conditions under section 10 of the Railway Labor Act applicable in the current dispute between the railroad carriers represented by the National Railway Labor Conference and certain of their employees.

AUTHORIZATION TO RECEIVE MESSAGES AND TO SIGN DULY ENROLLED BILLS AND RESOLUTIONS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that during the adjournment this evening, the Secretary of the Senate be authorized to receive messages and that the Vice President be authorized to sign duly enrolled bills and resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in——

Mr. WILLIAMS of Delaware. Does the assistant majority leader think it is possible to vote on this proposal this afternoon?

Mr. BYRD of West Virginia. I do not, I must confess in all honesty.

Mr. WILLIAMS of Delaware. We, in the minority, are trying to do all we can to help the majority get this matter moving.

Mr. BYRD of West Virginia. I understand that. I will express that statement to the majority.

Mr. President, if there be no further business——

Mr. WILLIAMS of Delaware. Will the Senator withhold that request, please?

The Senator from Oregon [Mr. HATFIELD] desires unanimous consent to be recognized tomorrow for one-half hour.

Mr. BYRD of Virginia. Yes. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it stand in adjournment until 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HATFIELD ON TOMORROW, WEDNESDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of routine morning business tomorrow morning, or at the hour of 11:30 tomorrow morning, whichever comes first, the junior Senator from Oregon [Mr. HATFIELD] be recognized for 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR FANNIN ON TOMORROW, WEDNESDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the speech by the junior Senator from Oregon [Mr. HATFIELD] tomorrow, the junior Senator from Arizona [Mr. FANNIN] be recognized for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 4 o'clock and 14 minutes p.m.) the Senate adjourned until Wednesday, April 12, 1967, at 11 o'clock a.m.

HOUSE OF REPRESENTATIVES

TUESDAY, APRIL 11, 1967

The House met at 12 o'clock noon.

The Reverend William G. Kalaidjian, minister, Bedford Park Congregational Church, Bronx, N.Y., and chaplain, New York City Police Department, offered the following prayer:

Oh magnify the Lord with me, and let us exalt His name together;

For with Him is the fountain of life: And in His light shall we see light.—Psalms 34: 3; 36: 9.

Almighty God, who has called our Nation to a place of great responsibility throughout the world; we Thy servants of every race, creed, and nationality, and clime of life, ask Thee to bless our United States of America.

Grant that our highest ideals and aspirations may be in accordance with Thy will.

Grant us genuine understanding and sound government, where no man is above the law and no man is beneath it.

Help us to feel the unity and purpose of our Nation as she serves the cause of freedom and makes the sacrifices needed to establish her credibility.

Help us to be masters of ourselves that we may always be servants of others and heirs of a peace that will endure, in the name of Him who is the Lord of life. Amen.

THE JOURNAL

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

NEW YORK'S WARM WELCOME TO JUDGE LINDLEY BECKWORTH

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, for 24 years the Honorable Lindley Beckworth was a Member of this body and in a number of Congresses it was my privilege and pleasure to serve with him on the Committee on Foreign Affairs. With other members of that committee I held Lindley Beckworth in high esteem and warm affection during our association together in the work of the committee.

It is pleasing to us all to read in today's newspapers of the warm welcome that awaited him at the commencement of new judicial duties in New York.

I am extending my remarks to include the following AP dispatch in the Washington Evening Star of April 11, 1967:

NEW YORKERS WELCOME BECKWORTH

NEW YORK (Associated Press).—U.S. Customs Court Judge Lindley Beckworth, a Texan recently appointed to serve here, was welcomed to New York yesterday by 100 members of the court and Justice Department.

Judge Beckworth, former Texas member of Congress and state legislator, was described by Chief Judge Paul P. Rao at a reception in the U.S. Customs Court as a "wise, humane, gentle and understanding person."

Rao said Beckworth would be a valuable asset to the court, which has been working shorthanded for the last few months and is deluged with cases.

"I have attended many warm receptions in Texas," Beckworth said, "but never have I been received by some who are virtual strangers as I have been received here today."

Beckworth, 53, a Democratic congressman for 24 years, is married and has five children.

SPECIAL SUBCOMMITTEE ON ECONOMIC DEVELOPMENT PROGRAMS OF THE HOUSE COMMITTEE ON PUBLIC WORKS—PERMISSION TO SIT DURING GENERAL DEBATE TODAY

Mr. GRAY. Mr. Speaker, I ask unanimous consent that the Special Subcommittee on Economic Development Programs of the House Committee on Public Works be permitted to sit during general debate today.

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

There was no objection.

UNITED STATES SADLY LACKING IN WORLD PRESTIGE

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

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

There was no objection.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. MICHEL. Mr. Speaker, amid the fanfare accompanying the return of the Vice President from Europe, I think a little reality would not be out of place. An assessment of his ventures abroad indicates that the United States today is sadly lacking in world prestige.

After bestowing over $125 billion of the taxpayers' funds on various and sundry projects and endeavors scattered around the globe, our Government has reached the sad state of affairs where an American official cannot visit a foreign capital without being subjected to abuse. American citizens cannot travel abroad without being subject to arrest or mistreatment. At the present time, the President is negotiating another cornucopia for Latin America. Temporarily the flood of complaint and ingratitude, which has characterized their dealings with us, has been stilled as they await the opening of Uncle Sam's pinata and can see what they can expect from our ever-open Treasury.

That the rioting abroad which swirled around our Vice President was permitted by the authorities was an indication that officials there were not totally out of accord with the purposes of the riots. No gilding can conceal the fact that our relationships with other countries have been allowed to fall into disrepair. A review of past practices is in order.

Since our own freedom is at stake, we have no course but to defend freedom for the ingrates as well as for ourselves. But, I think this Congress should make certain that they do not get the butter while we are manning the guns.

FEDERAL RESERVE SHOULD LOWER REGULATION Q

Mr. PATMAN. 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. PATMAN. Mr. Speaker, the Federal Reserve should be honest with the American people and complete the rollback of interest rates to the levels existing before December 6, 1965.

Amid much fanfare, the Federal Reserve last week reduced the discount rate from 4½ to 4 percent. I am, of course, pleased to see this particular interest rate go down but under present circumstances, this action is not expected to be overly meaningful.

The Federal Reserve did not make mention of regulation Q, which regulates the amount of interest that banks may pay on time deposits. This is where the big jump in interest rates occurred on December 6, 1965. At that time, the Federal Reserve raised this regulation to a whopping 5½ percent—wiping out the ceilings of 4 and 4½ percent which had existed previously.

This was a big jump—actually 37½ percent—and it is this interest rate which should be rolled back by the Federal Reserve.

The Federal Reserve gave the country only half a loaf in the drop of the discount rate last week. It should complete the job now by lowering regulation Q.

TV AND RADIO STRIKE HAD SOME ADVANTAGES

Mr. ABERNETHY. 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 Mississippi?

There was no objection.

Mr. ABERNETHY. Mr. Speaker, I can think of no industry which makes greater contribution to the entertainment, comfort, and good living of our people than the radio and television industry of America. It would have been very unfortunate during the recent strike if these industries had been shut down and their programs, news, and other information which they make available to the American people had been cut off. The stations and networks rendered a great service during the strike. The manner in which they handled their programs and carried on was most commendable. The members of their managerial and clerical staffs did a magnificent job in filling in for the so-called professionals who were out on strike.

The facts are that I am sort of disappointed the strike is over. The nonprofessionals were doing such a grand job of handling the programs. I had a feeling that their news reporting was done with absolute accuracy, with no bias, no slanting and with only a desire to give their listeners the absolute facts.

I congratulate and commend the networks, the individual stations and their clerical and management personnel for a job well done.

TO EXTEND PERIOD FOR MAKING NO CHANGE OF CONDITIONS UNDER SECTION 10 OF RAILWAY LABOR ACT

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 493) to extend the period for making no change of conditions under section 10 of the Railway Labor Act applicable in the current dispute between the railroad carriers represented by the National Railway Labor Conference and certain of their employees.

The Clerk read as follows:

H.J. RES. 493

Whereas disputes exist between the carriers represented by the National Railway Labor Conference and certain of their employees represented by the International Association of Machinists and Aerospace Workers; International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers; Sheet Metal Workers' International Association; International Brotherhood of Electrical Workers; Brotherhood of Railway Carmen of America; International Brotherhood of Firemen and Oilers functioning through the Railway Employees' Department, AFL–CIO, labor organizations; and

Whereas the President of the United States, pursuant to the provisions of section 10 of the Railway Labor Act, by Executive Order Numbered 11324 of January 28, 1967, created an Emergency Board to investigate these disputes and report its findings; and

Whereas the Emergency Board has reported and the statutory period for making no change of conditions, as extended by agreement of the parties, is about to expire, without the parties having resolved the issues in dispute, thereby continuing to threaten substantially to interrupt interstate commerce to a degree such as to deprive the country of essential transportation services; and

Whereas it is essential to the national interest, including the national health and defense, that essential transportation services be maintained; and

Whereas the Congress finds that an emergency measure is essential to security and continuity of transportation services by such carriers; and

Whereas it is desirable to achieve the above objectives in a manner conducive to resolution of the disputes through collective bargaining: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the final paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160) shall be extended for an additional period with respect to the disputes referred to in Executive Order Numbered 11324 of January 28, 1967, so that no change, except by agreement, shall be made by the carriers represented by the National Railway Labor Conference, or by their employees, in the conditions out of which such disputes arose prior to 12:01 a.m. of May 3, 1967.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 61]

Ashley	Gude	Lukens
Ashmore	Hansen, Idaho	Mathias, Md.
Burton, Utah	Harvey	May
Dorn	Holland	Pool
Fraser	Jones, Mo.	St. Onge
Garmatz	Leggett	Stephens
Green, Oreg.	Long, La.	Williams, Miss.

The SPEAKER. On this rollcall 410 Members have answered to their names, a quorum.

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

TO EXTEND THE PERIOD FOR MAKING NO CHANGE OF CONDITIONS UNDER SECTION 10 OF THE RAILWAY LABOR ACT

The SPEAKER. The gentleman from West Virginia [Mr. STAGGERS], will be recognized for 20 minutes, and the gentle-

man from Illinois [Mr. SPRINGER], will be recognized for 20 minutes.

The Chair recognizes the gentleman from West Virginia.

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

Mr. Speaker, yesterday the President sent a message to the Congress pointing out that at 12:01 a.m. Thursday morning, this Nation faces the possibility of a strike shutting down over 95 percent of all the railroad mileage in the United States. He asked that the Congress pass legislation, extending for 20 days—that is, until May 3—the existing provisions of law under which this strike cannot take place. This 20-day extension also prohibits the railroads involved in the current dispute from making any changes in work rules or other conditions of employment which they will be free to make at 12:01 a.m. this coming Thursday.

The members of our committee were invited to the White House yesterday morning and we all received a briefing from the President on this situation. He asked us to pass this legislation promptly, and yesterday afternoon I introduced the resolution which is before the House today, and the members of our committee met to consider the resolution and then voted to report it to the House unanimously on a rollcall vote.

Mr. Speaker, by our vote on this resolution in the committee no member of our committee was taking one side or the other in this dispute. I want to make this perfectly clear, and I also want to make it clear that a vote for this resoluiton does not in my opinion put any Member of this body in the position of taking one side or the other in this dispute.

Mr. Speaker, the economic costs to this country of a strike in the railway industry will be, as the President pointed out in his message, incalculable. The first day of the strike, for example, would stop all commuter traffic into some of our major metropolitan centers. Can you imagine the horrible traffic jams that will be created in New York City, in Philadelphia, in Chicago—I might add to a degree even in Washington, D.C.? There are many trains throughout the United States right this minute that are carrying perishable foods. Chlorine moves in large quantities by rail, and truck transportation cannot be substituted for the rail shipments. This chlorine is necessary for treating sewage and it is also necessary for treating drinking water. What are our cities that require chlorine to do if rail transportation becomes unavailable to them?

The President pointed out in his message that there will be some adverse effects on shipments to Vietnam.

There are other consequences. If a strike in the railroad industry occurs, it will slow down the economy seriously. For example, coal mining will virtually have to cease immediately. Other industry dependent on rail transportation will rapidly run out of supplies and run out of storage space and they will have to close down. A nationwide railroad strike that lasted for 30 days could throw between 6 and 7 million Americans out of work.

In other words, Mr. Speaker, the national interest requires that this labor-management dispute be settled.

I think one thing ought to be made perfectly clear at this point. The responsibility for the possibility of a railroad strike occurring at 12:01 a.m. day after tomorrow does not lie necessarily with labor alone nor with management alone. Frankly, I do not know which side should bear the blame if such a strike were to occur. I do know this. The strike could be avoided if the representatives of labor will accept the current proposals made by management. The strike can also be avoided if the representatives of management will accept the proposals made by the representatives of organized labor. In other words, Mr. Speaker, if either side is willing to accept the settlement proposals made by the other side, this strike can be avoided. Unfortunately, neither side is willing to accept the proposals of the other, but I understand that they are very close.

As I understand it, the problem resolves itself down to the issue of wages and pay differentials. The parties are quite close together and they should, if true collective bargaining occurs, be able to resolve these differences themselves within this 20-day period.

Mr. Speaker, there is another reason for this legislation. The President is required to be out of the country for a meeting which cannot be postponed. The President is required to be at Punta del Este on a mission affecting the security of this entire hemisphere. The decisions that will be made at Punta del Este will be decisions affecting the entire world. It is intolerable to think that our President, while engaged in the complex and difficult negotiations that will be going on at Punta del Este must also be required to deal at long distance with the numerous emergencies and problems that will arise in the event of a nationwide railroad strike. Passage of this resolution will provide for a postponement of the possibility of this strike until after the Punta del Este Conference.

Now briefly, what this resolution does is to say that where the procedures set out in the Railway Labor Act as applied to this dispute prohibit any strikes or changes in work rules by either of the parties to this dispute until April 13, this prohibition against strikes and changes in work rules is extended to May 3. It does not take sides in the dispute. It prohibits labor from striking, which they are free to do under existing law as of April 13, and it also prohibits management from making any changes in work rules, which they are also free to do on April 13. The prohibition extends for 20 days, and at the end of that 20 days' freeze of the status quo, the parties may then resort to self-help.

Mr. Speaker, our committee considered this bill yesterday afternoon and, as I mentioned, was unanimous in passing it. I hope the House also should be unanimous, and our committee recommends passage of the bill.

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

Mr. STAGGERS. I will be glad to yield to the gentleman from Iowa.

Mr. GROSS. A serious situation is fast developing in the Midwest and I assume in other parts of the country with respect to the trucking industry. Has the committee any word from any source as to some form of intervention in that situation?

Mr. STAGGERS. I hesitate to get into that subject with this possible strike, too, before us. I am hopeful that the truckers situation will soon be settled. That is about as much as I can say. This railroad situation is on us now, and we hope that the House will take effective and affirmative action immediately.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER], is recognized for 20 minutes.

Mr. SPRINGER. Mr. Speaker, in order that my colleagues will have some idea that this is nothing new, I would like to read the following:

In the event a strike occurs it will bring widespread and growing distress.

Many industries which rely primarily on rail shipment—including coal and other mining which is dependent on rails leading directly to the mine, steel mills that ship by rail, certain chemical plants which load liquids directly into tank cars, and synthetic fiber mills dependent on chemicals which for safety reasons can be carried only in rail tank cars—all of these and others would be forced to close down almost immediately. There would not be enough refrigerated truck capacity to transport all of the west coast fruit and vegetable crop. A substantial portion of these and other perishable products would rot. Food shortages would begin to appear in New York City and other major population centers. Mail services would be disrupted. The delay, cost and confusion resulting from diverting traffic to other carriers would be extremely costly; and considerable rail traffic would be wholly incapable of diversion.

The national defense and security would be seriously harmed. More than 400,000 commuters would be hard hit.

As more and more industries exhausted their stockpiles of materials and components—including those engaged in the production of automobiles, metal products, lumber, paper, glass, and others—the idling of men and machines would spread like an epidemic. Construction projects dependent on heavy materials—exports and waterway shipping dependent on rail connections—community water supplies dependent on chlorine which also moves only by rail—slaughterhouses and stockyards, iron ore, rubber and machinery, magazine publishers, and transformer manufacturers—all would be hard hit by a strike. The August grain harvest would present a particularly acute problem.

The Council of Economic Advisers estimates that by the 30th day of a general rail strike, some 6 million nonrailroad workers would have been laid off in addition to the 200,000 members of the striking brotherhoods and 500,000 other railroad employees—that unemployment would reach the 15-percent mark for the first time since 1940—and that the decline in our rate of GNP would be nearly four times as great as the decline which occurred in this Nation's worst postwar recession.

At the same time, shortages and bottlenecks would increase prices—not only for fruits and vegetables but for many industrial materials and finished products as well—thus impairing our efforts to improve our competitive posture in foreign and domestic markets and to safeguard our balance of pay-

ments and gold reserves. And even if the strike were ended by private or congressional action on the 30th day, at least another month would be required before the economy would be back on its present expansion track. Indeed, a prolonged strike could well break the back of the present expansion and topple the economy into recession before the tax reductions and other measures now before the Congress for reinforcing the expansion have had a chance to take hold.

The statement I have just read is an excerpt from a Presidential message dated July 22, 1963—nearly 4 years ago. At that time we were faced with a situation at least similar to that facing the Nation today. I think it is interesting for us to note that the dire effects of a nationwide rail strike have not diminished in that 4-year period but rather have escalated.

We find, for instance, that today nearly twice as many commuters would be affected as in 1963, and in addition to all other compelling considerations we find that a strike would seriously affect the support of our fighting men in Vietnam. This latter consideration alone makes it unthinkable that our railroads can be allowed to stand idle.

There are some aspects of the present situation and the impending strike that are different from those 4 years ago and, I am glad to say, far more encouraging. In the first place, the issues today are more clear cut and constitute what might be described as a classic labor-management difference which should, and probably can, eventually be solved by traditional bargaining methods.

The President has asked that the Congress extend the cooling off period for an additional 20 days. Certainly that is not a final solution to the problem if it persists. The House of Representatives, however, can well afford to go along with this interim suggestion in the hope that it will be all of the action required of us.

It is also clear, however, that if a stoppage of rail service finally seems inevitable, we must then face up to the stern and unpleasant duty to implement the clear and necessary purposes for which the Railway Labor Act stands. These purposes are set forth in the act as follows:

§ 151a. General purposes.

The purposes of the chapter are: (1) To avoid any interruption to commerce or to the operation of any carrier engaged therein; (2) to forbid any limitation upon freedom of association among employees or any denial, as a condition of employment or otherwise, of the right of employees to join a labor organization; (3) to provide for the complete independence of carriers and of employees in the matter of self-organization to carry out the purposes of this chapter; (4) to provide for the prompt and orderly settlement of all disputes concerning rates of pay, rules, or working conditions; (5) to provide for the prompt and orderly settlement of all disputes growing out of grievances or out of the interpretation or application of agreements covering rates of pay, rules, or working conditions.

I think we should note and note well that the first and probably overriding purpose of the Railway Labor Act is to avoid any interruption to commerce and to the operation of the railroads. This we obviously must do.

For these reasons I clearly support the action suggested in House Joint Resolution 493 and sincerely hope that by the end of this additional period the parties to the present dispute can arrive at a satisfactory understanding and contract.

The SPEAKER. The question is on the motion of the gentleman from West Virginia that the House suspend the rules and pass the resolution, House Joint Resolution 493.

The question was taken, and the Speaker announced that the ayes appeared to have it.

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

The SPEAKER. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 396, nays 8, not voting 28, as follows:

[Roll No. 62]

YEAS—396

Abbitt	Clawson, Del	Gardner
Abernethy	Cleveland	Gathings
Adair	Cohelan	Gettys
Adams	Collier	Giaimo
Addabbo	Colmer	Gibbons
Albert	Conable	Gilbert
Anderson, Ill.	Conte	Gonzalez
Anderson, Tenn.	Corbett	Goodell
	Corman	Goodling
Andrews, Ala.	Cowger	Gray
Andrews, N. Dak.	Cramer	Green, Pa.
	Culver	Griffiths
Annunzio	Cunningham	Gross
Arends	Curtis	Grover
Ashbrook	Daddario	Gubser
Ashley	Daniels	Gurney
Aspinall	Davis, Ga.	Hagan
Ayres	Davis, Wis.	Haley
Baring	Dawson	Hall
Bates	de la Garza	Halleck
Battin	Delaney	Halpern
Belcher	Dellenback	Hamilton
Bell	Denney	Hammer-schmidt
Bennett	Dent	
Berry	Derwinski	Hanley
Betts	Devine	Hanna
Bevill	Dickinson	Hansen, Idaho
Biester	Diggs	Hansen, Wash.
Bingham	Dingell	Hardy
Blackburn	Dole	Harrison
Blanton	Dow	Harsha
Blatnik	Dowdy	Hathaway
Boggs	Downing	Hays
Boland	Duncan	Hébert
Bolling	Dwyer	Hechler, W. Va.
Bolton	Eckhardt	Heckler, Mass.
Bow	Edmondson	Helstoski
Brademas	Edwards, Ala.	Henderson
Brasco	Edwards, La.	Herlong
Bray	Eilberg	Hicks
Brinkley	Erlenborn	Holifield
Brock	Esch	Holland
Brooks	Eshleman	Horton
Broomfield	Evans, Colo.	Hosmer
Brotzman	Everett	Howard
Brown, Mich.	Evins, Tenn.	Hull
Brown, Ohio	Fallon	Hungate
Broyhill, N.C.	Farbstein	Hunt
Broyhill, Va.	Fascell	Hutchinson
Buchanan	Feighan	Ichord
Burke, Fla.	Findley	Irwin
Burke, Mass.	Fino	Jacobs
Burleson	Fisher	Jarman
Bush	Flood	Joelson
Button	Flynt	Johnson, Pa.
Byrne, Pa.	Foley	Jonas
Byrnes, Wis.	Ford, Gerald R.	Jones, Ala.
Cabell	Ford, William D.	Jones, N.C.
Cahill		Karsten
Carey	Fountain	Karth
Carter	Frelinghuysen	Kastenmeier
Casey	Friedel	Kazen
Cederberg	Fulton, Pa.	Kee
Celler	Fulton, Tenn.	Keith
Chamberlain	Fuqua	Kelly
Clancy	Galifianakis	King, Calif.
Clark	Gallagher	King, N.Y.
Kirwan	O'Neal, Ga.	Slack
Kleppe	O'Neill, Mass.	Smith, Calif.
Kluczynski	Ottinger	Smith, Iowa
Kornegay	Passman	Smith, N.Y.
Kupferman	Patman	Smith, Okla.
Kuykendall	Patten	Snyder
Kyl	Pelly	Springer
Kyros	Pepper	Stafford
Laird	Perkins	Staggers
Landrum	Pettis	Stanton
Langen	Philbin	Steed
Latta	Pickle	Steiger, Ariz.
Lennon	Pike	Steiger, Wis.
Lipscomb	Pirnie	Stratton
Lloyd	Poage	Stubblefield
McCarthy	Poff	Stuckey
McClory	Price, Ill.	Sullivan
McClure	Price, Tex.	Taft
McCulloch	Pryor	Talcott
McDade	Pucinski	Taylor
McDonald, Mich.	Purcell	Teague, Calif.
	Quie	Teague, Tex.
McFall	Quillen	Tenzer
McMillan	Railsback	Thompson, Ga.
Macdonald, Mass.	Randall	Thompson, N.J.
	Rarick	Thomson, Wis.
MacGregor	Rees	Tuck
Machen	Reid, Ill.	Tunney
Madden	Reid, N.Y.	Udall
Mahon	Reifel	Ullman
Mailliard	Reinecke	Utt
Marsh	Resnick	Van Deerlin
Martin	Reuss	Vander Jagt
Mathias, Calif.	Rhodes, Ariz.	Vanik
Matsunaga	Rhodes, Pa.	Vigorito
Mayne	Riegle	Waggonner
Meeds	Rivers	Waldie
Meskill	Roberts	Walker
Michel	Robison	Wampler
Miller, Calif.	Rodino	Watkins
Miller, Ohio	Rogers, Colo.	Watson
Mills	Rogers, Fla.	Watts
Minish	Ronan	Whalen
Mink	Rooney, N.Y.	Whalley
Minshall	Rooney, Pa.	White
Mize	Rosenthal	Whitener
Monagan	Rostenkowski	Whitten
Montgomery	Roth	Widnall
Moore	Roudebush	Wiggins
Moorhead	Roush	Williams, Pa.
Morgan	Rumsfeld	Wilson, Bob
Morris, N. Mex.	Ruppe	Wilson, Charles H.
Morse, Mass.	Satterfield	
Morton	St Germain	Winn
Mosher	Saylor	Wolff
Moss	Schadeberg	Wright
Multer	Scherle	Wyatt
Murphy, Ill.	Scheuer	Wydler
Murphy, N.Y.	Schneebeli	Wylie
Myers	Schweiker	Wyman
Natcher	Schwengel	Yates
Nedzi	Scott	Young
Nelsen	Selden	Younger
Nichols	Shipley	Zablocki
Nix	Shriver	Zion
O'Hara, Ill.	Sikes	Zwach
O'Hara, Mich.	Sisk	
O'Konski	Skubitz	

NAYS—8

Barrett	Hawkins	Roybal
Burton, Calif.	Johnson, Calif.	Ryan
Dulski	Olsen	

NOT VOTING—28

Ashmore	Garmatz	Mathias, Md.
Brown, Calif.	Green, Oreg.	May
Burton, Utah	Gude	Pollock
Clausen, Don H.	Harvey	Pool
	Jones, Mo.	Sandman
Conyers	Leggett	St. Onge
Donohue	Long, La.	Stephens
Dorn	Long, Md.	Williams, Miss.
Edwards, Calif.	Lukens	Willis
Fraser	McEwen	

So (two-thirds having voted in favor thereof) the rules were suspended and the House joint resolution was passed.

The Clerk announced the following pairs:

Mr. St. Onge with Mr. Gude.
Mr. Donohue with Mrs. May.
Mr. Fraser with Mr. Don H. Clausen.
Mr. Williams of Mississippi with Mr. Burton of Utah.
Mr. Ashmore with Mr. Lukens.
Mr. Dorn with Mr. Harvey.
Mr. Leggett with Mr. Mathias of Maryland.
Mr. Stephens with Mr. McEwen.
Mr. Long of Louisiana with Mr. Pollock.
Mr. Pool with Mr. Sandman.

Mrs. Green of Oregon with Mr. Conyers.
Mr. Long of Maryland with Mr. Edwards of California.
Mr. Willis with Mr. Brown of California.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

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

S.J. Res. 65. Joint resolution to extend the period for making no change of conditions under section 10 of the Railway Labor Act applicable in the current dispute between the railroad carriers represented by the National Railway Labor Conference and certain of their employees.

TO EXTEND THE PERIOD FOR MAKING NO CHANGE OF CONDITIONS UNDER SECTION 10 OF THE RAILWAY LABOR ACT

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (S.J. Res. 65) to extend the period for making no change of conditions under section 10 of the Railway Labor Act applicable in the current dispute between the railroad carriers represented by the National Railway Labor Conference and certain of their employees, a similar resolution to the one just passed by the House.

The Clerk read the title of the Senate joint resolution.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 65

Whereas disputes exist between the carriers represented by the National Railway Labor Conference and certain of their employees represented by the International Association of Machinists and Aerospace Workers; International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers; Sheet Metal Workers' International Association; International Brotherhood of Electrical Workers; Brotherhood of Railway Carmen of America; International Brotherhood of Firemen and Oilers functioning through the Railway Employees' Department, AFL–CIO, labor organizations; and

Whereas the President of the United States, pursuant to the provisions of section 10 of the Railway Labor Act, by Executive Order No. 11324 of January 28, 1967, created an Emergency Board to investigate these disputes and report its findings; and

Whereas the Emergency Board has reported and the statutory period for making no change of conditions, as extended by agreement of the parties, is about to expire, without the parties having resolved the issues in dispute, thereby continuing to threaten substantially to interrupt interstate commerce to a degree such as to deprive the country of essential transportation services; and

Whereas it is essential to the national interest, including the national health and defense, that essential transportation services be maintained; and

Whereas the Congress finds that an emergency measure is essential to security and continuity of transportation services by such carriers; and

Whereas it is desirable to achieve the above objectives in a manner conducive to resolution of the disputes through collective bargaining: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the final paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160) shall be extended for an additional period with respect to the disputes referred to in Executive Order No. 11324 of January 28, 1967, so that no change, except by agreement, shall be made by the carriers represented by the National Railway Labor Conference, or by their employees, in the conditions out of which such disputes arose prior to 12:01 a.m. of May 3, 1967.

The Senate joint resolution 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 joint resolution (H.J. Res. 493) was laid on the table.

COPYRIGHT LAW REVISION

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2512) for the general revision of the copyright law, title 17 of the United States Code, and for other purposes.

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

The motion was agreed to.

COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 2512, with Mr. DENT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on Thursday, April 6, 1967, the Committee had agreed that chapter 1 of the bill be considered as read and open for amendment at any point.

There was pending the amendment which had been offered by the gentleman from Wisconsin [Mr. KASTENMEIER] and the substitute amendment which had been offered by the gentleman from New York [Mr. OTTINGER] to the amendment offered by the gentleman from Wisconsin [Mr. KASTENMEIER].

Without objection, the Clerk will read the substitute amendment offered by the gentleman from New York [Mr. OTTINGER] to the amendment offered by the gentleman from Wisconsin [Mr. KASTENMEIER].

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. OTTINGER as a substitute for the amendment offered by Mr. KASTENMEIER: On page 11, line 20, strike out all of section 111.

Mr. OTTINGER. Mr. Chairman, I ask unanimous consent to speak out of order for 5 minutes.

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

There was no objection.

Mr. OTTINGER. Mr. Chairman, last Thursday I offered the pending substitute amendment to strike out section 111, which section deals with application of copyright protection to CATV.

I offered my substitute striking section 111 primarily for two reasons: First, to head off an amendment by the gentleman from North Carolina [Mr. WHITENER], which would have had the undesirable effect of exempting all CATV from any copyright protection whatsoever; second, because of jurisdictional problems between my own committee, the Committee on Interstate and Foreign Commerce, and the Committee on the Judiciary.

After consultation with the two committees, the jurisdictional problem has now been worked out, as I understand it. The agreement that I believe has been arranged between the two committees provides that the Interstate and Foreign Commerce Committee will take up promptly the problem of regulation of CATV, referring the matter of copyright protection of CATV to the Committee on the Judiciary at that time. This will give an opportunity for the very excellent and intricate solution to the copyright coverage of CATV worked out by the gentleman from Wisconsin [Mr. KASTENMEIER] and the gentleman from New York [Mr. CELLER] to be considered.

If my amendment is adopted it will have the effect of leaving all CATV fully subject to copyright protection, with no exception whatsoever, under a recent decision of the Federal District Court of New York.

I want to make it clear that I do not believe this is the most desirable solution to the CATV copyright problem. It is unduly harsh in its effect on CATV under the New York court decision—and it leaves some uncertainty because the New York decision is subject to appeal.

I think the solution presented by the committee, under the able leadership of the gentleman from Wisconsin [Mr. KASTENMEIER], is a very excellent solution. It is complicated. I sympathize with the Members in their frustration in trying to work their way through the complications. Stripped or verbiage, however, the amendment provides essentially that CATV which merely amplifies a signal or which is for certain public uses will not be subject to copyright liability. CATV which introduces coverage to areas not covered or which is brought in to an area to compete with existing coverage will be subject to copyright protection.

Section 111 seems to me a sensible, well thought out compromise on copyright coverage of CATV. Especially with the amendments proposed by the gentleman from Wisconsin [Mr. KASTENMEIER], I think it would be the most desirable disposition of this question.

In view of the dangers of wholesale copyright exemption posed by the amendment of the gentleman from North Carolina [Mr. WHITENER], however, and in view of the agreement made between the Commerce and the Judiciary Committees, I think my amendment, deleting CATV altogether from this bill and leav-

ing its copyright coverage to the courts for the time being, is the best available disposition of the matter.

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

Mr. OTTINGER. I am glad to yield to the distinguished chairman of the Judiciary Committee, the dean of my delegation and of the House, the gentleman from New York.

Mr. CELLER. Mr. Chairman, the committee will accept the gentleman's amendment, the effect of which will be to strike out section 111. That action has been agreed upon as a result of conferences and negotiations that have been going on with the distinguished gentleman from West Virginia [Mr. STAGGERS], the chairman of the Committee on Interstate and Foreign Commerce.

