No expenditure of U.S. dollars is required to carry out this provision.

The committee bill included authorization for both fiscal years 1968 and 1969. I supported this provision because it would have worked to improve program planning and administration. Yearly reviews of the program are still assured through the appropriation process. More importantly, I supported this measure because it would have given the Committee on Foreign Affairs and its subcommittees an opportunity to study in greater detail the effectiveness of these programs. As I said earlier, the Subcommittee on Foreign Economic Policy is presently examining the role of private enterprise. Much greater study of this and similar foreign aid questions is needed. Regrettably, the House voted to continue to make authorization on an annual basis.

The amendment limiting authorization to a 1-year period also reversed the House position of last year on the Alliance for Progress. During the last Congress, we voted a 3-year authorization for this most important program. We made a commitment to our Latin American neighbor, now the House has reneged on that commitment. The House also moved to cut annual authorization for this program from $650 million to $578 million. This reduction is identical to an earlier one made by the Senate. The House, if it is going to take new initiatives over foreign policy, must do more than just copy the Senate. We must move with knowledge and understanding. The House did neither in this situation.

The committee made known its concern over the crisis in the Middle East, in a statement of policy. An ad hoc subcommittee, on which I served, drafted a statement expressing the sense of the Congress that the President should thoroughly review the needs of the several countries of the Middle East area and undertake a re-evaluation of U.S. policies aimed at helping these nations meet those needs and for securing a permanent peace in the area. I vigorously support this statement. There is a great need for economic development in the area. Many of the people are poor and undernourished. Yet, we find the leaders of the Arab countries set on making war against Israel. Economic development cannot take place when a state of war or belligerency exists. In my judgment, we cannot justify giving economic assistance in such a climate.

The statement also expressed the sense of Congress that the President should suspend assistance to any country which has severed diplomatic relations with the United States. Assistance programs would not automatically be restored upon resumption of diplomatic relations, but would be studied in terms of U.S. foreign policy objectives. I supported this provision. I also supported the amendment offered on the floor which stated in clear terms that aid will be suspended until diplomatic relations have been resumed and agreements for the furnishing of such aid has been indicated.

PEACEKEEPING FORCE

The committee adopted a sense of Congress statement that the cause of international order and peace can be enhanced by the establishment of improved arrangements for standby forces by United Nations members for United Nations peacekeeping purposes. An amendment was offered and rejected to strike this provision. The argument behind this amendment was that this provision would put the Congress on record as recommending an international police force. Nothing could be further from the truth. As I noted in the debate, this provision is simply meant to establish improved peacekeeping arrangements among member nations of the United Nations. In this day of constant crisis throughout the world, this provision tries to encourage the establishment of one more effective tool for peace. I supported this provision and was happy to see that the majority of my colleagues in the House supported the committee position.

The committee recommended that no reduction be made in the $13.3 million U.S. cash contribution program for the United Nations Relief and Works Agency—UNRWA. I supported this provision because, as an aftermath of the June war in the Middle East, aid to these refugees is needed.

In the past, little effort has really been spent on finding a permanent solution to the refugee problem. This is regrettable. Ever since the 1948 war, the refugee problem has been one of the principal contributing factors to instability in the Middle East. Recently, Representative BROOMFIELD and I went on a special fact-finding mission to Israel on behalf of the Committee on Foreign Affairs. A report covering that mission was recently released. In connection with that mission, I made a statement in the House on August 10, 1967, in which I observed:

> Mr. Speaker, in my report to the Congress in 1963, I stated: "Although I do not regard the solution of the Arab refugee problem as the key issue between Israel and the Arab states, I am convinced that the refugee problem is one of the problems that must be solved if there is to be peace and stability in the Near East." Today, however, I am of the opinion that unless and until the Arab refugee problem is solved, there can be no peace.

Hopefully, the recent hostility in the Middle East will provide us with an opportunity to seek out new ways of establishing a permanent peace in the area. The creation of an areawide development program can do much to alleviate the long-term plight of the refugees. A more responsible policy by the individual Arab nation toward the care of and resettling of these refugees is also needed. I urge that greater emphasis be given by the UNRWA on finding a permanent solution to the refugee problem.

The administration has recommended that more emphasis be placed on providing foreign assistance funds through multilateral programs. As the committee pointed out, in its report, bilateral assistance gives the United States full and direct control over the use of such funds. This is essential where funds are being spent in response to specific U.S. foreign policy objectives. However, where a U.S. foreign policy objective is general in nature—for instance, encouraging the flow of foreign private capital into less developed countries—then the use of multilateral programs provides us with a means of sharing program effort and cost. One of the observations derived from recent hearings held by the Subcommittee on Foreign Economic Policy was that a multinational investment guarantee program for private investments might have an important effect on encouraging the flow of private capital to developing countries. I understand that the World Bank is presently considering plans to implement such a program. Here is an example of a multilateral program that could not only stimulate economic development throughout the developing world, but would place greater emphasis on the involvement of private funds. Both goals are consistent with general U.S. foreign policy objectives and can be effectively carried out in cooperation with other nations. I support the channeling of economic assistance through multilateral organizations when it is consistent with general U.S. foreign policy objectives.

I believe we have learned much during the past 20 years about the use of foreign assistance as an effective tool for stimulating economic development. The Committee on Foreign Affairs has yearly worked to incorporate this knowledge into the assistance program. We have changed the program emphasis from grant to loan assistance and in the past 2 years to greater emphasis upon the development and involvement of private enterprise in less developed nations. Experience is a great teacher. In my judg-

ment, the foreign assistance program has become a responsible arm of U.S. foreign policy. I urge the Members of the House to carefully consider this measure and to support the recommendations made by the Committee on Foreign Affairs.

THE LATE DR. JOHN L. TAYLOR

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentlewoman from Hawaii [Mrs. MINK] may extend her remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mrs. MINK. Mr. Speaker, I rise to pay tribute to the reputation and achievement of Dr. John L. Taylor, who so suddenly and tragically passed away on August 29. I knew Dr. Taylor for a brief 8 months but that was enough time to discover the tremendous value of this able man to the House Committee on Interior and Insular Affairs.

Dr. Taylor joined the committee as a consultant in 1953 during the 83d Congress, and he already had a broad acquaintance with the Pacific area. Not only had he spent 5 years in the Trust Territory of the Pacific Islands during his World War II naval service, but he returned there to serve as director of education for the territory from 1950 to 1953 after the United States assumed responsibility for administration of those islands. Dr. Taylor's experience there and in other parts of Asia and Antarctica uniquely qualified him for his important post on the House Interior Committee, and he served the committee and the Congress for 14 years with distinction.

Besides being a champion of the oftenneglected and farflung peoples of the Trust Territory, Dr. Taylor bent his energies to the problems of the American Indians, and he was widely known as one of the most conversant of experts on Indian affairs. This versatile man had won a lasting niche of honor in the hearts of the people of Hawaii, though, for his contribution which we shall longest remember, for Dr. John Taylor played a key role in the difficult legislative struggle which culminated in statehood for Hawaii in 1959. As a man who was instrumental in drafting the final version of the legislation and who consulted regularly with proponents on the strategy by which passage could best be achieved, Dr. Taylor earned and won our lasting gratitude.

As a professor of geography, a naval civil affairs officer, a school principal, an educational administrator, and a scholar on major concerns of the Interior Committee, Dr. John Taylor left his mark on many lives, on many places, and it is an appropriate commentary on what he stood for that his family requested he be memorialized not by flowers but by donations to the John L. Taylor Scholarship Memorial Fund for students from the Trust Territory of the Pacific Islands. Thus his name and his dedication will survive him in a selfless cause that typifies his own untiring efforts to help his fellow men, and we can only mark with sorrow the passing of one who contributed so much to the betterment of the world we live in. It was a privilege to have been associated with Dr. John Taylor, and I extend my deepest sympathy to his family in the hour of their loss.

NOTED FINANCIAL WRITER CITES NEED FOR GOVERNMENT INSURANCE PLAN

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. ANNUNZIO] 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 New Jersey?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, the noted business writer, Mr. Eliot Janeway, in a column printed in the Chicago Tribune on August 7, cites the need for Government help in assisting businessmen in obtaining insurance in high crime and riot areas.

Mr. Janeway proposes that the Federal Government, in effect, insure insurance policies much as the FHA insures mortgage lending.

Mr. Janeway's proposal may be the answer to one of the most severe problems facing urban area, small businessmen today. Of course, a number of Members of the House and the other body have come up with other plans for assisting small businessmen in their insurance problems, and their plans may also be the ideal solution.

One thing is clear, the small businessman is the number one target for the nonprofessional criminal, and something must be done to protect the small businessman from being driven out of business. Too often the small businessman who has been wiped out by a burglar finds that his problem is compound, since the insurance company will not write new insurance after the initial burglary.

On February 16 of this year, I introduced legislation, H.R. 5584, that would direct the Small Business Administration to make a study of the small businessman's problem in the crime and insurance area and to make some suggested ways of correcting the problem. I did not offer my idea for a solution in the legislation, in view of the several plans that were being proposed. What I am afraid of is that one of the plans will be adopted without study and may not turn out to be the one that will solve the problem, and much time will have been wasted without helping the small businessman. By allowing the Small Business Administration to study the area and then come up with recommendations, I feel we can have a meeting of the minds and agree, after adequate research, on the best methods for helping small businessmen. It may take a little longer initially, but in the long run there will be less wheels spinning and less chance of adopting the wrong program.

Tomorrow, my bill, H.R. 5584, will be brought to the floor as an amendment to H.R. 10409, a bill that amends the Small Business Act and the Small Business Investment Act of 1958. I urge all Members to support this legislation so that we can begin to restore small urban business in this country. I am enclosing, as a portion of my remarks, a copy of Mr. Janeway's August 7 column:

INSURANCE TERMED BUSINESS NECESSITY

(By Eliot Janeway)

NEW YORK, Aug. 6.—The disaster in Detroit has uncovered a problem common to all our cities which is threatening them with a blight more cancerous than violence. Even where the volcano of urban disorder merely seethes and does not erupt, the fear that it may has become a clear and present danger to normal neighborhood commerce.

Insurance against fire, casualty, and theft is as rudimentary a cost of doing business as hiring labor, buying merchandise, and burning electricity. Like every other cost of doing business, it is passed thru onto the cost of living. The cost of insuring stores and the goods in them is going up—as the cost of insuring cars for youngsters under 25 did several years ago.

But higher costs for insurance companies and store-keepers, and higher prices for their customers, can be the smaller part of the problem. Suppose insurance is not to be had at any price. Suppose insurance companies decide to cut their losses by classifying risks in urban jungle centers as uninsurable. And suppose a trend starts among local merchants to take their beating and close up shop.

The business incentives to do so are obvious, and so are the economic consequences. For years before the outbreak of jungle war in our cities, it was an axiom of investment analysis that fire and casualty companies lost money on their insurance operations, and relied on their investment earnings to make out. But now damage losses are skyrocketing, while investment grade securities are not. The fire and casualty companies can make money simply by shrinking back their high-risk policies and letting their money work for them—instead of disrupting their investment earnings on making good their underwriting losses.

INSURANCE ALL-IMPORTANT

Altho insurance represents just a nominal cost of doing business, no one dares do business without it. Big businesses won't, and small businesses can't. The neighborhood business man has his working capital tied up in his inventory. The small distributor supplying the local retailer has his working capital, in turn, tied up in customers' receivables.

If a small business can't insure its inventory, and its premises and improvements, it can't stay in business. If it can't recover on its losses, without delay or litigation, it's out of business. Every local merchant and dealer and service operator who makes the grade is jealous of his standing with the insurance companies, and knows what it is to struggle to establish and maintain it.

What Lincoln said about the poor people—God must have loved them because he made so many of them—applies to the economy and small business as well. Small business keeps big business going because small business means the avenues along which big business moves its products to the retail public. Big business is free to operate at locations it regards as economic. Small business, for better or worse, must take its chances where the customers are. Big business operates with other people's money. But the local shopkeeper whose windows and shelves are on the firing-line in our cities has to operate with his own money on the line.

EMPTY STORES A DRAIN

At the retail end of the economic process, people who live in cities need to be able to

trade where they live. The more underprivileged a family is the less its members can afford to waste time and transportation traveling to shop. People who live in or around troubled areas, whether they rent or own their homes, have learned the hard way that empty store fronts ruin neighborhoods as fast as they drain and strain city treasuries.

Insurance is the arterial link between production as it comes out of the factory gate and moves thru the middlemen who store and sell it to the consumer. If violence in the cities cuts this artery, the resultant paralysis could bring on a depression; and the country's business men are running scared that it will.

There is something that can be done. It is simple and, instead of costing the government money, it can actually earn income for the treasury while it insures the economy. All L.B.J. need do is copy F.D.R.'s antidepression cure for mortgage foreclosures and apply it to insurance policy cancellations. Mortgage lenders have been using FHA to buy federal reinsurance for mortgages, and insurance underwriters now need a similar facility for buying federal riot reinsurance. This is one Presidential proposal Congress would pass quickly.

HAWAII'S EULOGY TO HENRY J. KAISER

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from Hawaii [Mr. MATSUNAGA] may extend his remarks at this point in the RECORD and to include extraneous matter.

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

There was no objection.

Mr. MATSUNAGA. Mr. Speaker, long before his death at 85, Henry J. Kaiser had become a 20th-century legend which, after his passing on August 24, 1967, promises to continue for generations of Americans yet unborn.

His is a story which will keep alive the dreams and promises of the free enterprise system in a democratic society. Hawaii and the Nation have suffered the loss of one of its most illustrious citizens, and I wish to join my colleagues in the House and Senate in expressing deepest sympathy to the Kaiser family.

Eloquent tributes have been expressed throughout the world in praise of this creative pioneer and industrial genius, who possessed one of the most fertile imaginations the world has ever known. None, however, has been more heart warming than the collective tribute of "aloha" extended in memory of Henry J. Kaiser by the people of his beloved adopted State of Hawaii.

I submit for the CONGRESSIONAL RECORD, editorials from the Honolulu Star-Bulletin and Honolulu Advertiser of August 25, 1967, as well as several noteworthy articles of personal recollections and commentaries of that remarkable American, Henry J. Kaiser.

The editorials and articles from the Island State newspapers follow:

[From the Honolulu Star-Bulletin, Aug. 25, 1967]

HENRY J. KAISER (1882–1967)

He loved to read and quote poetry and one of his favorites read:

"To be alive in such an age!
With every year a lightning page,
When miracles are everywhere,
And every inch of common air
Throbs a tremendous prophecy
Of greater marvels yet to be.
To be alive in such an age—
To live in it,
To give to it!
Give thanks with all thy flaming heart—
Crave but to have in it a part."