There is of course some overlapping jurisdiction in this matter. The Committee on the Judiciary has jurisdiction over copyrights. The Committee on Interstate and Foreign Commerce has jurisdiction over regulation of communications like CATV and, discretion being the better part of valor, the members of the Committee on the Judiciary, who have been very active on this matter, deemed it advisable to yield to the Committee on Interstate and Foreign Commerce, and let the Committee on Interstate and Foreign Commerce continue its study of CATV. And the Committee on the Judiciary would have primary concern over copyrights and the Committee on Interstate and Foreign Commerce over regulation of CATV.

The gentleman from West Virginia and myself are in utter accord on this matter. We will work in tandem, and the committees will work in tandem so that we can work out an amicable solution to this matter, and thus do away with a rather vexatious and difficult controversy that has already arisen, and which my arise again unless this agreement is carried out.

It is my understanding that the gentleman from West Virginia will have no objection to the passage of the bill, and that he is in accord with this matter. I do hope the gentleman from West Virginia will express some words of accord along the lines I have uttered.

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

Mr. OTTINGER. I am glad to yield to my distinguished chairman of the Committee on Interstate and Foreign Commerce, the gentleman from West Virginia.

Mr. STAGGERS. In response to the words of the gentleman from New York, the chairman of the Committee on the Judiciary, I might say if the jurisdictional dispute is disposed of, I will vote for the bill.

If the CATV provision is brought up in our committee and the matter of copyrights is involved, it will go to the Committee on the Judiciary for their consideration.

I am very hopeful that the educational TV dispute will be resolved because I think it is a national issue and should be allowed to go nationwide without any limitation being put on it.

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

Mr. CELLER. Mr. Chairman, I ask unanimous consent that the gentlemen from New York [Mr. OTTINGER] may proceed for 5 additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. STAGGERS. Mr. Chairman, will the gentleman from New York yield further?

Mr. OTTINGER. I am glad to yield further.

Mr. STAGGERS. I think that the educational TV issue is of such importance that it should be allowed if necessary to proceed nationwide without being limited to any particular radius. It affects my children and the children of other Members of the Congress as well as all children in the United States, and certainly we do not want to limit it to any one area. That is are reason I am hopeful, that when it is finally resolved, there is not going to be a limitation put on educational TV within certain areas. I think the chairman of the full committee, the gentleman from New York [Mr. CELLER] has given me assurances that that is his intention. I believe that is right; is it not, may I ask the gentleman from New York?

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

Mr. OTTINGER. I am glad to yield.

Mr. CELLER. The latter statement just made by the distinguished gentleman from West Virginia is correct. I will cooperate with him on educational TV.

I want to express my gratitude for the forthright and statesmanlike manner in which the gentleman from West Virginia has embraced the suggestions that I have made so that we can get this matter amicably adjusted without too much difficulty.

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

Mr. OTTINGER. I am glad to yield to the distinguished ranking minority member of my committee, the Interstate and Foreign Commerce Committee, the gentleman from Illinois.

Mr. SPRINGER. I think the solution of this should have been the acceptance of the Kastenmeier amendments. Those were well thought out amendments. Four of them favored TV. Amendment No. 5 favored CATV. I believe it was the best compromise that could be had under the circumstances and I still believe the solution, as brought up by the gentleman from Wisconsin [Mr. KASTENMEIER], was correct, and I still think it is correct. However, if it is the will of this body to strike out section 111 altogether, we still have not settled the question of copyrights, and we have thrown CATV out the window for all present and practical purposes so far as the national problem is concerned.

Those of you who have heard me on the floor know that I have not been an advocate of CATV. I have had serious doubts and reservations as to what CATV can or ought to do. In some ways this takes us just as far in the other direction as the Whitener amendment did in giving CATV complete relief from any copyright law.

I think, with the gentleman from New York [Mr. OTTINGER], that the Kastenmeier amendments, if adopted, would have been a correct solution for this whole problem both as to TV and CATV. However, since this has been agreed to by the chairmen of the two committees, I will go along, but I still think that is not the best solution of the problem.

Mr. OTTINGER. I thank the distinguished gentleman from Illinois and I want to say he has expressed my feelings exactly. I think the best legislation would have been to adopt section 111 and the Kastenmeier amendments and handle future problems of this nature by agreement between the two committees.

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

Mr. OTTINGER. I yield to the gentleman.

Mr. RANDALL. Will you state your opinion on the parliamentary situation at this time? When the Committee of the Whole rose on Thursday, the Kastenmeier amendments had been offered. Your amendment was in the nature of a substitute. Now if your amendment or substitute is adopted, then all of section 111 will be struck out of H.R. 2512. Is that the situation, as you understand it?

Mr. OTTINGER. That is correct.

Mr. RANDALL. I am glad to hear this. I would have supported the Kastenmeier amendments because some of my radio stations have insisted the bill is objectionable without these changes. For my own part I have had some doubts about regulating TV, radio, and CATV in a copyright bill. There is a lot of merit to the bill, if section 111 can be removed. If the gentleman's substitute is adopted I can support the remainder of H.R. 2512. I congratulate the gentleman for his help and assistance.

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

Mr. OTTINGER. I am happy to yield to the gentleman from Illinois.

Mr. McCLORY. It is my understanding that if the substitute is adopted, the situation as far as copyright is concerned would be exactly where it is now, and under the court decision in United Artists Television, Inc. against Fortnightly Corp. there is a complete copyright liability of the CATV stations, including those that operate within the area of original transmission as well as those that operate beyond that area.

Mr. OTTINGER. That is my understanding of the decision of the Federal Court in New York, which is now subject to appeal. But as of now, the situation would be that CATV would be subject to copyright liability in all of its transmissions.

Mr. McCLORY. It is my further understanding that copyright liability is imposed by other sections of this bill relating to transmissions and retransmissions by television and CATV stations including section 100 and other sections of the bill.

Mr. OTTINGER. You are correct. Other sections of this bill would be applicable to CATV under the definitions of coverage set forth elsewhere in the bill.

Mr. McCLORY. Mr. Chairman, I move to strike out the last word.

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

Mr. McCLORY. Mr. Chairman, with further reference to the statement made by the gentlemen from New York [Mr. OTTINGER] and the gentleman from Illinois [Mr. SPRINGER], I want to reiterate my understanding that the deletion of section 111 from the bill H.R. 2512 continues the complication which exists with regard to the retransmission of television signals by Community antenna system—CATV. Under the case of *United Artists Television, Inc.* v. *Fortnight Corp.*, 255 F. Supp. 177, copyright liability exists with regard to all CATV transmissions whether serving the immediate area of the television station from which the program originally emanates or in some area beyond that normally served by such a station.

It is difficult for me to understand how the subject of copyright liability can be resolved by deferring jurisdiction to the Committee on Interstate and Foreign Commerce.

In my opinion, there has been no effort or intention on the part of the Judiciary Committee to involve itself in the subject of regulating television broadcasting or secondary transmission operations. The single subject with which the Judiciary Committee has sought to exercise jurisdiction was that respecting copyright liability including liability for royalties to copyright owners and licensees.

In my previous statements in support of the committee amendments offered by the gentleman from Wisconsin [Mr. KASTENMEIER], I endeavored to point out that section 111, as thus amended, would substantially resolve the subject of copyright liability as between copyright owners and licensees on the one hand and those making a secondary transmission of the copyrighted work. Notwithstanding that the subject of regulating CATV operations will now be considered by the Interstate and Foreign Commerce Committee, I hope and expect that the Judiciary Committee will again consider as a separate item the subject of copyright liability of CATV operators.

Section 106 of the bill H.R. 2512 covers televising by original transmission as well as by community antenna systems of copyrighted material. Such television operations are subject to this and other provisions of the bill.

Any relief from liability as provided in this bill or as directed in the case cited will have to come from additional legislation.

In my opinion the decision to delete section 111 will have the effect of postponing the action that could have and should have been taken by retaining section 111 in the bill. I regret the possible hardship which may result from the action of the House in deleting section 111 at this time. I hope it is restored in substantially the same form very soon.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. KASTENMEIER].

Mr. OTTINGER. Mr. Chairman, a point of order.

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

Mr. OTTINGER. I believe the vote should be on my substitute rather than on the amendment offered by the gentleman from Wisconsin [Mr. KASTENMEIER].

The CHAIRMAN. The gentleman took the floor and asked unanimous consent to withdraw his substitute.

Mr. OTTINGER. I did not, Mr. Chairman.

The CHAIRMAN. I asked if there was any objection, and no objection was raised.

Mr. OTTINGER. No; I asked unanimous consent to speak out of order.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from New York [Mr. OTTINGER].

The amendment was agreed to.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Wisconsin [Mr. KASTENMEIER], as amended by the substitute offered by the gentleman from New York [Mr. OTTINGER].

The amendments, as amended, were agreed to.

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLER of California: On page 19, line 27, strike out all of section 116 and insert:

"§ 116. Scope of exclusive rights in nondramatic musical works: Public performances by means of coin-operated phonorecord players.

"(a) LIMITATIONS ON EXCLUSIVE RIGHT.—In the case of a nondramatic musical work embodied in a phonorecord, the exclusive right under clause (4) of section 106 to perform the work publicly by means of a coin-operated phonorecord player is limited as follows:

"(1) The proprietor of the establishment in which the public performance takes place is not liable for infringement with respect to such public performance unless:

"(A) he is the operator of the phonorecord player; or

"(B) he refuses or fails, within one month after receipt by registered or certified mail of a request, at a time during which the certificate required by subclause (1)(A) of subsection (b) is not affixed to the phonorecord player, by the copyright owner, to make full disclosure, by registered or certified mail, of the identity of the operator of the phonorecord player.

"(2) The operator of the coin-operated phonorecord player may obtain a compulsory license to perform the work publicly on that phonorecord player by filing the application, affixing the certificate, and paying the royalties provided by subsection (b).

"(b) RECORDATION OF COIN-OPERATED PHONORECORD PLAYER, AFFIXATION OF CERTIFICATE, AND ROYALTY PAYABLE UNDER COMPULSORY LICENSE.—

"(1) Any operator who wishes to obtain a compulsory license for the public performance of nondramatic musical works on a coin-operated phonorecord player shall fulfill the following requirements:

"(A) Before or within one month after such performances are made available on a particular phonorecord player, and during the month of January in each succeeding year that such performances are made available in that particular phonorecord player, he shall file in the Copyright Office, in accordance with requirements that the Register of Copyrights shall prescribe by regulation, an application containing the name and address of the operator of the phonorecord player and the manufacturer and serial number or other explicit identification of the phonorecord player, and he shall deposit with the Register of Copyrights a royalty fee for the current calendar year of eight dollars for that particular phonorecord player.

"(B) Within ten days of receipt of an application and a royalty fee pursuant to subclause (A), the Register of Copyrights shall issue to the applicant a certificate for the phonorecord player.

"(C) The operator shall affix to the particular phonorecord player, in a position where it can be readily examined by the public, the certificate, issued by the Register of Copyrights under subclause (B), of the latest application made by him under subclause (A) of this clause with respect to that phonorecord player.

"(2) Failure to file the application, to affix the certificate or to pay the royalty required by clause (1) of this subsection renders the public performance actionable as an act of infringement under section 501 and fully subject to the remedies provided by section 502 through 506.

"(c) DISTRIBUTION OF ROYALTIES.—

"(1) After the first day of January in each year, the Register of Copyrights shall file an action in the nature of an interpleader with the United States District Court for the District of Columbia and shall turn over to the court the royalty fees deposited with the Register during the preceding year, for the purpose of having the court distribute them. The court shall distribute the royalty fees to copyright owners or their agents asserting claims thereto within the period of time to be fixed by the court, as follows:

"(A) To every copyright owner not affiliated with a performing rights society the court shall distribute the pro rata share of the deposited royalty fees to which such copyright owner proves his entitlement; and

"(B) To the performing rights societies the court shall distribute the remainder of the deposited royalty fees in such pro rata shares as they shall by agreement stipulate among themselves, or, if they fail to agree, the pro rata shares to which such performing rights societies prove their entitlement.

"(2) Upon the filing of the interpleader and the turning over of the deposited royalty fees to the court, the Register of Copyrights shall be discharged from any further responsibility with respect to the collection, holding, and distributing of the royalty fees for the year for which the interpleader was filed.

"(3) With respect to the collection, holding, and distributing of the deposited royalty fees, the Register of Copyrights shall be a passive trustee, whose sole functions are to receive applications, issue certificates, receive deposited royalty fees, and turn the royalty fees over to the court in accordance with clauses (1) and (2), and to prescribe regulations relating to these functions.

"(d) CRIMINAL PENALTIES.—Any person who knowingly makes a false representation of a material fact in an application filed under clause (1)(A) of subsection (b), or who knowingly alters a certificate issued under clause (1)(B) of subsection (b) or knowingly affixes such a certificate to a phonorecord player other than the one it covers, shall be fined not more than $2,500.

"(e) DEFINITIONS.—As used in this section, the following terms and their variant forms mean the following:

"(1) a 'coin-operated phonorecord player' is a machine or device that:

"(A) is employed solely for the performance of non-dramatic musical works by means of phonorecords upon being activated by insertion of a coin;

"(B) is located in an establishment making no direct or indirect charge for admission;

"(C) is accompanied by a list of the titles of all the musical works available for performance on it, which list is affixed to the

phonorecord player or posted in the establishment in a prominent position where it can be readily examined by the public; and

"(D) affords a choice of works available for performance and permits the choice to be made by the patrons of the establishment in which it is located.

"(2) An 'operator' is any person who, alone or jointly with others:

"(A) owns a coin-operated phonorecord player; or

"(B) has the power to make a coin-operated phonorecord player available for placement in an estabilshment for purposes of public performance; or

"(C) has the power to exercise primary control over the selection of the musical works made available for public performance in a coin-operated phonorecord player.

"(3) A 'performing rights society' is an association or corporation that licenses the public performance of nondramatic musical works on behalf of the copyright owners, such as the American Society of Composers, Authors and Publishers, Broadcast Music, Inc., and SESAC, Inc."

Mr. KASTENMEIER. Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD.

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

Mr. ROGERS of Colorado. Mr. Chairman, reserving the right to object, as I understand it, this is the amendment which has been discussed and which would change section 116 very materially, and that the chairman of the committee, the gentleman from Wisconsin, [Mr. KASTENMEIER], and the gentleman from California [Mr. MILLER] are in a position to answer questions that might be asked in connection with the amendment? Is that correct?

Mr. KASTENMEIER. That is my understanding.

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

There was no objection.

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

Mr. MILLER of California. I yield to the chairman of the committee.

Mr. CELLER. The committee will accept the amendment offered by the gentleman from California as just read.

Mr. MILLER of California. Mr. Chairman, I may say that this is a compromise, as has been stated, which is acceptable to all the parties in contention. I hope it will carry.

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

Mr. MILLER of California. I yield to the gentleman from Virginia.

Mr. POFF. Mr. Chairman, speaking individually, I will accede to the amendment offered by the gentlemen from California. I suppose, as indicated earlier today, that each of us would handle this problem somewhat differently. Yet, I believe, from all I have learned, that this represents a middle ground to resolve the basis of the controversy. After all, the primary purpose of the Judiciary Committee from the very beginning simply was to persuade the parties in interest to come to an accord. The amendment that the gentleman has offered represents the reaching of that accord.

Mr. MILLER of California. Mr. Chairman, I may say that this represents a matters which has been in contention for over 20 years. We had come to an impasse. I do not personally like it, but it is the best we can do. It does represent a compromise. Each side has given in. I believe in fairness to all concerned we can accept the amendment.

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

Mr. MILLER of California. I yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. Mr. Chairman, I would like to underline what the gentleman from Virginia has said. This is really an historic moment in this particular controversy, because this is the first time that the major parties to this dispute have ever agreed, even though somewhat reluctantly. I would furthermore state that I believe the public interest is represented in the amendment. Therefore I support it.

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

Mr. MILLER of California. I yield to the gentleman from West Virginia.

Mr. MOORE. Mr. Chairman, do I understand that in its most simple terms the basis of this amendment just read is the coin-operated music box operators are relieved, in this particular form, of the recordkeeping that the present language before us envisions, and that substantially there has been an agreement as to the dollar amount per box per year? Do I understand further that this amendment contemplates that agreed sums of money would be paid to the Copyright Office rather than responsibility for distribution for the same being upon the owner of the coin-operated machines?

Mr. MILLER of California. That is as I understand it.

Mr. MOORE. Mr. Chairman, I support the gentleman's agreement and compliment the members of the committee for reaching a compromise in this instance.

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

Mr. MILLER of California. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. Mr. Chairman, I understand the gentleman's amendment is that all of the present section 116, beginning on page 19 and continuing down through part of page 23, will be stricken, and that we are substituting for it the amendment of the gentleman, by which we get away from the idea that every jukebox operator must file a report each year with the Copyright Office. I understand that the amendment of the gentleman provides, in effect, that during the first 30 days of each year, that is, January of each year, each jukebox operator should apply to the Copyright Office and there pay a fee of $8 per box for that particular year, that the jukebox operator then would receive a certificate from the Copyright Office, and that the certificate should then be placed in the jukebox.

Mr. MILLER of California. That is correct.

Mr. ROGERS of Colorado. And that the ASCAP, the BMI, or other performance rights societies or enforcement agencies would not be in a position to demand or collect from the jukebox operator save and except for that $8 that he paid once?

Mr. MILLER of California. That is correct.

Mr. ROGERS of Colorado. I would like to go one step further and direct a question to the chairman of our committee.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 3 additional minutes.)

Mr. ROGERS of Colorado. In order to make this absolutely clear, I point out that I do not want the U.S. Government paying for this.

There is a provision on page 4 of this amendment which says, with respect to the collection, holding, and distribution of the deposited royalty fee, that the Register of Copyrights shall be a passive trustee. In other words, he will receive the money, and then he will interplead and file it in the district court in the District of Columbia.

My question to the chairman of the committee is: Does the passive trustee have the right to reimburse himself for all expenses in connection with the collection of this money?

Mr. CELLER. I will say to the gentleman that the passive trustee; namely, the Register of Copyrights, merely acts as a conduit to receive the funds and to pass them on to the song writers, authors, poets, dramatists, or their representatives in the performing rights societies. There is no expense whatsoever to the Office of the Register of Copyrights. The Government does not have to stand any of the expenses involved in the operations of the Register of Copyrights when he receives and disburses these funds.

Mr. ROGERS of Colorado. In other words, when he does receive them, or if there should be any expense in connection with it, he will have the right, as the gentleman would interpret it, as a passive trustee, to there collect the necessary funds so that we would not have to appropriate through action of the Congress of the United States this money to carry out the duties and responsibilities.

Mr. CELLER. That is my understanding.

Mr. ROGERS of Colorado. I thank the gentleman.

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

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

Mr. HUNGATE. Mr. Chairman, the debate on H.R. 2512, the general revision of the copyright bill, has been accompanied by much misunderstanding. A great deal of this has centered around section 116, the so-called jukebox provision, which amends the 1909 copyright law to provide that recordings played in jukeboxes make certain payment to the copyright owner.

Section 116 penalizes no one; it places no one in an unfair position. In simple

truth, what it does is to place jukebox owners in a more favorable position than many others who use copyrighted material for profit. It simply provides that when a jukebox owner and operator makes money from a record of a copyrighted song, he may have a statutory license to play that song on paying $8 to the copyright owner for each 12-month period that the record of the song is in the box. All others who use copyrighted music—ballroom owners, wired music operators, restaurants, tavern and others—have negotiated rates with copyright owners in the usual way.

Jukebox operators make money from the use of music. They have had a free ride since 1909. They have also done much to improve the choice and quality of the music available to the public. This bill would require them to pay a certain royalty for the use of that music. They might negotiate for a lesser royalty. This new section does not determine whether payment should be made in the case of good music and not in the case of bad music. Congress should not be in a position to legislate on public taste.

Finally, section 116 places the jukebox operator in a more favorable position than other users by giving him a choice of a statutory rate or a negotiated royalty, at the operator's option.

The section as now written eliminates the burdensome bookkeeping formerly proposed, and I urge acceptance of 116, as amended, and passage of this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. MILLER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GROSS

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

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 7, strike all of lines 24, 25 and 26.

Mr. GROSS. Mr. Chairman, I take this time and I offer an amendment in an effort to find out just why this provision is in the bill. In the general debate and thereafter last Thursday I tried to find out why the United Nations and the Organization of American States would be written into this bill. Up to this point I have not been able to get an answer to the question.

I would appreciate it if someone conversant with this bill would tell me why the United Nations is being dragged in by the ears, into this legislation and into the law?

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

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

Mr. KASTENMEIER. I believe, as I stated on last Thursday, the reason is that we are obligated to do so under the Universal Copyright Convention, of which the United States is a member.

Mr. GROSS. You say we are obligated to recognize the United Nations and the Organization of American States. Why are we obligated?

Mr. KASTENMEIER. Well, I cannot answer the gentleman as to why we have undertaken those obligations, but I assume that all signatories to the Universal Copyright Convention determined that it was desirable to recognize copyrights in the United Nations for this purpose.

Mr. GROSS. Suppose the United Nations or the Organization of American States gets out of line insofar as this law is concerned. How would any individual have any redress against the United Nations or the OAS? How would anyone go about suing either organization in American courts? Somebody help me out with this procedure, please.

Mr. KASTENMEIER. If I may respond further to the gentleman?

Mr. GROSS. Yes.

Mr. KASTENMEIER. It is not a question of redress against the United Nations but a question of protection of the United Nations' rights in copyright.

Mr. GROSS. How would you go about obtaining redress with respect to the United Nations?

Mr. KASTENMEIER. All we do, may I say to the gentleman from Iowa, is to protect their copyrights. An individual in the United States has no occasion to have redress against the United Nations in this connection.

Mr. GROSS. You must impose some obligation on the United Nations. You say you are obligated to go to them, so you must impose some kind of obligation or responsibility on that organization. What is it? I still do not understand what you are out to do here.

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

Mr. GROSS. I will be glad to yield to the gentleman.

Mr. HUTCHINSON. The subsection to which the gentleman refers sets forth those types of situations in which an individual or an organization or whatnot can apply for copyright to the United States. In other words, if one of the authors is a national or a domiciliary of the United States or if he lives in a foreign country that is a party to a copyright treaty, why, then he can make application for American copyright; if that work is first published in the United States or in a foreign nation where there was a membership in the Universal Copyright Convention; or, third, if the work is first published by the United Nations, the application then can be made to the United States for copyright. Now, these applications for copyright would not be treated any differently if it were working through the United Nations than if it were an American author or any other author who was empowered under this law to make application for copyright.

Mr. GROSS. But the point is why is it not suggested that they be a member of the Universal Copyright Convention? Why should they not be a member of the Universal Copyright Convention if they want to protect a copyright?

The CHAIRMAN. The time of the gentleman has expired.

Mr. GROSS. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

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

There was no objection.

Mr. GROSS. Why should they not become a member of the established national convention?

Mr. HUTCHINSON. There are some 22 nations, I think, who are members of the Universal Copyright Convention. Then there is another copyright convention—I think it is called the Bern Convention—of which the United States is not yet a party. So if you were going to restrict membership in the Universal Copyright Convention in order to get an American copyright, it would be quite narrow in scope. The point is, I suppose, that if a work can be copyrighted in the United States, there will be an assurance that it can be distributed in the United States and will be distributed in the United States under the protection of law. If the gentleman is of the opinion that a wide distribution of printed works is beneficial to the American culture and to all American citizens, I would not know why he should object to having it subject to distribution in the United States.

Mr. GROSS. Does the gentleman mean the United Nations? Does the gentleman mean through the United Nations?

Mr. HUTCHINSON. Mr. Chairman, if the gentleman from Iowa will yield further; no, it is not distributed through the United Nations. I mean to say the copyright granted is the copyright granted by the United States to a work which comes through the United Nations.

Mr. BINGHAM. Mr. Chairman, will the distinguished gentleman from Iowa yield to me for just one moment?

Mr. GROSS. Yes, I yield to the gentleman from New York.

Mr. BINGHAM. Mr. Chairman, I thank the gentleman from Iowa for yielding.

Mr. Chairman, I am reluctant to enter into this discussion, because I am not an expert with reference to copyrights and copyright law pertaining thereto. However, I do know something about the United Nations. But with respect to the question of the gentleman from Iowa [Mr. GROSS] as to whether the United Nations should become a party to the Universal Copyright Convention, I should say that the United Nations is not authorized to enter into any treaty and it cannot become a party to any convention as such.

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

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

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

There was no objection.

Mr. GROSS. I was suggesting that nations desiring to have any benefits that may flow from this legislation become members of the Universal Copyright Convention, eliminating any necessity for getting into the United Nations with this thing, with the uncertainty that seems to me to be apparent.

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

Mr. GROSS. Yes, I yield further to the gentleman from New York.

Mr. BINGHAM. Mr. Chairman, as I understand the purpose of this subsection, it is to give to the United Nations and its specialized agencies, as well as to the Organization of American States, the right to copyright works that it produces. That is the only purpose of this subsection, as I read it.

Mr. GROSS. Well, Mr. Chairman, we are back where we started. I do not know of any reason why we should do that, and I urge the adoption of my amendment.

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

Mr. Chairman, I take this time in order to further the colloquy of the gentleman from Iowa [Mr. GROSS].

I hold in my hand an amendment which I have prepared which, if adopted, would also strike everything on page 7 after line 24 through line 2 of page 8. This would include, of course, both subsections 3 and 4—these words dealing with the United Nations and the words dealing with the area of Presidential proclamation.

Mr. Chairman, my basis for including both of these subsections of the main section 101 under the title, "Subject Matter of Copyright: National Origin," is simply to portray the situation as the gentleman who just preceded me in the well of the House, the gentleman from Iowa [Mr. GROSS], has well established.

Mr. Chairman, I understand that there is, perhaps, an area of reciprocity here and that there is involved the question of the subagencies, by virtue of the colloquy of the gentleman from Michigan [Mr. HUTCHINSON], to the effect that it must come out of the United Nations and be published through the United Nations or one of its specialized agencies. In other words, Mr. Chairman, there appears to be some reciprocity involved here.

Mr. Chairman, I would be very well satisfied with the legislative record established on that point pertaining to subparagraph (3). But I wonder whether in subparagraph (4), wherein it deals with the scope of Presidential proclamation, both unpublished and published works, as I read this legislation, if we are not relieving ourselves of legislative authority and if we are not engaging in the same old tactic of granting to the Executive additional authority?

Mr. Chairman, I wonder if the gentleman from Michigan, or if the gentleman who has chaired the subcommittee, would care to comment at this time upon that question—before I actually submit the amendment—as to whether the entirety of sections (3) and (4) should not be striken before this bill comes up for final passage?

Mr. KASTENMEIER. Mr. Chairman, I am sorry, but I did not hear the gentleman's question.

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

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

Mr. HUTCHINSON. Mr. Chairman, I would invite the attention of the gentleman to page 20 of the report, where the issue of Presidential proclamations is discussed. It will be noted that the present language of the section is considerably narrower than the bill was as originally introduced. As introduced originally, the bill, that is to say, its predecessor in the previous Congress, H.R. 4347, would have allowed the issuance of Presidential proclamations whenever the President found it to be in the national interest, even though the particular country did not grant equivalent protection to works of American authors.

We felt that went altogether too far and the language in the present bill, as the gentleman knows, is considerably narrower. It suggests something very close to the equivalent of reciprocity. It says that there must be a finding by the President that a particular country covered by his proclamation extends protection to the U.S. authority. The thinking behind this—if the gentleman will yield further—is that there should be an area of encouragement to so-called emerging nations, and there are some so-called emerging nations who do not have the refinements of copyright in all of its ramifications as they have been developed in established nations. So it was thought that the President should be permitted by proclamation to deal with those situations.

As I say, originally all he did, or had to do, was to determine that he thought it was in our national interest. We thought that went too far, and the bill now includes reciprocity.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. HALL was permitted to proceed for an additional 2 minutes.)

Mr. HALL. Mr. Chairman, I appreciate the committee's action, and the explanation of the gentleman from Michigan. I am not very much impressed by such statements that we should act before the fact in the case of emerging nations, who have not proved their responsibility. I think perhaps we have done that too much in foreign aid, and in many other areas, but I realize that is a personal opinion, and does not necessarily deal with copyright.

I believe the question still stands of joining the universal copyright convention, that this certainly would not take care of the situation because certainly the country could be vamped into that situation as soon as they gained the first essence of responsibility.

Do I understand the gentleman from Michigan to say that the President would provide the Congress with a certificate of necessity, or the proper agency with a certificate of necessity, before the proclamation involving extending protection of the copyright act under this title as it is rewritten?

Mr. HUTCHINSON. Will the gentleman yield?

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

Mr. HUTCHINSON. There would have to be a finding by the President that with regard to the protection which he was extending there was a reciprocity of a sort with the other country.

Mr. HALL. Is the finding submitted to the Congress, or the certificate of necessity—and let us not indulge in a question of semantics, but is the finding submitted to the Congress, the finding or certificate of necessity?

Mr. HUTCHINSON. Of course, it is an Executive determination as to whether there is a protection in the nature of a reciprocity. I do not believe there is any requirement on the basis that it requires the President to report to the Congress, either before or after the fact.

Mr. HALL. In other words, the President just certifies to himself that there is a necessity, or that there is a finding that he should extend this copyright privilege to other nationals?

Mr. HUTCHINSON. The bill provides that the President would issue his proclamation. This would be published in the Federal Register. The Register of Copyrights would take notice of the proclamation. It is likely that the President would counsel with the Register of Copyright before issuing a proclamation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. EDWARDS of California. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would suggest that this amendment be voted down.

It certainly is very logical that a work published by the U.N. or its specialized agencies or by the OAS should receive the protection of the copyright act. Also section 4 should not be eliminated. It protects and it adopts the principle of national treatment. The President is authorized to issue these proclamations if he finds that a particular country extends protection to United States works on substantially the same basis as it does in its own country.

So I urge that the Committee resist the amendment.

Mr. COLLIER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I do so only because of the colloquy thus far has failed to clarify the situation.

The section of the bill to which the amendment is directed is not clear to me and I do not know how it could be clear to many Members of the House.

For this reason, let me ask a question: what type of production or publication are we talking about that would emanate from the U.N. which would be eligible for a copyright? Are we talking about a report of a particular agency? What is the nature of the types of works that would be eligible for a copyright protection under this provision?

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I yield to the gentleman.

Mr. EDWARDS of California. I would presume that any printed document, or a movie or a series of slides would receive protection under the bill.

I think, and I would suggest, that the U.N. should be and is entitled to this kind of protection for work that it might have expended time and money on.

Mr. COLLIER. What would be the purpose of producing this work if it

were not as part of the announced purpose of the United Nations that would be in general circulation?

Mr. EDWARDS of California. It could be in furtherance of some of its activities such as UNESCO, the children's fund, or something like that.

Mr. COLLIER. In that instance, might I suggest that the latest figures that I have been able to gather are that the production of anything of this nature through the United Nations would be financed to the extent of 47 cents on the dollar by the taxpayers of the United States, and now we are going to use funds that were so provided and in granting the U.N. the right to secure a copyright from which they would receive such benefits as would accrue therefrom. This is the very point I am trying to get squared away.

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

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

Mr. BINGHAM. I would presume that any document published by the United Nations on which it might claim a copyright would be a document that would be offered for sale and to the extent that it was offered for sale, it would reduce the demands on the contributing nations to the United Nations.

I would also just like to comment in passing that the proportion of the United Nations budget that is contributed by this country is less than one-third, and not the figure that the gentleman has mentioned. But the gentleman is correct that most of the documents published by the United Nations are published gratis and they are not copyrighted. Personally I have never seen a document published by the United Nations on which it would claim a copyright. But I would imagine the only purpose in doing so would be to protect the right on a document that is offered for sale and thereby reduce the deficit that might be contributed by the member nations.

Mr. COLLIER. Of course, this is the first time the U.N. has been covered by this law to my knowledge. If I am incorrect in that statement, I stand to be corrected.

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

Mr. COLLIER. I yield to the gentleman.

Mr. KASTENMEIER. The United Nations was not in existence in 1909 which was the year of the last general revision of the copyright laws.

Mr. COLLIER. The fact that the United Nations was not in existence in 1909 would not foreclose any country from coverage under this proposal by international reciprocal agreement. There are publishing companies that were not in existence in 1909 that are covered by the copyright laws.

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

Mr. COLLIER. I am delighted to yield to the gentleman from New York.

Mr. BINGHAM. The only purpose for denying the United Nations the right to copyright where it chooses to exercise the right would be to prevent it from ever offering any publication for sale, and thereby reducing its financial income.

Mr. COLLIER. That is not clear to me. You say they could not offer it for sale. Certainly they could offer it for sale without necessarily being protected under the copyright law.

Mr. BINGHAM. If the gentleman will yield further, the whole purpose of copyright law, as I understand, is to protect the property in something that is offered for sale. If you are putting out documents gratis, there is no purpose in the copyright. In fact, that is not the United Nations' practice.

Mr. COLLIER. Well, it could be.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GROSS].

The amendment was rejected.

AMENDMENT OFFERED BY MR. DINGELL

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

The Clerk read as follows:

Amendment offered by Mr. DINGELL: On page 4, line 6, strike the words "illustrative and not".

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

Mr. DINGELL. Mr. Chairman, the function of my amendment is a very clear and a very simple one. From a reading of the language of the amendment and also from a reference to the legislation concerned, it is plain that the purpose of the amendment is to make it clear that copyright protection is only extended to those writings which the Congress intends to protect.

Under the language now contained in H.R. 2512, a blank check is given to protect every possible way in which an author may protect himself and express himself. Without this amendment the clear implication is given that the subject matter of copyright is for all intents and purposes unlimited.

I believe that when we set forth the things which the committee and the Congress intends to protect, we should set forth those matters very clearly; matters subject to a copyright should be well defined. I wish to make plain that it is not my attempt to unduly crimp the bill. It is not my intent to unduly interfere with an author having the benefit of the broad use of the copyright statute. But I believe that we should not go so far as to say, as it states on page 4, that the kind of works authorized to be copyrighted are illustrative and not limited. That means that the right to copyright is literally so broad and so undeterminative that not only will it create problems within the community of authors, within the community of poets, within the community of users of the copyright, but it will also create tremendous problems in terms of administration and in terms of litigation.

I believe if we intend to set out fairly what we do today, we should define with sufficient precision the responsibility which will be cast upon the Copyright Office, and that we should assure that the responsibilities assigned to the Copyright Office will be clear.

I believe that we should also make it very clear that the authors will know the kind of works which they can copyright, and that authors might understand with equal clarity those things which are not subject to copyright.

I can see no reason why it is necessary to impose upon the authors, upon the writers, upon the publishers, upon the producers of the records and of moving pictures such broad and such vague language that literally no one can understand precisely what is encompassed by the legislation.

I would point out that the fact that the language is as broad as it is makes possible an enormous amount of litigation which will affect the copyright office, which conceivably will cause mischief within the learned community for years and years to come.

Lastly, I would point out that the types of devices subjected—and I would refer the committee to page 6—to the copyright include literary works; musical works, including any accompanying words; dramatic works, including any accompanying music; pantomimes and choreographic works; pictorial, graphic, and sculptural works; motion pictures and other audiovisual works; and sound recordings.

Certainly the committee has defined these devices with such clarity that it is not necessary to broaden further the requirements of law by making a statute—on which the committe has labored so long—so vague and so difficult to understand.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

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

Mr. CORMAN. Mr. Chairman, I would ask the gentleman if he can give us an illustration of what would be protected under the existing language that would not be protected after his amendment would be adopted?

Mr. DINGELL. I have not the vaguest idea, but I believe this is such bad draftsmanship that this is an open question. I say that the language this amendment strikes at is sufficiently mischievous that it should be removed. It casts doubt and ambiguity, and I do not believe the committee intended to do that.

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

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

Mr. HUTCHINSON. Mr. Chairman, I invite the attention of the gentleman to section 107 on page 8 of the bill, which has to do with the concept of fair use, the fair use of a copyrighted work including such use by reproduction in copies or phonorecords.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. HUTCHINSON, and by unanimous consent, Mr. DINGELL was allowed to proceed for 2 additional minutes.)

Mr. HUTCHINSON. Mr. Chairman, I invite the attention of the gentleman to the fact that if his amendment is adopted, it is really going to limit the concept of fair use much further than he would intend, because, if he will direct his attention to section 107, he will see that if this is to be limited and not illus-

trative, but only limited, he is going to make it much more difficult for a fair use of a work either by a scholar or a teacher or a student, or anyone else.

Mr. DINGELL. The gentleman has made a statement, but I must confess his statement to me at least at this point in the proceedings is as vague as the language in the bill that I am seeking to perfect, that I wish he would give me a little more information as to exactly what he does mean.

Mr. HUTCHINSON. Mr. Chairman, does the gentleman understand the concept of fair use?

Mr. DINGELL. Yes; I understand that.

Mr. HUTCHINSON. All right. Then in defining the elements of fair use in section 107, the bill says it shall include such use by reproduction in copies or phonorecords for purposes such as criticism, comment, news reporting, teaching, scholarship, or research. The gentleman would suggest that those terms are limiting only. We, in the bill and throughout the whole structure of the bill, say these terms are illustrative and we do not intend to limit them, so there can be a breadth to the concept of fair use rather than a narrowing of it.

Mr. DINGELL. I have no objection to broadening the fair use, but I would point out to the gentleman from Michigan, the language of the committee bill has made it very doubtful as to precisely what is subject to copyright by making it illustrative and not limited. Further, I would point out to the gentleman that we should not be engaged in writing legislation on a basis where any word in the bill applies, "among other things" to the subject discussed.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Michigan [Mr. DINGELL].

The amendment was rejected.

AMENDMENT OFFERED BY MR. SISK

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

The Clerk read as follows:

Amendment offered by Mr. SISK: On page 9, line 31, strike out section 110 and insert in lieu thereof the following:

§ "110. Limitations on exclusive rights: Exemption of certain performances and displays

"Notwithstanding the provisions of section 106, the following are not infringements of copyright:

"(1) performance or display of a work by instructors or pupils in the course of face-to-face teaching activities of a nonprofit educational institution, in a classroom or similar place devoted to instruction, unless, in the case of a motion picture or other audiovisual work, the performance is given by means of a copy that was not lawfully made under this title and that the person responsible for the performance knew or had reason to believe was not lawfully made;

"(2) performance of a nondramatic literary or musical work, or display of a work, by or in the course of a transmission by a governmental body or other nonprofit organization, if:

"(A) the performance or display is a regular part of the systematic instructional activities of a governmental body or a nonprofit educational institution; and

"(B) the transmisison is made primarily for:

"(i) reception in classrooms or similar places normally devoted to instruction, or

"(ii) reception by persons to whom the transmission is directed because their disabilities or other special circumstances prevent their attendance in classrooms or similar places normally devoted to instruction, or

"(iii) reception by officers or employees of governmental bodies as a part of their official duties or employment;

"(C) the time and content of the transmission are controlled by the transmitting organization and do not depend on a choice by individual recipients in activating transmission from an information storage and retrieval system or any similar device, machine, or process;

"(3) performance of a nondramatic literary or musical work or of a dramatico-musical work of a religious nature, or display of a work, in the course of services at a place of worship or other religious assembly;

"(4) performance of a nondramatic literary or musical work, otherwise than in a transmission to the public, without any purpose of direct or indirect commercial advantage and without payment of any fee or other compensation for the performance to any of its performers, promoters, or organizers, if:

"(A) there is no direct or indirect admission charge, or

"(B) the proceeds, after deducting the reasonable costs of producing the performance, are used exclusively for educational, religious, or charitable purposes, and not for private financial gain, except where the copyright owner has served notice of his objections to the performance under the following conditions:

"(i) the notice shall be in writing and signed by the copyright owner or his duly authorized agent; and

"(ii) the notice shall be served on the person responsible for the performance at least seven days before the date of the performance, and shall state the reasons for his objections; and

"(iii) the notice shall comply, in form, content, and manner of service, with requirements that the Register of Copyrights shall prescribe by regulation;

"(5) communication of a transmission embodying a performance or display of a work by the public reception of the transmission on a single receiving apparatus of a kind commonly used in private homes, unless:

"(A) a direct charge is made to see or hear the transmission; or

"(B) the transmission thus received is further transmitted to the public;

"(6) performance of a nondramatic musical work, without any purpose of direct or indirect commercial advantage, by a governmental body or a nonprofit agricultural or horticultural organization in the course of its conduct of an annual agricultural or horticultural fair or exhibition whose duration does not exceed sixteen days."

Mr. SISK. Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

Mr. GERALD R. FORD. Mr. Chairman, I rise only to reserve the right to object or to make a point of order against the amendment—and I do not intend to object—because, if my previous conversations with the gentleman from California are correct, it is my understanding that this amendment is in conformity with the agreement or the arrangement that has been worked out by the managers of the bill. If that assurance is given, I certainly will withdraw my reservation on point of order.

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

Mr. GERALD R. FORD. I am glad to yield to the gentleman.

Mr. KASTENMEIER. The understanding of the gentleman from Michigan is correct.

Mr. GERALD R. FORD. Mr. Chairman, I withdraw my reservation on point of order.

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

Mr. BATTIN. Mr. Chairman, reserving the right to object, may I ask the gentleman from California if, within the amendment he is now proposing, there is the language I suggested on Thursday last dealing with county fairs and the operation of a fair by a county on an annual basis?

Mr. SISK. If the gentleman will yield, under his reservation, I might say that is included in the present language which would be substituted for the language to be stricken.

Mr. BATTIN. Further reserving the right to object, Mr. Chairman, may I inquire of the gentleman from Wisconsin as to whether, in working out the language, the language which he and I discussed on Thursday last is similar to or identical with the language offered in the amendment of the gentleman from California?

Mr. KASTENMEIER. Mr. Chairman, if the gentleman from Montana will yield, I say to the gentleman that it is identical.

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

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

Mr. WRIGHT. Mr. Chairman, reserving the right to object, may I further ask the gentleman from California, with respect to the question just answered, a question concerning agricultural and horticultural expositions. Those also are included, are they not?

Mr. SISK. If the gentleman will yield, they are included in the language which has been under discussion. It is further my understanding that this is identical with the language which was proposed to be offered, I believe by the gentleman from Wisconsin [Mr. KASTENMEIER], or by some other member of the committee, on Thursday last.

Mr. WRIGHT. Mr. Chairman, further reserving the right to object, I believe the gentleman from California is familiar with the Southwestern Exposition and Fat Stock Show at Fort Worth. There are similar livestock shows throughout the country. Does the gentleman understand that these would come under the provisions for exemption of agricultural and horticultural expositions?

Mr. SISK. It is my understanding that was the intent of the language. If the gentleman wishes to yield to the gentleman from Wisconsin, he might care to comment.

Mr. KASTENMEIER. If the gentle-

man will yield, it is my understanding, and the understanding of the committee, that the type of exposition affair the gentleman describes would be covered under this amendment.

Mr. WRIGHT. I thank the gentleman.

Mr. Chairman, I withdraw my reservation.

The CHAIRMAN. Is there objection to the request of the gentleman from California that the amendment be considered as read and printed in the RECORD?

There was no objection.

Mr. SISK. Mr. Chairman, as we all know, things became a little confused last Thursday. In fact, a great many of us sought on Wednesday last to have a bit more time to discuss and consider some of the controversial sections of this bill. Fortunately, we have had some 3 or 4 days, over the weekend, to try to perfect some of the language.

Today, the simple purpose of the amendment which I have offered is to strike out the language which was inserted in my substitute on Thursday last and to restore to the bill all of the language now included in the bill under section 110 with the exception of (B) on page 10, reading thus:

(B) the radius of the area normally encompassed by the transmission is no more than one hundred miles; and

That language is stricken from the substitute which I am now offering.

In addition to the existing language in the bill, we are offering as (6) on page 11 the language in connection with the so-called county fair amendment.

Now, in its most elementary form, that is exactly what we propose to do. Again I want to say that I wish to commend the Committee on the Judiciary and particularly the gentleman from Wisconsin, [Mr. KASTENMEIER], and the gentleman from Virginia, [Mr. POFF], on the long, hard work they have done on this bill. Some of us were somewhat critical of the procedure, because we felt on last week that this matter was being rushed. We were concerned about that. I want to say I joined with others in some considerable criticism about that rush. It is my understanding now that the majority of the controversial areas of this bill have generally been agreed to. Again, as I say, I wish to join my other colleagues in commending the committee on the great amount of work that has been done. Certainly I recognize the need for updating of the copyright laws where we find that this has not been done in some 60 years. So I would hope that my amendment in restoration of section 110 would be adopted.

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

Mr. SISK. I will be glad to yield to my colleague, the gentleman from New York.

Mr. HORTON. I just want to make sure I understood the gentleman from California. As I understand it, section (1) on page 9, line 35, under section 110 would remain in the amendment that is now being offered by the gentleman from California. In other words, all that portion of page 9 on lines 35 through 39 and on page 10 lines 1 through 3 would remain in the amendment that the gentleman from California has offered?

Mr. SISK. The gentleman is exactly correct. As I say, everything that is at present in the bill is being restored except over on page 10, this part (B) on line 10 is being stricken from the bill, that having to do with the limitation of the broadcast area. But the reference to (1) on page 9, line 35, is back in the bill if the proposed amendment is adopted.

Mr. HORTON. Would the gentleman explain this? I think you indicated on page 11 you added something to section 110 by your amendment. Would you explain what is being added to the provisions of section 110?

Mr. SISK. Yes. The matter that is being added at that point deals with the so-called county fair amendment. If I may, I will simply read it to the gentleman, because there is added between lines 19 and 20 on page 11 this language:

(6) performance of a nondramatic musical work, without any purpose of direct or indirect commercial advantage, by a governmental body or a nonprofit agricultural or horticultural organization in the course of its conduct of an annual agricultural or horticultural fair or exhibition whose duration does not exceed 16 days.

Mr. HORTON. I thank the gentleman.

Mr. SISK. As I understand it, this has been referred to as the so-called county fair amendment, but it seems to be broad enough to cover any type of proposal of that sort.

Mr. HORTON. The substance of your amendment is to remove the subdivision (B) on lines 10 and 11 on page 10, which removes the restriction with regard to transmission of no more from 100 miles.

Mr. SISK. The gentleman is correct.

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

Mr. SISK. I will be glad to yield to the gentleman.

Mr. OTTINGER. Do I understand correctly that this amendment supersedes your original amendment which exempted educational TV and that educational TV will be covered in the amended section 110 as now presented?

Mr. SISK. Let me say, as I am sure my colleague will agree, section 110, as we indicated on Thursday of last week, actually amounts to a set of exemptions under the so-called copyright bill. What I am doing here is simply restoring all those exemptions.

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

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

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

There was no objection.

Mr. SISK. What we are doing is simply restoring all the exemptions listed here and eliminating the limitation on coverage for educational TV which is included at present at (B) on page 10, line 10.

Mr. OTTINGER. To be explicit, am I correct that this supersedes the amendment of the gentleman which carried Thursday which read:

Notwithstanding the provisions of section 106, public transmissions for purposes of educational instruction are exempted from all provisions of this Act.

Mr. SISK. The gentleman is exactly right. This language is being stricken under this proposal and the language would go back as it originally existed, except for subsection (b), with the further addition of the "county fair" amendment.

Mr. OTTINGER. Mr. Chairman, I support the amendment which has been offered by the gentleman from California [Mr. SISK].

Mr. SISK. Mr. Chairman, I thank the gentleman from New York.

Mr. Chairman, I yield back the balance of my time.

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

Mr. Chairman, first of all, may I compliment my distinguished colleague, the gentleman from California [Mr. SISK], for having offered the pending amendment.

Mr. Chairman, if the pending amendment is adopted, it would place back into the bill one of its most vital sections, one which was a casualty last Thursday when the Committee of the Whole House on the State of the Union adopted the original amendment to section 110.

Mr. Chairman, I support the pending amendment.

Yet, Mr. Chairman, I regard it as important to register a dissent with respect to one particular phase of the amendment.

In addition to restoring the other limitations and exemptions, the amendment, if adopted, would alter the exemption originally provided for instructional television. It would alter that section by removing all geographical limits.

I suggest, Mr. Chairman, that while there may be legitimate areas of disagreement as to what those limitations should be, it is only reasonable that there should be some limitation.

Mr. Chairman, section 110, as reported by the committee, strikes a public policy balance between the requirements of modern teaching techniques on the one hand and the property rights of copyright holders on the other hand; that is to say, the rights of all without whose works there could be no educational television broadcasting.

In terms of good education, of course, the more people reached, the better. But in terms of the copyrights of the author, the more people reached, the more the author should be compensated for his mental labors.

It is only fair, I suggest, that some of the money which is going today into educational television should go to the authors who produce the raw material for the benefit and use of education.

Why, why, Mr. Chairman, should educational television be willing to pay for the use of the talents of the performers who perform a copyright work and be unwilling to pay for the use of the talents of the person who created the copyright property.

Mr. Chairman, the balance which section 110 strikes, I submit, properly requires payment for some broadcasts and grants exemptions for other broadcasts.

Mr. Chairman, there is no copyright liability under the committee version of section 110 when the broadcast is made by a governmental body or is made by some other nonprofit organization for the purpose of classroom instruction.

The same is true when the broadcast is directed primarily to people who cannot, for one reason or another, be assembled in the classroom such as the preschool child, the physically handicapped, the elderly, the illiterate, the shut-in.

But the amendment now pending before the committee extends the exemption to all broadcasts by an ETV station, whether to the classroom or to the community at large. This is far more, Mr. Chairman, than the educational television people themselves asked for themselves. In testimony delivered before the other body less than 4 weeks ago the executive director of educational television stations testified that:

> Today we seek an exemption only for the instructional use of copyrighted materials, and not for its use in general, cultural and community ETV programs.

Mr. Chairman, I suggest that while procedurally it may be impossible effectively to deal with the geographical limitation at this point, I am sure that the other body considers the arguments on both sides of the issue.

Of course, we want to promote the cause of educational television, but in so doing we do not want to wreck the property rights of those who create the material without which educational television would be impossible.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. SISK].

The amendment was agreed to.

Mr. MOORE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time to inquire of the subcommittee and those who are managing this legislation today with respect to what provisions, if any, have been taken into consideration in perhaps not protecting, but giving some cloak of protection to the numerous publications that are committed to print by the U.S. Government.

Mr. Chairman, the reason I ask this question is that I have before me, and just for the purposes of emphasis, a half-dozen publications which all of us as Members of the House are familiar with. In this example they have to do with the publications of "Infant Care"; "Your Child, One to Six"; "Your Child, Six to Twelve."

The reason I ask the question of the committee handling the bill is this: these publications, as we know them in our respective offices, are available to our constituency on the basis of a simple request for the same and can be secured on a free distribution basis. If application is made to the Government Printing Office usually 15 cents will procure any particular publication the person is interested in which, in this case, I would say would be the mother or the father. But a perusal of the bookshelves of the country indicates to me—and I could go into long detail on this, by example—I hold in my hand a book entitled "Your Child, From Six to Twelve," which is now being republished and put on the bookshelves of the country as the publication of Child Care Publications, Inc., which identifies it as "Your Child, Six to Twelve," and it shows that this publication, which is the Government's publication, save for the front and the back covers, has now been copyrighted by Child Care Publishers, Inc., as of 1962.

Now, I could take the foreword of this book and the foreword of this pamphlet, which is available in any of our congressional offices, and read to you verbatim the covering letter of the individual that is responsible in Government for the construction of the same, down to the last paragraph and the last period in the book. You would find that this copyrighted work is actually a free Government publication. It sells for a dollar on the open market today. It is now copyrighted by an organization that now has the full privilege of distribution of the same under that copyright provision.

Now there are multiple cases and examples of this same thing going on. In another instance, here is a book that sells for $2.50 which is exactly the same book that you have in your office and which you distribute to your constituency on a no-cost basis. In each instance the verbiage is exactly the same and identical to that which is embodied in U.S. Government publication "Infant Care" or "Your Child From One to Six" or "Your Child From Six to Twelve."

In addition to that, you may be surprised to know that this tremendous volume I have in my hand called "Mothercraft" is the work of a lot of employees of the Government, which should logically be considered the property of all the people of this country. These volumes, quite well bound, are sold for a substantial price on the book market. Yet the only thing they represent is a reprint of the publications that we are familiar with.

The tragedy of this is as soon as we get a new publication, it could be for example like the one we call "Infant Care," the first publisher that runs to the Library of Congress with this new material is given a copyright on it. He simply submits it and is listed as copyright owner. This is the usual procedure and I have checked this with the Library of Congress. The procedure in copyrighting is for the publisher to send in the printed book that is to be copyrighted and then send two copies for his copyright to the Library of Congress. In time the Library of Congress issues a certificate of copyright to the publisher. This is pretty routine business and so far as I know a copyright on a Government publication is granted if any new material at all, even in the foreword, or in the introduction is included.

I would wonder whether or not it would be the time for us to consider, if not controlling by way of copyright books, pamphlets, and material written by employees of the Federal Government, for the country generally and certainly with the money of the taxpayers of this country, if we could not protect these particular contributions to our national life by some means in this bill.

Why could we not prevent the individual publisher or printing huckster from running to the Library of Congress and taking title to the work which belongs to all the people.

The CHAIRMAN. The time of the gentleman has expired.

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

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

There was no objection.

Mr. MOORE. In some way, Mr. Chairman, can we not protect these publications?

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. MOORE. I yield to the gentleman.

Mr. EDWARDS of California. In answer to the suggestion made by the gentleman from West Virginia, it is true that the subcommittee had considerable testimony on the point raised by the gentleman from West Virginia. There are many good arguments for the point the gentleman makes. However, it was the decision of the subcommittee and of the full committee that this present prohibition against the copyright in Government publications, which is the present law, be retained and be extended to cover any published or unpublished work of the U.S. Government.

However, I would also point out that this provision does not prohibit copyright from being secured on works prepared independently or under Government contract or grant by an individual author.

Mr. MOORE. May I say to the gentleman, I understand that completely. The point, the particular point, I am trying to bring to your attention is one which I think very well concerns the health of the country because some of these books going on the market today are reprints of 1956 and 1949 publications of Government agencies such as the Children's Bureau; U.S. Department of Health, Education, and Welfare. Even though, let us say, new publications like "Prenatal Care or Infant Care" and so on down the line have been written, these are being advertised and offered as the latest documents in these particular areas—and they are in some instances I dare say not the last word.

But the important matter is that here is somebody taking a work of an agency of the U.S. Government and obtaining a copyright on the same and then selling it for a price five and 10 times the price at which it is available from the Government Printing Office or at a price much, much higher than what it can be obtained for from individual Members' offices.

Mr. EDWARDS of California. If the gentleman will yield further, I would agree with him that this is a serious problem, and in any future consideration of the Copyright Act, a change such as he suggests should be seriously considered.

Mr. MOORE. May I point out that I am not going to tender any amendments to try to accomplish what I have raised because I believe there are some technical aspects of the bill which it might affect. I simply think that the Members ought to know what is going on in the country. We are giving a lot of people free rides that otherwise we might want to prohibit, or at least we could call the other body's attention and have them look at the bill as it goes in that direction.

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

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

Mr. DINGELL. I was troubled by the same point. I had an amendment that I hoped to offer which might reach this particular problem. I am not sure it would from what the gentleman has said.

The gentleman from California has said that this matter should be considered when the next revision of the Copyright Law is before the Congress. I note that the last revision of the Copyright Law was in 1909. Are we to wait approximately 60 years before the problem that the gentleman from West Virginia has discussed will be handled by the great Committee on the Judiciary?

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

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

Mr. CELLER. The fact that the publications which the gentleman has described and which are mere copies of Government publications, have the word "copyright" on them, gives the publisher no copyright rights. They are not copyrightable, since they are mere reprints or reproductions of what the Government has published. They have no copyrights whatsoever, despite the fact that they use the word "copyright." They have no rights whatsoever.

Mr. MOORE. May I say to the gentleman from New York that if he will in each instance of these examples I have here—and I will make them available to the gentleman or to his staff—if he will go to the Library of Congress and inquire as to who has the right to publish this particular information, he would find that in the instance of the publication I have before me, it is a Child Care, Inc., publication under copyright issued to them in 1962.

Mr. CELLER. They may say that, but that is not true. That is a falsehood, because what they have merely reprinted is not copyrightable.

Mr. MOORE. If I might touch on the other point, the fact that they state in the book that it is copyrighted does not in itself vest in the publishing company any right to the printed matter, but the fact is that they are getting money for it.

Mr. CELLER. I agree that there is an abuse to which we shall have to eventually address ourselves.

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

Mr. MOORE. I yield to the gentleman from Virginia.

Mr. POFF. I think it should be said that the Copyright Office does not lightly process applications for registration. On the contrary, the Register of Copyrights is most assiduous in the processing of those applications. I say that because it has particular meaning to the point that the gentleman has raised, and I think it is well that he has raised it because it is a problem that needs to be dealt with. It must be understood that the copyright, even when registered in the Copyright Office, goes only to the supplemental or new material which is included in the work by way of preface or suffix to the work produced by the Government, and does not go to the textual material of the Government document.

May I say, too, that this precise problem is now before the Space Committee. The same question is being considered in connection with legislation which would have the effect of prohibiting the copying, or to select the person who would do the copying, of expert treatises prepared under Government programs. That might be a partial solution. In any event, this is not the time to treat with the matter on a broad scale. If this conduct constitutes unfair competition, then the jurisdiction properly is before another committee of the House, possibly the Committee on Interstate and Foreign Commerce.

AMENDMENT OFFERED BY MR. MACDONALD OF MASSACHUSETTS

Mr. MACDONALD of Massachusetts. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MACDONALD of Massachusetts: On page 16, strike out lines 10 through 24 and insert in lieu thereof the following: "sound recordings specified by section 114(a), to make copies or phono records of a particular transmission program embodying the performance or display."

The CHAIRMAN. The gentleman from Massachusetts [Mr. MACDONALD] is recognized.

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

Mr. MACDONALD of Massachusetts. I am happy to yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. Mr. Chairman, as I understand the gentleman's amendment, it goes to the elimination of the limitations on the number and use of ephemeral recordings permitted by instructional television qualifying for an exemption, and it is in furtherance of discussions between the chairman of the Judiciary Committee and the chairman of the gentleman's committee in terms of an agreement as to which material ought to be eliminated from this bill.

Mr. MACDONALD of Massachusetts. The gentleman is correct.

Mr. KASTENMEIER. Mr. Chairman, the committee then accepts the gentleman's amendment.

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

Mr. MACDONALD of Massachusetts. I yield to the gentleman from Virginia.

Mr. POFF. Mr. Chairman, the amendment has not been presented to the minority side. I have no idea what the amendment does, and I would like to be advised what the language is and what its effect is.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I appreciate what the gentleman says, and his interest in the bill, but the language as just read is an amendment which really restricts itself to the situation, as a concrete example, of a class play dealing with Columbus Day or Thanksgiving Day, and under the very restricted language on page 16 of the present bill, that could only be repeated once, and under this language it could be repeated ad infinitum. It is not a question of profit, nor is there a profit motive in it. It merely deals with educational TV, which is why our committee was very interested in it.

Mr. POFF. Mr. Chairman, I shall not press the point further, but I would not want my silence to be interpreted as an assent to something about which I am not informed.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I am not about to engage in a colloquy with the gentleman. He knows about the bill. I cannot help it. I think the language is very simple.

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

Mr. MACDONALD of Massachusetts. I yield to the gentleman from Virginia.

Mr. POFF. Mr. Chairman, I suggest the gentleman could have helped it. I suggest the gentleman could have done what is customary and brought a copy of the amendment to both committee tables. This was not done. I am informed about the bill, I will say to the gentleman. What I am not informed about is the amendment of the gentleman and its effect.

Mr. MACDONALD of Massachusetts. Actually, I talked to the chairman of the committee about the matter. I thought it was such a routine thing that this was not necessary to do, but I apologize. I was erroneous in my judgment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. MACDONALD].

The amendment was agreed to.

Mr. MACGREGOR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time to make a point about the last sentence of section 115(a)(1) of the bill, which is only briefly referred to on pages 67 and 68 of the committee's report. The last sentence of the section referred to reads:

A person may obtain a compulsory license only if his primary purpose in making phonorecords is to distribute them to the public for private use.

It strikes me that this sentence is discriminatory against the background music industry, and that it has no justification either in economics or law. Based on past experience in the music industry it can easily result in the monopolistic control of the entire background music industry by just a few music publishers. It would therefore seem to be wise and just that the sentence should be deleted from the bill or otherwise altered.

I am not a member of the Copyright Subcommittee, but as a Judiciary Committee member I have heard long and detailed discussion and argument concerning the compulsory license provision of section 115. At no time, however, have I heard a reasonable justification for the inclusion of the special exception found in the last sentence of section 115(a)(1).

The effect of the sentence is to deny to the background music industry the compulsory license protection which the entire phonograph record industry has enjoyed for 58 years. What justification can there be for such a discriminatory special exception?

In order to understand the impact of this sentence it is necessary to understand something about background music. Background music or functional music consists largely of familiar music unobtrusively performed. It is designed to supplement other activities such as social conversation, factory or office work, shopping, eating, waiting, or just plain thinking. Background music or functional music has become an integral part of our way of life. We expect to hear it in restaurants, elevators, shopping centers, or waiting rooms. Industrial psychologists have recommended its use in industry.

The background music business has grown from an idea in the 1940's to a substantial industry in 1967. The year 1965 marked the first time that an organization was created to sell, rather than lease, background music equipment and tapes. This has been a highly successful development by an outstanding Minnesota company. It is apparent that without unjustified restriction the background music industry will continue to grow in the coming years and continue to make the days more pleasant for millions of people who have access to this music.

The development of a background music program necessitates access to the same vast repertoire of music which is available to the phonograph record companies under the compulsory license provision. These songs are generally in the category of standard popular works, are generally more than 10 years old and are mainly in the control of five or six large publishing companies.

The background music manufacturers are very much aware that the performance of this music is subject to the payment of public performance fees or royalties and, in addition, royalties for the mechanical reproduction of the music. These fees are not modest. I understand that for public performance ASCAP alone collected in excess of $1½ million from the industry in 1966. In addition to this, one Minnesota manufacturer has already paid directly to the music publishers over $1 million for both mechanical and public performance royalties since it entered this industry in August 1965.

I have no objection to requiring the payment of fees or royalties for the use of music. My objection to this special exception is to a dangerous implication which threatens the entire existence of the background music industry.

In the past the right to record was never questioned and the rates were either negotiated or were established by the statute. The rate of payment of public performance fees was the subject of bargaining between the users of music and the performining rights societies. It had almost always been necessary to negotiate a contract wtih ASCAP because the public performance rights of the great preponderance of standard musical works were controlled by ASCAP. If a rate could not be negotiated the user could petition the court of the southern district of New York to set a rate. This procedure has been employed several times during the last 10 years and it has served to avoid abuses in the exercise of the exclusive rights of public performance.

Under the special exception now contained in the second sentence of section 115(a)(1) the copyright proprietors are given a new exclusive right. They can determine, without limitation, the rate they wish to charge for the recording of their music, and can also deny the use of their music entirely. By doing so they could determine who could stay in the background music business and who could not. Since the bulk of standard musical compositions suitable for background music are still in the control of five or six music publishers, a combination of these companies or some of them could exert monopolistic control over an entire industry.

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

Mr. MACGREGOR. I yield to the gentleman from Minnesota.

Mr. KARTH. I thank the gentleman for yielding.

I want to associate myself with the gentleman's remarks.

The fact of the matter is that on Thursday last I did engage in a colloquy with the distinguished gentleman from Wisconsin, and I expressed my concern about the very thing which my colleague now in the well is expressing his concern about.

I was somewhat surprised, and frankly a little confused, because of what the gentleman from Wisconsin said to me. It is in the RECORD. The second reason I asked the gentleman to yield is to correct the RECORD, which is now in error.

The gentleman from Wisconsin said to me that the background music people had not in fact appeared before the subcommittee in 1965 and voiced their opposition to the language which the gentleman in the well points out, as it exists in the bill.

The fact of the matter is, Mr. Chairman, they did appear and they did express their opposition to the language and they did offer seven or eight words that could be added to the language which exists in the bill, which would have been corrective in nature, and would eliminate their opposition.

Further, I point out that after they did appear before the subcommittee and did express their opinion and did offer corrective language, no organization—ASCAP, BMI, or any other—appeared in opposition thereto.

I further wish to inform the committee that I talked with the distinguished gentleman from New York [Mr. CELLER] about amending the language. While he had no objection, the gentleman from Virginia [Mr. POFF] did. His objections were that there might well be other areas in this bill, because of technicalities, which would require additional change.

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

(On request of Mr. KARTH, and by unanimous consent, Mr. MACGREGOR was allowed to proceed for 5 additional minutes.)

Mr. KARTH. As a result of that, I do not feel at this time I wish to offer an amendment, although I am very much constrained to do so. However, I want to set the record straight and to associate myself with the remarks of the gentleman in the well.

Mr. MACGREGOR. I thank the gentleman for his contribution.

In response to the gentleman from Minnesota [Mr. KARTH], it is not my position here today, either, to offer a specific amendment. As pointed out, there has been a suggestion in the past that this matter could be dealt with by the addition of certain words. It has also been suggested that the thing to do is to strike the second sentence of section 115(a)(1).