The man who loved this poem and who died yesterday was an uncommon American, a Horatio Alger hero in the flesh. It is a shame that more Americans did not know him better.

His was a simple genius.

He was optimistic. He had faith in America. He loved people. He was honest. He was imaginative. He was doggedly persistent. He had an incisive mind.

The stuff of poetry that others might dismiss as corn or childish idealism was to him the stuff of life. Every word of Angela Morgan's "Today," quoted above, was gospel with him. It is exactly the way he felt, believed and lived.

Because he felt that way, because of his faith, because of his doggedness and because of his genius, he literally moved mountains. He also built dams, ships, cities and hospitals.

He had an uncommon mind and uncommon physical capacity but at the core lay simplicity itself—love of his fellow man, a faith in the power of work and of building, an unremitting drive to improve.

By the end he ruled an empire worth billions, yet not all men wanted to be his business partners because his idea of what to do with profits was to plough them back into the company and put them back to work.

Toward the very end he focused more and more on his lifelong concern with medicine and health. Some of his last work was to finance a study aimed at trying to bring Honolulu hospitals together in a medical center near the University of Hawaii.

Medical education, research and new hospitals will undoubtedly be among the major memorials to his name.

He wanted to live to be 100 but in recent months it had begun to be apparent to others (if not to him) that this was not to be.

His loss is a very personal thing to Hawaii. As Governor Burns said, "he was indeed one of our own and one of our finest." His monuments stand in a hotel complex, a geodesic dome, a new concept of medical plan and hospital, a cement plant of unusual beauty, the community where he died and—most of all—an uplifting of our goals and aspirations.

To think of Henry J. Kaiser in parting is to think of the words of another poem he loved, "Ulysses" by Alfred Lord Tennyson:

"'Tis not too late to seek a newer world,
Push off! . . .
For my purpose holds,
To sail beyond the sunset, and the baths,
Of all the western stars, until I die,
To strive,
To seek,
To find
And not to yield!"

[From the Honolulu Advertiser, Aug. 25, 1967]

HENRY J. KAISER . . .

Henry J. Kaiser achieved greatness through accomplishments that became symbols. And long before his death here yesterday this kind man became a symbol of not only the biggest but much of the best in the American dream and free enterprise system.

For Hawaii, Henry Kaiser was a special symbol. Perhaps a State senator put it as well as anyone yesterday when he said: "He showed us it pays to dream."

Kaiser came so far and accomplished so much in his 85 years that his life became a series of achievements, each of which alone would stand as a memorial to most men.

His rags-to-riches success story is a classic in itself.

Before World War II, he was already one of the nation's biggest contractors, the man who built great dams in the West.

The war made him a household word. He produced liberty ships at the rate of one-a-day and jeeps by the hundreds of thousands.

But it was more than that—for Henry J. Kaiser, like Rosie The Riveter, the woman gone to war work, became a household word, a symbol of the homefront industrial power and drive that helped defeat the enemy.

After the war it was aluminum and other highly successful ventures, plus a try at automaking which, as it was once said, shows that even a Henry J. Kaiser can't win them all.

All of this is tremendously important in terms of capitalistic accomplishment. But, equally, it was accompanied by a philosophy that was Kaiser's lifelong theme: "The worker is a human being."

Kaiser made many millions of dollars, but he never lost sight that the purpose of life involved people, their dignity and their dreams.

When the AFL–CIO presented him with its 1965 Murray-Green Humanitarian Award, it was pointed out Kaiser not only worked with unions but believed in strong unionism as a factor for stability and progress. President Johnson called Kaiser "a pioneer of the new breed of the responsible businessman."

The hospitals and progressive medical plan that bear his name reflect a life-long concern for the health of the working man. Like so much else, they will live on as a monument.

Mixed in this rare combination of ability, drive and concern for people as individuals is the fact that Kaiser came to symbolize the qualities of hope and vision in our society.

Some saw it as over-simplified and oversentimental. But where others often mired down, Kaiser looked ahead. He did so even two years ago in accepting the Murray-Green Award when he said:

"Within a mere 35 years, we must boldly set our sights as high as building the equivalent of another United States of America—a country with almost twice as many people, almost double the present working force . . . with manifold more needs and vaster productivity and purchasing power.

"How will the new jobs be created? Just think of opening up fully one and a half million more jobs every year. This prospect should be met—not with fear and dread—but as an opportunity and fabulous potentials.

"People are our most priceless asset. Manpower and brainpower and human spirit will take this country to undreamed-of new horizons. We've only begun."

* * * AND HAWAII

"Did you ever think," someone once said, "what Hawaii might have been like if Henry J. Kaiser had come here as a younger man instead of in 1954 at age 72?"

It is the kind of statement that evokes a mixture of smiles from some, shudders in a few and sadness in many who wish it had happened.

As it is, Kaiser's 13-year impact on Hawaii has been both great and immeasurable.

The physical aspects are well known—the Hawaiian Village hotel complex, the radio-TV station, a cement plant, and the ever-growing Hawaii Kai area. There is even Magic Island, in the sense that he picked up and dramatized the idea.

But there are those who feel that Kaiser's real accomplishment in Hawaii was more psychological than physical.

It is important, for example, that he took over the old Niumalu Hotel at the dead end

of Waikiki and made a broad beach where there was a mud flat. But when and how he did it is more important.

Kaiser came to Hawaii at a time when we were growing but in a way too often narrowed by our own lack of ideas and vision. The mid-50s were a time of political, social and economic flux. We were through with the old and uncertain about the new.

In this picture, Kaiser was the one who announced awesome plans and seemed to dream the impossible dreams. And with his combination of money, faith and drive he raised the sights of many on what was possible for a young Hawaii.

Obviously no man can get credit for the complex forces under way in a society, to say nothing of the impact of Statehood and the jet age.

But the effort and example of Henry J. Kaiser helped prepare Hawaii to take advantage of the opportunities that developed.

We are in another era now in the mid-60s, one that calls for continued growth but with increased considerations of our ultimate goals.

The name of the game, however, is still the one Henry J. Kaiser knew so well—a concern for man and his dignity and happiness.

It is now for us to dream the impossible dreams—and, like him, make them real.

[From the Honolulu Advertiser, Aug. 25, 1967]

"THINKING BIG" MEANT START OF HOTEL BOOM

(By Charles Turner)

Henry J. Kaiser was the man who launched the tourist hotel building boom in Hawaii.

He was also the man whose practice of "thinking big" helped shake the cobwebs out of Hawaiis economy after the Korean War.

He had a lot of opposition. Some Kamainas said, "He's ruining Hawaii.

But it didn't faze him a bit and he went full-speed ahead in the Kaiser fashion.

He knew Hawaii would be a big tourist center. He told a reporter this story:

"When I went down to Florida some years ago, I said: 'The weather's great here. It's bound to become a great tourist center.'

"But people said to me: 'Who wants to come down here where its just sand dunes?'

"I let them talk me out of it then. But this time, Im not letting anybody talk me out of it."

In partnership with Fritz B. Burns, Mr. Kaiser purchased for $8 million 339,000 square feet of property from the John Ena Estate, then occupied by the Niumalu Hotel. They also leased 58,000 square feet from the heirs of the Paoa Estate, including Duke Kahanamoku.

The first unit of the Hawaiian Village Hotel was built on this property in 1955. It was a meandering string of thatched-roof cottages which brought jeers from competitors, who referred to its "Kaiser's Folly."

But the jeering quickly died when Mr. Kaiser put his construction skills to work and began raising "skyscrapers" on the property at the rate of one floor a week.

Mr. Kaiser shook up the skeptics again when in just 20 hours his crews put up the Kaiser Dome, with its huge geodesic aluminum roof.

When the need arose for a good beach, Mr. Kaiser's men drove trucks to Makua Valley and hauled in 2,000 feet of fine sand.

The Hawaiian Village grew amazingly fast and its potentials attracted Conrad Hilton, who began having talks with Mr. Kaiser and Burns as early as 1956.

In 1959, when Statehood arrived and Hawaii became an attraction to hundreds of thousands of potential tourists, Mr. Kaiser warned that the rest of the sleepy hotel industry should get ready for a boom.

"It's important that building precede people coming here," he said. "The greatest threat to the future growth of the Islands is that there won't be enough rooms or houses."

Others caught on and things began to hum.

By late 1960, Mr. Kaiser decided to get out of the hotel business and in January 1961, Hilton Hotels announced it was buying the Hawaiian Village for $21.5 million. They leased the remainder, with an option to buy.

Mr. Kaiser wasn't ready to retire, however, just because he got rid of his interests in the Hawaiian Village.

He had announced nearly two years earlier that he was going into the most ambitious housing development ever planned in Hawaii.

A joint announcement was made by Mr. Kaiser, Burns, architect Welton Becket and the trustees of the Bishop Estate that they would build a resort and residential community of 50,000 people, with a total investment of $350 million.

The development, which would cover the lands on the slopes of Koko Head and Maunalua, was named Hawaii Kai.

It was to be "one of the world's most beautiful model cities . . ."

When construction began in June, 1959, the neighbors rose up in arms, complaining first about the mud, then about the dust.

Mr. Kaiser sent water trucks to dampen the dust. When the neighbors complained about the unsightliness of the construction, he ordered 78 acres planted to wild flowers.

There also were complaints from the pig farmers and lettuce and flower growers, who had to find new farms.

Although Hawaii Kai still is far from its goal of being Oahu's second biggest community, it has made progress. Mr. Kaiser was out almost every day, until his final illness, checking on that progress.

Mr. Kaiser will also be remembered for his pioneering work in commercial television in the Islands.

He filmed a television movie here in 1954 and in 1956 he announced the formation of Kaiser Hawaiian Village Radio, Inc. There was some delay in getting on the air because the Planning Commission balked at Mr. Kaiser's plans to build a 270-foot high tower on the hotel.

He eventually won approval, however, and next embarked on forming a television station. He met stringent objections from the owners of KULA-TV—until he bought out that station for some $685,000 in 1958.

Mr. Kaiser sold KHVH-TV to Pacific Broadcasting Co. in 1964, ending his venture into television.

Residents of the Waianae area will remember Mr. Kaiser for a long time because of a squabble which he had with the Dillingham family over a $12 million cement plant at Maili.

In May, 1959, there was a public debate between Mr. Kaiser and Ben F. Dillingham on the merits of the cement plant. In the midst of that debate, Mr. Kaiser accused the Dillinghams of trying to block his plant through the City Planning Commission. The late Walter F. Dillingham called Mr. Kaiser "a visitor to Hawaii, no matter how many millions he's spent here . . ."

But the cement plant was built and has produced millions of pounds of raw material for use in the Islands and elsewhere in the world.

Mr. Kaiser had hoped to establish another industry—bauxite mining—in Hawaii. But Kaiser Aluminum Co. geologists, who searched for the aluminum-bearing ore in the mid-50s, were unable to find any commercially feasible deposits.

Mr. Kaiser also had hoped to bring the world's speedboat record to Hawaii.

His hydroplane, the Hawaii Kai, made several attempts at the speed mark at Keehi Lagoon in 1956. Then disaster struck. Pilot Ken St. Oegger was on a 193-mph run when the hydroplane broke up, putting him in the hospital with a broken leg and several fractured ribs.

Mr. Kaiser did bring one water record to Hawaii, however. He built the world's largest catamaran, the Ale Ale Kai V. The 100-foot pink "cat" was sold in 1958 to a Gray Line Hawaii subsidiary.

[From the Honolulu Advertiser, Aug. 25, 1967]

POODLE CAPERS

(By Eddie Sherman)

Everyone who ever met Henry J. Kaiser can tell you stories about the great man . . . Today, I'd like to tell you some of mine . . . I was living in Kaneohe—on the bay. One of my toy poodles was hapai. She was so tiny, I was worried about her health . . . Knowing the love the Kaisers had for poodles, I called Mrs. Kaiser and told her of my concern . . . A few days later, on a Sunday morning Mr. Kaiser came to the house—with his wife, their dog handler, the captain of the Kaiser boats, Earl Akana, a new jet speedboat, (various other helpers) plus enough picnic food for an army . . . He stayed for many hours, eating my wife's blintzes, (four helpings) watching his jet boat speeding all over Kaneohe Bay. But his greatest concern was my dog Gigi. He took her with him when he left—to their dog maternity ward at Kaiser estate on Portlock. She was returned after being checked out thoroughly. Her batch of poodles was born without any complications . . .

"THE BOSS"

One evening, invited to dinner at a home in the Kaiser neighborhood, I found that my wife and I and guest Burgess Meredith were an hour too early. The people were not home. "What'll we do to kill the time?" I asked. "Let's go see 'The Boss'," my wife suggested. I quickly vetoed the idea. "You just can't drop in on him unexpected," I said rather firmly. A few minutes later my wife was pushing the button on the iron Kaiser gate estate. The big door slid back and we drove in . . . Mr. and Mrs. Kaiser were alone. My apology was cut short. "Happy you came, stay awhile" he commanded softly. For the next hour we sat fascinated as he explained his theory about leisure time activity for the future and impressed on actor-director Meredith especially, how important a role film and TV making were on leisure time. "The golden age of entertainment has yet to arrive. You people have a great responsibility," he told Meredith . . . Meredith couldn't get over the fact that Henry J. Kaiser was so well informed about show business . . .

SIDE GLIMPSES

The story of how Henry J. Kaiser came to build the Hawaiian Village has become a small legend . . . Actor Bob Cummings swears this is the true version . . . The yarn goes like this. Mr. Kaiser and a number of associates were at the Royal Hawaiian Hotel going over plans on a project. They were in the Surf Room . . . When it was past six o'clock, Kaiser was approached by a hotel employe. "Sorry sir, but neckties are required after six. If you don't have one on you must leave," he was told . . . Then and there, the story goes, he vowed he would build a hotel where people could dress as informally as they wished . . . A few years later his promise became true . . .

This story, too, has become part of the local Kaiser lore . . . As was his custom, he daily strolled through the Haw'n Village grounds where construction seemed neverending, always followed by a small army of various employes . . . "Why are all those jack hammers going full blast on the beach?" a tourist asked, "Oh," remarked someone, "Kaiser's kid lost his ball" . . .

Once, on the phone to his son Edgar in New York, he talked for 30 minutes, then hung up. He called New York back immedi-

ately and said to Edgar, "I'm calling to say goodbye." . . . Often, his blue prints for projects were drawn on the backs of envelopes . . . Jim Durham, Ilikai manager, ran the Haw'n Village for three years under Kaiser. "I saw him get mad only once. All he said, softly, was 'Now, Bob'—but there was a world of meaning behind those words" . . .