I am unable to determine what would be the best course, but inasmuch as this legislation will be considered further in the other body, I have taken this time. I appreciate the gentleman's assistance in making this point clear.

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

Mr. MACGREGOR. I yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. I am glad that the gentleman from Minnesota [Mr. KARTH] clarified the record. I did not state that persons in interests that he mentioned, corporations, did not testify. I said I did not believe they testified on that point but testified primarily on fair use. I remember checking the material myself and I missed the reference that they did in fact make in the record which they presented before the committee with regard to this point. It escaped my memory. I must say I agree with the gentleman from Virginia that the committee has taken a position that it was not the purpose to extend the compulsory license to manufacturers of the phonorecord, and I use that term "phonorecord" broadly, intended for commercial use. This applies in the three areas, for broadcasters, jukebox operators, or background music services.

Mr. MACGREGOR. If the gentleman will let me proceed at this point, I would like to call attention to a specific situation which I think illustrates the difficulty the gentleman from Minnesota [Mr. KARTH] and I have.

The special exception as worded would permit a phonograph record company to avail itself of the compulsory license and then make a background music use of the recording by later transferring it to tape. Recordings made by it would thus be created primarily for the purpose of distribution to the public for private use. That these recordings can be, and now are, publicly performed as background music is beyond doubt. Anyone who has flown American Airlines, TWA, or many other airlines can testify to this fact. This would place the background music industry in a disadvantageous position with the recording industry. Why discriminate? The compulsory license should apply equally to all those who wish to make recordings for listening purposes.

I would appreciate it if the gentleman from Wisconsin, the chairman of the subcommittee, would comment on that particular point.

Mr. KASTENMEIER. To comment further, I would say that it was our understanding that companies engaged in manufacturing background music were not now availing themselves of compulsory licensing. If they negotiated their licenses, we think there is possibly a cloud, and it is not clear now as to whether they are entitled to compulsory licenses. But, in any event, should it come about, as I assured the gentleman from Minnesota [Mr. KARTH] last Thursday, that there is some special difficulty or some inequities about this, I am sure in due course that the committee would want to consider it.

Mr. MACGREGOR. Or it may well be, may I say to the gentleman from Wisconsin, that those difficulties could be headed off before they occur by consideration of this matter at length in the other body.

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

Mr. MACGREGOR. I yield to the gentleman from Minnesota.

Mr. KARTH. I ask the gentleman to yield only for this further purpose: I think it is good that we had the colloquy today in the Committee of the Whole House for the purpose of calling this inequitable and discriminatory clause to the attention of the other body inasmuch as they are now in the process of holding hearings and perhaps in a few days or a week or two going into the marking up of the bill. I am hopeful with the attention that has now been given to this situation on the floor that it will be helpful for that body in making their final determination. I thank the gentleman for yielding.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I was much interested in the material that the gentleman from West Virginia [Mr. MOORE] displayed a short time ago with respect to copyrights and the admission on the part of several members of the committee handling this bill that he had clearly pointed out evident abuses of the copyright law. Yet we are here today dealing with revision of the copyright law and no effort has been made by the committee to eliminate the abuses that he pointed out.

Mr. Chairman, I looked to the report for a definition of "copyrightability." Here it is:

> The basic subject matter of copyright is specified as "original works of authorship" that have been "fixed" in a "tangible medium of expression." Under the definition in section 101, a work is "fixed" if its embodiment in a physical object is "permanent or stable" rather than "transitory," but the form of fixation is immaterial as long as the work is capable of being perceived directly or made perceptible through any existing or future machine or device.

Mr. Chairman, I wonder if some member of the committee would care to explain this language? I received no real answer for the dragging of the "Tower of Babel" otherwise known as "United Nations" into this bill, and I hope someone will interpret this gobbledegook, or whatever it is.

I would like to ask the chairman of the committee, the gentleman from New York [Mr. CELLER] to give me some kind of interpretation of this alleged definition:

> * * * but the form of fixation is immaterial as long as the work is capable of being perceived directly or made perceptible through any existing or future machine or device.

Well, Mr. Chairman, in view of the fact that no one seems to want to try to interpret what is termed the definition of "copyrightability," I guess that about all I can do is yield back the balance of my time and hope for the best and fear for the worst.

AMENDMENTS OFFERED BY MR. KASTENMEIER

Mr. KASTENMEIER. Mr. Chairman, I offer a number of amendments to correct clerical errors in chapter 1, and ask unanimous consent that they be considered en bloc.

The Clerk read as follows:

> Amendments offered by Mr. KASTENMEIER to chapter 1:
>
> On page 4, line 23, insert a comma after "sounds".
>
> On page 4, line 31, strike out "three-dimentional" and insert in lieu thereof "three-dimensional".
>
> On page 5, line 14, strike out the semicolon and insert in lieu thereof a comma.
>
> On page 6, line 30, strike out "pantomines" and insert in lieu thereof "pantomimes".
>
> On page 7, line 37, strike out "was" and insert in lieu thereof "were".

The CHAIRMAN. The question is on the amendments offered by the gentleman from Wisconsin [Mr. KASTENMEIER].

The amendments were agreed to.

AMENDMENT OFFERED BY MR. DINGELL

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

The Clerk read as follows:

> Amendment offered by Mr. DINGELL: On Page 8, line 11, replace the period with a comma and add the following language thereto: "or a work made for hire for the United States Government.
>
> "(c) A work of the United States Government includes any work that is a product of activities or research financed in substantial part by funds received directly or indirectly from the United States Government.
>
> "(d) Any work prepared in whole or in part by an officer or an employee of the United States Government shall be presumed to be the result of his official duties unless specific waiver thereof is obtained in advance of the earliest fixation in a tangible form."

Mr. DINGELL. Mr. Chairman, the function of this amendment is a very simple one. There is a prodigious amount of research of work and of publication conducted by or financed by the Federal Government in its entirety or in almost its entirety. The gentleman from West Virginia pointed out very clearly some examples of this. I do not know who it is who is asserting the copyright on the examples that he has presented to the Committee today, but I would point out that these are only a small portion of the documents which are produced either through the writing, research, or other effort which is conducted or financed either in whole or in part by the Federal Government. The Office of Naval Research, the National Science Foundation, the National Institutes of Health, all maintain tremendous research operations devoted to different scientific endeavors and different scientific activities, and from this flows a tremendous number of publications, periodicals, technical documents, and scientific treatises. There is a tremendous amount of research financed by the Federal Government which is done in universities and by private researchers and by research institutes. What we are doing, if we do not have this amendment to the legislation before us, is allowing work, which is conducted by the Federal Government, financed in whole or in part by the Federal Government, to be subject to copyright. The public, which pays for the cost of the research, and the writing of the technical studies, and all of the things which go into this, whether these be documents, whether they be photographs or whether they be charts, whether they be phono or sound recordings, whether they be training films of the Army or whether they be films put out by NASA or the AEC or something of this kind, will see its projects and their fruits subject to copyright. These can then be denied to the public at large, which paid for the cost, by the same individual who derived not only the cost of publication, but also payment of salary expenses, living allowances, honorariums, and other things, for doing precisely what he has been paid to do.

I believe it would be a gross wrong upon not only the public at large but upon other Americans who would wish to utilize this information for further creativity and for further contributions to the United States to lock up—to erect a toll gate at the entrance of federally financed research.

Let me read to you what the Founding Fathers had in mind when they wrote the Constitution dealing with this, and this is article I, section 8, which read as follows:

> To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;"

I would point out that here to allow work to be copyrighted that has been paid for by the people in whole or in part, through the Federal Government, is certainly not promotion of the arts or the promotion of science. Rather it is a restriction and a constriction on information and scientific progress.

I would point out that the Federal Government spends billions of dollars on this each year, and I say that not only is it a disservice to the taxpayers and to the people of this country, when we deny access to this to copyrightable items, but it is also a great disservice to the corporations and to the businesses and to the scientists and to the scholars who can further use—the work that has been done to create the copyright or the potential copyright—to make newer and greater contribution to our country.

Also this puts in a real roadblock against the widespread use of these documents which are created through the Federal Government support and prevents, by allowing those works to be copy-

righted, the easy availability of that knowledge which would flow therefrom.

I would point out that this legislation does not just lock up the copyright for a period of a few days or a few weeks or a few years, but potentially this legislation will limit the opportunity of the public to have free access to copyrighted documents for as long as 100 years or 125 years and perhaps even for 150 years.

So I believe in making a document widely available where it is paid for by the public through the medium of federally financed research. It is an important contribution that can be made to American progress.

Mr. POFF. Mr. Chairman, reluctantly, I rise in opposition to the amendment and I say reluctantly because it is always with some reluctance that I oppose my distinguished friend from Michigan.

As those who are familiar with patent law will readily understand, what the gentleman is proposing is to transport the patent law doctrine in this area to the copyright field.

Now whether this is advisable or inadvisable is really beside the point at this late hour. The committee has not had the opportunity to address itself definitively to this extremely consequential amendment. For that reason alone, Mr. Chairman, I would suggest that it would be inadvisable to deal with it on the floor of the House.

Yet, Mr. Chairman, there is another answer which needs to be made. In the posture of the language reported by the committee, it is possible for each individual agency to decide for itself what the ownership of the copyright would be. If the agency decides that it should be a Government work, and therefore should not be copyrightable, then all the agency needs to do in the contract that it makes is to define the works that grow out of the contract as a "work for hire." In that case under the definition of the bill, it would be a Government work and no copyright would inhere in it.

On the other hand, if the agency feels that in order to serve as a stimulus and as an incentive to private industry, the copyright property should belong to the independent contractor who authored it, then all the agency needs to do is to insert in its contract with the independent contractor a clause which secures that right to the independent contractor.

At this point, Mr. Chairman, I suggest it is vitally important to preserve this area of flexibility and discretion within each of the independent contracting agencies.

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

Mr. POFF. I yield to the gentleman.

Mr. DINGELL. I have great affection for my friend from Virginia as he well knows. I would point out that this is the second time he has referred today on this floor to the members of the Committee on the Judiciary, who I understand have been working and operating on this bill now for some 7 years, that they have not had the opportunity to consider this important matter which rather gravely affects the public interest.

I will say that is not a very good argument to support the stand on the amendment as made by the gentleman, if my good friend, the gentleman from Virginia, would yield to me to make that point.

Mr. POFF. I do yield to the gentleman for that, but I will point out to my friend that I have reference to the full Committee on the Judiciary, and the full committee has had no such opportunity.

It was possibly within the purview of inquiry by the subcommittee, but since it was not offered in that focus, the subcommittee did not in fact deal with that as it should before a decision is reached in such a sensitive area. So, I ask that the amendment be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. DINGELL].

The amendment was rejected.

AMENDMENT OFFERED BY MR. DINGELL

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

The Clerk read as follows:

Amendment offered by Mr. DINGELL: On page 9, strike out the words "the projec-" in line 23, strike out lines 24 and 25, and insert in lieu thereof the following: "projection."

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

Mr. DINGELL. Mr. Chairman, this amendment might appropriately be called the branch library amendment because its function and purpose is to assure that the rights of an owner of a particular copyright do not preclude projection of more than one viewing of the particular copyrighted substance or copyrighted device upon the walls of a library or through a closed-circuit television into branch libraries or similarly situated instrumentalities around the country.

H.R. 2512, in section 109, specifically excludes the right of an owner of a particular copy to display it to viewers not in the same room with the copy. This means that a central library may not transmit an image of a copyrighted document to a branch library for the use of its readers there.

Section 109 also restricts the projection to a single viewer. This proposed amendment would allow remote transmission of copies by the owners thereof, subject to other provisions of the legislation. It would also permit multiple access to the same copy. In both instances this would greatly enhance the ability of libraries to eliminate economically useless duplicate purchases, and it would enable our libraries to spend the taxpayers' dollars more efficiently and better, and to more uniformly make available the abilities which they have to disseminate the information which they hold in their great storehouses of knowledge throughout our population. I believe it is a good amendment and I hope the Committee will accept it.

Mr. EDWARDS of California. Mr. Chairman, I rise in opposition to the amendment. I rise reluctantly, because the gentleman from Michigan certainly has the public interest in mind in his amendment. But it should be resisted. We considered this subject very carefully in committee. I might point out that it is the obligation of the Committee and of the Congress to protect the copyright, the ownership of a particular product, and under the amendment offered by the gentleman from Michigan, a single copy of a book or a picture in a central library could be transmitted throughout the country by television to a thousand branch libraries, thus destroying the market of the author or painter.

The committee seriously studied this subject, gave it every consideration, and I urge that the amendment be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. DINGELL].

The amendment was rejected.

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

Not being a member of the subcommittee of the Judiciary Committee that considered this bill, it is necessary when individuals inquire concerning its ramifications that we use this means to inquire of those who have the necessary information. It has been brought to my attention that section 108 of the bill, which appears on page 9, could very well have a detrimental effect on those individuals who are working toward a doctoral degree in any one of the educational institutions of our country.

It has been suggested to me by a very distinguished member of the faculty of West Virginia University that the language in chapter 1, section 108 of this particular bill—H.R. 2512—would permit the plagiarism or copying of doctoral theses or dissertations. Presently, as I understand it, there is a measure of security for any of these theses or dissertations in that the reprinting of the same or republishing of the same or the passing off of the language content of a doctoral dissertation is a violation of the copyright law.

I would like to ask a member of the committee, either on the majority side or the minority side, if I might—the writer indicates to me, that under section 108 of the bill, that any university in the country can decide that an individual's published work is of value for scholarly research and have the same reprinted and sent around to other universities for depositing in their libraries. It has been suggested that this will encourage the copying of, or encourage students for doctors' degrees to take the work of another student in a particular field and pass it off as his own. Let us say a student at West Virginia University is awarded a Ph. D. on his own work which is used by him in applying for a doctoral thesis, another student, let us say at the University of Washington, some distance from the originating educational institution could copy the same. What in this bill would prevent this?

I know all of us are terribly jealous of those that labor hard to obtain their Ph. D.'s, and we want to see that their work is not passed off to somebody else and have somebody be given a free ride. Would the gentleman from Virginia perhaps write a little legislative history here, so that we can protect these energetic students?

Mr. POFF. Mr. Chairman, will the distinguished gentleman yield?

Mr. MOORE. I am happy to yield to the gentleman from Virginia.

Mr. POFF. Mr. Chairman, the learned constituent to whom the gentleman refers was a witness before our subcommittee. I must say I appreciate the concern he expressed. I am familiar also with the content of the letter addressed to the gentleman from West Virginia. In order to make abundantly clear what is perhaps obscure, I believe it should be pointed out first of all that section 108 applies only to unpublished works.

Mr. MOORE. Mr. Chairman, would that category not be the circumstance in which a dissertation or thesis for a doctorate might fall?

Mr. POFF. Mr. Chairman, ordinarily the fact, as I understand, is that in order to win a degree the doctoral dissertation must be published, and, as a matter of practice, I believe the gentleman will find today that doctoral dissertations are copyrighted.

There is, however, another response which needs to be made. If the student does not choose to publish his work, or if a publication is not a condition precedent to the degree, then still the student can protect his literary property interests by contracting with the institution of deposit in such a way as to prohibit copying of his unpublished work.

Mr. MOORE. Mr. Chairman, may I ask the gentleman, would this prohibit the university, let us say any university, from declaring this unpublished work as of value to scholarly research and then, themselves, going ahead and reproducing it?

Mr. POFF. Yes, it would be possible, I will say to the gentleman, in the contract for the student so to protect himself. The purpose of the committee is reflected in the language of the report.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. MOORE was allowed to proceed for an additional minute.)

Mr. MOORE. Mr. Chairman, would it not be a little unique to ask a man or woman who seeks to obtain a doctorate in any one of a number of fields at a particular institution to attach a condition to the material he is submitting to that institution, saying to the university, "Give me the degree, but do not print it?"

Mr. POFF. It might, except that as I suggested earlier, the practice today largely is to publish, and to disallow a degree unless the doctoral dissertation is published.

Mr. MOORE. I thank the gentleman.

The CHAIRMAN. The Clerk will read chapter 2.

The Clerk read as follows:

CHAPTER 2—COPYRIGHT OWNERSHIP AND TRANSFER

Sec.
201. Ownership of copyright.
202. Ownership of copyright as distinct from ownership of material object.
203. Termination of transfers and licenses granted by the author.
204. Execution of transfers of copyright ownership.
205. Recordation of transfers and other documents.

§ 201. Ownership of copyright

(a) INITIAL OWNERSHIP.—Copyright in a work protected under this title vests initially in the author or authors of the work. The authors of a joint work are coowners of copyright in the work.

(b) WORKS MADE FOR HIRE.—In the case of a work made for hire, the employer or other person for whom the work was prepared is considered the author for purposes of this title, and, unless the parties have expressly agreed otherwise in a written instrument signed by them, owns all of the rights comprised in the copyright.

(c) CONTRIBUTIONS TO COLLECTIVE WORKS.—Copyright in each separate contribution to a collective work is distinct from copyright in the collective work as a whole and vests initially in the author of the contribution. In the absence of an express transfer of the copyright or of any rights under it, the owner of copyright in the collective work is presumed to have acquired only the privilege of reproducing and distributing the contribution as part of that particular collective work, any revision of that collective work, and any later collective work in the same series.

(d) TRANSFER OF OWNERSHIP.—

(1) The ownership of a copyright may be transferred in whole or in part by any means of conveyance or by operation of law, and may be bequeathed by will or pass as personal property by the applicable laws of intestate succession.

(2) Any of the exclusive rights comprised in a copyright, including any subdivision of any of the rights specified by section 106, may be transferred as provided by clause (1) and owned separately. The owner of any particular exclusive right is entitled, to the extent of that right, to all of the protection and remedies accorded to the copyright owner by this title.

§ 202. Ownership of copyright as distinct from ownership of material object

Ownership of a copyright, or of any of the exclusive rights under a copyright, is distinct from ownership of any material object in which the work is embodied. Transfer of ownership of any material object, including the copy or phonorecord in which the work is first fixed, does not of itself convey any rights in the copyrighted work embodied in the object; nor, in the absence of an agreement, does transfer of ownership of a copyright or of any exclusive rights under a copyright convey property rights in any material object.

§ 203. Termination of transfers and licenses granted by the author

(a) CONDITIONS FOR TERMINATION.—In the case of any work other than a work made for hire, the exclusive or nonexclusive grant of a transfer or license of copyright or of any right under a copyright, executed by the author on or after January 1, 1969, otherwise than by will, is subject to termination under the following conditions:

(1) In the case of a grant executed by one author, termination of the grant may be effected by that author or, if he is dead, by the person or persons who, under clause (2) of this subsection, own and are entitled to exercise a total of more than one half of that author's termination interest. In the case of a grant executed by two or more authors of a joint work, termination of the grant may be effected by a majority of the authors who executed it; if any of such authors is dead, his termination interest may be exercised as a unit by the person or persons who, under clause (2) of this subsection, own and are entitled to exercise a total of more than one half of his interest.

(2) Where an author is dead, his termination interest is owned, and may be exercised, by his widow (or her widower) and children or grandchildren as follows:

(A) The widow owns his entire termination interest unless there are any surviving children or grandchildren of the author, in which case the widow owns one half of his interest;

(B) The author's surviving children, and the surviving children of any dead child of the author, own his entire termination interest unless there is a widow (or widower), in which case the ownership of one half of his interest is divided among them;

(C) The rights of the author's children and grandchildren are in all cases divided among them and exercised on a per stirpes basis according to the number of his children represented; the share of the children of a dead child in a termination interest can be exercised only by the action of a majority of them.

(3) Termination of the grant may be effected at any time during a period of five years beginning at the end of thirty-five years from the date of execution of the grant; or, if the grant covers the right of publication of the work, the period begins at the end of thirty-five years from the date of publication of the work under the grant or at the end of forty years from the date of execution of the grant, whichever term ends earlier.

(4) The termination shall be effected by serving an advance notice in writing, signed by the number and proportion of owners of termination interests required under clauses (1) and (2) of this subsection, or by their duly authorized agents, upon the grantee or his successor in title.

(A) The notice shall state the effective date of the termination, which shall fall within the five-year period specified by clause (3) of this subsection, and the notice shall be served not less than two or more than ten years before that date. A copy of the notice shall be recorded in the Copyright Office before the effective date of termination, as a condition to its taking effect.

(B) The notice shall comply, in form, content, and manner of service, with requirements that the Register of Copyrights shall prescribe by regulation.

(5) Termination of the grant may be effected notwithstanding any agreement to the contrary, including an agreement to make a will or to make any future grant.

(b) EFFECT OF TERMINATION.—Upon the effective date of termination, all rights under this title that were covered by the terminated grant revert to the author, authors, and other persons owning termination interests under clauses (1) and (2) of subsection (a), including those owners who did not join in signing the notice of termination under clause (4) of subsection (a), but with the following limitations:

(1) A derivative work prepared under authority of the grant before its termination may continue to be utilized under the terms of the grant after its termination, but this privilege does not extend to the preparation after the termination of other derivative works based upon the copyrighted work covered by the terminated grant.

(2) The future rights that will revert upon termination of the grant become vested on the date the notice of termination has been served as provided by clause (4) of subsection (a). The rights vest in the author, authors, and other persons named in, and in the proportionate shares provided by, clauses (1) and (2) of subsection (a).

(3) Subject to the provisions of clause (4) of this subsection, a further grant, or agreement to make a further grant, of any right covered by a terminated grant is valid only if it is signed by the same number and proportion of the owners, in whom the right has vested under clause (2) of this subsection, as are required to terminate the grant under clauses (1) and (2) of subsection (a). Such further grant or agreement is effective with respect to all of the persons in whom the right it covers has vested under clause (2) of this subsection, including those

who did not join in signing it. If any person dies after rights under a terminated grant have vested in him, his legal representatives, legatees, or heirs at law represent him for purposes of this clause.

(4) A further grant, or agreement to make a further grant, of any right covered by a terminated grant is valid only if it is made after the effective date of the termination. As an exception, however, an agreement for such a further grant may be made between the persons provided by clause (3) of this subsection and the original grantee or his successor in title, after the notice of termination has been served as provided by clause (4) of subsection (a).

(5) Termination of a grant under this section affects only those rights covered by the grant that arise under this title, and in no way affects rights arising under any other Federal, State, or foreign laws.

(6) Unless and until termination is effected under this section, the grant, if it does not provide otherwise, continues in effect for the term of copyright provided by this title.

§204. Execution of transfers of copyright ownership

(a) A transfer of copyright ownership, other than by operation of law, is not valid unless an instrument of conveyance, or a note or memorandum of the transfer, is in writing and signed by the owner of the rights conveyed or his duly authorized agent.

(b) A certificate of acknowledgment is not required for the validity of a transfer, but is prima facie evidence of the execution of the transfer if:

(1) in the case of a transfer executed in the United States, the certificate is issued by a person authorized to administer oaths within the United States; or

(2) in the case of a transfer executed in a foreign country, the certificate is issued by a diplomatic or consular officer of the United States, or by a person authorized to administer oaths whose authority is proved by a certificate of such an officer.

§ 205. Recordation of transfers and other documents

(a) CONDITIONS FOR RECORDATION.—Any transfer of copyright ownership or other document pertaining to a copyright may be recorded in the Copyright Office if the document filed for recordation bears the actual signature of the person who executed it, or if it is accompanied by a sworn or official certification that it is a true copy of the original, signed document.

(b) CERTIFICATE OF RECORDATION.—The Register of Copyrights shall, upon receipt of a document as provided by subsection (a) and of the fee provided by section 708, record the document and return it with a certificate of recordation.

(c) RECORDATION AS CONSTRUCTIVE NOTICE.—Recordation of a document in the Copyright Office gives all persons constructive notice of the facts stated in the recorded document, but only if:

(1) the document, or material attached to it, specially identifies the work to which it pertains so that, after the document is indexed by the Register of Copyrights, it would be revealed by a reasonable search under the title or registration number of the work; and

(2) registration has been made for the work.

(d) RECORDATION AS PREREQUISITE TO INFRINGEMENT SUIT.—No person claiming by virtue of a transfer to be the owner of copyright or of any exclusive right under a copyright is entitled to institute an infringement action under this title until the instrument of transfer under which he claims has been recorded in the Copyright Office, but suit may be instituted after such recordation on a cause of action that arose before recordation.

(e) PRIORITY BETWEEN CONFLICTING TRANSFERS.—As between two conflicting transfers, the one executed first prevails if it is recorded, in the manner required to give constructive notice under subsection (c), within one month after its execution in the United States or within two months after its execution abroad, or at any time before recordation in such manner of the later transfer. Otherwise the later transfer prevails if recorded first in such manner, and if taken in good faith, for valuable consideration or on the basis of a binding promise to pay royalties, and without notice of the earlier transfer.

(f) PRIORITY BETWEEN CONFLICTING TRANSFER OF OWNERSHIP AND NONEXCLUSIVE LICENSE.—A nonexclusive license, whether recorded or not, prevails over a conflicting transfer of copyright ownership if the license is evidenced by a written instrument signed by the owner of the rights licensed or his duly authorized agent, and if:

(1) the license was taken before execution of the transfer; or

(2) the license was taken in good faith before recordation of the transfer and without notice of it.

CHAPTER 3.—DURATION OF COPYRIGHT

Sec.
301. Pre-emption with respect to other laws.
202. Duration of copyright: Works created on or after January 1, 1969.
303. Duration of copyright: Works created but not published or copyrighted before January 1, 1969.
304. Duration of copyright: Subsisting copyrights.
305. Duration of copyright: Terminal date.

§ 301. Preemption with respect to other laws

(a) On and after January 1, 1969, all rights in the nature of copyright in works that come within the subject matter of copyright as specified by sections 102 and 103, whether created before or after that date and whether published or unpublished, are governed exclusively by this title. Thereafter, no person is entitled to copyright, literary property rights, or any equivalent legal or equitable right in any such work under the common law or statutes of any State.

(b) Nothing in this title annuls or limits any rights or remedies under the common law or statutes of any State with respect to:

(1) unpublished material that does not come within the subject matter of copyright as specified by sections 102 and 103, including works of authorship not fixed in any tangible medium of expression;

(2) any cause of action arising from undertakings commenced before January 1, 1969;

(3) activities violating rights that are not equivalent to any of the exclusive rights within the general scope of copyright as specified by section 106, including breaches of contract, breaches of trust, invasion of privacy, defamation, and deceptive trade practices such as passing off and false representation.

§ 302. Duration of copyright: Works created on or after January 1, 1969

(a) IN GENERAL.—Copyright in a work created on or after January 1, 1969, subsists from its creation and, except as provided by the following subsections, endures for a term consisting of the life of the author and fifty years after his death.

(b) JOINT WORKS.—In the case of a joint work prepared by two or more authors who did not work for hire, the copyright endures for a term of consisting of the life of the last surviving author and fifty years after his death.

(c) ANONYMOUS WORKS, PSEUDONYMOUS WORKS, AND WORKS MADE FOR HIRE.—In the case of an anonymous work, a pseudonymous work, or a work made for hire, the copyright endures for a term of seventy-five years from the year of its first publication, or a term of one hundred years from the year of its creation, whichever expires first, if, before the end of such term, the identity of one or more of the authors of an anonymous or pseudonymous work is revealed in the records of a registration made for that work under subsections (a) or (d) of section 407, or in the records provided by this subsection, the copyright in the work endures for the term specified by subsections (a) or (b), based on the life of the author or authors whose identity has been revealed. Any person having an interest in the copyright in an anonymous or pseudonymous work may at any time record, in records to be maintained by the Copyright Office for that purpose, a statement identifying one or more authors of the work; the statement shall also identify the person filing it, the nature of his interest, the source of his information, and the particular works affected, and shall comply in form and content with requirements that the Register of Copyrights shall prescribe by regulation.

(d) RECORDS RELATING TO DEATH OF AUTHORS.—Any person having an interest in a copyright may at any time record in the Copyright Office a statement of the date of death of the author of the copyrighted work, or a statement that the author is still living on a particular date. The statement shall identify the person filing it, the nature of his interest, and the source of his information, and shall comply in form and content with requirements that the Register of Copyrights shall prescribe by regulation. The Register shall maintain current records of information relating to the death of authors of copyrighted works, based on such recorded statements and, to the extent he considers practicable, on data contained in any of the records of the Copyright Office or in other reference sources.

(e) PRESUMPTION AS TO AUTHOR'S DEATH.—After a period of seventy-five years from the year of first publication of a work, or a period of one hundred years from the year of its creation, whichever expires first, any person who obtains from the Copyright Office a certified report that the records provided by subsection (d) disclose nothing to indicate that the author of the work is living, or died less than fifty years before, is entitled to the benefit of a presumption that the author has been dead for at least fifty years. Reliance in good faith upon this presumption shall be a complete defense to any action for infringement under this title.

§ 303. Duration of copyright: Works created but not published or copyrighted before January 1, 1969

Copyright in a work created before January 1, 1969, but not theretofore in the public domain or copyrighted, subsists from January 1, 1969, and endures for the term provided by section 302. In no case, however, shall the term of copyright in such a work expire before December 31, 1993; and, if the work is published on or before December 31, 1993, the term of copyright shall not expire before December 31, 2018.

§ 304. Duration of copyright: Subsisting copyrights

(a) COPYRIGHTS IN THEIR FIRST TERM ON JANUARY 1, 1969.—Any copyright, the first term of which is subsisting on January 1, 1969, shall endure for twenty-eight years from the date it was originally secured: *Provided*, That in the case of any posthumous work or of any periodical, cyclopedic, or other composite work upon which the copyright was originally secured by the proprietor thereof, or of any work copyrighted by a corporate body (otherwise than as assignee or licensee of the individual author) or by an employer for whom such work is made for hire, the proprietor of such copyright shall be entitled to a renewal and extension of the copyright in such work for the further term of forty-seven years when application for such renewal and extension shall have been made to the Copyright Office and duly registered therein within one year prior to

the expiration of the original term of copyright: *And provided further,* That in the case of any other copyrighted work, including a contribution by an individual author to a periodical or to a cyclopedic or other composite work, the author of such work, if still living, or the widow, widower, or children of the author, if the author be not living, or if such author, widow, widower, or children be not living, then the author's executors or in the absence of a will, his next of kin shall be entitled to a renewal and extension of the copyright in such work for a further term of forty-seven years when application for such renewal and extension shall have been made to the Copyright Office and duly registered therein within one year prior to the expiration of the original term of copyright: *And provided further,* That in default of the registration of such application for renewal and extension, the copyright in any work shall terminate at the expiration of twenty-eight years from the date copyright was originally secured.

(b) COPYRIGHTS IN THEIR RENEWAL TERM OR REGISTERED FOR RENEWAL BEFORE JANUARY 1, 1969.—The duration of any copyright, the renewal term of which is subsisting at any time between December 31, 1967, and December 31, 1968, inclusive, or for which renewal registration is made between December 31, 1967, and December 31, 1968, inclusive, is extended to endure for a term of 75 years from the date copyright was originally secured.

(c) TERMINATION OF TRANSFERS AND LICENSES COVERING EXTENDED RENEWAL TERM.—In the case of any copyright subsisting in either its first or renewal term on January 1, 1969, other than a copyright in a work made for hire, the exclusive or nonexclusive grant of a transfer or license of the renewal copyright or of any right under it, executed before January 1, 1969, by any of the persons designated by the second proviso of subsection (a) of this section, otherwise than by will, is subject to termination under the following conditions:

(1) In the case of a grant executed by a person or persons other than the author, termination of the grant may be effected by the surviving person or persons who executed it. In the case of a grant executed by one or more of the authors of the work, termination of the grant may be effected, to the extent of a particular author's share in the ownership of the renewal copyright, by the author who executed it or, if such author is dead, by the person or persons who, under clause (2) of this subsection, own and are entitled to exercise a total of more than one half of that author's interest.

(2) Where an author is dead, his termination interest is owned and may be exercised by his widow (or her widower) and children or grandchildren as follows:

(A) The widow owns his entire termination interest unless there are any surviving children or grandchildren of the author, in which case the widow owns one half of his interest;

(B) The author's surviving children, and the surviving children of any dead child of the author, own his entire termination interest unless there is a widow (or widower), in which case the ownership of one half of his interest is divided among them;

(C) The rights of the author's children and grandchildren are in all cases divided among them and exercised on a per stirpes basis according to the number of his children represented; the share of the children of a dead child in a termination interest can be exercised only by the action of a majority of them.

(3) Termination of the grant may be effected at any time during a period of five years beginning at the end of fifty-six years from the date copyright was originally secured, or beginning on January 1, 1969, whichever is later.