THE PINK NEEDLE

When Henry J. Kaiser got into the local radio broadcasting picture—naturally, like everything he did—it was big . . . All sorts of personnel were hired, here—and from the Mainland. Soon he had the largest staff of any station in the islands, operating like a national network . . . It was later realized that what is successful elsewhere is not necessarily successful in Hawaii—and many employes began to receive their pink slips . . . Feeling was bitter towards Kaiser—even though he had little to do with the radio station's operation . . . One day the ex-employes decided to have a cocktail party and hang Mr. Kaiser in effigy . . . The affair took place at the Tahitian Lanai . . . The fun commenced late in the afternoon—and true to the announcement, Mr. Kaiser's dummy was hung . . . The emcee devoted much time blasting the industrialist, with others taking their turn at the microphone doing the same . . . At the height of festivities and after much hard stuff was consumed—a hush fell over the proceeding . . . Uninvited—in walked the man himself, followed by his aid Bob Elliot and singer Alfred Apaka . . . He walked right over to a table I was sitting at by myself. "How's it going so far?" he asked. I told him. He smiled. "Do you think they'd let me say a few words?" I passed on the information . . . When he got up to speak, it was almost embarrassing to hear the snide remarks . . . "And now the man responsible for this gathering," said the emcee, "here's Mr. Kaiser." Boos! . . . He first thanked them for their "hospitality"—then recalled his boyhood—how after working hard at the age of 13 in a photographic shop—he was fired. How he went to another city, earned enough money to return to his old employer—to buy him out. "So you see, I, too, know what it's like to be fired. And maybe it will help many of you like it did me. Naturally, I'm sorry for what happened and I hope maybe some day we will all be involved again. In the meantime, may I wish you all the best of luck. The drinks are on me." . . . Henry J. Kaiser received an ovation from his former enemies as he strode out like a conqueror . . .

TIDBITS

Once, he took me into his bedroom to show off the various TV sets. There were five—the newest—a special gift from his son . . . For about 15 minutes he sat on his bed pushing various buttons, enjoying himself like a child with his toys. He thrilled to the wonder of it all . . . When a TV producer came to Hawaii to make a pilot TV showing starring Alfred Apaka, a special area was needed near the beach for the filming. Within 24 hours what is now the Garden Bar at the Haw'n Village was built . . . The legend of Henry J. Kaiser has only just begun . . .

[From the Honolulu Advertiser, Aug. 25, 1967]

THE KAISER WAY WAS "DO IT NOW"

(By Ed Engledow)

I first met Henry J. Kaiser in Washington in 1963 when I was accompanying Gov. Manuel Guerrero of Guam as his special assistant.

A few months earlier a devastating typhoon had leveled Guam, destroying about 90 per cent of the homes. The economy was depressed, home loan programs were inadequate, building methods were outdated, so the housing shortage was one of the governor's greatest worries.

Mr. Kaiser learned of Guam's plight and decided he could fill a need there in home construction at a price range people could afford. He already had sent Dave Slipher and others to Guam to survey the possibility. Since then the firm has built over 400 typhoon-proof homes which the residents of Guam can afford and has set a pattern for other builders.

The meeting in Washington was at a luncheon where Mr. Kaiser and Governor Guerrero were to discuss the program.

At one point a question was raised about Guam's legal ability to participate in a special Federal loan program. The governor and I said we had not been qualified by Congress. The head of the Kaiser Washington office contended we were qualified.

After about three minutes, Mr. Kaiser interrupted. Smiling, shaking his head and waving a finger at us, he said:

"Let's don't quibble about it . . . Let's find out if Guam is qualified."

His Washington chief hurriedly made some notes and replied:

"Yes, sir, Mr. Kaiser. I'll find out first thing tomorrow."

"No, no, no," said Mr. Kaiser pleasantly. "Let's find out now."

His man got on a phone and in 10 minutes we had an answer.

The "do it now" rule was one reason for Henry Kaiser's great success.

[From the Honolulu Star-Bulletin, Aug. 25, 1967]

"A MOST OUTSTANDING CITIZEN OF HAWAII": KAISER HAILED AS A PIONEER BUILDER IN HIS ADOPTED STATE

Representatives of government, business, labor and the community paid these tributes to Henry J. Kaiser:

"The passing of Henry J. Kaiser is a shock to all Hawaii," Gov. John A. Burns said.

"Mr. Kaiser was a great and distinguished American and a most outstanding citizen of Hawaii. He was a thinker who made his ideas take form for the benefit of our society, and therefore a most effective doer.

"Using brilliant imagination and driving initiative joined to tremendous energy, he delivered America's muscle in World War II when it was most urgently needed.

"Mr. Kaiser applied these same qualities in his adopted State, Hawaii, and became an outstanding pioneer of modern development here.

"His contributions to the economy and society were vastly important to our growth.

"Yet his far more profound contribution sprang from his love for our people and his confidence in them, for we were thus more easily able to grasp his meaning and follow his example.

"Few men have won both the love and respect of Hawaii in so relatively short a time.

"Mr. Kaiser's belief in our destiny was limitless. He believed we should be the best and the greatest in everything, and he was not content to live in a complacent community.

"His creative example and his beliefs have affected every man, woman and child in Hawaii—he has inspired us to higher aspirations and greater goals.

"Mr. Kaiser thought big and he accomplished much. His inspiration will continue among us.

"I am particularly grateful for the help he gave me in securing Statehood for Hawaii. He did much to make that accomplishment possible.

"Mr. Kaiser will be most sorely mourned in Hawaii. He was loved as one of our own, for he was, indeed, one of our own and one of our finest."

EX-GOVERNOR QUINN

William F. Quinn, president of the Dole Co. and Gov. Burns' predecessor as chief executive of Hawaii, had this to say:

"When Henry Kaiser came to Hawaii, he infused a new vision and dynamism into our community.

"As a governor I was dazzled by the sweep and genius of his concepts.

"As a friend I enjoyed the warmth of his personality and the wisdom of his advice.

"He reached one of the world's summits.

"His works are a great legacy to us and a fitting monument to him.

"Nancy and I extend our deepest sympathies to his family."

THE BIG FIVE

The presidents of each of the "Big Five" corporations of Hawaii had words of tribute for the late Henry J. Kaiser:

Harold C. Eichelberger, Amfac—"In his chosen career of industry, he was a truly outstanding man.

"He had a great genius and almost limitless energy that he applied toward creating things that were necessary and things that people wanted. In so doing, he made a tremendous contribution to the country in general and particularly in his later years to our State of Hawaii.

"I have the greatest respect for what he accomplished during his very productive lifetime."

Boyd MacNaughton, C. Brewer & Co.—"He was a remarkable man who accomplished great things, not only here but on the mainland. Their effects will carry on for many years."

Malcolm MacNaughton, Castle & Cooke—"I was shocked and saddened to hear of Mr. Kaiser's passing.

"For long he has been an imaginative, constructive force in this community.

"He will be sorely missed."

Stanley Powell Jr., Alexander & Baldwin—"I didn't know Mr. Kaiser personally, but I sailed on ships that he built during the war and I was amazed at the man's ability to put out ships at such a fantastic rate.

"Since the war he has accomplished so many things he certainly stands out as one of the great businessmen of all time.

"I know he loved Hawaii a great deal.

"I had a great deal of respect for him and I'm sorry to see him go."

Harold D. Weidig, Theo. H. Davies & Co.—"He was an extraordinarily able individual. He was a doer without a peer. He will be sorely missed by all Hawaii and the world generally."

TRIBUTES FROM LABOR

Jack C. Reynolds, secretary-treasurer of the Honolulu Building and Construction Trades Council (AFL–CIO) had these recollections of Kaiser:

"I've known Henry J. Kaiser for 34 years, as an employer and as a friend.

"I knew him when he was the president of the Rock, Sand and Gravel Association of Northern California. I was business representative with the Wood, Wire and Metal Lathers Union.

"He assisted labor in organizing the rock, sand and gravel unions.

"I've never known him to short-change the working man.

"He thought if it took longer than 30 minutes to negotiate a contract, someone was goofing off.

"He was the type of man who delighted in performing the impossible.

"He made dreams come true."

Arthur A. Rutledge, president of both the Hawaii Hotel and Restaurant Workers and the Hawaii Teamsters, said:

"Mr. Kaiser was a great human being, one of the greatest . . .

"His contributions to the well-being of our people have been more than most realize. The entire community, I know, grieves with his family and close associates.

"I feel fortunate to have known him as a human being as well as an employer.

"Our members . . . extend our sincere sympathies to his fine family in the passing of this personable, sincere, tireless benefactor . . ."

FOUR CONGRESSMEN

Sen. Daniel K. Inouye (Democrat)—"Like all Hawaiians, I was saddened by the passing of Henry J. Kaiser . . .

"His name has long been synonymous with economic growth and advancement. Lately it has been intimately associated with health programs and hospitals. As a lasting memorial, there will long be many hospitals named after Henry J. Kaiser.

"Hawaii and the nation will miss him."

Sen. Hiram L. Fong (Republican)—"The nation has lost a great citizen.

"Henry J. Kaiser's medical clinics and hospitals throughout America showed that he was always solicitous of the sick, needy and aged.

"Hawaii benefited tremendously through his energy, enterprise, and vision. We in Hawaii mourn his passing very deeply."

Rep. Patsy T. Mink (Democrat)—"Henry J. Kaiser's death is a tragic loss to Hawaii as a whole.

"His name has been synonymous for over a generation with the vigor and imagination of our free enterprise system.

"All of Hawaii has benefited by his willingness to join in the building of our State and we mourn his passing with the deepest heartfelt sympathy to his immediate family."

Rep. Spark M. Matsunaga (Democrat)—"Henry J. Kaiser in death will live as a legend for generations of Americans yet unborn.

"His is a story which will keep alive the dream and promise of the free enterprise system as we know it in America.

"Hawaii and the nation have suffered the loss of one of its most illustrious citizens."

MAYOR AND OTHERS

Mayor Neal S. Blaisdell said:

"Henry Kaiser was one of the great men of this century—one of the movers and shapers of our modern world. We were privileged to have him here living the latter years of his lifelong career of fantastic accomplishment; and everywhere we look, from the Hawaiian Village in Waikiki to Hawaii-Kai, we see the concrete evidence of his drive to achievement.

"Henry Kaiser lived a great life; it is now ended; Honolulu joins his country and the world in mourning."

The City Planning Commission decided yesterday to draft a resolution expressing appreciation for Kaiser's great interest in planning and development in Hawaii and extending condolences to his family.

Edwin K. Hastings, vice president and general manager of the Hilton Hawaiian Village Hotel, said Kaiser had "foresight and vision for Hawaii. He started the big Hawaiian Village complex here (1955) before anyone thought of high rises and best use of the ground. His memory is held very fondly by all the staff of the Hawaiian Village."

Chinn Ho, head of Capital Investment Co., said:

"The world is saddened by the passing of Henry J. Kaiser. The industrialist of the century, a dynamic leader and a great philanthropist has contributed much to the welfare of America and particularly of Hawaii.

"Hawaii will miss his leadership very dearly.

CONSTITUENTS DISAGREE WITH CONGRESS

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. BROWN] 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 New Jersey?

There was no objection.

Mr. BROWN of California. Mr. Speaker, I have once more queried the residents of the 29th District in California, which I represent, to try to determine their views on various issues of current interest in Congress.

Of special note, perhaps, to my colleagues who are also in the habit of taking constituent polls, is the fact that, rather than sending one questionnaire to each household, I sent one to each individual registered voter in the district, even where several adults lived at the same address. This was done because in the past I have received many indications that both husband and wife would like to answer the questionnaires but had received only one copy.

In addition, I felt that this method would bring more authenticity to the breakdowns I have made utilizing the demographic information requested in the questionnaire.

One other feature of interest is the fact that I repeated a few questions that I have asked in past years and was able to note significant changes in opinion that have taken place.

Of course, we all realize that a mailed poll such as this has possible inaccuracies, the major one being that those persons who return the questionnaire do not necessarily represent a scientific sampling of the views in that district. Nevertheless, there is much that is valuable in the results, and I believe that the comparisons between different groups gained from the demographic data can have quite valid significance.

My first question concerned the proposal to lower the voting age to 18. There appears to be strong opposition to this idea, with the results showing 35 percent in favor and 60 percent opposed. As might be expected, students and persons in their 20's showed a marked tendency to give more support to the change.

The idea of the Federal Government sharing a certain portion of its tax funds with the States is supported by 51 percent of the respondents and opposed by 37 percent. Here, mobility seemed to be one of the strong factors involved. Most of the respondents have lived at their present address for more than 2 years and 52 percent approved of tax sharing. A sharp drop in support is noted in those persons who have lived in their present home for less than 2 years, with only 43 percent in favor.

Expanded national cemetery space for burial of veterans who so desire receives high support from 60 percent of those replying as opposed to only 27 percent saying "no." Predictably, perhaps, veterans—66 percent—showed more support for this plan than nonveterans—56 percent—but an interesting fact is that union members supported it even more strongly—67 percent—as compared with 57 percent of the nonunion respondents in favor.

The antipoverty program has been taking its knocks insofar as public opinion is concerned and my questionnaire reflects this in a comparison with the results from asking the same question 2 years ago. Support for an expanded program dropped from 33 percent in 1965 to 28 percent currently. Those favoring keeping the program going at present levels dropped from 27 to 19 percent. A cutback was approved by 20 percent this year as opposed to only 11 percent taking this position in 1965, and 24 percent favored outright elimination today—an increase of 5 percent over 2 years ago. It will be noted, however, that those who favor at least a continuation at present levels still outnumber, slightly, those who favor less than the present efforts.

Considerable interest is displayed in the development of a commercially practical electric car, with 35 percent of the respondents feeling that they would consider buying one in the near future if they were available. Women, in their forties, whose politics lean toward the liberal side, look like the most likely prospects for the salesmen.

The plan to try to entice enough young men into what would be a voluntary armed service and eliminate the draft was approved by far over plans to try to make the draft more equitable, with 48 percent approving the voluntary army and only 40 percent splitting their approval between two different draft change plans. Veteran approval for the voluntary army was substantial, but lower—42 percent—and increased education brought on stronger approval with 52 percent of the college graduates favoring the voluntary army.

Education seemed to be a factor in support of establishment of permanent peacekeeping forces for the United Nations, but not in a strictly progressive fashion. Overall, a strong 67 percent for, to 24 percent against, vote of approval was given the plan. In the education breakdown, the strongest support was shown by both the college graduates—70 percent—and those with less than a high school education—70 percent. High school graduates and those with some college gave about 64-percent approval.

The question on Vietnam which I asked was also a repeat of one I had asked before. I presented six alternatives and noted a remarkable shift in opinion over a period of months. I find an increase from 4 percent in 1965 to 15 percent today who favor immediate withdrawal. I find an increase from 3 to 7 percent who would cease supporting the Saigon government, forcing settlement with the Vietcong and early withdrawal of our troops. An increase from 28 percent earlier to 30 percent today is shown for those who favor strong efforts toward negotiation such as I have advocated. Adding these three responses into a "dovish" group I find a 17-percent increase, from 35 to 52 percent, in this category.

Also very significant, on the same question, was the tremendous drop from 29 percent approving present policies of gradual escalation in 1965 to only 9 percent in this year's questionnaire. An increase in support from 23 to 28 percent is also found for a more decisive policy of pressing for quick victory and invasion of North Vietnam. The extremist group favoring the use of atomic weapons stayed at 6 percent. Totaling these three "hawkish" positions indicated a drop in support from 58 to only 43 percent currently.

My question on China policy was also a repeat from my 1964 questionnaire and showed some shifting of about 10 per-

cent from present policies or stronger to policies involving more contact with the Communist Chinese mainland. Those replying gave 12-percent approval to supporting a Chinese Nationalist attack on the mainland, 43-percent support to present policies, 6-percent support to permitting trade with Communist China but continued opposition to U.N. membership, and 28-percent support to a policy of trying to make friends, including trade, diplomatic recognition, and admission to the U.N.

The President's efforts to "build bridges" and bring about closer cooperation and better relations with the Soviet Union and Eastern European countries received 2-to-1 approval from those replying, as well. There were 61 percent in support, with 30 percent opposed, on the overall tally. Men seemed to favor this approach slightly more than the fairer—but, apparently, more cautious—sex.

My final question was another innovation adopted in this year's questionnaire. I wanted to measure the feelings of my constituents against the position of the Members of Congress. I chose an amendment which I proposed during the debate on the supplemental defense appropriation on March 16, 1967, and gave those persons responding to the questionnaire an opportunity to vote "yea" or "nay" to the full text of the amendment.

This was a simple amendment, asking that none of the funds to be appropriated be made available for a ground invasion of North Vietnam unless we should declare war against that nation. Keeping in mind that this amendment was defeated by a 123–to–2 vote in the Committee of the Whole, it is interesting to note how far Congress may be removed from the sphere of public opinion on the Vietnam conflict, since 57 percent of the replies—a clear majority of the vote—supported my amendment.

Mr. Speaker, a complete tabulation of the overall totals in my 1967 questionnaire follows. I am also including the text of certain news releases I have issued in this respect. You will note that the figures in these releases may vary slightly in some cases from the final totals since they were based on partial returns.

DOMESTIC POLICY

[Figures in percent]

1. Should the voting age be lowered from 21 to 18?

Yes	35
No	60
Undecided	5

2. Do you favor legislation to permit the Federal government to return to the States a portion of the Federal taxes collected from that State, with no restrictions on how the money should be used?

Yes	51
No	37
Undecided	12

3. Do you favor enlarging the national cemetery system to provide free burial plots for more veterans?

Yes	60
No	27
Undecided	13

4. The President has recommended continuation of the antipoverty program at more than the present level. What do you feel should be done? (Check only one.)

Expanded	28
Kept same	19
Cut back	20
Eliminated	24
Undecided	9

5. Development of electric cars adequate to fulfill commuter travel needs in large cities has been proposed as one way of reducing smog and air pollution which the gasoline-burning engine apparently contributes to greatly. More public transportation is another proposed solution. The value of this would, of course, depend on the extent to which the public made use of the electric car or of additional mass transit facilities.

a. Assuming that an electric car could be mass produced today that would travel about 50 miles on one charge, go about 40 miles per hour, require overnight to recharge, sell for about $1500, and cost about as much to operate as a Volkswagen, do you feel that you, personally, would seriously consider buying one within the next two or three years?

Yes	35
No	50
Undecided	15

b. If you are employed at a location other than at home, do you travel to work by:

Private auto (alone)	62
Private auto (2 or more in auto)	9
Bus	7
Walk, or other means	3

c. If you do not use the bus, are there buses available that you could make use of that would get you to work in a reasonable length of time?

Yes	21
No	55
Don't know	24

d. If buses are not presently available to you, do you think you would use public transportation if it were made available?

Yes	32
No	30
Don't know	38

6. The present draft law expires at the end of June. Congress is now considering a number of proposals to alter the current system. Which of the following would you prefer? (Please check only one.)

a. Stimulate an adequate number of voluntary enlistments through higher pay, better fringe benefits, re-enlistment bonuses, and improved recruiting methods, in order to make the draft unnecessary	48
b. Renew the present draft law as it is, including keeping the current student and occupational deferments	17
c. Make only the changes recently announced by the Administration, which included drafting of those aged 19 first and a lottery-type selection process for those who are eligible to serve	23
d. Don't know, undecided	12

FOREIGN POLICY

7. Do you feel that the United Nations should have its own peacekeeping force, composed of soldiers recruited from all member nations, trained and ready to move to give emergency military assistance immediately when the U.N. should determine a need for action?

Yes	67
No	24
Undecided	9

8. Which one of the following possibilities would best fit your idea of what our future course of action should be in Vietnam? (Check only one.)

a. We should withdraw all American troops immediately and let the Vietnamese settle their own problems	15
b. We should cease supporting the Saigon government, thus forcing them to settle with the Viet Cong, and withdraw our troops as soon as requested to do so by the new government	7
c. We should strongly assist in the prompt establishment of a representative civilian government and encourage that government to join with us in negotiating an end to the war (with both North Vietnam and the Viet Cong), withdrawing our troops in an orderly fashion as soon as a secure peace is obtained	30
d. We should continue direct military aid, gradual escalation, pressure by bombing of North Vietnam, and seek to force negotiations that would give results satisfactory to us	9
e. We should press for a quick, decisive victory, stepping up the use of U.S. air and naval forces and extending the ground war to North Vietnam	28
f. We should use atomic weapons, if necessary, and should definitely move into Red China with our bombing raids to destroy her nuclear capability and end the military threat of Communist Asia	6
g. Undecided	5

9. What should the United States policy toward Communist China be? (Check the one that seems most preferable to you.)

a. Support a Chinese Nationalist attack on the mainland	12
b. Continue our policy of opposition to Communist China, with financial support of Nationalist government, but without becoming involved in direct military action	43
c. Change our policy to permit trade with Communist China, but continue to oppose admission to the United Nations and diplomatic recognition	6
d. Do all we can to make friends with Communist China, including trade, support of admission to the United Nations and diplomatic recognition now	28
e. Undecided	11

10. In his State of the Union Message the President described efforts to bring about closer cooperation and better relations with the Soviet Union and Eastern European countries. Direct air flights, more trade and the recently approved Soviet Consular Treaty were among the methods recommended. In general, do you approve of these efforts?

Yes	61
No	30
Undecided	9

11. Congress recently approved an additional appropriation of about $12 billion for the cost of the war in Vietnam. How would you have voted on the following amendment? "None of the funds appropriated by this act shall be available for the implementation of any plan to invade North Vietnam with ground forces of the United States, except in time of war."

Yea	57
Nay	43

RESULTS SHOW LOW SUPPORT FOR LOWERED VOTING AGE

The 18-year olds may be ready and willing to vote, but public opinion does not appear to be ready to let them vote if the results of Congressman George Brown's poll of his constituents is an accurate indication.

Congressman Brown's poll, sent throughout the 29th Congressional District in Los

Angeles County, showed 35% favoring a lowering of the voting age from 21 to 18, and 60% opposed. The other 5% were undecided.

A breakdown of the results into different categories did not indicate very large differences in opinion, either, with what would seem the most logical group for support—persons between the ages of 20 and 29—giving only 40% support with 56% opposed. A gradual dropoff in support with advancing age was noted, going down to 31% of those persons 70 and over indicating that they favored such a change.

College graduates were among the strongest supporters, with 42% desiring the lower voting age, while 32% of those who had graduated from high school, but not from college, responded favorably and 34% of those who had not finished high school supported younger voters.

Union members showed only slightly more support for the 18-year olds than non-union members, and non-veterans just barely outvoted veterans in the same respect.

One group responding quite favorably, however, was the 43% of those persons who have lived at their present addresses for less than two years. Other categories in this breakdown showed 39% of those who had stayed put for 2 to 5 years supporting the change, and only 32% of persons who had lived at their present address for more than 5 years who would change the voting age to 18.

Predictably, in a breakdown by occupation, students favored lowering the age by a 54% response, with professional and self-employed persons giving strong support, as well.

BROWN QUESTIONNAIRE SHOWS VETERANS, NONVETERANS AGREE MORE THAN THEY DISAGREE

An analysis by Congressman George E. Brown, Jr., of questionnaire results from his Congressional District, comparing the replies of veterans with non-veterans, show fewer differences than one would expect, Brown reports.

Ranging through questions concerning Vietnam policy, East-West cooperation, U.N. peacekeeping forces, and the draft, Congressman Brown pointed out that the veterans' replies might indicate that many veterans' organizations at times might not reflect the feelings of the ex-G.I. in general in foreign policy questions, particularly, where the organizations tend to take a firm stand.

"On the question of Vietnam policy, for instance," Congressman Brown pointed out, "most of the veterans' organizations have supported President Johnson's policies wholeheartedly."

Brown's questionnaire results, however, show 9% of all replies favoring current policies, with only 11% of the veterans agreeing on this choice and 7% of the non-veterans.

The more "dovish" choices given by Brown to his constituents, including withdrawal, stronger negotiation efforts, and ceasing to support the present Saigon government, drew the support of 56% of the non-veterans, 52% of all respondents combined, and a not too weak 45% of the veterans. More hawkish policies were supported by 40% of the veterans, 32% of the non-veterans, and a 36% overall tally.

In support of a permanent U.N. peacekeeping force, Congressman Brown noted almost equal support of about 66% to 24% opposed in veterans and non-veterans alike.

The President's proposal to "build bridges" and bring about closer cooperation between the United States and the Soviet Union, which has come in for some criticism from veterans' organizations, also drew equally strong support of about 61% from both veterans and non-veterans, with 28% of the non-veterans opposed and 32% of the veterans.

Brown noted with interest that the concept of a voluntary army to replace the draft was not supported as strongly by veterans (42%) as by non-veterans (51%), with 30% of the veterans supporting the planned changes in the draft taking 19-year olds first—as opposed to 19% of the non-veterans supporting this plan. In the sampling, a much larger percentage of respondents under 30 were included in the non-veteran group, Brown pointed out.

One issue where veterans perked up considerably over non-veterans was on the enlargement of the national cemetery system. In this they are strongly supported by the veterans' organizations, as well. The results showed 66% of the veterans supporting more free burial plots with only 56% of the non-veterans so doing.

Congressman Brown surmised that the fact that a surprising 26% of the veterans opposed enlargement could stem from the fact that there is no national cemetery in Los Angeles County.

ELECTRIC CAR INTEREST DISPLAYED IN BROWN'S CONGRESSIONAL QUESTIONNAIRE

The Los Angeles area is an excellent potential market for whoever develops an electric car that can be mass-produced, according to the results of a recent survey taken in the 29th Congressional District by Congressman George E. Brown, Jr. The announcement comes on the heels of one of the worst attacks of smog Los Angeles has ever experienced, which Brown surmises might change the questionnaire results considerably if the same question were asked today.

Thirty-five percent of the persons replying to the Congressman's questionnaire indicated that they would seriously consider buying, within the next two or three years, an electric car if one could be mass produced that would "travel about 50 miles on one charge, go about 40 miles per hour, require overnight to recharge, sell for about $1500, and cost about as much to operate as a Volkswagen."

"I firmly believe," Congressman Brown stated, "that the only real solution to the smog problem is the disappearance of the gasoline-burning engine and the only logical substitute is an electric car."

"We should continue to take all other steps possible, such as enforcing standards on internal combustion engines and improvement of exhaust devices," Brown continued, "but a 50% reduction in exhaust emissions is only a temporary stopgap until the time a few years from now when there will be twice as many automobiles in Los Angeles."

An analysis of Brown's survey shows some interesting facts about the people who think they might buy an electric car. When grouped by age, Brown found that those in their forties are the most likely prospects, with 39% of that age group expressing interest. The fifties, with 36% were next, and all other ages showed about 33% interested. Even 25% of those in their eighties would consider buying an electric car, but the four respondents who were over 90 all said that they would not be interested.

College graduates also showed more inclination, with 38% who would consider the electric car as opposed to 33% of all other education groupings. Married women also, were more interested, with 38% replying favorable, but only 30% of the unmarried women stated this preference. Overall, women (37%) led the men (33%) in favoring battery-operated transportation.

An interesting trend in the analysis on this question showed that those persons who were more interested in buying an electric car would also tend to be more interested in riding public transportation if it was available. Replying to a question stating "If buses are not presently available to you, do you think you would use public transportation if it were made available?", 41% of the "electric car group" said they would, as opposed to only 26% of those who were not interested in the electric car.

As indicated by the male-female breakdown, an analysis by occupation showed that housewives were among those most interested. Students, self-employed persons, and professional people were also among the categories displaying more interest. The group that was least interested were those in the protective services—policemen, firemen and guards—with only 25% replying favorably.

What kind of people are interested in buying an electric car? According to Congressman Brown's questionnaire, it's not the young or the old, the rich or the poor, or any other category such as this to any great extent. It's a political choice, Brown noticed.

Apparently, the more conservative thinking individuals are less likely to veer from the tried and true course in automobiles. The group favoring electric cars show a marked tendency to favor "building bridges" with the Soviet Union and Eastern European countries, withdrawal from Vietnam, strengthening the United Nations, a voluntary army as opposed to the draft, expansion of the anti-poverty program, and a lowering of the voting age to age 18.

PRESIDENT'S CONCERN DEEP

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. FULTON] 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 New Jersey?

There was no objection.

Mr. FULTON of Tennessee. Mr. Speaker, on Wednesday, September 6, 1967, Mr. Amon Carter Evans, publisher of the Nashville Tennessean, was the guest of President Johnson at a White House luncheon. On that occasion President Johnson hosted a number of press executives for an off-the-record and informal discussion of the Nation's domestic and foreign policies.

Upon his return to Nashville, Mr. Evans immediately set in type his impressions of that meeting and of that man in whose hand lies the destiny of this Nation and, perhaps the world.

I found Mr. Evans' observations not only enlightening but most revealing. In addition, they were refreshing because they portray Lyndon Johnson the concerned human being at a time when the magnitude of his tasks and responsibilities tend to make us focus on the Office of the President rather than the man who occupies the Office.