(4) The termination shall be effected by serving in advance notice in writing upon the grantee or his successor in title. In the case of a grant executed by a person or persons other than the author, the notice shall be signed by all of those entitled to terminate the grant under clause (1) of this subsection, or by their duly authorized agents. In the case of a grant executed by one or more of the authors of the work, the notice as to any one author's share shall be signed by him or his duly authorized agent or, if he is dead, by the number and proportion of the owners of his termination interest required under clauses (1) and (2) of this subsection, or by their duly authorized agents.

(A) The notice shall state the effective date of the termination, which shall fall within the five-year period specified by clause (3) of this subsection, and the notice shall be served not less than two or more than ten years before that date. A copy of the notice shall be recorded in the Copyright Office before the effective date of termination, as a condition to its taking effect.

(B) The notice shall comply, in form, content, and manner of service, with requirements that the Register of Copyrights shall prescribe by regulation.

(5) Termination of the grant may be effected notwithstanding any agreement to the contrary, including an agreement to make a will or to make any future grant.

(6) In the case of a grant executed by a person or persons other than the author, all rights under this title that were covered by the terminated grant revert, upon the effective date of termination, to all of those entitled to terminate the grant under clause (1) of this subsection. In the case of a grant executed by one or more of the authors of the work, all of a particular author's rights under this title that were covered by the terminated grant revert, upon the effective date of termination, to that author or, if he is dead, to the persons owning his termination interest under clause (2) of this subsection, including those owners who did not join in signing the notice of termination under clause (4) of this subsection. In all cases the reversion of rights is subject to the following limitations:

(A) A derivative work prepared under authority of the grant before its termination may continue to be utilized under the terms of the grant after its termination, but this privilege does not extend to the preparation after the termination of other derivative works based upon the copyrighted work covered by the terminated grant.

(B) The future rights that will revert upon termination of the grant becomes vested on the date the notice of termination has been served as provided by clause (4) of this subsection.

(C) Where an author's rights revert to two or more persons under clause (2) of this subsection, they shall vest in those persons in the proportionate shares provided by that clause. In such a case, and subject to the provisions of subclause (D) of this clause, a further grant, or agreement to make a further grant, of a particular author's share with respect to any right covered by a terminated grant is valid only if it is signed by the same number and proportion of the owners, in whom the right has vested under this clause, as are required to terminate the grant under clause (2) of this subsection. Such further grant or agreement is effective with respect to all of the persons in whom the right it covers has vested under this subclause, including those who did not join in signing it. If any person dies after rights under a terminated grant have vested in him, his legal representatives, legatees, or heirs at law represent him for purposes of this subclause.

(D) A further grant, or agreement to make a further grant, of any right covered by a terminated grant is valid only if it is made after the effective date of the termination. As an exception, however, an agreement for such a further grant may be made between the author or any of the persons provided by the first sentence of clause (6) of this subsection, or between the persons provided by subclause (C) of this clause, and the original grantee or his successor in title, after the notice of termination has been served as provided by clause (4) of this subsection.

(E) Termination of a grant under this subsection affects only those rights covered by the grant that arise under this title, and in no way affects rights arising under any other Federal, State, or foreign laws.

(F) Unless and until termination is effected under this section, the grant, if it does not provide otherwise, continues in effect for the remainder of the extended renewal term.

§ 305. Duration of copyright: Terminal date

All terms of copyright provided by sections 302 through 304 run to the end of the calendar year in which they would otherwise expire.

CHAPTER 4.—COPYRIGHT NOTICE, DEPOSIT, AND REGISTRATION

Sec.

401. Notice of copyright: Visually perceptible copies.
402. Notice of copyright: Phonorecords of sound recordings.
403. Notice of copyright: Contributions to collective works.
404. Notice of copyright: Omission of notice.
405. Notice of copyright: Error in name or date.
406. Deposit of copies or phonorecords for Library of Congress.
407. Copyright registration in general.
408. Application for registration.
409. Registration of claim and issuance of certificate.
410. Registration as prerequisite to infringement suit.
411. Registration as prerequisite to certain remedies for infringement.

§ 401. Notice of copyright: Visually perceptible copies

(a) GENERAL REQUIREMENT.—Whenever a work protected under this title is published in the United States or elsewhere by authority of the copyright owner, a notice of copyright as provided by this section shall be placed on all publicly distributed copies from which the work can be visually perceived, either directly or with the aid of a machine or device.

(b) FORM OF NOTICE.—The notice appearing on the copies shall consist of the following three elements:

(1) the symbol © (the letter C in a circle), the word "Copyright," or the abbreviation "Copr.";

(2) the year of first publication of the work; in the case of compilations or derivative works incorporating previously published material, the year date of first publication of the compilation or derivative work is sufficient;

(3) the name of the owner of copyright in the work, or an abbreviation by which the name can be recognized, or a generally known alternative designation of the owner.

(c) POSITION OF NOTICE.—The notice shall be affixed to the copies in such manner and location as to give reasonable notice of the claim of copyright. The Register of Copyrights shall prescribe by regulation, as examples, specific methods of affixation and positions of the notice on various types of works that will satisfy this requirement, but these specifications shall not be considered exhaustive.

§ 402. Notice of copyright: Phonorecords of sound recordings

(a) GENERAL REQUIREMENT.—Whenever a sound recording protected under this title is published in the United States or elsewhere by authority of the copyright owner, a notice of copyright as provided by this section shall

be placed on all publicly distributed phonorecords of the sound recording.

(b) FORM OF NOTICE.—The notice appearing on the phonorecords shall consist of the following three elements:

(1) the symbol Ⓟ (the letter P in a circle);

(2) the year of first publication of the sound recording;

(3) the name of the owner of copyright in the sound recording, or an abbreviation by which the name can be recognized, or a generally known alternative designation of the owner; if the producer of the sound recording is named on the phonorecord labels or containers, and if no other name appears in conjunction with the notice, his name shall be considered a part of the notice.

(c) POSITION OF NOTICE.—The notice shall be placed on the surface of the phonorecord, or on the phonorecord label or container, in such manner and location as to give reasonable notice of the claim of copyright.

(d) EFFECTIVE DATE OF REQUIREMENT.—The requirements of this section apply to all phonorecords publicly distributed on or after January 1, 1969.

§ 403. Notice of copyright: Contributions to collective works

(a) A separate contribution to a collective work may bear its own notice of copyright, as provided by sections 401 and 402. However, a single notice applicable to the collective work as a whole is sufficient to satisfy the requirements of sections 401 and 402 with respect to the separate contributions it contains (not including advertisements inserted on behalf of persons other than the owner of copyright in the collective work), regardless of the ownership of copyright in the contributions and whether or not they have been previously published.

(b) Where the person named in a single notice applicable to a collective work as a whole is not the owner of copyright in a separate contribution that does not bear its own notice, the case is governed by the provisions of section 405(a).

§ 404. Notice of copyright: Omission of notice

(a) EFFECT OF OMISSION ON COPYRIGHT.—The omission of the copyright notice prescribed by sections 401 and 402 from copies or phonorecords publicly distributed by authority of the copyright owner does not invalidate the copyright in a work if:

(1) the notice has been omitted from no more than a relatively small number of copies or phonorecords distributed to the public; or

(2) registration for the work has been made before or is made within five years after the publication without notice, and a reasonable effort is made to add notice to all copies or phonorecords that are distributed to the public in the United States after the omission has been discovered; or

(3) the notice has been omitted in violation of an express requirement in writing that, as a condition of the copyright owner's authorization of the public distribution of copies or phonorecords, they bear the prescribed notice.

(b) EFFECTS OF OMISSION ON INNOCENT INFRINGERS.—Any person who innocently infringes a copyright, in reliance upon an authorized copy or phonorecord from which the copyright notice has been omitted, incurs no liability for actual or statutory damages under section 504 for any infringing acts committed before receiving actual notice that registration for the work has been made under section 407, if he proves that he was misled by the omission of notice. In a suit for infringement in such a case the court may allow or disallow recovery of any of the infringer's profits attributable to the infringement, and may enjoin the continuation of the infringing undertaking or may require, as a condition for permitting the infringer to continue his undertaking, that he pay the copyright owner a reasonable license fee in an amount and on terms fixed by the court.

(c) REMOVAL OF NOTICE.—Protection under this title is not affected by the removal, destruction, or obliteration of the notice, without the authorization of the copyright owner, from any publicly distributed copies or phonorecords.

§ 405. Notice of copyright: Error in name or date

(a) ERROR IN NAME.—Where the person named in the copyright notice on copies or phonorecords publicly distributed by authority of the copyright owner is not the owner of copyright, the validity and ownership of the copyright are not affected. In such a case, however, any person who innocently begins an undertaking that infringes the copyright has a complete defense to any action for such infringement if he proves that he was misled by the notice and began the undertaking in good faith under a purported transfer or license from the person named therein, unless before the undertaking was begun:

(1) registration for the work had been made in the name of the owner of copyright; or

(2) a document executed by the person named in the notice and showing the ownership of the copyright had been recorded.

The person named in the notice is liable to account to the copyright owner for all receipts from purported transfers or licenses made by him under the copyright.

(b) ERROR IN DATE.—When the year date in the notice on copies or phonorecords distributed by authority of the copyright owner is earlier than the year in which publication first occurred, any period computed from the year of first publication under section 302 is to be computed from the year in the notice. Where the year date is more than one year later than the year in which publication first occurred, the work is considered to have been published without any notice and is governed by the provisions of section 404.

(c) OMISSION OF NAME OR DATE.—Where copies or phonorecords publicly distributed by authority of the copyright owner contain no name or no date that could reasonably be considered a part of the notice, the work is considered to have been published without any notice and is governed by the provisions of section 404.

§ 406. Deposit of copies of phonorecords for Library of Congress

(a) Except as provided by subsection (c), the owner of copyright or of the exclusive right of publication in a work published with notice of copyright in the United States shall deposit, within three months after the date of such publication:

(1) two complete copies of the best edition; or

(2) if the work is a sound recording, two complete phonorecords of the best edition, together with any printed or other visually-perceptible material published with such phonorecords.

This deposit is not a condition of copyright protection.

(b) The required copies or phonorecords shall be deposited in the Copyright Office for the use or disposition of the Library of Congress. The Register of Copyrights shall, when requested by the depositor and upon payment of the fee prescribed by section 708, issue a receipt for the deposit.

(c) The Register of Copyrights may by regulation exempt any categories of material from the deposit requirements of this section, or require deposit of only one copy or phonorecord with respect to any categories.

(d) At any time after publication of a work as provided by subsection (a), the Register of Copyrights may make written demand for the required deposit on any of the persons obligated to make the deposit under subsection (a). Unless deposit is made within three months after the demand is received, the person or persons on whom the demand was made are liable:

(1) to a fine of not more than $250 for each work; and

(2) to pay to the Library of Congress the total retail price of the copies or phonorecords demanded, or, if no retail price has been fixed, the reasonable cost to the Library of Congress of acquiring them.

§ 407. Copyright registration in general

(a) REGISTRATION PERMISSIVE.—At any time during the subsistence of copyright in any published or unpublished work, the owner of copyright or of any exclusive right in the work may obtain registration of the copyright claim by delivering to the Copyright Office the deposit specified by this section, together with the application and fee specified by sections 408 and 708. Subject to the provisions of section 404(a), such registration is not a condition of copyright protection.

(b) DEPOSIT FOR COPYRIGHT REGISTRATION—Except as provided by subsection (c), the material deposited for registration shall include:

(1) in the case of an unpublished work, one complete copy or phonorecord;

(2) in the case of a published work, two complete copies or phonorecords of the best edition;

(3) in the case of a work first published abroad, one complete copy or phonorecord as so published;

(4) in the case of a contribution to a collective work, one complete copy or phonorecord of the best edition of the collective work.

Copies or phonorecords deposited for the Library of Congress under section 406 may be used to satisfy the deposit provisions of this section, if they are accompanied by the prescribed application and fee, and by any additional identifying material that the Register may, by regulation, require.

(c) ADMINISTRATIVE CLASSIFICATION AND OPTIONAL DEPOSIT.—The Register of Copyrights is authorized to specify by regulation the administrative classes into which works are to be placed for purposes of deposit and registration, and the nature of the copies or phonorecords to be deposited in the various classes specified. The regulations may require or permit, for particular classes, the deposit of identifying material instead of copies or phonorecords, the deposit of only one copy or phonorecord where two would normally be required, or a single registration for a group of related works. This administrative classification of works has no significance with respect to the subject matter of copyright or the exclusive rights provided by this title.

(d) CORRECTIONS AND AMPLIFICATIONS.—The Register may also establish, by regulation, formal procedures for the filing of an application for supplementary registration, to correct an error in a copyright registration or to amplify the information given in a registration. Such application shall be accompanied by the fee provided by section 708, and shall clearly identify the registration to be corrected or amplified. The information contained in a supplementary registration augments but does not supersede that contained in the earlier registration.

(e) PUBLISHED EDITION OF PREVIOUSLY REGISTERED WORK.—Registration for the first published edition of a work previously registered in unpublished form may be made even though the work as published is substantially the same as the unpublished version.

§ 408. Application for registration

The application for copyright registration shall be made on a form prescribed by the Register of Copyrights and shall include:

(1) the name and address of the copyright claimant;

(2) in the case of a work other than an anonymous or pseudonymous work, the name and nationality or domicile of the author or authors and, if one or more of the authors is dead, the dates of their deaths;

(3) if the work is anonymous or pseudonymous, the nationality or domicile of the author or authors;

(4) in the case of a work made for hire, a statement to this effect;

(5) if the copyright claimant is not the author, a brief statement of how the claimant obtained ownership of the copyright;

(6) the title of the work, together with any previous or alternative titles under which the work can be identified;

(7) the year in which creation of the work was completed;

(8) if the work has been published, the date and nation of its first publication;

(9) in the case of a compilation or derivative work, an identification of any pre-existing work or works that it is based on or incorporates, and a brief, general statement of the additional material covered by the copyright claim being registered;

(10) in the case of a published work containing material of which copies are required by section 601 to be manufactured in the United States, the names of the persons or organizations who performed the processes specified by subsection (c) of section 601 with respect to that material, and the places where those processes were performed; and

(11) any other information regarded by the Register of Copyrights as bearing upon the preparation or identification of the work or the existence, ownership, or duration of the copyright.

§ 409. Registration of claim and issuance of certificate

(a) When, after examination, the Register of Copyrights determines that, in accordance with the provisions of this title, the material deposited constitutes copyrightable subject matter and that the other legal and formal requirements of this title have been met, he shall register the claim and issue to the applicant a certificate of registration under the seal of the Copyright Office. The certificate shall contain the information given in the application, together with the number and effective date of the registration.

(b) In any case in which the Register of Copyrights determines that, in accordance with the provisions of this title, the material deposited does not constitute copyrightable subject matter or that the claim is invalid for any other reason, he shall refuse registration and shall notify the applicant in writing of the reasons for his action.

(c) In any judicial proceedings the certificate of a registration made before or within five years after first publication of the work shall constitute prima facie evidence of the validity of the copyright and of the facts stated in the certificate. The evidentiary weight to be accorded the certificate of a registration made thereafter shall be within the discretion of the court.

(d) The effective date of a copyright registration is the day on which an application, deposit, and fee, which are later determined by the Register of Copyrights or by a court of competent jurisdiction to be acceptable for registration, have all been received in the Copyright Office.

§ 410. Registration as prerequisite to infringement suit

No action for infringement of the copyright in any work shall be instituted until registration of the copyright claim has been made in accordance with this title. In any case, however, where the deposit, application, and fee required for registration have been delivered to the Copyright Office in proper form and registration has been refused, the applicant is entitled to institute an action for infringement if notice thereof, with a copy of the complaint, is served on the Register of Copyrights. The Register may, at his option, become a party to the action with respect to the issue of registrability of the copyright claim by entering his appearance within sixty days after such service, but his failure to do so shall not deprive the court of jurisdiction to determine that issue.

§ 411. Registration as prerequisite to certain remedies for infringement

In any action under this title, no award of statutory damages or of attorney's fees, as provided by sections 504 and 505, shall be made for:

(1) any infringement of copyright in an unpublished work commenced before the effective date of its registration; or

(2) any infringement of copyright commenced after first publication of the work and before the effective date of its registration, unless such registration is made within three months after its first publication.

CHAPTER 5—COPYRIGHT INFRINGEMENT AND REMEDIES

Sec.

501. Infringement of copyright.
502. Remedies for infringement: Injunctions.
503. Remedies for infringement: Impounding and disposition of infringing articles.
504. Remedies for infringement: Damages and profits.
505. Remedies for infringement: Costs and attorney's fees.
506. Criminal offenses.
507. Limitations on actions.
508. Notification of filing and determination of actions.

§ 501. Infringement of copyright

(a) Anyone who violates any of the exclusive rights of the copyright owner as provided by sections 106 through 116, or who imports copies or phonorecords into the United States in violation of section 602, is an infringer of the copyright.

(b) The legal or beneficial owner of an exclusive right under a copyright is entitled, subject to the requirements of sections 205 (d) and 410, to institute an action for any infringement of that particular right committed while he is the owner of it. The court may require him to serve written notice of the action with a copy of the complaint upon any person shown, by the records of the Copyright Office or otherwise, to have or claim an interest in the copyright, and shall require that such notice be served upon any person whose interest is likely to be affected by a decision in the case. The court may require the joinder, and shall permit the intervention, of any person having or claiming an interest in the copyright.

§ 502. Remedies for infringement: Injunctions

(a) Any court having jurisdiction of a civil action arising under this title may, subject to the provisions of section 1498 of title 28, grant temporary and final injunctions on such terms as it may deem reasonable to prevent or restrain infringement of a copyright.

(b) Any such injunction may be served anywhere in the United States on the person enjoined; it shall be operative throughout the United States and shall be enforceable, by proceedings in contempt or otherwise, by any United States court having jurisdiction of that person. The clerk of the court granting the injunction shall, when requested by any other court in which enforcement of the injunction is sought, transmit promptly to the other court a certified copy of all the papers in the case on file in his office.

§ 503. Remedies for infringement: Impounding and disposition of infringing articles

(a) At any time while an action under this title is pending, the court may order the impounding, on such terms as it may deem reasonable, of all copies or phonorecords claimed to have been made or used in violation of the copyright owner's exclusive rights, and of all plates, molds, matrices, masters, tapes, film negatives, or other articles by means of which such copies or phonorecords may be reproduced.

(b) As part of a final judgment or decree, the court may order the destruction or other reasonable disposition of all copies or phonorecords found to have been made or used in violation of the copyright owner's exclusive rights, and of all plates, molds, matrices, masters, tapes, film negatives, or other articles by means of which such copies or phonorecords may be reproduced.

§ 504. Remedies for infringement: Damages and profits

(a) IN GENERAL.—Except as otherwise provided by this title, an infringer of copyright is liable for either:

(1) the copyright owner's actual damages and any additional profits of the infringer, as provided by subsection (b); or

(2) statutory damages, as provided by subsection (c).

(b) ACTUAL DAMAGES AND PROFITS.—The copyright owner is entitled to recover the actual damages suffered by him as a result of the infringement, and any profits of the infringer that are attributable to the infringement and are not taken into account in computing the actual damages. In establishing the infringer's profits, the copyright owner is required to present proof only of the infringer's gross revenue, and the infringer is required to prove his deductible expenses and the elements of profit attributable to factors other than the copyrighted work.

(c) STATUTORY DAMAGES.—

(1) Except as provided by clause (2) of this subsection, the copyright owner may elect, at any time before final judgment is rendered, to recover, instead of actual damages and profits, an award of statutory damages for all infringements involved in the action, with respect to any one work, for which any one infringer is liable individually, or for which any two or more infringers are liable jointly and severally, in a sum of not less than $250 or more than $10,000 as the court considers just. For the purposes of this subsection, all the parts of a compilation or derivative work constitute one work.

(2) In a case where the copyright owner sustains the burden of proving, and the court finds, that infringement was committed willfully, the court in its discretion may increase the award of the statutory damages to a sum of not more than $20,000. In a case where the infringer sustains the burden of proving, and the court finds, that he was not aware and had no reason to believe that his acts constituted an infringement of copyright, the court in its discretion may reduce the award of statutory damages to a sum of not less than $100. In a case where an instructor in a nonprofit educational institution, who infringed by reproducing a copyrighted work in copies or phonorecords for use in the course of face-to-face teaching activities in a classroom or similar place normally devoted to instruction, sustains the burden of proving that he believed and had reasonable grounds for believing that the reproduction was a fair use under section 107, the court in its discretion may remit statutory damages in whole or in part.

§ 505. Remedies for infringement: Costs and attorney's fees

In any civil action under this title, the court in its discretion may allow the recovery of full costs by or against any party other than the United States or an officer thereof. Except as otherwise provided by this title, the court may also award a reasonable attorney's fee to the prevailing party as part of the costs.

§ 506. Criminal offenses

(a) CRIMINAL INFRINGEMENT.—Any person

who infringes a copyright willfully and for purposes of commercial advantage or private financial gain shall be fined not more than $2,500 or imprisoned not more than one year, or both, for the first such offense, and shall be fined not more than $10,000 or imprisoned not more than three years, or both, for any subsequent offense.

(b) FRAUDULENT COPYRIGHT NOTICE.—Any person who, with fraudulent intent, places on any article a notice of copyright or words of the same purport that he knows to be false, or who, with fraudulent intent, publicly distributes or imports for public distribution any article bearing such notice or words that he knows to be false, shall be fined not more than $2,500.

(c) FRAUDULENT REMOVAL OF COPYRIGHT NOTICE.—Any person who, with fraudulent intent, removes or alters any notice of copyright appearing on a copy of a copyrighted work shall be fined not more than $2,500.

(d) FALSE REPRESENTATION.—Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 408, or in any written statement filed in connection with the application, shall be fined not more than $2,500.

§ 507. Limitations on actions

(a) CRIMINAL PROCEEDINGS.—No criminal proceeding shall be maintained under the provisions of this title unless it is commenced within three years after the cause of action arose.

(b) CIVIL ACTION.—No civil action shall be maintained under the provisions of this title unless it is commenced within three years after the claim accrued.

§ 508. Notification of filing and determination of actions

(a) Within one month after the filing of any action under this title, the clerks of the courts of the United States shall send written notification to the Register of Copyrights setting forth, as far as is shown by the papers filed in the court, the names and addresses of the parties and the title, author, and registration number of each work involved in the action. If any other copyrighted work is later included in the action by amendment, answer, or other pleading, the clerk shall also send a notification concerning it to the Register within one month after the pleading is filed.

(b) Within one month after any final order or judgment is issued in the case, the clerk of the court shall notify the Register of it, sending him a copy of the order or judgment together with the written opinion, if any, of the court.

(c) Upon receiving the notifications specified in this section, the Register shall make them a part of the public records of the Copyright Office.

CHAPTER 6.—MANUFACTURING REQUIREMENT AND IMPORTATION

Sec.

601. Manufacture, importation, and public distribution of certain copies.
602. Infringing importation of copies or phonorecords.
603. Importation prohibitions: Enforcement and disposition of excluded articles.

§ 601. Manufacture, importation, and public distribution of certain copies

(a) Except as provided by subsection (b), the importation into or public distribution in the United States of copies of a work consisting preponderantly of nondramatic literary material that is in the English language and is protected under this title is prohibited unless the portions consisting of such material have been manufactured in the United States.

(b) The provisions of subsection (a) do not apply:

(1) where, on the date when importation is sought or public distribution in the United States is made, the author of any substantial part of such material is neither a national nor a domiciliary of the United States, or, if he is a national of the United States, has been domiciled outside of the United States for a continuous period of at least one year immediately preceding that date;

(2) where the Bureau of Customs is presented with an import statement issued under the seal of the Copyright Office, in which case a total of no more than two thousand copies of any one such work shall be allowed entry; the import statement shall be issued upon request to the copyright owner or to a person designated by him at the time of registration for the work under section 407 or at any time thereafter;

(3) where importation is sought under the authority or for the use, other than in schools, of the Government of the United States or of any State or political subdivision of a State;

(4) where importation, for use and not for sale, is sought:

(A) by any person with respect to no more than one copy of any one work at any one time;

(B) by any person arriving from abroad, with respect to copies forming part of his personal baggage; or

(C) by an organization operated for scholarly, educational, or religious purposes and not for private gain, with respect to copies intended to form a part of its library;

(5) where the copies are reproduced in raised characters for the use of the blind;

(6) where, in addition to copies imported under clauses (3) and (4) of this subsection, no more than two thousand copies of any one such work, which have not been manufactured in the United States, are publicly distributed in the United States.

(c) The requirement of this section that copies be manufactured in the United States is satisfied if:

(1) in the case where the copies are printed directly from type that has been set, or directly from plates made from such type, the setting of the type and the making of the plates have been performed in the United States; or

(2) in the case where the copies are printed directly from plates made by a lithographic or photoengraving process, the making of the plates has been performed in the United States; and

(3) in any case, the printing or other final process of producing multiple copies and any binding of the copies have been performed in the United States.

(d) Importation or public distribution of copies in violation of this section does not invalidate protection for a work under this title. However, in any civil action or criminal proceeding for infringement of the exclusive rights to reproduce and distribute copies of the work, the infringer has a complete defense with respect to all of the nondramatic literary material comprised in the work and any other parts of the work in which the exclusive rights to reproduce and distribute copies are owned by the same person who owns such exclusive rights in the nondramatic literary material, if he proves:

(1) that copies of the work have been imported into or publicly distributed in the United States in violation of this section by or with the authority of the owner of such exclusive rights; and

(2) that the infringing copies were manufactured in the United States in accordance with the provisions of subsection (c); and

(3) that the infringement was commenced before the effective date of registration for an authorized edition of the work, the copies of which have been manufactured in the United States in accordance with the provisions of subsection (c).

(e) In any action for infringement of the exclusive rights to reproduce and distribute copies of a work containing material required by this section to be manufactured in the United States, the copyright owner shall set forth in the complaint the names of the persons or organizations who performed the processes specified by subsection (c) with respect to that material, and the places where those processes were performed.

§ 602. Infringing importation of copies or phonorecords

(a) Importation into the United States, without the authority of the owner of copyright under this title, of copies or phonorecords of a work that have been acquired abroad is an infringement of the exclusive right to distribute copies or phonorecords under section 106, actionable under section 501. This subsection does not apply to:

(1) importation of copies or phonorecords under the authority or for the use, other than in schools, of the government of the United States or of any State or political subdivision of a State, but not including copies of any audiovisual work imported for purposes other than archival use;

(2) importation, for use and not for sale, by any person with respect to no more than one copy or phonorecord of any one work at any one time, or by any person arriving from abroad with respect to copies or phonorecords forming part of his personal baggage; or

(3) importation by or for an organization operated for scholarly, educational, or religious purposes and not for private gain, with respect to no more than one copy of an audiovisual work solely for its archival purposes, and no more than five copies or phonorecords of any other work for its library lending or archival purposes.

(b) In a case where the making of the copies or phonorecords would have constituted an infringement of copyright if this title had been applicable, their importation is prohibited. In a case where the copies or phonorecords were lawfully made, the Bureau of Customs has no authority to prevent their importation unless the provisions of section 601 are applicable. In either case, the Secretary of the Treasury is authorized to prescribe, by regulation, a procedure under which any person claiming an interest in the copyright in a particular work may, upon payment of a specified fee, be entitled to notification by the Bureau of the importation of articles that appear to be copies or phonorecords of the work.

§ 603. Importation prohibitions: Enforcement and disposition of excluded articles

(a) The Secretary of the Treasury and the Postmaster General shall separately or jointly make regulations for the enforcement of the provisions of this title prohibiting importation.

(b) These regulations may require, as a condition for the exclusion of articles under section 602:

(1) that the person seeking exclusion obtain a court order enjoining importation of the articles; or

(2) that he furnish proof, of a specified nature and in accordance with prescribed procedures, that the copyright in which he claims an interest is valid and that the importation would violate the prohibition in section 602; he may also be required to post a surety bond for any injury that may result if the detention or exclusion of the articles proves to be unjustified.

(c) Articles imported in violation of the importation prohibitions of this title are subject to seizure and forfeiture in the same manner as property imported in violation of the customs revenue laws. Forfeited articles shall be destroyed as directed by the Secretary of the Treasury or the court, as the case may be; however, the articles may be returned to the country of export whenever it is shown to the satisfaction of the Secretary of the Treasury that the importer had

no reasonable grounds for believing that his acts constituted a violation of law.

CHAPTER 7.—COPYRIGHT OFFICE

Sec.
701. The Copyright Office: General responsibilities and organization.
702. Copyright Office regulations.
703. Effective date of actions in Copyright Office.
704. Retention and disposition of articles deposited in Copyright Office.
705. Copyright Office records: Preparation, maintenance, public inspection, and and searching.
706. Copies of Copyright Office records.
707. Copyright Office forms and publications.
708. Copyright Office fees.

§ 701. The Copyright Office: General responsibilities and organization

(a) All administrative functions and duties under this title, except as otherwise specified, are the responsibility of the Register of Copyrights as director of the Copyright Office in the Library of Congress. The Register of Copyrights, together with the subordinate officers and employees of the Copyright Office, shall be appointed by the Librarian of Congress, and shall act under his general direction and supervision.

(b) The Register of Copyrights shall adopt a seal to be used on and after January 1, 1969, to authenticate all certified documents issued by the Copyright Office.

(c) The Register of Copyrights shall make an annual report to the Librarian of Congress of the work and accomplishments of the Copyright Office during the previous fiscal year. The annual report of the Register of Copyrights shall be published separately and as a part of the annual report of the Librarian of Congress.

§ 702. Copyright Office regulations

The Register of Copyrights is authorized to establish regulations not inconsistent with law for the administration of the functions and duties made his responsibility under this title. All regulations established by the Register under this title are subject to the approval of the Librarian of Congress.

§ 703. Effective date of actions in Copyright Office

In any case in which time limits are prescribed under this title for the performance of an action in the Copyright Office, and in which the last day of the prescribed period falls on a Saturday, Sunday, holiday or other nonbusiness day within the District of Columbia or the Federal Government, the action may be taken on the next succeeding business day, and is effective as of the date when the period expired.

§ 704. Retention and disposition of articles deposited in Copyright Office

(a) Upon their deposit in the Copyright Office under sections 406 and 407, all copies, phonorecords, and identifying material, including those deposited in connection with claims that have been refused registration, are the property of the United States Government.

(b) In the case of published works, all copies, phonorecords, and identifying material deposited are available to the Library of Congress for its collections, or for exchange or transfer to any other library. In the case of unpublished works, the Library is entitled to select any deposits for its collections.

(c) Deposits not selected by the Library under subsection (b), or identifying portions or reproductions of them, shall be retained under the control of the Copyright Office, including retention in Government storage facilities, for the longest period considered practicable and desirable by the Register of Copyrights and the Librarian of Congress. After that period it is within the joint discretion of the Register and the Librarian to order their destruction or other disposition; but, in the case of unpublished works, no deposit shall be destroyed or otherwise disposed of during its term of copyright.

(d) The depositor of copies, phonorecords, or identifying material under section 407, or the copyright owner of record, may request retention, under the control of the Copyright Office, of one or more of such articles for the full term of copyright in the work. The Register of Copyrights shall prescribe, by regulation, the conditions under which such requests are to be made and granted, and shall fix the fee to be charged under section 708(11) if the request is granted.

§ 705. Copyright Office records: Preparation, maintenance, public inspection, and searching

(a) The Register of Copyrights shall provide and keep in the Copyright Office records of all deposits, registrations, recordations, and other actions taken under this title, and shall prepare indexes of all such records.

(b) Such records and indexes, as well as the articles deposited in connection with completed copyright registrations and retained under the control of the Copyright Office, shall be open to public inspection.

(c) Upon request and payment of the fee specified by section 708, the Copyright Office shall make a search of its public records, indexes, and deposits, and shall furnish a report of the information they disclose with respect to any particular deposits, registrations, or recorded documents.

§ 706. Copies of Copyright Office records

(a) Copies may be made of any public records or indexes of the Copyright Office; additional certificates of copyright registration and copies of any public records or indexes may be furnished upon request and payment of the fees specified by section 708.

(b) Copies or reproductions of deposited articles retained under the control of the Copyright Office shall be authorized or furnished only under the conditions specified by the Copyright Office regulations.

§ 707. Copyright Office forms and publications

(a) CATALOG OF COPYRIGHT ENTRIES.—The Register of Copyrights shall compile and publish at periodic intervals catalogs of all copyright registrations. These catalogs shall be divided into parts in accordance with the various classes of works, and the Register has discretion to determine, on the basis of practicability and usefulness, the form and frequency of publication of each particular part.

(b) OTHER PUBLICATIONS.—The Register shall furnish, free of charge upon request, application forms for copyright registration and general informational material in connection with the functions of the Copyright Office. He also has authority to publish compilations of information, bibliographies, and other material he considers to be of value to the public.