Mr. Speaker, I place Mr. Evans' column, "A Highly Competent Leader: President's Concern Deep" in the RECORD at this point, and commend it to the attention of all my colleagues:

A HIGHLY COMPETENT LEADER: PRESIDENT'S CONCERN DEEP

(By Amon Carter Evans, publisher, the Nashville Tennessean)

WASHINGTON.—The President of the United States is a deeply concerned man—and his concern shows in every word he speaks and in every gesture he makes.

He is concerned, as one might guess, about the war in Vietnam, where American boys are losing their lives. And he is concerned,

too, about riots in our cities—also where American lives have been lost.

From the distance of a few feet, President Johnson's deep concern is etched in the creases of his face. I sat with a group made up mostly of news executives yesterday, invited to the White House for an informal luncheon to talk with the President about the nation's problems.

And while the affair was informal, it is not accurate to say that President Johnson was relaxed.

I do not intend in this report to quote President Johnson. He took us into his confidence and if his words are made public it will be by others. But I do think it important to give individual impressions of the man who leads our nation and the entire free world at this critical time.

I had the good fortune to be seated at the President's table of ten.

In physical appearance, he looks in excellent shape. His face is leather-tan, his color good. He seems to be more somber than the last time I saw him but that too is understandable. His appetite is—typically Texan—good.

His conversation at lunch was almost entirely devoted to the outcome of the Vietnam election. Those of us near enough to hear his words had the feeling that he believes the election gives this little nation halfway around the world a chance—perhaps no more than a chance—to find its way to stability and peace.

The President spoke to us briefly. He had present most of the members of the task force he sent to Vietnam to oversee the elections. He spoke for a short time about the burden of the war—and then he opened the floor for comments and questions.

These were my impressions as I left the White House:

Most of President Johnson's waking hours are consumed with this difficult war in Vietnam and domestic problems. He is relying completely upon his secretary of state and his secretary of defense to assist him in planning every tactical step—right down to which targets are to be bombed and which are to be spared. Not many have been spared.

The President would welcome an honorable solution to the problem—but he is not going to suddenly reverse the policy of three administrations and leave this little country to an onslaught from North Vietnam.

He is aware that the domestic problems are related to the Vietnamese war—and he attributes much of the coming federal deficit to spending needs in Southeast Asia.

He knows that with all that has been done in the cities—more than ever before in history—still more must be done. He knows he has a Congress that is recalcitrant and that the general feeling in the nation is running against his domestic spending programs—as polls show the nation is against his policy in Vietnam.

He is not afraid to face any question and he has answers which clearly articulate his reasoning on a given policy. When he invited questions, several offered sharp comments and pulled no punches. He actually seemed to appreciate this. He is an able man who is working hard at a tough job.

He has not lost the ability to laugh at himself. At one point he referred to himself as the eternal optimist and we all laughed with him.

But he is laughing less than the last time I had an opportunity to visit with him. He is aware that in his job at this time, there is too much sadness in the land for much laughter.

I came away with the wish that America could have seen him yesterday as all of us saw him: involved, aware, alert, hard at work and—first, last and always—concerned.

And those who look at polls and rely on them may be in for a surprise next year when this man—a vital human being and obviously a highly competent leader—talks to the people of the country as he did to us yesterday.

CITY MOURNS SMOKEY WALKER

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. FULTON] 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 New Jersey?

There was no objection.

Mr. FULTON of Tennessee. Mr. Speaker, the world was made somewhat smaller Sunday, September 3, 1967, with the tragic and untimely death of Mr. Charles F. Walker, of Nashville, Tenn.

Known to his many, many friends as "Smokey," Mr. Walker came to Nashville nearly two decades ago and from that time until his passing contributed unhaltingly and measurably to the growth and development of his adopted city.

A broadcasting executive, Mr. Walker could take pride in the knowledge that he had played a role in the development of Nashville's dynamic music industry, an industry which has made Nashville, Tenn., Music City, U.S.A.

Smokey Walker was a man with a broad smile, a warm heart and an innate willingness to lend a hand whether it be in community affairs, church work, or professional activities.

At his death the Nashville Tennessean paid editorial tribute to Mr. Walker and I include that editorial in the RECORD at this point:

CITY MOURNS SMOKEY WALKER

Mr. Charles F. (Smokey) Walker, president and general manager of WKDA broadcasting Co., has been killed in a tragic motorbike accident.

Mr. Walker was taking his 10-year-old daughter, Michelle, for a ride on the bike when the vehicle left the road and struck a tree. Mr. Walker's neck was broken, but his daughter escaped serious injury.

Smokey Walker had been a popular figure in Nashville since he joined WKDA as an engineer 17 years ago. He became president and general manager of the station in May, 1965.

Mr. Walker and his wife, Jo, who is executive director of the Country Music Association, were widely known in the broadcasting and recording industries throughout the nation.

His tragic death at the age of 41 is a cause of great sadness in the community.

BOSTON GLOBE DISCUSSES HIGH COST OF MONEY

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. PICKLE] 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 New Jersey?

There was no objection.

Mr. PICKLE. Mr. Speaker, all of us in the Congress are deeply concerned about the need to find additional revenue to pay for the cost of the war in Vietnam without disrupting the economy or placing undue burdens on any sector of our population.

In recent weeks, our distinguished colleague from the First District of Texas, Representative WRIGHT PATMAN, has proposed that at least a part of this cost be met by requiring that the Federal Reserve System purchase $28 billion worth of bonds directly from the Treasury. The gentleman from Texas [Mr. PATMAN] suggests these bonds be interest free and that they be paid out over 40 years, thus spreading the cost evenly over a long period of time.

The gentleman from Texas [Mr. PATMAN], who we all know has spent a lifetime studying monetary affairs, has presented the Congress with a most interesting and thought-provoking concept. I note that the Boston Globe—a moderate newspaper—in its Sunday edition, devotes a lengthy editorial to Mr. PATMAN's proposal.

In addition, the Boston Globe highlights Mr. PATMAN's broader concern over the Federal Reserve System and high interest rates and tight money. This editorial, whether we agree with it or not, is an interesting exposition of Mr. PATMAN's long crusade to protect the public interest in the field of monetary affairs.

It is good to see a major newspaper so far removed from Texas recognize the ideas and talents of the gentleman from Texas, WRIGHT PATMAN, the dean of our delegation, and one of the outstanding Members of Congress.

Mr. Speaker, I place this editorial, entitled "Exorbitant Cost of Money" in the RECORD:

EXORBITANT COST OF MONEY

It is most unlikely that Rep. Wright Patman (D-Tex.) will get to first base with his proposal that the Federal Reserve System be required to buy approximately $28 billion worth of non-interest-bearing government bonds to help finance the war in Vietnam.

The proposal is now in the burial ground of the House Ways and Means Committee which has made no effort even to schedule hearings. Mr. Patman's proposal is the kind of "tampering" with banking affairs on which business-oriented members of the committee do not look with eager favor.

This is a great pity because the arguments pro and con which would be brought out at a hearing would go to the very root of the wider proposal which Mr. Patman has in the back of his mind. His ultimate purpose is a long overdue revamping of the Federal Reserve System to bring it back under the control of the Congress and the President from both of whom, Mr. Patman says, it illegally declared its complete independence during President Eisenhower's administration with Mr. Eisenhower's ill-informed acquiescence.

In the first part of his proposal (on interest-free bonds) Mr. Patman merely reverts to a cost-saving device first suggested in 1941 just prior to the outbreak of World War II. It was sidetracked at that time in the wrangling over price controls. The Treasury, instead of selling (in this case) $28 billion in interest-bearing bonds to commercial banks, would deposit the bonds interest-free in the Federal Reserve banks, then issue checks on its balance. Thus, the Patman argument runs, there would be a saving of at least $1 billion a year in interest on that part of the war costs which the plan would fund; the saving could run to the full $28 billion over the long term since it is commonly accepted that interest on long-term government bonds usually approximates the principal before the bonds are retired. There are objections that Mr. Patman thus would

be creating nothing but printing press money, a contention he denies, a contention, moreover, which now, at least, should not be permitted to sidetrack the more important Patman conviction.

At the back of Mr. Patman's mind is his conviction that the Federal Reserve System has not in recent years functioned as a government bank at all but more as a full partner in the commercial banking system whose profits it has enhanced. He argues further that it gets away with this only because Mr. Eisenhower and his successive Secretaries of the Treasury, George M. Humphrey and Robert B. Anderson, permitted it to slip away from all constitutional restraints and from the restraints of the Federal Reserve Act itself.

"As a result," says Mr. Patman "we have had round after round of interest rate increases cloaked in the immunity of the system's so-called independence. The system has operated in open defiance of directives from Congress, which alone has constitutional monetary power, and of the Executive. The Congress alone has authority over money matters, the President has the obligation to execute the laws it enacts, and the Federal Reserve System has no independent authority at all."

The results of the system's free wheeling, as Mr. Patman has compiled them are startling:

In 1966 alone, the American people paid $36.2 billion in excess interest charges resulting from Federal Reserve Board collaboration with the commercial banks; the director of the Bureau of the Budget has testified that rising interest rates last year added approximately $3 billion to the Federal budget for fiscal '67; since 1951, the American people have paid $43.2 billion in excess interest charges on the national debt alone; over the past 14 years the American people have been saddled with $211 billion in excess interest charges.

"It is obvious," Mr. Patman says, "that the exorbitant interest rates imposed on the people today in all areas of their government and private expenditures are the result of calculated design. They have been raised by the manipulations of the Federal Reserve System and no one can contradict the fact that the Federal Reserve could bring the rates down tomorrow morning if it so desired."

The solution which Mr. Patman offers is a complete overhaul of the system "to create an institution which is responsive, as it is constitutionally required to be, to the will of the people and their elected representatives."

He would shorten the terms of the members of the Federal Reserve Board from 14 years to five. He would make the chairman's term coterminous with that of the President.

"Thus, open defiance of the government as exhibited by the board's present chairman, William McChesney Martin, would be lessened."

Mr. Patman is not a man who minces words. And if the modest proposals he has made did not work, he would be prepared to start from scratch and remake the whole system.

Mr. Patman has yielded to arm twisting once, in the matter of voting to authorize $2.4 billion in so-called government participation certificates paying interest of 5.4 to 5.5 percent (The Globe, Aug. 30). He is not likely to let it be twisted again. Nor should be.

AGAINST THE PANAMA TREATIES

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. FLOOD] 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 New Jersey?

There was no objection.

Mr. FLOOD. Mr. Speaker, over a period of years I have observed and pointed out the fact that in the mass news media of our Nation's Capital City there appears to be a conspiracy of silence as regards the key questions involved in the interoceanic canal problem, which has served to deny the citizens of the United States and the Congress information of vital importance. At the same time, these organs of the press and most of their publicists have not hesitated to publish uninformed editorials and columns that are obviously counter to best interests of our country and the entire Western Hemisphere and to support what is actually an audacious and secretly contrived giveaway of the Panama Canal to Panama.

As the situation is one that requires speaking realistically and with candor, I feel impelled to submit these observations. In all truth, Panama is politically unstable and has shown such lack of efficiency in administrative matters that it has failed to collect garbage from the streets of Colon and Panama City in an adequate matter, with resulting health hazards. Moreover, there are many thoughtful Panamanians who consider that the proposed treaties are blunders of the first magnitude.

An example of the naive and uninformed journalism that I have so often read was an editorial in the July 7, 1967, issue of the Evening Star, which journal usually strives to be objective and fair. In this editorial, the Star supported the prospected giveaway of the Panama Canal to Panama as a means to avoid another Panamanian mob assault on the Canal Zone and to rid the United States of the "colonial imperialistic" label that originates in the Kremlin and is so prevalent in Panama.

Mr. Speaker, I would emphasize again what I have often stated that yielding to an irresponsible mob, led and largely controlled by Cuban trained Communists in Panama, for the purpose of satisfying mob demands, is not only cowardly and suicidal but also invites further extortions. In fact, it is the same as yielding to mobs now so frightfully in evidence in our great cities, which riot, burn and kill more for the purpose of loot and plunder than for any just aspiration.

The recurring mob assaults in our great cities as well as those that have occurred in Panama in relation to the canal are of the same general pattern. Their sadistic destruction of life and property is consistent with Communist terror and tactics. The importance of the Panama Canal to Western security and world shipping is such that no treaty should ever be executed that destroys our indispensible authority and is mob induced.

Fortunately, there are some in the Washington area who are sufficiently experienced and perceptive to see through the naivete exhibited in the indicated editorial. One of them, Capt. Franz O. Willenbucher, U.S. Navy, retired, an able officer of a broad background in government and business, recognized the fallacies in the editorial and, in a most thoughtful letter to the editor of the Evening Star, admirably clarified the misconceptions as regards the sovereignty issue.

As the indicated letter was most timely in connection with recent hearings before the House Committee on Foreign Affairs on pending resolutions opposing ratification of the proposed treaties and the first significant break in the news curtain over Washington, I quote the indicated letter along with the editorial to which it refers as parts in my remarks:

[From the Washington (D.C.) Evening Star, July 24, 1967]

LETTERS TO THE EDITOR: AGAINST THE PANAMA TREATIES

SIR: Having studied thoroughly the treaties governing the Panama Canal while in a responsible position in the Navy Department, I am sure that those fully familiar with the sovereign rights of the United States over the canal and its importance to our national defense and to the security of the entire Western Hemisphere who may have read your recent editorial entitled, "New Deal for Panama," were shocked and dismayed at its erroneous conclusions. Much worse, those not so informed may well have been misled by them.

From the time of its successful construction by the United States (the French having failed) the Canal has been of major importance to our own national defense and to hemispheric security. The same is so today and it will be equally true in the future concerning the operation and use of the present canal or of any other canal which may be constructed, and this despite what the few uninformed may say who wish now to decide for us that we should sacrifice our sovereign right over the canal, in hole or in part. To follow their advice would be to set the stage for a denial of its use to us in time of national peril, notwithstanding the present apparent friendship for us by Panama. Witness what has happened to the Suez Canal.

EXCLUSIVE RESPONSIBILITY

It is important for your readers to know that under the Hay-Pauncefote Treaty of 1901 with Great Britain the United States undertook exclusive responsibility for the operation of an isthmian canal and that under the Hay-Bunau-Varilla Treaty of 1903 with Panama that country granted to the United States indispensable sovereignty over the Canal Zone in perpetuity as part of the inducement to build the canal at Panama instead of at Nicaragua. Further, we purchased all privately owned land and property in the Canal Zone from individual owners.

In 1936–39 we gave up the right to maintain law and order in the terminal cities of Panama and Colon. Result: in 1964 we had a mob assault in the Canal Zone requiring the use of the United States Army to defend the lives of our citizens and the canal itself. In 1955 we surrendered the power to enforce sanitation and ceded the Panama Railroad terminals and yards in the terminal cities. Results: accumulations of garbage in the cities are a health hazard and we now have the mainline of the railroad without its designed terminals, which are in an advanced state of deterioration.

Though the display of the Panama flag in the U.S. Canal Zone territory may be dismissed as "emotional," the flag has but one meaning and that is sovereignty. Its display was a part of a systematic Red led campaign, dating back many years, to wrest control of the canal from the United States, a project on which our country has expended since 1904 for all purposes including defense al-

most five billion dollars of the taxpayers' money.

SAME AS ANY OTHER POSSESSION

The Panama Canal Zone is as much a sovereign possesion of the United States as is Alaska, Hawaii, and, for that matter, all contiguous territory of the United States, however acquired, including the vast area of the Louisiana Purchase and that portion of the United States acquired from Mexico. It is not, as your editorial asserts, "a colonial enclave." The status of the Panama Canal requires its recognition as our country's southern-most coastline, and we must preserve and protect it as such. If Russia were now to demand the return of Alaska because those who ceded it to us were without authority or we had not paid enough for it, would those who now recommend to the President that we sacrifice our sovereignty over the Panama Canal likewise support the demand? Aside from the fact that Alaska is a state, the principles involved are the same. Incidentally, Panama has been well paid, with periodic adjustments for its concession and has otherwise benefitted by the canal's existence.

As one who has carefully read your editorials over a period of more than 30 years, I am well aware of your consistent advocacy of courses of action dedicated to the best interests of our country. Had your present editorial on the Panama Canal been more consciously based upon that consideration, it would have urged all members of Congress and, particularly, all Senators to inform themselves of the facts which are completely set forth in House Document No. 474, 89th Congress, containing the speeches of Congressman Daniel J. Flood and other pertinent material. Further, it would have urged all patriotic citizens to write to their Senators and Representatives to that effect, rather than to have supported the proposal to adopt a course which could well prove to be a mortal blow to our future safety. Retention of our undiluted sovereignty over the Canal Zone and the Panama Canal for the long range, world conditions being what they are, is actually more important to our national security than winning the war in Viet Nam—as important as that is to the free world.

FRANZ O. WILLENBUCHER,
Captain, U.S. Navy (Retired).

[From the Washington (D.C.) Evening Star, July 7, 1967]

NEW DEAL FOR PANAMA

Negotiators for the United States and Panama have demonstrated commendable statesmanship as well as enlightened self-interest in agreeing to terms that will end the existence of the Panama Canal as a colonial enclave and give the United States an open-ended option to build a new sea-level canal across the isthmus.

No matter what die-hard critics of any concessions to Panama may say on Capitol Hill, the 10-mile-wide Canal Zone is a political anachronism, a symbol of colonialism. It is as irritating to Panamanians as the situation would be for Americans if a foreign power controlled the Soo Canal or the Inland Waterway.

Terms of the three treaties to which the negotiators agreed will be announced by Presidents Johnson and Robles in two or three weeks. However, it is certain that a basic element of the deal was return of sovereignty over the Canal Zone to Panama and a substantial increase in the $1.9 million annuity the United States now pays under the 1903 treaty.

We really are giving up very little in handing Panama the trappings of sovereignty. Such emotional concessions as the issuance of postage stamps, court jurisdiction and display of the Panamanian flag will go a long way toward easing the tensions that erupted in a three-day battle and severance of relations between the two nations in 1964. So long as the treaty for the existing canal does not do violence to the United States' policy of imposing reasonable tolls, we can live with it.

There will be dual control of the lock canal for the rest of its existence, which is a guarantee against local irresponsibility that might arise under another Panamanian government. In addition, the continued presence of our military bases in Panama is assured in the second of the three treaties. This is probably as important for the defense of all Latin America as it is for protection of the canal itself.

The third treaty gives us the right, but does not impose the obligation, to construct the projected sea-level canal in Panamanian territory. There is strong reason to believe that this canal, too, will be under dual or international administration for many years before reverting to Panamanian control.

Panama's ruling coalition government badly needs agreement soon on the three treaties, since a volatile election campaign is now under way. It is to be expected that Robles will seek and obtain early ratification of the treaties by the Assembly, presenting the terms as a great victory for the isthmian republic. Johnson may have more trouble getting ratification through the Senate, and it is fortunate that most of the opposition here is in the House.

It was in the interest of Washington to eliminate conditions conducive to another outbreak of violence like the horrifying events of 1964 and to rid itself of the colonialist label. So there is victory for both nations in the agreement finally hammered out.

STEMMING THE FLOW TO OVERCROWDED CITIES

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from Maine [Mr. HATHAWAY] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. HATHAWAY. Mr. Speaker, today, I, with Congressman JOHN CULVER, of Iowa, and Congressman THOMAS MORRIS, of New Mexico, introduced legislation which with the assistance of the Government's tremendous procurement of goods and services attempts to stem the flow of people from rural areas to already overcrowded cities. This bill will be similar to S. 2300 introduced in the Senate by Senator GEORGE MCGOVERN.

Any further concentration of people in a few metropolitan areas would be inimical to the Nation's interest. Piling people upon people creates problems defying solution and threatens our democratic institutions. Long-range plans must be developed to achieve a saner and more humane distribution of population.

In the interval, the Federal Government with its present $85 billion annual procurement can retard the increasing concentration of population and economic opportunity. I am convinced by my conversations with many of the young people leaving Maine, that few desire to move but feel they must to obtain meaningful employment.

The bill will provide that in awarding Government contracts for goods and services, a credit in relation to the bid or offer shall be given on whatever amount of goods or services are to come from cities of 250,000 population or less—1 percent in cities or metropolitan areas under 250,000, 2 percent if the metropolitan area is under 100,000 population and 3 percent if the area is under 50,000 population.

A separate credit of 2 percent is proposed for any area of serious migration.

WHY THE VIOLENT REACTION TO DISCLOSURE OF FACTS OF COMMODITY FUTURES TRADING?

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from Maine [Mr. HATHAWAY] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. HATHAWAY. Mr. Speaker, on August 22 I extended my remarks in the RECORD to comment on the protests made by officials of two of the commodity futures markets over testimony of Assistant Secretary of Agriculture George L. Mehren before the House Committee on Agriculture in connection with H.R. 11930, a bill to strengthen the Commodity Exchange Act. This furor was the result of Mr. Mehren's disclosure to the committee of a few examples of futures market abuses which have turned up in the administration of the Commodity Exchange Act. Mr. Mehren was informing the committee of situations illustrating the need for amendment of the act under H.R. 11930, looking toward continuing and improving the present pattern of regulation under which these markets are at an all-time level of activity.

Subsequent to my remarks on August 22, the attack on Mr. Mehren was extended and intensified. Editorials and feature items by trade propagandists have appeared in publications in areas where the futures exchanges exercise strong influence. Some demanded that Mr. Mehren "apologize or resign" or that the Secretary of Agriculture "take remedial action."

Far from being "exaggerated" or "irresponsible" as charged by the exchange officials, the statement touched on only a few of the documented instances of abuse which can be found in the official files. The docket files are a matter of public record and those now showing sensitivity to a discussion of some of them might be better advised if they reviewed the facts so as to know what they are talking about.

The exchanges in their representations to congressional committees in opposition to more effective regulation seem to favor the approach of claiming perfection and denying existence of abuses, no matter who, obvious and well documented.

Mr. Mehren obviously felt that the committee should have the facts in its consideration of H.R. 11930. That some of these facts do not fit into a picture of economic perfection is not Mr. Mehren's fault. Nor, in fact, anyone's fault. It is totally unrealistic to expect that an eco-

nomic mechanism built largely around active speculation by tens of thousands of traders will not be marked by episodes requiring surveillance and control. Mr. Mehren used a few of these episodes to illustrate his point. There are others—some more colorful.

It may be that Mr. Mehren's statement was merely seized upon as a timely opportunity for opposing the attempt to further enhance the dignity and usefulness of the futures markets by means of the authority provided in H.R. 11930. If this is the case, it would appear that those who mounted the attack reacted hastily, and with little awareness of their own self-interest.

Mr. Speaker, with unanimous consent I would like to append to my remarks the last three paragraphs of an article on playing the commodities markets which appeared, perhaps surprisingly, in the August 1967 issue of Playboy magazine. This article is objective and informative. It recognizes the benefits which futures trading provides in the marketing of some of our important agricultural products and at the same time points up the fact that by far the larger part of this trading is by tens of thousands of speculators, the great majority of whom have no connection with, or knowledge of, the production or marketing of the actual commodities.

The excerpt follows:

[From Playboy magazine, August 1967]

EXCERPT FROM "PLAYBOY PLAYS THE COMMODITIES MARKETS"

Perhaps because so many losers take such a beating, the commodity exchanges—and most of those who deal in or write about commodities—have erected an elaborate public-relations edifice to justify their own existence. The words "hedging" and "transfer of risk" recur repeatedly in their outbursts. The theory is that commodity speculation is necessary to permit producers to "hedge" the risk they run by holding startling quantities of goods whose prices fluctuate. For $20,000, for instance, you could conceivably go into the grain-storage business by building a million-bushel elevator. But once it's full of wheat, a 2-cent decline—hardly an hour's move on a typical day—would cost you the price of your elevator. On a 10-cent decline (the maximum daily limit), you'd be out your elevator and the price of four more, to boot. The futures market, so the theory goes, exists so that persons in such a predicament can hedge their inventories. Once they buy a million bushels of wheat for storage, they can go into the futures market and *sell* a million bushels—at today's prices—for delivery some months off. If wheat declines, they will still have received today's price; and when delivery time comes, they can simply deliver, without a loss. Of course, if wheat goes up, they will still have to deliver and will forgo a profit. But presumably this won't bother them, because they are in the grain-storage business, not the speculating business. Hedging, in other words, is a way to insulate an inventory from price swings—in either direction. Speculators, as the slick brochures from the exchanges readily point out, are willing to assume risks that the grain trade can't afford. Good-hearted humanists that they are, the speculators stake their hard-earned money to provide an active and well-lubricated market for all this hedging.

This is a fine theory, with much merit to support it. But fewer than one percent of all futures contracts are actually settled by delivery. Even granting that many hedges are lifted without delivery, this still means that for every hedging transaction, there are six or a dozen speculative trades. Hedging could disappear altogether and you'd hardly know it by looking at the daily volume statistics. Even worse, the *hedgers* are speculating. Holbrook Working, a market mathematician who produced several landmark studies, was quoted in *Fortune* a few years ago as having reached the conclusion that hedging is "undertaken most commonly in the expectation of a favorable change in the relation between spot [cash] and futures prices." That means the hope of a profit.

Despite the fact that since 1884, almost 400 bills have been introduced in Congress to prohibit or further limit futures trading, the pit's pious efforts at self-justification seem largely unnecessary. Race tracks survive without belaboring the public with their contributions to the improvement of thoroughbred horse-flesh. Race tracks flourish because people are self-interested and enjoy the possibility—no matter how remote—of turning a small sum into a fortune. While there are several quite valid justifications for commodity futures trading—for instance, besides helping hedgers, it provides small farmers with widely published figures that enable them to get a fair price for their crops—this one is sufficient. Public participation in the commodities market would be greatly increased if those involved in the market would stop drumbeating its undeniable economic usefulness and describe it in terms speculators could understand—as a giant, Government-sanctioned lottery, where the losses can be staggering and the rewards immense.

MINIMUM WAGE LAW

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. BURTON] 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 New Jersey?

There was no objection.

Mr. BURTON of California. Mr. Speaker, when the new Federal minimum wage law took effect last February 1, there were many negative predictions as to the effect it would have on wages, employment, and the economy in general. It is with great pleasure, therefore, that I now enter into the RECORD an article which appeared on August 2 of this year in the Wall Street Journal. This article surveys the effects of the minimum wage law and reveals some findings which I am sure my colleagues will find interesting.

The article follows:

WAGE-RAISE IMPACT—HIGHER MINIMUM PAY CAUSES LESS DISRUPTION THAN CRITICS EXPECTED—EMPLOYMENT AND PRICES SHOW LITTLE OVERALL EFFECT FROM $1.40-AN-HOUR GUARANTEE—SOUTH FEELS BOOST THE MOST

(By John Barnett)

Like many other prophets of disaster, some employers of lower-paid workers find it embarrassing now to be reminded of what they were saying six months ago.

What they said then was that the new Federal minimum wage law, which took effect Feb. 1, would cause all sorts of upheavals. A Southwestern chain of auto supply stores predicted that higher wage costs would push up its prices an average of 5%; a Pittsburgh department store foresaw price boosts on practically everything it sells. The National Retail Merchants Association said its member stores expected to lay off an average of 10% to 14% of their workers, cut the work week sharply for remaining employes, and probably trim store hours as well to hold down the cost rise. Farmers and small manufacturers warned of more job-eliminating automation to offset higher wages.

So now the law has been in effect six months, boosting the guaranteed wages of 32 million workers to $1.40 an hour from $1.25 and guaranteeing a $1-an-hour minimum to 8 million other workers who were never before covered by minimum-wage laws. And the result?

"Well," says an official of the Pittsburgh department store, "I guess things aren't as bad as we thought they would be."

"ALARM" OVERDONE?

That seems to be generally true, too. The Pittsburgh department store and the auto-supply chain say they haven't raised prices, after all. The National Retail Merchants Association found that one group of stores it surveyed recently had reduced total hours worked by their employes only 4%, as a result of both layoffs and shorter weeks—against the 10% to 14% slash from layoffs alone that the trade group had predicted earlier. ("When you get people to make projections, they tend to cry with alarm," comments an NRMA spokesman.)

Government figures indicate the economy as a whole has been taking the minimum wage increase in stride. Retail prices, as measured by the Labor Department's consumer price index, rose at an annual rate of 2.7% between January and June—Considerably below the annual price-increase rate of 4.8% in the first half of 1966. Unemployment by June had risen to 4% of the labor force, from 3.8% in January, but many economists think that rise is no greater than could have been expected without any minimum wage increase.

Critics had feared the minimum wage increase would cause especially large layoffs among such marginal workers as teen-agers. But teen-age joblessness has been fluctuating from month to month only about as much as it did in 1966 without any minimum-wage changes. The rate has ranged from 13.2% in February to 10.7% in March (it was 11% in January, just before the minimum-wage increase) and was 12.6% at last report in June.

SOME PAIN, BUT—

To be sure, there are cases where the increased minimums have caused genuine cost squeezes. Some workers indeed have been laid off, some prices have been increased and some employers are looking with renewed interest at automation.