(c) DISTRIBUTION OF PUBLICATIONS.—All publications of the Copyright Office shall be furnished to depository libraries as specified under section 2 of the Depository Library Act of 1962 (76 Stat. 353, 44 U.S.C. § 82), and, aside from those furnished free of charge, shall be offered for sale to the public at prices based on the cost of reproduction and distribution.

§ 708. Copyright Office fees

(a) The following fees shall be paid to the Register of Copyrights:

(1) for the registration of a copyright claim or a supplementary registration under section 407, including the issuance of a certificate of registration, $6;

(2) for the registration of a claim to renewal of a subsisting copyright in its first term under section 304(a), including the issuance of a certificate of registration, $4;

(3) for the issuance of a receipt for a deposit under section 406, $2;

(4) for the recordation, as provided by section 205, of a transfer of copyright ownership or other document of six pages or less, covering to more than one title, $5; for each page over six and for each title over one, 50 cents additional;

(5) for the filing, under section 115(b), of a notice of intention to make phonorecords, $3;

(6) for the recordation, under section 302(c), of a statement revealing the identity of an author of an anonymous or pseudonymous work, or for the recordation, under section 302(d), of a statement relating to the death of an author, $5 for a document of six pages or less, covering no more than one title; for each page over six and for each title over one, 50 cents additional;

(7) for the issuance, under section 601, of an import statement, $3;

(8) for the issuance, under section 706, of an additional certificate of registration, $2;

(9) for the issuance of any other certification, $3; the Register of Copyrights has discretion, on the basis of their cost, to fix the fees for preparing copies of Copyright Office records, whether they are to be certified or not;

(10) for the making and reporting of a search as provided by section 705, and for any related services, $5 for each hour or fraction of an hour consumed;

(11) for any other special services requiring a substantial amount of time or expense, such fees as the Register of Copyrights may fix on the basis of the cost of providing the service.

(b) The fees prescribed by or under this section are applicable to the United States Government and any of its agencies, employees, or officers, but the Register of Copyrights has discretion to waive the requirement of this subsection in occasional or isolated cases involving relatively small amounts.

Transitional and supplementary provisions

SEC. 2. This act becomes effective on January 1, 1969, except as otherwise provided by section 304(b) of title 17 as amended by this act.

SEC. 3. This act does not provide copyright protection for any work that goes into the public domain before January 1, 1969. The exclusive rights, as provided by section 106 of title 17 as amended by this act, to reproduce a work in phonorecords and to distribute phonorecords of the work, do not extend to any nondramatic musical work copyrighted before July 1, 1909.

SEC. 4. All proclamations issued by the President under sections 1(e) or 9(b) of title 17 as it existed on December 31, 1968, or under previous copyright statutes of the United States shall continue in force until terminated, suspended, or revised by the President.

SEC. 5. (a) Section 52 of the Printing Act, approved January 12, 1895 (28 Stat. 608; 44 U.S.C. § 58 (1964)) is amended to read as follows:

"SEC. 52. The Public Printer shall sell, under such regulations as the Joint Committee on Printing may prescribe, to any person or persons who may apply additional or duplicate stereotype or electrotype plates from which any Government publication is printed, at a price not to exceed the cost of composition, the metal and making to the Government and ten per centum added: *Provided*, That the full amount of the price shall be paid when the order is filed."

(b) Section 510 of the Federal Records Act of 1950 (64 Stat. 589, 44 U.S.C. § 400 (1964)) is amended to read as follows:

"SEC. 510. With respect to letters and other intellectual productions (exclusive of patented material, published works under copyright protection, and unpublished works for which copyright registration has been made) after they come into the custody or possession

of the Administrator, neither the United States nor its agents shall be liable for any infringement of copyright or analogous rights arising thereafter out of use of such materials for display, inspection, research, reproduction or other purposes."

(c) In section 1498(b) of title 28 of the United States Code, the phrase "section 101(b) of title 17" is amended to read "section 504(c) of title 17".

(d) Section 543(a)(4) of the Internal Revenue Code of 1954, as amended, is amended by striking out "(other than by reason of section 2 or 6 thereof)".

(e) Section 4152(a) of title 39 of the United States Code is amended by striking out clause (5).

SEC. 6. In any case where, before January 1, 1969, a person has lawfully made parts of instruments serving to reproduce mechanically a copyrighted work under the compulsory license provisions of section 1(e) of title 17 as it existed on December 31, 1968, he may continue to make and distribute such parts embodying the same mechanical reproduction without obtaining a new compulsory license under the terms of section 115 of title 17 as amended by this act. However, such parts made on or after January 1, 1969, constitute phonorecords and are otherwise subject to the provisions of said section 115.

SEC. 7. In the case of any work in which an ad interim copyright is subsisting or is capable of being secured on December 31, 1968, under section 22 of title 17 as it existed on that date, copyright protection is hereby extended to endure for the term or terms provided by section 304 of title 17 as amended by this act.

SEC. 8. The notice provisions of sections 401 and 402 of title 17 as amended by this act apply to all copies or phonorecords publicly distributed on or after January 1, 1969. However, in the case of a work published before January 1, 1969, compliance with the notice provisions of title 17 either as it existed on December 31, 1968, or as amended by this act, is adequate with respect to copies publicly distributed after December 31, 1968.

SEC. 9. The registration of claims to copyright for which the required deposit, application, and fee were received in the Copyright Office before January 1, 1969, and the recordation of assignments of copyright or other instruments received in the Copyright Office before January 1, 1969, shall be made in accordance with title 17 as it existed on December 31, 1968.

SEC. 10. The demand and penalty provisions of section 14 of title 17 as it existed on December 31, 1968, apply to any work in which copyright has been secured by publication with notice of copyright on or before that date, but any deposit and registration made after that date in response to a demand under that section shall be made in accordance with the provisions of title 17 as amended by this act.

SEC. 11. All causes of action that arose under title 17 before January 1, 1969, shall be governed by title 17 as it existed when the cause of action arose.

SEC. 12. If any provision of title 17, as amended by this act, is declared unconstitutional, the validity of the remainder of the title is not affected.

Mr. KASTENMEIER (interrupting the reading). Mr. Chairman, I ask unanimous consent that further reading of the bill be dispensed with, that the remainder of the bill be printed in the RECORD, and that the bill be considered as open for amendment at any point.

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

There was no objection.

AMENDMENT OFFERED BY MR. WHITENER

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

The Clerk read as follows:

Amendment offered by Mr. WHITENER: On page 44, line 37, through page 45, line 18, strike out all of section 506 and insert in lieu thereof the following language:

"SEC. 506. (a) WILLFUL INFRINGEMENT FOR PROFIT.—Any person who willfully and for profit shall infringe any copyright secured by this title, or who shall knowingly and willfully aid or abet such infringement, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment for not exceeding one year or by a fine of not less than $100 nor more than $1,000, or both, in the discretion of the court * * *

"(b) FRAUDULENT NOTICE OF COPYRIGHT, OR REMOVAL OR ALTERATION OF NOTICE.—Any person who, with fraudulent intent, shall insert or impress any notice of copyright required by this title, or words of the same purport, in our upon any uncopyrighted article, or with fraudulent intent shall remove or alter the copyright notice upon any article duly copyrighted shall be guilt of a misdemeanor, punishable by a fine of not less than $100 and not more than $1,000. Any person who shall knowingly issue or sell any article bearing a notice of United States copyright which has not been copyrighted in this country, or who shall knowingly import any article bearing such notice or words of the same purport, which has not been copyrighted in this country, shall be liable to a fine of $100."

Mr. WHITENER. Mr. Chairman, very briefly stated, this amendment would reinsert into this legislation, in lieu of section 506, the existing law with reference to criminal punishment for copyright violations.

I have read the committee report. I believe this is on page 131.

I note that the committee glosses over rather quickly the rather substantial changes which are being made in the copyright law.

Members will note that in section 506 of H.R. 2512 the punishment is increased, in cases of violation. A person "shall be fined not more than $2,500 or imprisoned not more than one year, or both, for the first such offense, and shall be fined not more than $10,000 or imprisoned not more than three years, or both, for any subsequent offense."

In other words, a second violation of a copyright would subject an individual to the stigma of being a felon. This has never been done in the history of our copyright law, as I understand it. It would be a simply a property type of violation.

When we had the omnibus crime bill up before us there was a great hue and cry about making a felony out of some of these aggravated assaults. Many Members of Congress voted against that legislation on three occasions on the ground that the punishment was excessive.

I do not know what your experience has been, but in my experience in the criminal courts, as one who had some responsibility, I was always very loath to hang a felony on an individual where he could reasonably be relieved of that stigma. Here you are going to make a felon out of a man simply because he violates some copyright provision. I have heard no one say, and there is nothing in the committee hearing as far as I have been able to ascertain, that would indicate there has been any trouble about the adequacy of punishment under the old law. I would like to ask the chairman of the subcommittee if he had one scintilla of evidence before his subcommittee which indicated that there was any deficiency in the penal provisions of the existing copyright law.

Mr. KASTENMEIER. If the gentleman will yield?

Mr. WHITENER. I will be happy to yield.

Mr. KASTENMEIER. It is my recollection that there was a discussion as to the amount of the fine, in light of the passing of 58 years since the last revision, being inadequate. The gentleman, of course, will note for an initial offense the 1-year penalty remains the same.

Mr. WHITENER. It is a misdemeanor if committed one time, but if committed two times it becomes a felony. To get to what the gentleman just said, there is nothing in this proposal by the committee which takes into account the value of the work that has been allegedly infringed. It could be one of these silly ditties they sing—and I will not call out the name of any particular drink, but some of these bottled drinks—or this bit that "You sure make a fine cup of coffee, honey" or something of that sort. A man could be branded as a felon if he violated the copyright on two occasions.

Mr. KASTENMEIER. If the gentleman will yield further, the additional offense, of course, is punished as he described.

Mr. WHITENER. As a felony?

Mr. KASTENMEIER. As a felony. However, under what circumstances the maximum penalty would be employed by the court is something else. I think we can assure the gentleman this would be a rare case indeed.

Mr. WHITENER. I must interrupt the gentleman. He knows that under this specific language——

The CHAIRMAN. The time of the gentleman has expired.

Mr. WHITENER. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

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

There was no objection.

Mr. WHITENER. The gentleman knows enough about statutory construction to know the court would not have one thing to do with determining whether or not it was a felony on there being evidence of a second violation or a second infringement of the copyright. The proof of the fact of a second infringement automatically would make the violation of the law a felony. It would not be a matter which would be up to the discretion of the court, and the court could not take into account the value of the copyright or the work. All the evidence would have to show would be a second violation of the copyright. That would make the violator guilty of com-

mitting a felony even though he was not aware of his violation of the law at the time of his commission of the act.

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

Mr. WHITENER. Of course. I yield to the chairman of the committee.

Mr. CELLER. Whenever the term "one year" or "once" or "designated fine" is used, the words mean, "up to." It does not necessarily follow that the court must inflict the utmost.

Mr. WHITENER. Mr. Chairman, you know, under title 18 any criminal offense punishable by more than 1 year under the Federal Code is a felony.

Mr. CELLER. Yes.

Mr. WHITENER. That is elementary law.

Mr. CELLER. But I think the types of reasons that are mentioned in section 506 are the following: There are four types of criminal offenses actionable under the bill, and they are listed in section 506.

Mr. WHITENER. Mr. Chairman, may I interrupt the gentleman long enough to ask this question:

Would not the committee be willing to just—we will forget about my amendment, if that is the wish of the members of the Committee of the Whole House on the State of the Union today—strike out this language in the present bill relating to "only three years" and provide "shall be fined not more than $10,000 or imprisoned for not more than one year, or both."

Now, if you will do that, you will take away the stigma of a felony. I cannot conceive of any judge giving a man any more than 1 year imprisonment for a copyright violation, but it would still—if he is convicted, make a felon out of him.

Mr. CELLER. I believe that the gentleman from North Carolina must take into consideration the following: that there are four types of criminal offenses actionable under the bill, and they are listed in section 506 which the gentleman from North Carolina desires to amend under the heading "Criminal Infringement, Fraudulent Copyright Notice, Fraudulent Removal of Copyright Notice,"——

Mr. WHITENER. Mr. Chairman, I do not yield further, but may I point out this fact to the distinguished chairman of the Committee on the Judiciary, the gentleman from New York [Mr. CELLER], that the fraudulent section of the bill makes violation a mere misdemeanor. It is where he is involved in private financial gain that you make the offense a felony.

The CHAIRMAN. The time of the gentleman from North Carolina has again expired.

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

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

There was no objection.

Mr. WHITENER. Mr. Chairman, I want to ask the chairman of the committee, the gentleman from New York [Mr. CELLER]—and, incidentally, I shall be willing to withdraw my amendment, if either the gentleman from New York [Mr. CELLER] or the chairman of the subcommittee, the gentleman from Wisconsin [Mr. KASTENMEIER], would move to strike out "three" and insert "one"?

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

Mr. WHITENER. I am glad to yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. Mr. Chairman, the committee has discussed this amendment, and we are willing to accept the gentleman's recommendation for the adoption of an amendment striking out the period of 3 years.

Mr. WHITENER. Will the gentleman from Wisconsin [Mr. KASTENMEIER] offer the amendment?

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

Mr. WHITENER. I am happy to yield to the gentleman from Virginia.

Mr. POFF. Mr. Chairman, I am sure the distinguished gentleman intended to say, "if the present amendment were withdrawn"?

Mr. WHITENER. That is exactly the proposition which I made.

Mr. POFF. And, Mr. Chairman, if the gentleman from North Carolina will yield further, if another amendment is offered subsituting 1 year for 3 years?

Mr. WHITENER. I understood the gentleman from Wisconsin [Mr. KASTENMEIER] to say that he is going to offer an amendment to strike out "three" and insert in lieu thereof "one."

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

Mr. Chairman, it is my opinion that before the gentleman makes such an arrangement he should scrutinize precisely as to how often this type of sentence has been used and imposed.

Mr. Chairman, I would point out to the gentleman that the criminal sections involving violation of the copyright laws are seldom used. In fact, they have been used precisely four times, and in one case they were used in what amounted to what was a clear case of a violation of criminal laws.

Mr. Chairman, it is my opinion that the entire section should be stricken.

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

Mr. DINGELL. Yes; I am glad to yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. Mr. Chairman, that is precisely why we do not impose the strictest criminal provisions, because they are rarely brought into play. However, they are used to compel compliance with the law.

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

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

Mr. WHITENER. Will the gentleman from Michigan [Mr. DINGELL] ask the gentleman from Wisconsin [Mr. KASTENMEIER] if he is prepared to offer the necessary amendment in order to effect this change?

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

Mr. DINGELL. Yes; I yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. Yes; as I suggested to the gentleman from North Carolina [Mr. WHITENER], I am prepared to offer an amendment.

Mr. WHITENER. Mr. Chairman, in that event, I ask unanimous consent to withdraw my amendment.

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

Mr. DINGELL. Mr. Chairman, I object, and I ask for recognition.

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

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

Mr. DINGELL. Mr. Chairman, the proposed substitution by the committee representatives does precisely nothing, if adopted.

Mr. Chairman, as I have mentioned in an earlier colloquy with my good friend, the gentleman from North Carolina [Mr. WHITENER], the criminal sections, according to the studies that I have been able to make with great care of the files of the U.S. Department of Justice, reveal to me that in precisely four cases and only four cases in history have the criminal sections of the copyright laws been used. On another occasion, in a case reported, and it represented one of the most obvious and flagrant and outright and outrageous use of the criminal sections that one could imagine—a clear-cut case of blackmail of an infringer.

The infringement in that particular case was by an instructor who, having charge of the choir, made something like 40 copies of an arrangement of a particular musical publication. These were not original copies, but they were arrangements of a copyrighted piece of music. He subsequently had the work sung once by a high school choir in a church. As a result of this he was so pleased with the arrangement that he went to the publisher and to the holder of the copyright, and said "I have made a grand arrangement. Would you like to take a look at it?"

The holder of the copyright then proceeded to go after him for infringement and, because he could not succeed in suing the individual concerned for infringement, he then went after him on the basis of a violation of the criminal laws of the United States and sent to him a most extraordinary letter in which he said, as follows:

> The copyright laws permit us to ask a statutory fee of not more than $5000, and not less than $250. For the present we will be satisfied with the minimum of $250, and will allow you 90 days from this date for compliance. For the present we will not institute criminal complaint for willful infringement, maximum penalty one year in jail, and a $1000 fine.

I would point out to my colleagues that the tenderness of the heart of the subcommittee in reducing potential offenses against an infringer does not go to reduction of the increased fines, but only to the possibility of incarceration of the individual in jail, so I would point out that the charity that is being displayed by the committee today toward a potential infringer does really small good for an individual like this choir director who

was charged with willful infringement, and was subsequently convicted. This, I think, is perhaps one of the most outrageous sections of a very bad piece of legislation. This particular proposal allows not only civil remedies, as one would find for violations of contracts or violations of patents, but actually goes so far as to allow the individual who is wronged an option of rushing into court to threaten a relatively innocent and, indeed, a relatively unfortunate and usually a relatively weak defendant, not with civil action, which is an appropriate remedy for violation of copyright, but to threaten him with criminal prosecution. I believe that this amendment suggested by the gentleman from North Carolina should be accepted. I believe the committee substitute if offered should most appropriately be rejected as an incentive and an invitation coercion and compulsion on the part of a person doubtfully situated by right so to do.

SUBSTITUTE AMENDMENT OFFERED BY MR. KASTENMEIER

Mr. KASTENMEIER. Mr. Chairman, I offer a substitute amendment to the amendment offered by the gentleman from North Carolina.

The Clerk read as follows:

Amendment offered by Mr. KASTENMEIER as a substitute amendment for the amendment offered by Mr. WHITENER: On line 2, page 45, strike the words "three years" and substitute in lieu thereof the words "one year".

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Wisconsin [Mr. KASTENMEIER], to the amendment offered by the gentleman from North Carolina [Mr. WHITENER].

The substitute amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. WHITENER], as amended by the substitute amendment offered by the gentleman from Wisconsin [Mr. KASTENMEIER].

The amendment as amended was agreed to.

Mr. ROGERS of Colorado. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I direct the attention of the Committee to page 30, section 303, which reads as follows:

Copyright in a work created before January 1, 1969, but not theretofore in the public domain or copyrighted, subsists from January 1, 1969, and endures for the term provided by section 302. In no case, however, shall the term of copyright in such a work expire before December 31, 1993; and, if the work is published on or before December 31, 1993, the term of copyright shall not expire before December 31, 2018.

Mr. Chairman, what I am trying to find out is this. If a work is in existence now, what happens to it when its only protection is a common law copyright? Because under the terms and conditions of this bill, you are then, as I understand it, limited to the copyrights that are protected by the terms and conditions of this bill.

My question is: In these copyrights which are common law in their nature which may have been in existence before this law is enacted—what happens to those? Does anybody have any suggestions as to what the answer might be?

Would it be unreasonable to say that this bill would protect their rights?

Mr. Chairman, if I may repeat my question.

First of all, under this bill your common law copyrights are destroyed and you only depend on the copyright that is established by this bill. That being the situation, suppose you have a common law right to a copyright that is in existence before this bill is adopted. Then in that case does that copyright continue after this bill is adopted? That is my first question.

Mr. KASTENMEIER. Do I understand that the gentleman's question is: What happens to unpublished works and what happens to the rights in current unpublished works when the law goes into effect?

Mr. ROGERS of Colorado. Yes.

Mr. KASTENMEIER. I think the gentleman read what happened to them—namely:

Copyright in a work created before January 1, 1969, but not theretofore in the public domain or copyrighted, subsists from January 1, 1969, and endures for the term provided by section 302. In no case, however, shall the term of copyright in such a work expire before December 31, 1993; and, if the work is published on or before December 31, 1993, the term of copyright shall not expire before December 31, 2018.

Mr. ROGERS of Colorado. Then would that apply to the common law copyright?

Mr. KASTENMEIER. If the gentleman has reference to unpublished works which commonly are described as being protected by common law copyright, the answer is yes.

Mr. ROGERS of Colorado. Suppose some of the writers of songs or performers have placed their voice or performance on records and having placed their performance or their voice on a record, do they have a common law right at least to protect their own voice and their own work? After January 1, 1969, would people be permitted to copy those works and play them or display them?

Mr. KASTENMEIER. If I understand the gentleman's question, if these works are still under common law protection on the effective date they will be protected thereafter.

Mr. ROGERS of Colorado. I thank the gentleman.

AMENDMENT OFFERED BY MR. MOORE

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

The Clerk read as follows:

Amendment offered by Mr. MOORE: On page 46, line 2. After line 2 insert new Section 509 as follows:

"§ 509. The provisions of this Title shall not apply to community antenna television systems.

Mr. MOORE. Mr. Chairman, I shall not take 5 minutes to explain this amendment. The committee fully understands and realizes that we have taken section 111 out of this bill, which is that portion of it which deals specifically with CATV or the community antenna television. This amendment merely provides substantially that since we have done that, other provisions of the bill shall not apply to CATV.

For those in the committee here who feel that for some reason or other there is a question in their minds about the rights or privileges of CATV either to capture a signal or retransmit the same as to use material without the possibility of cost to them, that is, copyrighted material, may I simply say to each of you that I do not believe that CATV should have the privilege of utilizing copyrighted material without a corresponding liability.

At the same time, may I say, substantially what I seek to do with the addition of a section 509 is to simply say that the provisions of title 17 shall not apply to the community antenna television system. With the elimination of section 111 from this bill, the public residing in the areas normally served by TV stations which subscribe to CATV systems could have to pay the copyright owner twice as it is presently constructed, once through the advertiser of products he purchases, and secondly through the CATV system itself.

The second point I desire to make is that there are differences between the Judiciary Committee and the Committee on Interstate and Foreign Commerce which could not be resolved in this bill, and it would seem that we would punish the general public for those differences not being resolved.

The differences between the Committee on Interstate and Foreign Commerce and the Committee on the Judiciary, I believe, can be worked out on a considered basis, and each could recommend legislation within its own jurisdiction.

The CATV, in testimony given in the other body, indicated that they did not seek a total exemption, and I understand this is certainly not the case today. All they seek, and all I seek to do by the amendment, is to obtain fair treatment for this new and widely used media. With this amendment the Congress, I believe, can fashion that fair treatment in order that they pay copyright appropriately consistent with the rights of the public, and I would hope that this amendment, Mr. Chairman, might be agreed to.

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

Mr. MOORE. I am happy to yield to the gentleman from North Carolina.

Mr. WHITENER. As I understand the gentleman's amendment, it merely provides that title 17 of this act shall not apply to community antenna television operation.

Mr. MOORE. The gentleman is correct.

Mr. WHITENER. The amendment would eliminate a great deal of controversy and concern that has been so bothersome and confusing to us for several days now.

Mr. MOORE. The gentleman from North Carolina is correct.

Mr. WHITENER. I am sure the gentleman feels that this would not necessarily close the matter permanently, but that the Committee on Interstate and Foreign Commerce will later make the

study which they have suggested of the total cable antenna television operation.

Mr. MOORE. The gentleman is absolutely correct. All I seek to do is to give the Committee on Interstate and Foreign Commerce complete jurisdiction on this matter. I want to give them the matter in its entirety to look at, and then have them come back with appropriate recommendations.

Mr. WHITENER. I commend the gentleman for the amendment and hope that it will be adopted.

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

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. CELLER. Mr. Chairman, this amendment would frustrate the agreement with the Interstate and Foreign Commerce Committee which has agreed to work with the Judiciary Committee on this very vexatious problem. Why should we anticipate and finalize, as it were, what the Interstate and Foreign Commerce Committee might later do in conjunction with the Judiciary Committee? This amendment, if it is adopted, is in violaton of the agreement the Judiciary Committee made with the Interstate and Foreign Commerce Committee, and adopted here today, and I believe it would be highly unfair to violate that agreement.

Beyond that, why should CATV be free from payment of copyright royalties? Why should it get the preference which is not accorded all other industries? TV pays royalties. Radio pays royalties. Juke boxes will pay royalties. Cabarets will pay royalties. Concerts pay royalties. Movies pay royalties. Theaters pay royalties. But we have now an invidious distinction, a preference which is utterly unjustified with reference to CATV.

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

Mr. CELLER. I yield to the gentleman from West Virginia.

Mr. MOORE. Mr. Chairman, the gentleman knows full well that in my remarks I do not intend, and I do not think the gentleman intends to leave the impression that we are going with finality here today to permit CATV to get off scot free. What we seek to do here is simply to give the committee which has jurisdiction the opportunity to answer this question in whole.

Mr. CELLER. Let the Judiciary Committee in conjunction with the Interstate and Foreign Commerce Committee work this matter out. That is what we agreed to do. Now the gentleman wants to come in to upset the applecart.

Let us see what CATV really is and see who are the people that the gentleman from West Virginia wants to help. There are 1,502 such television systems that pick up, as it were, programs from TV-licensed stations and networks and siphon off programs which, according to what the amendment would imply, would charge the listeners fees, but would pay nothing in the way of royalties to that which is the sine qua non of CATV, the work of the creative artists. So they would pay nothing to the authors of the poetry, to the dramatists, to the songwriters, whose work the CATV would appropriate. They would become free riders. I cannot accept that, I cannot stomach that, especially in view of the arrangement that has been made.

CATV, it has been indicated in the hearings, is an industry that anuually takes in $150 million. Now the gentleman from West Virginia wants to exempt that industry from royalties in connection with the creative work that they pilfer and take off from the licensed TV stations.

Let us see who some of these entities are that own these CATV stations which would go scotfree of royalties under the amendment that the gentleman from West Virginia offers. There is the General Tire & Rubber Co., which owns 72 CATV franchises, all profitable, and which has applied for six more.

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

Mr. CELLER. I yield to the gentleman from West Virginia.

Mr. MOORE. Not one of those 72 are located in the State of West Virginia—that is, of the General Tire & Rubber Co.

Mr. CELLER. I do not say they are located in West Virginia. I would say they are located in various parts of the country.

There is the Cox Cablevision Corp., which owns 40 CATV stations.

Mr. MOORE. Not one of which, may I say, if the gentleman will yield, is located in the State of West Virginia.

Mr. CELLER. I do not say they are located in West Virginia. I do not know where they are located.

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

Mr. CELLER. I yield to the gentleman from West Virginia.

Mr. MOORE. Mr. Chairman, knowing the gentleman's service in the Congress, I know he wants a majority of the people of this Nation to have the full advantage of this great media of TV. This industry that takes this great media to billions of people throughout the country is exactly what I seek to preserve. I believe he would want to preserve that, too.

Mr. CELLER. I want the CATV owners to pay for what they would, under the gentleman's amendment, get for nothing. They should pay for it.

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

(By unanimous consent, Mr. CELLER was allowed to proceed for 5 additional minutes.)

Mr. MOORE. If the gentleman will yield further, I do not seek to forgive them from paying for copyrights. I seek by this amendment to give them the opportunity to allow the gentleman's committee and the Committee on Interstate and Foreign Commerce to have this Congress legislate as a whole.

Mr. CELLER. The gentleman would not do that at all. The gentleman, by this amendment, would free them from payment for copyrights.

It may be that the Committee on Interstate and Foreign Commerce and the Judiciary Committee later will act, or they may never touch upon this subject. I do not know.

Meanwhile, if this amendment should prevail and become the law, there would be no payment for copyrights, despite the fact that all the other media have to pay copyright royalties to the creative artists.

Let me give some other names of those who own stations.

Cox Cablevision Corp. owns 40 CATV stations and is seeking 30 more franchises.

The Teleprompter Corp. has 25 delectable franchises and has applied for two more.

The General Telephone & Electronics Corp., with huge profits, operates 24 CATV stations, and it wants 13 more.

The Triangle Publications, Inc. has 23 profitable stations, and wants to add 12 more.

The General Electric Co.'s cablevision subsidiary has 21 franchises and has applied for 27.

The National Broadcasting Co. has CATV stations, and the Columbia Broadcasting Co. has CATV stations. Those two play both ends toward the middle. They have TV and CATV. They would be going scot free from payment of royalties to the creative artists. That I cannot stomach.

I believe the gentleman is on the wrong track.

Again I implore the Members not to violate the agreement we made solemnly with the chairman of the Committee on Interstate and Foreign Commerce not to touch this subject, that we would deliberate subsequently and go into this very, very carefully and test every feature of it.

Now along comes the gentleman from West Virginia to upset the applecart, as it were, when he wants to let these CATV stations go without the payment of royalties. No. That is unfair.

I hope the amendment will be voted down.

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

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

Mr. GROSS. Is there not a CATV outlet in Austin, Tex., owned wholly or in part by a broadcasting corporation there?

Mr. CELLER. I have no knowledge about that.

Mr. GROSS. I wonder how Mr. Johnson feels about this.

Mr. CELLER. That is a political question. The gentleman would have to answer that himself.

Mr. WHITENER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the distinguished chairman of the Judiciary Committee has talked about a solemn agreement made with the chairman of the Interstate and Foreign Commerce Committee. As I understood it, there were members of the Interstate and Foreign Commerce Committee who felt that by the nature of the language in this proposed bill there was a left-handed attempt to regulate cable antenna television, which should properly be done by the Committee on Interstate and Foreign Commerce. The amendment was adopted striking section 111 in order that there might be a full study of the regulatory aspects of cable antenna television by the appropriate committee.

As a member of the Judiciary Committee—and I can only speak for this one member—I do not understand that there would be any proper agreement on the part of our committee with the Interstate and Foreign Commerce Committee which would violate the rules of the House and give to the Judiciary Committee any legislative jurisdiction in the regulatory field over cable antenna television.

I see no merit whatever in this contention that in some way our good friend from West Virginia [Mr. MOORE] has committed the unpardonable sin and has brought about a possible breach of some solemn agreement between the chairmen of these two committees. The only thing his amendment would do is simply provide that cable antenna television, secondary transmission of primary signals or of primary transmissions would not be subject to title 17 as proposed here.

There is nothing wrong with that, it seems to me, because when one of these primary transmitters pays the fee for the use of the copyrighted article, there is certainly no limitation as to the number of listeners or viewers who may look or listen to this transmission. The only thing that a cable antenna television system does is to increase the viewing and listening audience, not of a new signal but of a secondary transmission of a primary transmission which they pick up from the spectrum. So it does not seem to me that any grand larcency is being sanctioned here by the adoption of the Moore amendment.

I would hope you listened to the chairman of the Committee on the Judiciary [Mr. CELLER] when he pointed out that the Columbia Broadcasting System and the National Broadcasting Co. have gone into the cable antenna television business. It would seem to be rather logical that the reason they did so was to increase the number of viewers and listeners they have in order that they might get more for the product they are selling. This is just as a newspaper tries to increase its circulation in order to advance its advertising rate. So this amendment which the distinguished gentleman from West Virginia has offered, it seems to me, violates no agreement but merely brings reason into a picture which is already somewhat confused.

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

Mr. WHITENER. I yield to the gentleman from West Virginia.

Mr. MOORE. Are we not also taking into consideration here paying twice for the use of one transmission and by writing this language into title 17 we are substantially putting this whole problem in its proper perspective on a jurisdictional basis here in Congress. Is that correct?

Mr. WHITENER. Absolutely. And may I say before I conclude that the gentleman from New York [Mr. CELLER] a moment ago said that these big profitmaking concerns—and I personally do not oppose big profitmaking concerns—are in the cable antenna television business. I am not too concerned about that; it is a legitimate business. Down my way the cable antenna television operations were generally formed by local citizens who put up some money in order to get more television signals. If we lived in New York City or in San Francisco or some large city where they have a number of channels, it would not be necessary to have cable antenna television there. Where stations are scattered and population is sparse, the cable antenna television is performing a very important role.

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

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

Mr. MOORE. The circumstances in the gentleman's State are exactly those which exist in the State of West Virginia. These systems are usually owned by community-minded citizens, small in number, and they are not in any way in the context of those recited here by the distinguished chairman.

Mr. WHITENER. Generally they raise funds locally and put an antenna on the highest piece of ground they can find in order to bring in as clearly as possible a primary transmission which may be transmitted many miles away.

Mr. MOORE. There are exceptions to that, but generally that is the rule.

Mr. THOMPSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I yield to the gentleman from Georgia.

Mr. THOMPSON of Georgia. A hotel or a motel sometimes puts up an antenna and amplifies a signal and puts it into the hotel or motel. Would this be classed as CATV?