But other employers now regard the minimum-wage boost as helpful. J. S. Mack, chairman and president of the G. C. Murphy Co. variety store chain, says the higher minimums will give customers, including Murphy's own employes, more purchasing power and thus provide "more sales potential." Other companies find labor-shortage problems eased; Edward L. Field, a vice president of Federated Department Stores Inc., says the higher minimums have attracted more suburban housewives to work parttime in his company's stores.

Why hasn't the minimum-wage increase been more disruptive? One reason is that White House economic planners, fearing serious effects on employment, successfully resisted labor pressures for a much sharper increase than was enacted, according to one source close to the Administration. The AFL–CIO wanted a $2-an-hour minimum.

MANY GOT NO RAISE

Also, the increase affected far fewer workers than the scope of the minimum-wage laws would indicate. Although 32.3 million workers come under the $1.40 minimum wage, the Labor Department figures only 3.7 million were earning less than that before Feb. 1. Of the 8 million workers newly covered by the

$1 minimum, including employes on large farms, in hospitals and schools and in such service establishments as laundries and restaurants, only 953,000 were making less.

Such adverse effects as have resulted from the new minimums are highly concentrated in certain industries and geographical areas. The lowest-paid workers tend to be clumped in certain types of jobs, notably the retail trades and services, hospitals and a few specialized manufacturing industries such as footwear and furniture. Geographically, these workers are mainly in the South and in rural and smalltown areas of the North Central states. The Labor Department calculates that only 15% of all covered workers reside in those areas, but they include more than 30% of those who received raises because they were making less than the new minimums.

But though adverse effects of the new minimums have been spotty, they have been painful when they have occurred.

James V. Sommers, owner of the Model Laundry & Cleaners at Chadron, Neb., for instance, says that the minimum wage forced him to lay off four part-time and three full-time workers, reducing his work force to 19. Laundries, covered by minimum wage laws this year for the first time, must pay at least $1 an hour, compared with the 75 cents to 85 cents Mr. Sommers had been paying the workers he laid off.

In Alabama, the Birmingham Baptist Hospitals are expanding, but because of the new wage floors "we just won't be hiring as many workers as we would otherwise, says L. R. Jordan, executive director of the two hospitals, which have a total of 800 beds. Instead of adding employes, who previously would have received 75 cents an hour instead of the $1 required now, the hospitals will trim jobs by automating some laboratory tests, buying machines to speed up floor scrubbing and polishing, and using more disposable linens and dishes to cut down on laundry and kitchen help.

Plantation owners in the South say the spread of minimum wage coverage to workers on big farms is causing them to fire thousands of workers, especially in the cotton-growing Mississippi Delta. They say its now cheaper to spray weed-killing chemicals than to hire human cotton-choppers, and mechanical cotton pickers are cheaper than human labor.

VARYING IMPACT ON SCHOOLS

The inclusion of school employes under the minimum wage guarantees for the first time has caused scarcely a ripple in the North and West, where almost all workers receive more than the $1 an hour guarantee. But administrators of school lunch programs in North Carolina have cut working hours, eliminated overtime and laid off a few cooks, bakers and helpers who run cafeterias.

Some employes were getting as little as 37 cents an hour last year, and the new $1 minimum "has got us down on our knees financially," comments O. L. Searing, state supervisor of school food services. He adds that, having raised lunch prices once in the past year, "we can't do it again—the very kids who need our hot lunches the most are the ones who would quit buying them if we raise prices."

Some other employers affected by the new minimums have raised prices, however. In Dallas, a semi-private room now costs $27.50 a day at Parkland Memorial Hospital and Woodlawn Hospital, both operated by the Dallas County Hospital District, against $22 a day last year. Also, the district has raised its tax rate about 17%. Peter Geilich, assistant administrator, says minimum wage increases contributed significantly to both rises.

Even where higher wage minimums have had adverse effects, however, it's difficult to pin down how much those effects might be due to the new wage scales, how much to other factors. Hospital costs have been skyrocketing lately throughout the nation, even in high-paying areas unaffected by the minimum wage. And substitution of chemicals and machines for human labor on Southern plantations has been increasing for some time as planters begin to catch up with heavily mechanized cotton growers of California and Arizona.

In any case, opponents of higher minimum wages haven't yet given up their fight. Their target now is a provision of the new law that will raise the minimum for most covered workers to $1.60 an hour next Feb. 1 and extend coverage to another million workers.

Both the National Retail Merchants Association and the American Retail Federation, another trade group, say they're seeking legislation to stave off until Feb. 1, 1969, the boost to $1.60 an hour. They also say they hope to prevent altogether the spread of minimum wage guarantees to more workers in retail stores. The present law extends such guarantees to all workers in business grossing $500,000 or more a year. Next year the limit is scheduled to drop to $250,000.

THE DISTRICT OF COLUMBIA AND THE PRESIDENT

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. REUSS] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. REUSS. Mr. Speaker, the Governor of Michigan has had a very busy time lately explaining himself.

Among other things, he has said that President Johnson is "a political animal"—that the President is motivated only by political expediency.

If this is true, then I wonder what Lyndon Johnson's motivation might be here in the District of Columbia. Perhaps he is really courting the District of Columbia's three electoral votes. How else can you explain the fact that President Johnson has put his prestige on the line at least four times in recent months to achieve good government and a better life for the residents of the Nation's Capital?

If the President is really "a political animal" then he must think Washington, D.C., will produce the swing votes in 1968.

Certainly no other President in our history has done so much for Washington.

The President put his prestige on the line to get the District of Columbia reorganization, the first breakthrough for modern government here in nearly a century.

He has put his prestige on the line to get elected school board officials.

He has gone out on a limb to start a pioneering development project in the Northeast section of town.

And he has nominated a Negro to be the first single Commissioner in the city's history.

What could have motivated President Johnson, I wonder?

Perhaps he is thinking of all the electoral votes he can win in the District of Columbia.

Or, could it be, that the President's sole consideration is the welfare of the people of the District?

At any rate, the Nation's ninth largest city has a new lease on its future, thanks to the leadership of Lyndon Johnson.

Some astute politicians will tell you that there is not much political mileage to be gained by helping the District, or by helping the poor—who supposedly have no voice or no power—or by helping minority groups, or senior citizens.

Apparently, nobody has told President Johnson about this. After all, a President who is motivated only by "political expediency" would go where the votes are.

Would he not?

In this connection, under unanimous consent I place in the RECORD three excellent editorials praising President Johnson's choice of Walter Washington as the first Commissioner of the District of Columbia's reorganized government:

[From the Washington Post, Sept. 7, 1967]

OUR NEW GOVERNMENT

President Johnson has selected a strong team to inaugurate the reorganized government of the District of Columbia. Walter Washington has the kind of experience, the general credentials and the sort of personality that any community might look for in a chief municipal executive. He has political gifts and facilities of a high order. He has had much experience in dealing with the most difficult problems of the city. He has had a long Washington residence that has brought him into contact with people of all races and classes in the city. His deputy, Thomas W. Fletcher, is not well known to the citizens of Washington, but he is well trained for his task, his education is ideally suited to his work, and his professional life has been devoted to problems of exactly the sort that he will deal with in the District.

The new Commissioner and his deputy have their work cut out for them. The new District government they will head is a vast improvement on the ramshackle structure with which their predecessors have had to deal. But it is not an ideal municipal system because of the absence of elected officials and because of the presence of Congress. The first defect deprives the government of the broad base of support that is the foundation of every self-governing society. The second exposes it to the intervention of members of Congress who are not accountable to any local groups or answerable to any community forces. Some of them, one regrets to say, are not even motivated by a desire to see the city prosper. Others either are ignorant of or indifferent to the considerations that ought to restrain legislative authority from minute day-to-day intervention in executive functions.

Given these handicaps, the new administration will be confronted with many difficulties. It will face all of the formidable problems of the typical large American city in this century, and its own special problems besides. That it can cope with them successfully is by no means a foregone conclusion. The change from the antiquated government of the past gives rise to a certain amount of optimism and hope. If this optimism is to be justified and this hope fulfilled, it will be because the community as a whole responds to the opportunity to work more effectively under new rules and new men.

[From the Philadelphia Inquirer, Sept. 8, 1967]

A START ON DISTRICT OF COLUMBIA "HOME RULE"

The appointment of Walter E. Washington as Commissioner of Washington, D.C., by President Johnson should be confirmed without undue delay by the Senate. Mr. Wash-

ington, aptly named for his job as first "mayor" of the national city, brings to his new post impressive credentials as lawyer, housing administrator and—after his recent experience in New York City—labor relations expert.

He has had to deal, in the past year, with a city employes' strike in New York—where he served as commissioner of the city housing authority—which crippled services to more than half a million tenants, as well as putting new housing codes into effect and fighting ever-rising maintenance costs.

His prior experience with the National Capital Housing Authority, more than 20 years of it, equips him to tackle the toughest problems Washington faces. His top assistant, Thomas Fletcher, former city manager of booming San Diego, Calif., has abundant acquaintance with similar problems there and in other West Coast cities.

Of course, the new governmental set-up in the Nation's capital does not yet constitute home rule. Mr. Washington is accountable not only to the President but also to the Budget Bureau and to the Congressional committees for District of Columbia affairs. The latter have not, to put it bluntly, distinguished themselves by enlightened concern over the problems in their own bailiwick—which are much the same as problems in other cities, only more so in America's "showplace."

We hope Mr. Washington will swing enough weight to make a substantial difference in his city, perhaps providing the rest of us with a model we can emulate. Success would also effectively speed the day when citizens of the Capital at last gain real self-government which, we are convinced, they deserve and should have, Congressional footdragging notwithstanding.

[From the Washington (D.C.) Evening Star, Sept. 7, 1967]

"MAYOR" WASHINGTON

President Johnson's selection of Walter E. Washington to become the District of Columbia's first "super" commissioner is a super choice. This appointment should encounter no trouble winning speedy Senate confirmation.

The qualifications for heading the District's newly reorganized government involve considerably more than administrative ability. They call for a fair degree of toughness, a great deal of balanced judgment, a flair for political innovation, thorough familiarity with the intricate problems of this unusual city and, most important of all, perhaps, a stature sufficient to command the entire community's respect. We know of no one, as the President emphasized he knows of no one, who could fill this demanding bill better, on all counts, than Walter Washington. It is very good, after his sojourn in the hinterlands of New York City, to welcome him back where he belongs.

The deputy commissioner, Thomas W. Fletcher, is an unknown quantity in the District—as indeed is the whole concept of the Number 2 job at this point. The President wisely settled on an experienced city manager, whose background at this level of municipal affairs ought to be beneficial. Fletcher's precise functions and responsibilities, however, should be left to his new boss. And it is quite possible that the new commissioner will want his top aide to serve as something other than the traditional city manager.

One of the commissioner's first chores, of course, will be to clarify the new city structure, as quickly as possible, in regard to the wealth of lower-level experienced talent already manning the District Building. Uncertainty over the identity of the new man, and confusion over the governmental structure, already has created an understandable but severe morale problem among District career employes. Their support and enthusiasm will be essential in getting the new government rolling.

Beyond everything else, however, Walter Washington's ability to perform is apt to depend upon the caliber of the appointments still to be made by the President to the nine-member city council. The new reorganization plan affords no assurances against confusion. Actually, it could lead to a greater dispersion of authority than existed before unless Mr. Johnson turns up a council willing to pull in harness with the commissioner—and able to view the District's problems in their entirety.

We hope, also, that the President will decide soon to abolish the office of presidential aide on National Capital affairs. The reorganization plan was sold to Congress largely on the advantages of concentrating responsibility and stature in a single man. This ideal will be realized, however, only if the new commissioner has direct, unencumbered access to the White House—if the commissioner is the President's man in fact as well as name.

Walter Washington's appointment, in other words, is a very encouraging start, but it is only a start. Whether the new system moves the District of Columbia perceptibly toward the "model city" Mr. Johnson says he seeks will depend to a great extent upon the President's continued interest, and the sympathetic assistance of Congress—just as always.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FEIGHAN (at the request of Mr. ALBERT), for September 11 through 29, on account of official business.

Mr. PIRNIE (at the request of Mr. GERALD R. FORD), for the week of September 11, on account of official business.

Mr. BRADEMAS, for September 11 through September 18, to attend as a delegate the Japanese-American Assembly in Tokyo sponsored by the American Assembly of Columbia University.

Mr. MULTER (at the request of Mr. BOGGS), for the week of September 11, on account of illness.

Mr. WOLFF (at the request of Mr. BOGGS), for the month of September, on account of official business.

Mr. WYATT (at the request of Mr. GERALD R. FORD), for the week of September 11, on account of official business.

Mr. THOMPSON of New Jersey, for 3 days (through September 13), on account of official business.

Mr. RUMSFELD (at the request of Mr. GERALD R. FORD), through September 18, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. RIEGLE (at the request of Mr. MAYNE), for 10 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. ASHBROOK (at the request of Mr. MAYNE), for 10 minutes, today; 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. O'HARA of Illinois and to include related matter.

Mr. BELCHER.

Mr. ROTH.

(The following Members (at the request of Mr. MAYNE) and to include extraneous matter:)

Mr. KEITH.

Mr. RUMSFELD.

Mr. MATHIAS of California.

Mr. HORTON.

(The following Members (at the request of Mr. PATTEN) and to include extraneous matter:)

Mr. MCFALL.

Mr. ST. ONGE.

Mrs. GREEN of Oregon.

Mr. PUCINSKI.

Mrs. SULLIVAN.

Mr. ROYBAL in three instances.

Mr. BRASCO.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 42. Concurrent resolution authorizing the printing for the use of the Senate Banking and Currency Committee, of additional copies of its hearings of the present Congress on housing legislation; to the Committee on House Administration.

ENROLLED BILL SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 9837. An act to amend the Legislative Branch Appropriation Act, 1959, as it relates to transportation expenses of Members of the House of Representatives, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 906. An act for the relief of Luis Tapia Davila; and

S. 1448. An act for the relief of Roy A. Parker.

ADJOURNMENT

Mr. PATTEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 56 minutes p.m.), the House adjourned until tomorrow, Tuesday, September 12, 1967, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1044. A letter from the Secretary of the Army, transmitting reports of the number of officers on duty with Headquarters, Department of the Army and the Army general staff on June 30, 1967, pursuant to the pro-

visions of 10 U.S.C. 3031(c); to the Committee on Armed Services.

1045. A letter from the Under Secretary of the Air Force, transmitting a draft of proposed legislation to amend title 37, United States Code, to authorize the nontemporary storage of household effects of members in a missing status; to the Committee on Armed Services.

1046. A letter from the Secretary of Commerce, transmitting the 80th quarterly report covering the second quarter 1967, pursuant to the provisions of the Export Control Act of 1949; to the Committee on Banking and Currency.