Mr. WHITENER. I am really not prepared to answer that. I will yield to the gentleman from Wisconsin [Mr. KASTENMEIER], because I know he is prepared to answer these questions.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. Chairman, I will not take the entire 5 minutes, but I want to say the major reason why the Committee of the Whole ought not to yield to this amendment is that it places CATV, in terms of a nonexempt user of copyright material, in a very special situation. Anyone else, and any other user, who does not have an exemption, whether he be a teacher or anyone else, falls under the section of chapter 5.

Mr. Chairman, what does this say? Anyone who violates any of the exclusive rights of the copyright owner as provided by sections 106 through 116, or who imports copies or phonorecords into the United States in violation of section 602, is an infringer of the copyright.

So, Mr. Chairman, I implore the Committee of the Whole House on the State of the Union to reject the amendment.

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

Mr. KASTENMEIER. Yes, I yield to my distinguished friend, the gentleman from New Jersey [Mr. JOELSON].

Mr. JOELSON. Mr. Chairman, can the gentleman from Wisconsin tell me whether "CATV" means "complete avoidance of TV"? Is that what the gentleman from Wisconsin means?

Mr. KASTENMEIER. It is my opinion, Mr. Chairman, that the gentleman from New Jersey [Mr. JOELSON] and it is my opinion that all the Members of the Committee of the Whole House on the State of the Union know by now what CATV means.

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

Mr. KASTENMEIER. Yes, I yield to the gentleman from New York.

Mr. OTTINGER. This amendment would cause great mischief, and it is precisely the reason why we moved to remove section 111 from the bill.

Mr. Chairman, the question is, In what status will we leave CATV, while the House Committee on Interstate and Foreign Commerce is considering this legislation?

Mr. Chairman, through this process CATV will not have proceeded upon its way at all. It would not have to pay anything to the creators, the artists, and the other people responsible for the material and content of the various programs.

Mr. Chairman, under this program the CATV would have to pay its way and be subject to reasonable copyright laws.

Mr. Chairman, in my opinion I respectfully request that the situation should be left as it is and I, therefore, hope that the members of the Committee will vote against the pending amendment.

Mr. KASTENMEIER. Mr. Chairman, I yield back the balance of my time.

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

Mr. Chairman, I hope that I can recall to the Members of the Committee the manner in which we were disappointed on Thursday last and what we have been discussing today as the first order of business.

Mr. Chairman, I did not support the move to strike out section 111. I was for the Kastenmeier amendments because, in my opinion, they represented the fairest manner of living with this problem. However, that was not the manner in which the question was resolved.

Mr. Chairman, section 111 was stricken. That represented the beliefs, as I understood it at that time, at least, of the chairman of the Committee on Interstate and Foreign Commerce and the chairman of the Committee on the Judiciary, and accordingly it was done. However, I wonder if this was fully understood here, on the floor of the House, as one of the pending matters of business before the Committee of the Whole House on the State of the Union.

Now, Mr. Chairman, this amendment in my opinion seeks to accomplish through the back door something that was not agreed to and which was discussed openly and fully. At the completion of the debate of Thursday last the feeling was to take CATV completely out from under the copyright law.

Mr. Chairman, it is my opinion that all the members of the Committee saw the injustice of this, the injustice of trying to so exempt CATV and eliminating the entire text of section 111.

Mr. Chairman, what was the purpose of this move?

Recently there was a New York Federal district court decision which held

that CATV is subject to the copyright law.

Now, Mr. Chairman, this bill, if passed, must be observed by CATV, but the entire purpose of the amendment offered is to take CATV out from under the New York Federal district court's decision handed down by a lower court, a decision which might even go all the way to the Supreme Court of the United States.

Mr. Chairman, I do not wish that there be any misunderstanding as to the purpose of the pending amendment. The purpose of the pending amendment is to simply take CATV out from under the copyright law.

Mr. Chairman, what is the effect of this amendment? This amendment that the copyright owner who permits his work to be used by any TV station has no protection of any kind when a CATV thereafter uses his property.

I thought that the compromise of this bill would place CATV and television in some kind of balance, but this amendment removes the balance completely. In other words, this gives a terrific advantage to CATV in that they can pick up any program they want to and they are not responsible for it financially, economically, or in any other way. That is an injustice, and I do not believe it is a fair proposition, and I believe my colleagues can see this.

That is the simple proposition which you are voting on here now, and I would hope, in view of the fact that section 111 has been removed, that there would be no further attempts to remove CATV from the copyright law, or from the law of the land, as it presently exists.

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

Mr. SPRINGER. I yield to the gentleman.

Mr. ROGERS of Colorado. If the decision you are talking about in New York says that they are not subject to the copyright provisions, and this should be reversed, do you then propose that this law should bring them under it?

Mr. SPRINGER. I would say yes, they ought to be under it in some respect, and I believe the CATV people, if you talk to them, realize this is a fair proposition, that they cannot be outside the copyright law and pick up broadcasts which cost millions of dollars to produce and rebroadcast it for nothing. I do not think any business should so profit from the labor of another. That is exactly what the Federal court decision said in New York.

Individuals who have a copyright in a broadcast should be able to protect that right and not have it so picked up.

Mr. ROGERS of Colorado. But is it not true that they have paid for it once?

Mr. SPRINGER. No; they have not.

Mr. ROGERS of Colorado. Then how can they pick it up?

Mr. SPRINGER. They are picking it up now by virtue of the fact that there is a great deal, may I say, of uncertainty and that even the networks and the producers have not been sure of where they were until this New York Federal court decision.

Mr. ROGERS of Colorado. But in order for it to be CATV, they pick up the signal from some place, do they not?

Mr. SPRINGER. Yes; that is correct.

Mr. ROGERS of Colorado. And that signal from which they pick it up has already paid the copyright owner, have they not?

Mr. SPRINGER. No; they have not.

Mr. ROGERS of Colorado. Well, now, if they have not paid them, if the original broadcaster has not paid them, then is it subject to copyright?

Mr. SPRINGER. I would say that if they use a copyrighted program, yes. If they have agreed with the producer for it that does not mean that CATV can pick up somebody else's broadcast on which someone else has paid the copyright fee. That is exactly what the New York Federal district court said—you could not take this, then, and rebroadcast, it after it has already been paid for once by the original broadcaster. That is what the New York decision said.

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

Mr. SPRINGER. I yield to the gentleman.

Mr. CORMAN. As I understand it, the parties went into the New York court and it was established by the court that CATV should be liable, and we would be by this amendment reversing that court decision.

Mr. SPRINGER. That is exactly what this would do.

Mr. CORMAN. Mr. Chairman, I urge a "no" vote.

Mr. SPRINGER. Mr. Chairman, for these reasons I would ask that this amendment be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia.

The question was taken; and on a division (demanded by Mr. MOORE), there were—ayes 17, noes 57.

So the amendment was rejected.

Mr. KASTENMEIER. Mr. Chairman, I ask unanimous consent that all debate on the bill, and all amendments thereto, conclude in 20 minutes.

Mr. ROGERS of Colorado. Mr. Chairman, reserving the right to object, may I inquire how many amendments there are?

The CHAIRMAN. The Clerk advises there are two amendments at the desk.

Mr. DINGELL. Mr. Chairman, I have two amendments at the desk.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin [Mr. KASTENMEIER]?

Mr. DINGELL. Mr. Chairman, I object.

Mr. KASTENMEIER. Mr. Chairman, I move that all debate on the bill, and all amendments thereto, conclude at 5 o'clock.

The motion was agreed to.

AMENDMENT OFFERED BY MR. ROGERS OF COLORADO

The CHAIRMAN. The Chair recognizes the gentleman from Colorado [Mr. ROGERS], a member of the committee.

Mr. ROGERS of Colorado. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROGERS of Colorado: On page 30, line 38, after 2018 insert:

"A sound recording created before January 1, 1969, phonorecords of which have heretofore been distributed to the public, shall be deemed first published on January 1, 1969. Copyright in such a work and in any other sound recording created before January 1, 1969, shall subsist and endure as provided by this section for other works."

The CHAIRMAN. Pursuant to the limitation of time, the gentleman from Colorado [Mr. ROGERS] is recognized for 2 minutes.

Mr. ROGERS of Colorado. Mr. Chairman, the objective of this amendment is to make clear that any common law copyright that may have been reported or may have been in existence at the time this act becomes effective shall now continue to be protected. It is just as simple as that and nothing more and nothing less.

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

Mr. ROGERS of Colorado. I yield to the gentleman.

Mr. KASTENMEIER. It is my understanding that the gentleman's amendment is not necessary, and that this is already in the bill.

Mr. ROGERS of Colorado. There is some question about whether it is necessary or not. But it does take care of doubtful interpretation that would expose the recording industry to years of litigation and threaten the loss of investment in all its valuable recordings. So why not put it right in there so there would be no question about it and that would be the end of it. So accept the amendment.

Mr. KASTENMEIER. The record industries have been very careful about following this bill and none of the recording industry to my knowledge charged that the bill has the effect that the gentleman thinks it has or that there needs to be this additional language.

Therefore, Mr. Chairman, I urge rejection of this amendment.

Mr. ROGERS of Colorado. Then just accept the amendment and we will have no dispute.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. ROGERS].

The amendment was rejected.

AMENDMENT OFFERED BY MR. DINGELL

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. DINGELL].

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

The Clerk read as follows:

Amendment offered by Mr. DINGELL: On page 29, in lines 23 and 24, strike out the phrase "the life of the author and fifty years after his death" and substitute in lieu thereof the words "twenty-eight years".

On pages 29, 30, 31, 32, 33, 34, strike out lines 25 on page 29, through line 37 on page 34, and insert in lieu thereof the following:

"(b) RENEWAL.—In the case of any copyrighted work other than a work for hire, the author if still living, or the widow, widower, or children of the author, if the author be not living, or if such author, widow, widower, or children be not living, then the author's father, mother, brothers or sisters, shall be entitled to a renewal and extension of the copyright in such work for a further term of twenty-eight years when application for such renewal and extension shall have been made to the copyright office and duly registered therein within three years prior to the expiration of the original term of copyright: And provided further, That in the default of the registration of such application for renewal and extension the copyright in any work

shall determine at the expiration of twenty-five years from the creation or publication, whichever is earlier."

The CHAIRMAN. The gentleman from Michigan is recognized for 2 minutes.

Mr. DINGELL. Mr. Chairman, I think this amendment is pretty much self-explanatory. Because of the very limited amount of time, I would point out that it very simply curtails and limits the amount of time which a copyright is going to be afforded to a copyright holder. It says 28 years plus a renewal of 28 years. The amendment to the copyright law before this body says 50 years plus the life of the holder. It is ostensibly argued by this committee that this is to reward creativity. The answer is that it does not reward creativity at all. It provides for the education of the grandchildren and the great-grandchildren of the person concerned, if he is lucky enough to get any money from the people who really get the benefit out of copyrights, and that is the exploiters of authors, poets, and so forth.

I took the trouble of going into the question of whether or not hearings had been held on this legislation. It is fair to point out there have been no hearings whatsoever held. No reports from the departments have been received. The only comment I could find from a department was one dated in 1962, speaking to the question of whether or not the Department of Justice supported the idea that copyrights should be extended. The language of that letter in part is as follows:

> The Department of Justice is opposed to lengthening the period of copyrights. Copyrights (and patents) are forms of monopolies and should not be extended for periods longer than those now provided by law. The present 56-year monopoly granted to authors is in our view fully adequate to reward authors for their contributions to society. Considering this matter from the viewpoint of the public, which is interested in the early passing of copyrighted material into the public domain, it would seem unwise to extend further copyright monopoly.

Then they went on to say:

> In view of the foregoing considerations the Department of Justice is strongly opposed to the enactment of the resolution.

The Department of Justice also went on to quote from article I, section 8 of the Constitution, which provides that the purpose of copyrights is "to promote the Progress of * * * Authors and Inventors the exclusive rights to their respective Writings and Discoveries."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. DINGELL].

The amendment was rejected.

AMENDMENT OFFERED BY MR. DINGELL

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

The Clerk read as follows:

Amendment offered by Mr. DINGELL: On page 45, insert the following after line 18:

"(e) When a work of the United States Government is included in a derivative work or a compilation, a notice indicating the presence of such work of the United States Government and a statement to the effect that copyright protection does not extend to that portion of the derivative work shall be prominently displayed in immediate proximity to the notice of copyright. The Register of Copyrights shall prescribe by regulations the form and position of the notice and statement, as well as the additional factual information to be contained therein. Factual information including the date of United States Government publication, whether the work is available from the Government Printing Office, and identification of the portions of the work which appear in the derivation or compilation shall appear in said notice and statement. Failure to include removal of, or alteration of such notice or statement shall be actionable under section 506 (b), (c), or (d)."

Mr. DINGELL. Mr. Chairman, we heard earlier of individuals busily exercised in the alleged or so-called or perhaps fraudulent or admitted copyrighting of documents published now by the Federal Government free of charge, available to the populace at large through the Government Printing Office, and we saw a number of things like "Baby Care," "Your Child, 6 to 12," "Prenatal Care," and a number of other documents which now bear alleged copyrights by private citizens. It is fair to say that this is a grave abuse of both the taxpayers, the Government Printing Office, and those persons who might be compelled to pay royalty prices for these so-called original publications.

I believe this amendment reaches the problem which was discussed at that time. It is offered in good faith to protect a piece of legislation which I believe has grave defects.

I would point out that it will stop in a very real sense the kind of rascality that the gentleman from West Virginia [Mr. MOORE] has pointed out, where individuals are now asserting copyrights to something which properly belongs to the Federal Government, something which properly belongs to the taxpayers, something which properly belongs to all the American people.

I would hope the Committee will adopt the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. DINGELL].

The question was taken; and on a division (demanded by Mr. DINGELL), there were—ayes 14, noes 43.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. KASTENMEIER

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

The Clerk read as follows:

Amendment offered by Mr. KASTENMEIER: On page 28, line 33 delete the period after "Chapter 3".

On page 29, line 34 strike out "if" and insert in lieu thereof "If".

On page 34, line 14 strike out "clause (2)" and insert in lieu thereof "clauses (1) and (2)".

On page 35, line 1 delete the period after "Chapter 4".

On page 35, line 1 strike out "COPYIGHT" and insert in lieu thereof "COPYRIGHT".

On page 38, line 16 strike out "of phonorecords" and insert in lieu thereof "or phonorecords".

On page 46, line 10 insert a comma after "title".

On page 49, line 19 delete the period after "Chapter 7".

On page 49, line 23 strike out "responsbility" and insert in lieu thereof "responsibility".

Mr. KASTENMEIER. Mr. Chairman, as is evident from the reading by the Clerk, these are clerical amendments and solely for that purpose, to make the rest of the chapters of the bill, 2 through 7, conform to the clerical corrections.

Mr. GROSS. Mr. Chairman, I rise to speak to the amendments.

Mr. Chairman, I do not know to where the pending amendments go in the bill, because, to add to the confusion, the bill copy I have goes to page 24 and then the next page is 31. Then it goes from page 32 to page 29, and then from page 30 to page 27. From there it goes down to page 25 and then up to page 26, and from 26 to page 33.

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

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

Mr. KASTENMEIER. I believe it is fairly evident, if the gentleman from Iowa listened to the reading of the amendments, that these are clerical amendments.

Mr. GROSS. Yes, but it is pretty hard to adjust to the pages, when they do not follow consecutively; when they jump 5 or 6 or 15 pages.

I do not know how much more confusion there could be with respect to this bill, or how it could be more compounded than to have copies of the bill such as this.

Mr. KASTENMEIER. May I say that the amendments I sent to the desk were in order.

Mr. GROSS. I am not challenging the validity of the amendments. I merely point out that one could not compound the confusion of this bill much more than to provide copies which jump from 5 to 10 pages and then go back an equal number.

The CHAIRMAN. The question is on agreeing to the amendments offered by the gentleman from Wisconsin [Mr. KASTENMEIER].

The amendments were agreed to.

Mr. RARICK. Mr. Chairman, Congressman EMANUEL CELLER'S bill, H.R. 2512 is titled, "For the general revision of the Copyright Law, title 17 of the United States Code and for other purposes."

The authority for a copyright law is found in the Constitution, article 1, section 8(8):

> To promote the Progress of Science and useful Arts, by securing for *limited Times to* Authors and Inventors the *exclusive Right* to their respective Writings and Discoveries.

The reason for the copyright law is, then, to grant a property right.

Historically, by copyright under the Constitution, a right of protection against infringement of theft is granted an individual to safeguard his creations to encourage and to promote more effort and ingenuity.

In exchange of protection for our American copyright holders, our Government has made treaties and agreements with foreign governments where we likewise protect the copyrights of foreign authors, composers, and so forth. Ingenuity and creative genius are individual—not talent of a nation or foundation.

But examine the "for other purposes" of the new copyright bill:

SECTION 104, SUBJECT MATTER OF COPYRIGHT: NATIONAL ORIGIN

(b) PUBLISHED WORKS.—The works specified by sections 102 and 103, when published, are subject to protection under this title if—

(3) the work is first published *by the United Nations or any of its specialized agencies, or by the Organization of American States,* or (emphasis supplied).

This is a completely new provision. Never before in copyright law has an organization been so honored. Since copyright holders are by law elsewhere defined as a resident of a nation—we wonder if the UNO and OAS are to be treated as a nation with residents. But, where under the U.S. Constitution is there authority for Congress to pass a law to protect the U.N.—or, for that matter, any country or organization?

Yet, section 105 of this bill, subsection (a) provides copyright protection is not available for any work of the U.S. Government. Deeply significant, the U.N. or OAS need not qualify for this benefit by first agreeing to recognize the copyright of Americans by reciprocity. Weird legal provisions. For subsection (1) of section 104 provides for recognition of authors "of a foreign nation that is a party to a copyright treaty to which the United States is also a party" and subsection (2) of section 104 calls for reciprocity for foreign nations a party to the Universal Copyright Convention of 1962. Why any need for such a special interest provision? To protect copyrights or to control copyrights?

Possibly we are setting the stage for a one-world copyright office in the U.N. to deprive Americans of their creative endeavors.

Ask an attorney how he would advise his client on copyright law if the bill passes. Would he not need first check with the U.N.? What if the U.N. infringes an American copyright? The U.N. cannot be sued for damages. This takeaway from copyright holders is heavily ladened with "other purposes."

Likewise new to copyright law are: "Limitations on exclusive rights of copyright holder" under sections 107, 108, 109, 110, 111, 112, 113, 114, and 115. For example, in section 110:

Limitations on exclusive rights: Exemption of certain performances and displays.

Notwithstanding the provisions of section 106, the following are not infringements of copyright:

(1) performance or display of a work by instructors or pupils . . . of *nonprofit educational institution.*

(2) performance . . . or display . . . by a *governmental body* or other *nonprofit organization.*

(3) performance . . . or display . . . *in the course of services at a place of worship or other religious assembly.*

(5) communication of a transmission embodying a performance or display of a work . . . on a single receiving apparatus . . . used in private homes.

The bill continues for 55 pages "taking away" from the copyright holder his "exclusive right and protection at law." A legal steal from the rights of the creative individual to give to the tax free foundations and so-called Government projects and programs. One might ask where under the Constitution is found authority to "take away" from the exclusive right. The emotional appeal is under "national interest" and education. Special interest groups are here laying the groundwork to destroy another constitutional right and to pirate the individual citizen—without any approval of the copyright holder—by law.

To alter or change any law creates havoc and instability, but here to "take away" from a protective law is a dangerous trend to individual liberty and private property. No lobby is present to speak or defend the individual American. And this U.N. protection clause could be used as a plant for the big "takeaway" to grow on.

This, then, is the disguised meaning of "and for other purposes" in the bill. The many changes and alterations in this bill make it a danger to America. It would be better captioned "Anticopyright."

Mr. DELLENBACK. Mr. Chairman, I feel that I should call to the attention of the House the fact that I have an ownership interest in the radio-television field. As a result I have followed very carefully the floor debate on H.R. 2512 to make absolutely certain that any and all votes I cast on this bill were in the best interests of my constituents and of this Nation and in no wise influenced by my above-mentioned interest.

It is my opinion that the matter of copyrights in relation to CATV is of significant importance and all possible policy questions in connection therewith should be settled in advance by statute. On the basis of the representations by the respective chairmen of the House Committees on Interstate and Foreign Commerce and Judiciary that this field will be carefully reviewed and studied by their committees, I have not objected to Mr. OTTINGER's amendment to delete section 111 from this bill.

With this section deleted I see no personal conflict of interest involved in House consideration of and vote on H.R. 2512. Before coming to this conclusion I checked with one of the senior members of the Judiciary Committee which considered this bill and was assured by him that my conclusion in this regard accorded with his own analysis thereof.

Mr. TENZER. Mr. Chairman, during the debate on the copyright bill on last Thursday, April 6, 1967, one of our colleagues, the gentleman from North Carolina [Mr. WHITENER], criticized authors, composers, and performing artists for forming organizations for their mutual benefit and to protect their common interests. I fail to see any reason why these citizens should be criticized for organizing any more than the National Association of Manufacturers, the Chamber of Commerce of the United States, or the American Medical Association, or any other group of citizens or associations of businessmen, to provide for their common interests. In the index of the hearings on this bill there is a list of the various organizations whose representatives appeared to present their views on this legislation. It does not behoove us to criticize any of them or to question their motives which in all instances was to further their own best interests.

The gentleman took the time to question the words of a certain jukebox song. I never heard the song because I have no occasion to listen to music in jukeboxes. I am sure that the gentleman does not seek to control music writing or to prescribe rules and regulations about who may write a song and what songs may be written. Similarly I do not think the gentleman would want to control who may write a book or what kind of books may be written.

Another of our distinguished colleagues called the writer of the type of song quoted on the floor as "mental midgets." I do not know the composer of the song and have no record of his IQ or scholastic or cultural attainments.

I would like to say to the gentleman from North Carolina and the gentleman from Ohio, that the music, the lyrics, and the shows in which they appeared, which provided me and millions of other Americans with countless hours of pleasurable enjoyment, included the following:

ALLTIME GREAT AMERICAN POPULAR SONGS

"Over the Rainbow," Arlen & Harburg.
"Stardust," Carmichael & Parrish.
"Waiting for the Robert E. Lee," Gilbert & Muir.
"Moon River," Mercer & Mancini.
"Side by Side," Harry Woods.
"I'm Looking Over a Four-Leaf Clover," Harry Woods.
"Praise the Lord and Pass the Ammunition," Frank Loesser.
"Over There," George M. Cohan.
"Take Me Out to the Ball Game," Norworth.
"White Christmas," Irving Berlin.
"God Bless America," Irving Berlin.
"Days of Wine and Roses," Mercer & Mancini.
"Love Is a Many-Splendored Thing," Fain & Webster.
"Thanks for the Memory," Robin & Rainger.
"Some Enchanted Evening," Rodgers & Hammerstein.
"The Shadow of Your Smile," Mandel & Webster.
"St. Louis Blues," Handy.
"Tenderly," Gross.
"Misty," Garner.
"Deep Purple," De Rose & Parrish.
"I Could Have Danced All Night," "My Fair Lady," Lerner & Lowe.
"Seventy-six Trombones," "Music Man," Meredith Willson.
"Dancing in the Dark," "Band Wagon," Schwartz & Dietz.
"Easter Parade," "As Thousands Cheer," Berlin.
"Sound of Music," Rodgers & Hammerstein.
"All Alone."
"Night and Day," "The Gay Divorcee," Cole Porter.
"Smoke Gets in Your Eyes," "Roberta," Kern & Harbach.
"Hello Dolly," Jerry Herman.
"I Can't Give You Anything But Love, Baby."
"Rhapsody in Blue," "Porgy and Bess," "The Man I Love," George Gershwin.
"Alexander's Ragtime Band."

"I Can't Give You Anything But Love," McHugh & Fields.

"Some Enchanted Evening."

"Tea for Two," "No, No, Nanette," Youmans & Caesar.

"Hey, Look Me Over," "Wildcat," Coleman & Leigh.

"Happy Days Are Here Again."

"Oh! What a Beautiful Morning."

Mr. Chairman, I want to salute the songwriters and composers of America and give them the credit due them for their contribution to the culture of America. They are justly entitled to the protection, from the Congress, guaranteed to them by the Constitution of the United States.

Mr. MONAGAN. Mr. Chairman, under article I, section 8, of the U.S. Constitution, Congress has the power "to promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries." Since the first copyright law was enacted in 1790, only three comprehensive revisions were undertaken, the last of which took place in 1909. The technical advances and new methods of reproduction and distribution of copyrighted works which have taken place since 1909 make the law under which we are operating obsolete. Thus Congress has been guilty of neglecting the constitutional mandate of "promoting the progress of science and useful arts."

While I support a basic revision of the entire copyright law, I am particularly interested in the sections which relate to the rights of authors.

The present term of copyright—28 years from publication or registration plus a renewal of 28 years—is clearly inadequate, for many authors outlive this period and experience a loss of income in their old age when they need such income the most. Furthermore, if we were to look upon the authorship of a manuscript as an investment, which indeed it is, the extension of the copyright period from the present 56 years to a period which would cover the author's life plus 50 years is both realistic and justifiable. I might add, what better way can we promote the arts and sciences than by rendering increased protection to the fundamental rights of those who produce novels, plays, and poems?

The mere fact that technological advancements have facilitated the duplication of printed matter is no reason for undermining an author's investment in a written work. This is akin to saying that because modern cars can attain high speeds we should eliminate speeding limitations. The results of such thinking are equally disastrous in either case.

While the rights of authors must be protected, the needs of education must be taken into consideration. H.R. 2512, I believe, does just this by recognizing the judicial doctrine of "fair use" and establishing standards for determining whether one's use of copyrighted material constitutes "fair use." In any event, if the rights of an author are threatened by reproduction, the cost of maintaining these rights should be borne by the public as a necessary expense of education. Public funds are used to buy microscopes, laboratory aids, films, projectors, and of an educational system. There is no reason why the use of literary products similar requisites for the maintenance should be treated otherwise.

Mr. Chairman, it has been almost 60 years since the last general revision of our copyright law. If all our activities were governed by the thoughts that were prevalent at the beginning of this century, life would be unbearable. It is nonetheless unbearable for authors, and artists, playwrights, and composers who must exist and create an anachronistic law.

For the reasons I have stated, Mr. Chairman, I wish to support H.R. 2512 and I urge its adoption.

Mr. SCHWENGEL. Mr. Chairman, the present bill for general revision of the copyright law, like all our previous copyright statutes, is founded on the constitutional provision empowering Congress, "to promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries." Thus, copyright protection for authors is designed to stimulate the creation of informational and artistic works of literature, music, and the arts, thereby enriching the knowledge and culture of the Nation.

Even before the adoption of the Constitution, 12 of the original 13 States, in response to a suggestion by the Continental Congress, adopted copyright laws. The preamble in several of those laws contained a statement of purpose, of which the following from the Massachusetts act of 1783 is typical:

> Whereas the improvement of knowledge, the progress of civilization, the public weal of the community, and the advancement of human happiness, greatly depend on the efforts of learned and ingenious persons in the various arts and sciences: As the principal encouragement such persons can have to make great and beneficial exertions of this nature, must exist in the legal security of the fruits of their study and industry to themselves; and as such security is one of the natural rights of all men, there being no property more peculiarly a man's own than that which is produced by the labour of his mind:

Justice Stanley Reed, in a 1954 decision of the Supreme Court, stated the essence of copyright succinctly, as follows:

> The economic philosophy behind the clause empowering Congress to grant patents and copyrights is the conviction that encouragement of individual effort by personal gain is the best way to advance public welfare through the talents of authors and inventors in "Science and useful Arts." Sacrificial days devoted to such creative activities deserve rewards commensurate with the service rendered—(Mazer v. Stein, 347 U. S. 201, 219).

The first copyright law of the United States was enacted by the First Congress in 1790. Comprehensive revisions were enacted in 1831, 1870, and 1909. We are still living with the archaic copyright law of 1909. A moment's reflection on the revolutionary changes in technology and communication since 1909 makes it evident that another comprehensive revision is badly needed to provide for compensating our creative people who produce the literature, music, and art used in modern methods of dissemination.

H.R. 2512 is the product of 10 years of study and discussion by the Copyright Office under the auspices of Congress, in which all interested groups participated, followed by more than 2 years of work by the House Judiciary Subcommittee which held extensive hearings for 22 days and devoted more than 50 executive sessions to studying all the views and suggestions presented at the hearings and afterward and to completing the bill.

The subcommittee has worked valiantly to reconcile the views and interests of the many groups concerned. It has succeeded so well that the bill has the overwhelming support of almost all of the creator, producer, distributor, cultural, and bar groups. The few interest groups who do not fully support the bill are opposed only to individual provisions constituting a very small segment of this comprehensive revision bill. With respect to these few areas of unreconciled conflicts of interest, the subcommittee has worked out compromise solutions which, in their unanimous opinion, are a fair balance of the equities in achieving the dual purposes of the copyright law: to reward authors for their labor and contributions to society, and thereby to foster the creation and dissemination of knowledge and culture for the public welfare.

Mr. BINGHAM. Mr. Chairman, I would like to join the various Members who have commended the distinguished chairman of the full Judiciary Committee, Mr. CELLER, the able chairman of the Subcommittee on Patents, Trademarks, and Copyrights, Mr. KASTENMEIER, and their committee colleagues for their careful and time-consuming study which produced the full revision of the U.S. copyright law now before us in H.R. 2512.

Comparing this revision of title 17 with the current copyright law, we cannot fail to be impressed with the precision of draftsmanship, the delicate balancing of competing interests and the creative attempts to meet the special problems posed by newly evolving media.

The bill provides a striking example of legislative activity at its best. It reflects efforts to meet the shortcomings of the present law, weaknesses which were highlighted in the intensive studies undertaken by the Register of Copyrights in response to our mandate 12 years ago. It has been leavened by the suggestions and comments of all the major interests which will be affected by this legislation—authors, composers, artists, designers, publishers, educators, broadcasters, recording, and motion picture companies, librarians, to name but a few. It has been clarified through refinements sponsored by members of the copyright bar who are anxious to remove ambiguities which have produced costly litigation and imperfect solutions for their clients. H.R. 2512 represents 3 years of committee study, analysis, drafting, and revision designed to meet the problems and to protect the interests which emerged during public hearings and executive sessions.

The great majority of the groups and individuals who testified before the

committee support this bill. Yet each interest group would admit that the proposed legislation fails to embody all the provisions it favored. But these divergent groups support it because they understand this House must protect and insure the rights of a variety of competing scholarly and creative interests, that we must work out careful compromise. They realize that H.R. 2512 solves some of the worst problems under the current law by clarifying ambiguous provisions which fostered constant litigation.

We are here weighing a revision and modernization of our Copyright Code, enacted pursuant to article 1, section 8 of the Constitution, which grants Congress the power to secure to authors the exclusive right to their writings for limited times. The first purpose of all such legislation is to protect those who create original works, by granting to them the exclusive right to exploit their work over a term of years.

But balancing this constitutional interest in the individual creator is the second purpose of all such legislation—to advance progress and the useful arts. Copyright protection, in short, represents the Founding Fathers' belief that men would turn from the works of originality so necessary to the advancement of the Nation if the Government failed to give them the right to just compensation for copying of their work. The day we fail to provide such compensation to those who so enrich our society will mark our decision that progress in the arts and sciences is no longer a key national goal. That day, I hope, will never dawn.

By passing this bill, we will be strengthening the property rights of millions of Americans whose original works qualify for copyright protection. We serve the widest public interest—that is to say, we serve the people—by protecting these Americans against those who would take a free ride to prosperity at their expense.

Mr. GRAY. Mr. Chairman, many of us have been apprehensive about H.R. 2512 that would provide a general revision of the copyright law, title 17, of the United States Code, because we felt that certain individuals and organizations would be hurt by the passage of the bill as presented to the House by the Committee on the Judiciary. We all realize that the archaic copyright law should be revised but I, personally, do not feel that authors, writers, and other persons with unusual talents and abilities should expect the mass media or the general population to enrich them beyond bounds of reason just because they have a copyright on their work. They are entitled to fair and reasonable royalty on their records and other works of art; however, I, personally, feel that we should not have to pay someone a copyright fee in certain fields of live entertainment. One area I am particularly concerned with is county and State agricultural fairs.

I am indeed happy that the distinguished gentleman from California [Mr. SISK] has agreed to offer a new section 117 to the bill that exempts annual agricultural or horticultural fairs or exhibitions whose duration does not exceed 16 days. There are a number of Members who are interested in this amendment and have agreed to support the bill if it is introduced. Thank you.

The CHAIRMAN. The Chair recognizes the minority leader, the gentleman from Michigan [Mr. GERALD R. FORD].

Mr. GERALD R. FORD. Mr. Chairman, I wish to wholeheartedly compliment the members of the subcommittee and also the member of the Committee on the Judiciary as a whole.