1047. A letter from the Assistant Secretary of the Interior, transmitting a chronology of actions in regard to the oil emergency in connection with the voluntary agreement relating to foreign petroleum supply; to the Committee on Banking and Currency.

1048. A letter from the Comptroller General of the United States, transmitting a report of balance-of-payments aspects of barter contracts for the acquisition of industrial diamonds for the stockpile, Department of Agriculture, Department of State; to the Committee on Government Operations.

1049. A letter from the Comptroller General of the United States, transmitting a report of procurement of nuclear submarine propulsion equipment, under Public Law 87–653, Department of the Navy; to the Committee on Government Operations.

1050. A letter from the Acting 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.

1051. A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to provide for withdrawal of Federal supervision over the property and affairs of the Seneca Nation and its members, and for other purposes; to the Committee on Interior and Insular Affairs.

1052. A letter from the Deputy Assistant Secretary of the Interior, transmitting findings for the performance of minor construction work on the Florida project, a participating project of the Colorado River storage project, pursuant to the provisions of the Drainage Works and Minor Construction Act of June 13, 1956 (70 Stat. 274); to the Committee on Interior and Insular Affairs.

1053. A letter from the Secretary of the Interior, transmitting a determination relating to deferment of the 1967, 1968, and 1969 construction charge installments due the United States from the Tumalo Irrigation District, Crescent Lake Dam project, Oregon, pursuant to the provisions of 73 Stat. 584; to the Committee on Interior and Insular Affairs.

1054. A letter from the Executive Director, Federal Communications Commission, transmitting a report on backlog of pending applications and hearing cases as of July 31, 1967, pursuant to the provisions of Public Law 82–554; to the Committee on Interstate and Foreign Commerce.

1055. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to provide cost-of-living allowances for judicial employees stationed outside the continental United States or in Alaska or Hawaii, and for other purposes; to the Committee on the Judiciary.

1056. A letter from the Director, Peace Corps, transmitting a report on a tort claim paid by the Peace Corps during fiscal year 1967, pursuant to the provisions of 28 U.S.C. 2672; to the Committee on the Judiciary.

1057. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in certain cases of aliens found admissible to the United States, pursuant to the provisions of section 212(a)(28)(I)(ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

1058. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation as well as a list of persons involved, pursuant to the provisions of section 244(a)(2) of the Immigration and Nationality Act of 1952, as amended; to the Committee on the Judiciary.

1059. A letter from the Deputy General Manager, U.S. Atomic Energy Commission, transmitting a report of settlements of claims of employees for damage to, or loss of, personal property incident to their service, covering the period July 1, 1966, through June 30, 1967, pursuant to the provisions of 31 U.S.C. 241; to the Committee on the Judiciary.

1060. A letter from the U.S. Olympic Committee, New York, N.Y., transmitting the financial report of the U.S. Olympic Committee covering the year ending December 31, 1966, pursuant to the provisions of Public Law 81–805; to the Committee on the Judiciary.

1061. A letter from George H. Jones, Jr., certified public accountant, McLean, Va., transmitting the audit report for the American Symphony Orchestra League for the fiscal year May 31, 1967, pursuant to the provisions of Public Law 87–817; to the Committee on the Judiciary.

1062. A letter from the Acting Executive Director, Blinded Veterans Association, transmitting a copy of the auditor's report on the Blinded Veterans Association for the fiscal year July 1, 1966–June 30, 1967, pursuant to the provisions of Public Law 85–769; to the Committee on the Judiciary.

1063. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of list and orders entered in certain cases, pursuant to the provisions of section 212(d)(6) of the Immigration and Nationality Act; to the Committee on the Judiciary.

1064. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation as well as a list of persons involved, pursuant to the provisions of section 244(a)(1) of the Immigration and Nationality Act of 1952, as amended; to the Committee on the Judiciary.

1065. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved, according certain beneficiaries third preference and sixth preference classification, pursuant to the provisions of section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1066. A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to amend title 5, United States Code, "Government Organization and Employees," to authorize the Commissioners of the District of Columbia to place positions in the government of the District of Columbia in grades GS–16, GS–17, and GS–18, and, with the approval of the President, other positions at levels LV and V of the executive schedule, and for other purposes; to the Committee on Post Office and Civil Service.

1067. A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1954 with respect to the treatment of income from the operation of a communications satellite system; to the Committee on Ways and Means.

1068. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to provide for the imposition of additional airway user fees, and for other purposes; to the Committee on Ways and Means.

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. GARMATZ: Committee on Merchant Marine and Fisheries. Report entitled "Report on International Control of Oil Pollution" (Rept. No. 628). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABBITT:

H.R. 12768. A bill to provide for orderly trade in textile articles; to the Committee on Ways and Means.

By Mr. ADDABBO:

H.R. 12769. A bill declaring October 12 to be a legal holiday; to the Committee on the Judiciary.

By Mr. ANNUNZIO:

H.R. 12770. A bill to supplement the purposes of the Public Buildings Act of 1959 (73 Stat. 479), by authorizing agreements and leases with respect to certain properties in the District of Columbia, for the purpose of a national visitor center, and for other purposes; to the Committee on Public Works.

By Mr. BOLAND:

H.R. 12771. A bill to provide for uniform annual observances of certain legal public holidays on Mondays, and for other purposes; to the Committee on the Judiciary.

By Mr. CABELL:

H.R. 12772. A bill to provide for orderly trade in textile articles; to the Committee on Ways and Means.

By Mr. DE LA GARZA:

H.R. 12773. A bill to promote the general welfare, foreign policy, and national security of the United States; to the Committee on Ways and Means.

By Mr. FULTON of Tennessee:

H.R. 12774. A bill arranging for orderly marketing of certain imported articles; to the Committee on Ways and Means.

By Mr. KUPFERMAN:

H.R. 12775. A bill to incorporate Pop Warner Little Scholars, Inc.; to the Committee on the Judiciary.

By Mr. MacGREGOR:

H.R. 12776. A bill to amend the Economic Opportunity Act of 1964 to further limit political activity on the part of workers in poverty programs; to the Committee on Education and Labor.

H.R. 12777. A bill to provide for orderly trade in textile articles; to the Committee on Ways and Means.

By Mr. MATSUNAGA:

H.R. 12778. A bill to supplement the purposes of the Public Buildings Act of 1959 (73 Stat. 479), by authorizing agreements and leases with respect to certain properties in the District of Columbia, for the purpose of a national visitor center, and for other purposes; to the Committee on Public Works.

By Mr. MESKILL:

H.R. 12779. A bill to provide for orderly trade in textile articles; to the Committee on Ways and Means.

By Mr. MICHEL:

H.R. 12780. A bill to provide for orderly trade in textile articles; to the Committee on Ways and Means.

By Mr. OLSEN:

H.R. 12781. A bill to provide for orderly trade in textile articles; to the Committee on Ways and Means.

By Mr. PHILBIN:

H.R. 12782. A bill to amend the Public Health Service Act in order to establish in the Public Health Service the position of

Chief Veterinary Officer; to the Committee on Interstate and Foreign Commerce.

By Mr. ST. ONGE:

H.R. 12783. A bill to provide for the issuance of a special postage stamp in February 1968, to commemorate American Heart Month and the national fight against the cardiovascular diseases; to the Committee on Post Office and Civil Service.

By Mr. SCHWENGEL (for himself and Mr. MAYNE):

H.R. 12784. A bill to supplement the purposes of the Public Buildings Act of 1959 (73 Stat. 479), by authorizing agreements and leases with respect to certain properties in the District of Columbia, for the purpose of a national visitor center, and for other purposes; to the Committee on Public Works.

By Mr. SCHWENGEL:

H.R. 12785. A bill to provide for orderly trade in textile articles; to the Committee on Ways and Means.

By Mr. SLACK:

H.R. 12786. A bill to provide for orderly trade in textile articles; to the Committee on Ways and Means.

By Mr. TUCK:

H.R. 12787. A bill to provide for orderly trade in textile articles; to the Committee on Ways and Means.

By Mr. VANDER JAGT:

H.R. 12788. A bill to establish a Small Tax Division within the Tax Court of the United States; to the Committee on Ways and Means.

By Mr. VIGORITO:

H.R. 12789. A bill to provide for the control of the alewife and other fish and aquatic animals in the waters of the Great Lakes which affect adversely the ecological balance of the Great Lakes; to the Committee on Merchant Marine and Fisheries.

By Mr. WALKER:

H.R. 12790. A bill to provide incentives for the establishment of new or expanded job-producing industrial and commercial establishments in areas having high proportions of persons with low incomes, and for other purposes; to the Committee on Ways and Means.

By Mr. BETTS:

H.R. 12791. A bill to amend the Tariff Schedules of the United States with respect to the temporary rate of duty for color television picture tubes; to the Committee on Ways and Means.

By Mr. CORMAN:

H.R. 12792. A bill to authorize the support of Casa Loma College, a vocational college of applied science and arts, to stimulate its development and operation, to further define its corporate powers and provide such support as necessary to fulfill its purposes of providing vocational education and manpower training programs within a 4-year collegiate institution in such a way as to preserve human dignity and worth of the socially, economically, and culturally deprived; to the Committee on Education and Labor.

By Mrs. HECKLER of Massachusetts:

H.R. 12793. A bill to remove the authority of the Secretary of the Treasury to prohibit, curtail, or regulate the melting or treating of coins of the United States; to the Committee on Banking and Currency.

H.R. 12794. A bill to amend section 312 of the Immigration and Nationality Act to exempt certain additional persons from the requirements as to understanding the English language before their naturalization as citizens of the United States; to the Committee on the Judiciary.

By Mr. JOELSON:

H.R. 12795. A bill to safeguard the consumer in connection with the utilization of credit by requiring full disclosure of the terms and conditions of finance charges in credit transactions or in offers to extend credit; by establishing maximum rates of finance charges in credit transactions; by authorizing the Board of Governors of the Federal Reserve System to issue regulations dealing with the excessive use of credit for the purpose of trading in commodity futures contracts affecting consumer prices; by establishing machinery for the use during periods of national emergency of temporary controls over credit to prevent inflationary spirals; by prohibiting the garnishment of wages; by creating the National Commission on Consumer Finance to study and make recommendations on the need for further regulation of the consumer finance industry; and for other purposes; to the Committee on Banking and Currency.

By Mr. MATSUNAGA:

H.R. 12796. A bill to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy; to the Committee on Post Office and Civil Service.

H.R. 12797. A bill to amend title 5, United States Code, to provide optional annual physical examinations for Government employees enrolled under health benefits plans; to the Committee on Post Office and Civil Service.

By Mr. RANDALL:

H.R. 12798. A bill to provide for orderly trade in textile articles; to the Committee on Ways and Means.

By Mr. ROSENTHAL:

H.R. 12799. A bill to provide for orderly trade in textile articles; to the Committee on Ways and Means.

By Mr. TAYLOR:

H.R. 12800. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. TEAGUE of Texas:

H.R. 12801. A bill to amend title 38 of the United States Code in order to establish in the Veterans' Administration a national cemetery system consisting of all cemeteries of the United States in which veterans of any war or conflict or of service in the Armed Forces are or may be buried, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HATHAWAY (for himself, Mr. CULVER, and Mr. MORRIS):

H.R. 12802. A bill to develop business and employment opportunities in smaller cities and areas of unemployment and underemployment by providing certain preferences for prospective Government contractors in such cities and areas; to the Committee on the Judiciary.

By Mrs. MINK:

H.J. Res. 813. Joint resolution providing that an environmental health center that may hereafter be established in the Public Health Service shall be known as Rachel Carson Memorial Research Center for Environmental Health; to the Committee on Interstate and Foreign Commerce.

By Mr. MORRIS:

H.J. Res. 814. Joint resolution in honor of Amelia Earhart and Joan Merriam Smith; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 12803. A bill for the relief of Bartolomeo DiNatale; to the Committee on the Judiciary.

By Mr. HALPERN:

H.R. 12804. A bill for the relief of Felicitas B. Burgonio; to the Committee on the Judiciary.

H.R. 12805. A bill for the relief of Emerita Dinglas; to the Committee on the Judiciary.

H.R. 12806. A bill for the relief of Amelia Garcia; to the Committee on the Judiciary.

H.R. 12807. A bill for the relief of Virginia O. Olympia; to the Committee on the Judiciary.

H.R. 12808. A bill for the relief of Leonor Valmores; to the Committee on the Judiciary.

By Mr. JOELSON:

H.R. 12809. A bill for the relief of Rosa Vasile; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 12810. A bill for the relief of Rosaria Meo; to the Committee on the Judiciary.

By Mr. MURPHY of Illinois:

H.R. 12811. A bill for the relief of Paolina, Luciano, and Paolo Evangelisti; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 12812. A bill for the relief of Go Kieng Siong; to the Committee on the Judiciary.

By Mr. RODINO:

H.R. 12813. A bill for the relief of Zenaida I. Biroq; to the Committee on the Judiciary.

H.R. 12814. A bill for the relief of Angelina Cappa; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 12815. A bill for the relief of Mrs. Anna Frank; to the Committee on the Judiciary.

By Mr. ST. ONGE:

H.R. 12816. A bill for the relief of Christopher Sloane (Bosmos); to the Committee on the Judiciary.

By Mr. SCHEUER:

H.R. 12817. A bill for the relief of Dr. Leding Yap; to the Committee on the Judiciary.

By Mr. SCHWEIKER:

H.R. 12818. A bill for the relief of Lt. Cmdr. Anthony A. Mitchell, U.S. Navy; to the Committee on Armed Services.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

150. By the SPEAKER: Petition of William Netschert, Daytona Beach, Fla., relative to relief from dilution of efficacy of vote; to the Committee on the Judiciary.

151. Also, petition of Elmer L. Evans, Wanaque, N.J., relative to subverting the Constitution of the United States; to the Committee on the Judiciary.

152. Also, petition of Henry Stoner, Avon Park, Fla., relative to enactment of House Resolution 904; to the Committee on Rules.

SENATE

MONDAY, SEPTEMBER 11, 1967

The Senate met at 12 o'clock meridian, and was called to order by the President pro tempore.

Rev. W. Wilson Rasco, D.D., executive of United Presbyterian Church, Seattle, Wash., offered the following prayer:

God of the nations, Lord of our hearts: Gratefully we acknowledge Thy goodness to us; humbly we confess our need of Thee.

On this day that Thou has given us, help us to attempt great things for Thee and for our country.

Today we pray for our country and for all who are working in the interests of righteousness, freedom, and good will.

Lift us above our obsession for the insignificant. Help us to gear our efforts into things that bring meaning and fulfillment to the lives of all people everywhere.

Give us strength and patience that we may not become weary in well-doing.

Today we pray for peace for our world.