This legislation is the total handiwork of the House of Representatives and of the Committee on the Judiciary. The legislative branch, the House in this instance, has admirably worked its will.

As has been stated heretofore, on last Thursday and again today, the whole effort was initiated by the Committee on the Judiciary. As a result, we are about to conclude our consideration of the first change since 1909 in our copyright law.

The stimulus for this legislation did not come from the executive branch of the Government. It was the brainchild of Members of the House of Representatives and of the Committee on the Judiciary.

We should do more of this. We should not rely exclusively on the executive branch to make suggestions or recommendations to us for legislation. We in the legislative branch have a responsibility which we should assume much more often in the future.

Since this is the work of the Committee on the Judiciary and the will of the House, I certainly intend to support it, even though I would have enthusiastically supported in the first instance the initial recommendations of the Committee on the Judiciary itself.

I conclude with the final observation that I believe the committee and the House have done a first-class job.

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

Mr. GERALD R. FORD. I yield to the distinguished Speaker.

Mr. McCORMACK. I want to join with my friend in praising and complimenting the Committee on the Judiciary and the subcommittee for the long and tedious work done on this bill and for the very fine bill brought out of the committee. A bill of this kind is a legislative labor of love.

As I remember it, the last time any recodification of this law took place was over 50 years ago. The committee has done an outstanding job. Each and every one of the subcommittee and the full committee that did the work is entitled to full credit. I am talking about the Members on both sides of the aisle. I join with my friend, the gentleman from Michigan, the minority leader, in complimenting and praising the chairman of the Committee on the Judiciary and the full committee, and the chairman of the subcommittee of the Committee on the Judiciary and the members of that subcommittee on a job well done.

The CHAIRMAN. The gentleman from Maryland [Mr. MATHIAS] is recognized for 2 minutes.

Mr. MATHIAS of Maryland. Mr. Chairman, we began this debate by expressing our appreciation for the gentleman from Wisconsin and the gentleman from Virginia having done an outstanding job on bringing this bill before us as well as their colleagues on the subcommittee. We close the debate by expressing not only appreciation but admiration of all of their colleagues.

I would like to say a word about the very fine work particularly that was done for this bill which came from the Office of the Register, Mr. Kaminstein, and all of his staff, without whom I think the committee could not have worked as successfully and effectively as it has.

The United States has formal copyright agreements and understandings with less than half the countries of the world. In an age of communication satellites, when copyrighted materials are transmitted instantaneously everywhere, the possible loss to American authors is obvious. So too, there is potential harm to our national interests, in the lack of the cultural bridge between countries that can be provided by copyright. This bill can provide a guide to newly independent nations considering copyright legislation, and leadership in the evolution of a truly universal copyright system.

There are two existing international copyright conventions, the Berne and Universal Copyright Conventions. The older convention, the International Union for the Protection of Literary and Artistic Works, known as the Berne Union, came into force in 1887, and now has 55 members.

The United States has never joined the Berne Union and its present law would not qualify it for entry. The United States is a member of the Universal Copyright Convention—1952—which it joined in 1955. The Universal Copyright Convention has 54 members, many of them also members of the Berne Union. The older convention has higher standards than the newer agreement.

Almost all of the older countries with copyright laws provide for a term of copyright of life plus 50 years. The bill before you has such a term and would make it possible to consider our joining the Berne Union. This would probably require both implementing legislation on our part and changes in the Berne Union. Extensive preparations are now underway for a diplomatic conference to revise the Berne Union, in Stockholm in June 1967. Leaders of the Berne Union have expressed receptivity to accommodating the Union to our law, if the revision bill is adopted. There has also been some discussion of bridging the gap between the two conventions.

H.R. 2512 offers a unique opportunity, coming as it does at this crucial point in copyright history, to protect our copyrighted works wherever they are used and to begin the process of forming a truly international copyright system.

Mr. CORMAN. Mr. Chairman, in prescribing the powers of this Congress, the Founding Fathers provided in the Constitution that we shall have "the power to promote the progress of science and

the useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries."

Proof of the wisdom of that constitutional provision is abundant. The United States has long led the world in the invention and perfection of the many machines and devices which ease our toil, and has made substantial contributions in the fields of literature, art, music and drama which enrich the lives of us all.

However, the Congress has not revised our copyright laws for nearly 60 years. During that period there have been vast technological changes in the methods of conveying the results of the creativity of the artist to the listener or viewer. These changes, though they have enriched the cultural and esthetic lives of many, have also resulted in unjust enrichment of a few who have profited from the creativity of the artist without just compensation. It is time to correct these inequities.

H.R. 2512 goes a long way toward accomplishing this objective. Admittedly, it leaves some significant decisions to another day. We trust that day is not another 60 years away.

The most flagrant unjust enrichment of creative artists by the business community is from the sale of music through jukeboxes. This bill, after the amendment agreed to by the committee, makes a modest adjustment toward equity.

In the field of compulsory licensing of the works of composers, a more realistic fee is provided.

The problem of the conflicting rights of copyright owners and CATV operators is not effected by this bill. This issue must necessarily be dealt with at a later date, but we hope, for the sake of both sides and the public interest, that decisions will be forthcoming soon.

I respectfully commend the gentleman from Wisconsin [Mr. KASTENMEIER], and those on his subcommittee whose labors were long and arduous, but whose accomplishments are a credit to this Congress.

This bill recognizes that the creativity of the individual is a thing of value to that individual and to society. If society is to benefit from continued creativity, the right of the individual to just reward must be protected. We go a long way in this bill in granting more reasonable protection that exists in the present law. I urge its adoption.

Mr. POFF. Mr. Chairman, I ask unanimous consent that the gentleman from New York [Mr. REID] may revise and extend his remarks.

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

There was no objection.

Mr. REID of New York. Mr. Chairman, I rise in strong support of H.R. 2512, the copyright law revision bill. This legislation represents a giant step forward in the development of American law in an area in which full protection for American authors and composers has been long overdue.

This bill would effect the first revision of the copyright laws since 1909. Leaders in the legal profession as well as the arts have expressed their conviction that the bill would update a "horse and buggy" statute to reflect modern technological advances and reform certain aspects of the law which have needed serious revision.

To those who suggest that the bill deserves further committee consideration, I should merely point out the countless hours of diligent labor which the distinguished Committee on the Judiciary has devoted to the formulation of the bill, during which respected leaders and experts in the field have had full opportunity to be heard.

To mention only two specific advances embodied in the bill, it will, first, extend the term of copyright to the life of the author plus 50 years, thus assuring his heirs the full benefits of his talents. In this and other respects, our copyright law will now conform to the provisions in effect in most other Western countries. Second, the bill would give the doctrine of "fair use" express statutory recognition for the first time and thereby clarify an important body of law.

Mr. Chairman, in my judgment, this bill is vital to our encouragement of the creative arts in America. In safeguarding the rights of our authors, composers, and other artists, we are protecting not only their rights but our national heritage as well.

Mr. POFF. Mr. Chairman, we have concluded what I think can only properly be called an adventure in legislative draftsmanship. As the distinguished minority leader has just said, this legislation is the product of the legislative branch, including the Copyright Office, which is an arm of the Congress of the United States. We need to be proud of this product of our hands. I can say without fear of successful contradiction that what has emerged after all amendments have been considered and adopted is essentially the same bill as that reported by the Committee on the Judiciary initially. There have been abrasions, discords, disputes, and controversies, but, as one member of the committee, I want to express my sincere appreciation to all members of the Committee of the Whole for the patience they have displayed in listening to what I know must often have been a very tiresome debate.

Mr. KASTENMEIER. Mr. Chairman, I would just like to take one moment to express my appreciation to all the members of the subcommittee and the full committee and the Committee of the Whole who made this contribution. The time and the years that went into this and the difficulties this bill has encountered on the floor make it apparent why revisions do not come more often than once in every 40 or 50 years. In any event, I think it is a legislative achievement, and we will all profit by it.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. DENT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 2512) for the general revision of the copyright law, title 17 of the United States Code, and for other purposes, pursuant to House Resolution 413, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

The SPEAKER. The question is on the passage of the bill.

MOTION TO RECOMMIT

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

The SPEAKER. Is the gentleman opposed to the bill?

Mr. DINGELL. Indeed I am, Mr. Speaker.

The SPEAKER. The gentleman qualifies.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. DINGELL moves to recommit the bill (H.R. 2512) to the Committee on the Judiciary.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the "ayes" appeared to have it.

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

The SPEAKER. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 379, nays 29, answered "present" 1, not voting 23, as follows:

[Roll No. 63]

YEAS—379

Abbitt	Blackburn	Byrne, Pa.
Adair	Blanton	Byrnes, Wis.
Adams	Blatnik	Cahill
Addabbo	Boggs	Carey
Albert	Boland	Carter
Anderson, Ill.	Bolling	Casey
Anderson, Tenn.	Bolton	Cederberg
	Bow	Celler
Andrews, Ala.	Brademas	Chamberlain
Andrews, N. Dak.	Brasco	Clancy
	Bray	Clark
Annunzio	Brock	Clausen, Don H.
Arends	Brooks	
Ashbrook	Broomfield	Clawson, Del
Ashley	Brotzman	Cleveland
Aspinall	Brown, Calif.	Cohelan
Ayres	Brown, Mich.	Collier
Bates	Brown, Ohio	Conable
Battin	Broyhill, N.C.	Conte
Belcher	Broyhill, Va.	Conyers
Bell	Buchanan	Corbett
Bennett	Burke, Fla.	Corman
Berry	Burke, Mass.	Cowger
Betts	Burton, Calif.	Cramer
Biester	Bush	Culver
Bingham	Button	Cunningham

Curtis	Karsten	Reid, Ill.
Daddario	Karth	Reid, N.Y.
Daniels	Kastenmeier	Reifel
Davis, Ga.	Kee	Reinecke
Davis, Wis.	Keith	Reuss
Dawson	Kelly	Rhodes, Ariz.
Delaney	King, Calif.	Rhodes, Pa.
Dellenback	King, N.Y.	Riegle
Denney	Kirwan	Robison
Dent	Kleppe	Rodino
Derwinski	Kluczynski	Rogers, Colo.
Devine	Kornegay	Rogers, Fla.
Dickinson	Kupferman	Ronan
Diggs	Kuykendall	Rooney, N.Y.
Dole	Kyl	Rosenthal
Dow	Kyros	Rostenkowski
Dowdy	Laird	Roth
Dulski	Langen	Roudebush
Duncan	Latta	Roush
Dwyer	Leggett	Roybal
Eckhardt	Lennon	Rumsfeld
Edmondson	Lipscomb	Ruppe
Edwards, Ala.	Lloyd	Ryan
Edwards, Calif.	Long, Md.	St Germain
Edwards, La.	Lukens	Sandman
Eilberg	McCarthy	Satterfield
Erlenborn	McClory	Saylor
Esch	McClure	Schadeberg
Eshleman	McCulloch	Scherle
Evans, Colo.	McDade	Scheuer
Evins, Tenn.	McDonald, Mich.	Schneebeli
Farbstein	McEwen	Schweiker
Fascell	McFall	Schwengel
Feighan	Macdonald, Mass.	Scott
Findley	MacGregor	Selden
Fisher	Machen	Shipley
Flood	Madden	Shriver
Foley	Mahon	Sikes
Ford, Gerald R.	Mailliard	Sisk
Ford, William D.	Martin	Skubitz
Fountain	Mathias, Calif.	Slack
Frelinghuysen	Mathias, Md.	Smith, Calif.
Friedel	Matsunaga	Smith, Iowa
Fulton, Pa.	Mayne	Smith, N.Y.
Fulton, Tenn.	Meeds	Smith, Okla.
Fuqua	Meskill	Snyder
Galifianakis	Michel	Springer
Gallagher	Miller, Calif.	Stafford
Gardner	Miller, Ohio	Staggers
Gathings	Mills	Stanton
Gibbons	Minish	Steed
Gilbert	Mink	Steiger, Ariz.
Goodell	Minshall	Steiger, Wis.
Goodling	Mize	Stephens
Gray	Monagan	Stratton
Green, Pa.	Montgomery	Stubblefield
Griffiths	Moore	Sullivan
Gross	Moorhead	Taft
Grover	Morgan	Talcott
Gubser	Morris, N. Mex.	Taylor
Gurney	Morse, Mass.	Teague, Calif.
Haley	Morton	Teague, Tex.
Hall	Mosher	Tenzer
Halleck	Moss	Thompson, Ga.
Halpern	Multer	Thompson, N.J.
Hamilton	Murphy, Ill.	Thomson, Wis.
Hammer-schmidt	Murphy, N.Y.	Tuck
Hanley	Myers	Tunney
Hanna	Natcher	Udall
Hansen, Idaho	Nedzi	Ullman
Hansen, Wash.	Nelsen	Utt
Hardy	Nichols	Van Deerlin
Harrison	Nix	Vander Jagt
Harsha	O'Hara, Ill.	Vanik
Hathaway	O'Hara, Mich.	Vigorito
Hawkins	O'Konski	Waggonner
Hays	Olsen	Waldie
Hechler, W. Va.	O'Neill, Mass.	Wampler
Heckler, Mass.	Ottinger	Watkins
Helstoski	Passman	Watson
Herlong	Patman	Watts
Hicks	Patten	Whalen
Holifield	Pelly	Whalley
Holland	Pepper	White
Horton	Perkins	Whitener
Hosmer	Pettis	Widnall
Howard	Philbin	Wiggins
Hull	Pickle	Williams, Pa.
Hungate	Pike	Wilson, Bob
Hunt	Pirnie	Wilson, Charles H.
Hutchinson	Poff	Winn
Ichord	Pollock	Wolff
Irwin	Price, Ill.	Wright
Jacobs	Price, Tex.	Wyatt
Jarman	Pryor	Wydler
Joelson	Pucinski	Wylie
Johnson, Calif.	Quie	Wyman
Johnson, Pa.	Quillen	Yates
Jonas	Railsback	Younger
Jones, Ala.	Randall	Zablocki
Jones, N.C.	Rees	Zion
		Zwach

NAYS—29

Abernethy	Fino	Poage
Bevill	Flynt	Purcell
Brinkley	Gettys	Rarick
Burleson	Hagan	Rivers
Cabell	Henderson	Roberts
Colmer	Kazen	Stuckey
de la Garza	Landrum	Walker
Dingell	McMillan	Whitten
Dorn	Marsh	Young
Everett	O'Neal, Ga.	

ANSWERED "PRESENT"—1

Gonzalez

NOT VOTING—23

Ashmore	Garmatz	May
Baring	Giaimo	Pool
Barrett	Green, Oreg.	Resnick
Burton, Utah	Gude	Rooney, Pa.
Donohue	Harvey	St. Onge
Downing	Hébert	Williams, Miss.
Fallon	Jones, Mo.	Willis
Fraser	Long, La.	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Ashmore against.

Mr. Donohue for, with Mr. Garmatz against.

Until further notice:

Mr. Rooney of Pennsylvania with Mr. Gude.

Mrs. Green of Oregon with Mrs. May.

Mr. Fallon with Mr. Harvey.

Mr. Willis with Mr. Burton of Utah.

Mr. Williams of Mississippi with Mr. Baring.

Mr. Pool with Mr. Fraser.

Mr. Long of Louisiana with Mr. Downing.

Mr. Barrett with Mr. Giaimo.

Mr. St. Onge with Mr. Resnick.

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. KASTENMEIER. 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, H.R. 2512.

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

There was no objection.

COMMITTEE ON EDUCATION AND LABOR—PERMISSION TO FILE A REPORT

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor may have until midnight tonight to file a report on H.R. 7819.

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

There was no objection.

COMMITTEE ON RULES—PERMISSION TO FILE A PRIVILEGED REPORT

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a privileged report.

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

There was no objection.

COMMITTEE ON PUBLIC WORKS—PERMISSION TO SIT

Mr. GRAY. Mr. Speaker, I ask unanimous consent that the Subcommittee on Roads of the Committee on Public Works may be permitted to sit during general debate on tomorrow, April 12, and Thursday, April 13.

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

There was no objection.

POTENTIAL RAILROAD STRIKE

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

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

There was no objection.

Mr. HERLONG. Mr. Speaker, it is gratifying to know that the President asked the Congress yesterday to take action to avert a paralyzing, crippling railroad strike with its devastating effect upon our economy. I compliment the committees of both the House and the Senate for the expeditious manner in which they have acted on the President's request. I feel confident both Houses will follow through today.

Of course, this is only a stop-gap measure and does not really solve anything. We may well be faced with the same situation 20 days from today as we are at this time unless something happens in the meantime.

This crisis arises out of an unresolved dispute between the Nation's rail carriers and a group of shopcraft unions, led by the International Association of Machinists.

This is the same union which last summer defied the President of the United States and the people of this country by shutting down the airlines for 40 days.

The present dispute has gone through all the provisions of the Railway Labor Act which was enacted by the Congress to provide a means of avoiding such crises as we now face. The last step in this act is the appointment of an Emergency Board which is charged with the duty of studying the dispute and recommending to the President of the United States a course of settlement. Such a Board was appointed in the present instance and rendered its report to the White House on March 10.

The railroads have accepted this report in toto and have repeatedly expressed their willingness to bargain with the unions within the framework of this Emergency Board report. The spokesmen of the machinists union have not only flatly rejected the recommendations of the Emergency Board but have ridiculed with consummate arrogance the

public-spirited men appointed by the President to serve on this Board.

Practically everyone on both sides has reached agreement and when one group acting arbitrarily can throw this Nation's transportation system into chaos, it is obvious that the present machinery existing under the law is not adequate to meet the situation. Unless the machinists union shows a greater sense of responsibility for the public welfare and calls off this strike while it continues to bargain within the framework of the Emergency Board report, there is nothing that can be done legally to stop this strike except the passage by Congress of a law requiring the parties to arbitrate their differences while the public continues to receive the vital services of the railroad industry.

With this in mind, I have today introduced a bill which would amend the Railway Labor Act and provide for the findings of the Presidential Emergency Boards to be final and binding on both parties if they are unable to reach a voluntary settlement.

LOSSES SUSTAINED BY AMERICAN NATIONALS IN CUBA

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

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

There was no objection.

Mr. ROGERS of Florida. Mr. Speaker, more than $740 million in claims against Cuba have been filed with the U.S. Government for losses sustained by American nationals since Castro took over the island.

The amount is expected to jump considerably in the next few weeks.

The Foreign Claims Settlement Commission was established to receive and determine the validity and amount of claims against the Government of Cuba for losses arising since January 1, 1959, out of nationalization, expropriation, intervention or other actions taken against American nationals.

The deadline for filing claims is May 1, 1967. To date, there have been 1,276 claims filed with the Commission. These claims amount to $740,978,726. I have been advised by the Commission that the claims are expected to rise considerably in the following days before the deadline.

This is not money the Government will pay our nationals. Unfortunately it only means that, when the Communist government of Cuba falls, these claims will be presented to the Cuban Government for payment.

Of the 1,276 claims filed, 34 have been certified, or approved, for the amount of $7,729,828. Not all claims are approved, and not all of the major American companies which were confiscated have applied as yet.

I think we will see the figure go over the billion dollar mark when all the claims are filed. It distresses me greatly that these people who were robbed by Castro have no other course of action at this time.

This serves as a sorrowful reminder of how Castro has used the American citizens, as well as the citizens of his own island since he was propped up by the Communists.

Castro claimed that he would make Cuba the showplace of communism for the Western Hemisphere. But it is turning into a casket for the Cuban people.

The rationing of food is terrible. Meat is nearly impossible to get. In fact, the ration for meat is 3 pounds per month, when you can get it. And I have heard that most of the meat is gristle and bone. Coffee is rationed to 1½ ounces a week and rice, one of the staples of the masses, is now rationed to 1¼ pounds per month. And you cannot always get that either.

I would like to point out that, while coffee is scarce in Cuba to the point that Castro now has some wild ideas about injecting coffee bushes with hormones, other countries are trying to hold down their production in view of the glutted world market. I would imagine that this "Alice in Wonderland" scheme will have about as much success as his brainstorm to raise rabbits to feed the people.

The people are not starving, but authorities say that they show signs of a poor diet. The rationing has been about cut in half over the past year. And as a result there is developing a bit of activity in the black market. Ironically, in many cases the Cuban Government is encouraging black-market activity in order to take currency out of circulation and cut down on consumer demand.

Any rationalization by Castro that this is the showplace of communism in the hemisphere may well be founded. For this is the prime example of what will happen to a nation when the parasite of a Communist dictator gets control. The heart of the Cuban Government and the spirit of the people has been eaten out.

Since Castro has come into power, 5 percent of the total population has left their homeland to seek asylum elsewhere. This is grim proof of the extent to which Castro has wrecked the nation. The jam for applications for escape from Cuba is so severe that Castro has now stopped processing them. The Swiss estimate that between 225,000 and 250,000 are trying to apply and that 50,000 applications have been filed and are awaiting approval

The airlift has already taken about 60,000 Cubans to safety. In all, it is believed between 750,000 and a million Cubans want to leave. This means that if all the people who wanted to leave were permitted to, Cuba would lose as much as 20 percent of her population.

Nowhere in history has there been such a mass evacuation of nationals from their homeland. This is proof positive that Castro is holding his people in bondage, that the Communist system has not and will not work.

IMPORTATION OF TEXTILES

Mr. LANDRUM. 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 Georgia?

There was no objection.

Mr. LANDRUM. Mr. Speaker, for a good many months Congress, and I think I can say the executive department as well, has been greatly concerned with the flow of imports in the field of textiles into the American market. We have had concerted action from the other body of the Congress under the fine leadership of the distinguished Senator from Rhode Island [Mr. PASTORE].

In the House of Representatives we have formed an informal textile committee, which I am privileged to chair, and of which the Honorable WILLIAM JENNINGS BRYAN DORN is secretary. All Members of the House of Representatives, who have cotton and textile interests in their districts, have responded enthusiastically to our efforts to make known our desire to have these imports curbed.

Recently in Atlanta, Ga., at the invitation of Dr. Edwin Harrison, president of the Georgia School of Technology, the Honorable Robert T. Stevens, president of J. P. Stevens & Co., Inc., delivered to the Rotary Club of Atlanta on March 13, 1967, a magnificent address detailing the situation in the textile industry today which is brought about by these imports, particularly from Japan and Hong Kong.

Mr. Speaker, I ask unanimous consent to include with my remarks this address by the Honorable Robert T. Stevens and call attention of the membership to its importance and ask that they give it their very careful study.

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

There was no objection.

The address referred to follows:

IT'S UP TO JAPAN!

(By Robert T. Stevens, president, J. P. Stevens & Co., Inc.)

Dr. Harrison, Atlanta Rotarians and distinguished guests, I am deeply honored by your invitation to be here with you today. There are good reasons why I accepted your most cordial invitation. They relate to my abiding interest in national defense, in the American textile industry, and in the relationship between the two. Defense and textiles are both subjects which surely mean a great deal in Georgia. In this connection, I have chosen the title "It's Up To Japan!" for my remarks on this occasion.

At the outset, I am proud to say that I call Dick Russell and Herman Talmadge my friends. They are deeply concerned regarding these two topics. Senator Russell, as Chairman of the Armed Services Committee, is one of our country's foremost experts in national defense. He shares, as does The Honorable Carl Vinson, former Chairman of the House Armed Services Committee, the strong view that America cannot be second best with regard to our military, naval and air capability. Fortunately, Chairman Vinson, upon his voluntary retirement, after such a distinguished career in public service, was succeeded by a strong Chairman, The Honorable L. Mendel Rivers of South Carolina. Like Senator Russell, Mr. Rivers is forthright in his views on defense policy.

I need not remind you that Senator Talmadge, as a respected member of the Fi-

nance Committee, is a stalwart for American business and American jobs. He has been in the forefront, speaking out when questions of unfair foreign competition arise. He did so two weeks ago, as did Senator Russell, on the floor of the Senate. He makes it abundantly clear that Georgians and all Americans should not be offered as sacrificial lambs on the altar of foreign trade. He knows what it is to provide jobs and to meet payrolls.

Jobs and payrolls are, after all, what keeps the nation's economy going. Our Exposition Plant, right here in Atlanta, provides 845 jobs with an annual payroll of $3,934,000. Our nine plants in Georgia, together with the Allendale Plant, just over in South Carolina, which makes raw materials for the Milledgeville Plant, employ a total of 5,286 fine Americans with an annual payroll of $24,769,000. They are quite important to the communities and counties in which they are located.

Personally, I have always had a deep respect for Atlanta, its people and its institutions. As an example, I have admired Georgia Tech, known throughout the civilized world, as a distinguished institution of higher learning. We, in the Stevens Company, are extremely proud that Tech's President, Dr. Ed Harrison, serves on our Board of Directors. He brings to us a wealth of experience and learning and friendship.

Part of the reason the Stevens Company is so deeply committed to the State of Georgia is reflected in one man, John P. Baum, who, on February 1st, retired as Vice Chairman of the Stevens Company, after twenty-one years of distinguished service. As a native Georgian, a graduate of Tech, a veteran of World War II, and an honored citizen of Milledgeville, he first recommended that we commence manufacturing Stevens fine textile products in Georgia. That was in 1947. And look what he has built in your state! Many of you know him personally, like I do, as a dedicated citizen, and, even though he could not be here today, I proudly salute him in his native state.

The Stevens Company has long been committed to the proposition that the customer is king. We have deliberately, over the years, moved closer to the ultimate consumer. The product of the Exposition Mill today goes 100% into finished sheets for the consumers of America. A part of our program for consumer products includes the Stevens Fine Arts Collection, a beautiful selection of specially designed, high quality, terry towels. They are retailed in better department stores throughout the country.

One of these designs, Louvre, an extraordinary jacquard pattern, is of particular pertinence in this discussion. In mid-January of this year, during the white goods sales, one of our salesmen was in the towel section of a New York discount store and he could hardly believe what he saw—piles of what looked to be the famous Stevens Louvre towel. But it wasn't. It was a towel, made in Japan, selling far below the price of Louvre. While the design was precisely the same and the colors, too, the knockoff, as we call it in the trade, was smaller, lighter and not as well made as ours.

This is design piracy at its best. All of our time, effort and heavy expense to develop something new and attractive for the American consumer had been appropriated by the Japanese without cost to them. Then they put it into production on Japanese wage scales which are less than one-fifth of what we pay. Is this type of foreign trade fair? Is it in our own national interest? I don't think so. Our fine employees don't think so. The Japanese, in this way, are actually taking away American jobs.

Surely we do not need the excessive textile and apparel imports which are now deluging this nation from all directions. Last year United States total imports of this sort exceeded our exports by $902 million. With a total balance of payments deficit of $1.4 billion last year, it is an interesting and unwelcome fact that roughly two-thirds of our deficit was represented in the form of textile product imports. Why do we need to go to such an extent? Japan's economy is booming—yet she continues to hurt us in her exports of textiles, steel and other products.

The well-being of the textile and apparel industry directly affects the economic condition of some two million American workers. Additionally, another two million workers produce wool, raise cotton, manufacture man-made fibers and supply the other raw materials and equipment used by the American textile industry. Surely, four million people and their families deserve better treatment as regards foreign trade than they are now getting. And, as we sit here, our U.S. representatives in Geneva are striving for tariff cutting agreements on a broad front, which surely could make the situation even worse.

But I want to be completely fair on this matter. I commend our government most highly for pursuing and obtaining in 1961, under President Kennedy, an international arrangement covering cotton textile products. It is up for renewal right now, again at Geneva, and we have assurances that our negotiators are doing everything possible to obtain a renewal without basic changes. Thus, while these cotton product imports have, in the past, risen drastically and can continue, in the future, to rise every year under this international arrangement, at least a modicum of consideration is accorded cotton textile and apparel workers. It is with keen regret, however, that I note, after years of effort, nothing has been accomplished toward the solution of the most serious problems created by imports of wool and man-made fiber products. Wool is the basic raw material in seven of our nine Georgia plants.

Man-made fiber product imports have reached the critical stage in their impact on the American industry but, in my opinion, wool textile imports have long since passed the crisis point. In September, 1964, President Johnson, referring to wool product imports, said, "The Administration has made and will continue to make vigorous efforts to solve this problem. Wool textile and apparel imports must be kept at reasonable levels. For it is essential that the wool textile industry be restored to good health. We have been trying to work out effective arrangements with other textile-producing countries. Thus far, a multi-nation meeting has not been convened. But, we intend to continue our efforts vigorously."

That was 1964—2½ years ago. At that time imported wool products represented about 22% of domestic production. Today, total imported wool products represent about 27% of domestic production. In certain wool products the bite is even worse. In 1966, the ratio of worsted imports to domestic production shot up to 55%. Imagine the effect of that on American worsted mills essential to defense! One of those seriously affected is our beautiful plant at Milledgeville.

I have faith in the President. I believe what he says. But, if I have one suggestion for the President in this regard, it would be this. "Hurry, Mr. President. We haven't much time. Over half the industry has already been liquidated. The slowdown in what is left of our woolen and worsted industry is currently very apparent, yet these imports continue unabated. American textile workers are feeling the pinch." That is what I would say.

The American textile industry can be justly proud of its record in supplying our armed forces with all the textiles needed. Last year, without a single rated order, the military called for a total of 600 million square yards of fabric and made up goods. And 600 million yards were provided. We, in Stevens, have done, and will do, our full share in meeting the government's needs in South Vietnam and elsewhere. I'm certain others in the industry feel the same.

In my considered opinion, however, the American woolen and worsted industry, as presently constituted, is incapable of producing the huge quantities of fabric for military, medical and essential civilian use that would be required during any all-out emergency. I have testified to this effect before committees of Congress. We have to turn the industry around pretty quick, if it is to survive as an important segment of the economy. The most vital step that can be taken is to put some rule of reason into effect *now* with regard to wool textile and apparel imports. Our national security is deeply involved in this situation. Suppose we had to fight in a temperate or cold climate. Are we going to rely on Japan for our uniform fabrics? I don't think that is the desire of the Congress or the American people. Rather, I think they want action, not studies, to solve this problem before it is too late.

The Defense Department has termed the textile industry second only to steel in defense essentiality. And now steel, the most essential defense industry, is also being attacked by imports from low wage foreign countries, especially Japan. I would illustrate our textile problem with the following example: It involves the worsted segment of the industry, the hardest hit by imports. To put this in perspective, let us consider two large military contracts, one in 1951, during the Korean War and the other about a year ago.

In 1951, the government invited bids on nine million yards of worsted serge uniform fabric. Fifty-four producers bid on that contract. Of those fifty-four, thirty-nine are now, sixteen years later, completely out of the business. This is a shocking fact and a further significant fact is that, among the fifty-four bidders, 80 percent of the total yardage awarded was given to the thirty-nine who are no longer in the picture.

Now, as to the second contract. Early last year, the government invited bids on three million yards of worsted or worsted blend tropical fabrics. It is a sad statement of fact that just two firms responded with bids. The American worsted industry, once ready, able and willing to bid on large worsted military contracts, had been so tragically reduced in capacity that only two companies, including Stevens, submitted bids.

What is behind the deterioration of this once massive woolen industry? The answer, strangely enough, lies with the government itself. After the Korean conflict, and continuing up to the present time, the industry repeatedly warned and pleaded with our government to institute a well thought out, realistic policy to hold within reasonable bounds the flow of unneeded and unnecessary cheap textile and apparel imports into the United States. Tragically, nothing was done. Spindles and looms were scrapped. U.S. production went steadily down. Now we see the worsted section of the industry more than 50 percent liquidated from its peak and 55 percent of U.S. worsted-type production being supplied from overseas, principally from Japan!

Studies and surveys of the wool textile import problem have gone about as far as they can go. There isn't much more, if anything further we can learn about it. Industry missions to Europe have been many. Some progress toward a solution with the major European wool textile exporters seemed to be possible. Not so with the Japanese, by far the largest exporters of wool textiles to the United States.

In June 1965, a joint Government-Industry delegation travelled the 7,629 statute miles from Washington to Tokyo to talk

things over. It was not an easy trip to arrange. Prior to the actual meeting, much time and effort were spent and many trans-Pacific cables were initiated. The Japanese, clearly, did not want to discuss the problem. They did not even want to discuss the possibility of a multination meeting to ascertain whether a problem did, in fact, actually exist. In any event, after much pleading, and on the insistence of the White House, our State Department finally arranged a meeting in Tokyo.

From the outset, it was obvious that the stiff, formal tone of the first confrontation presaged that the meeting would end in failure. According to the trade press, one Japanese delegate, despite the conciliatory attitude of the U.S. delegation, said, "We are not North Vietnam, you can't come here making demands. We will not be intimidated." In fairness to the diplomat who was Chairman of the Japanese delegation, that remark was later expunged from the official record after the meeting concluded, but the words remained indelible on the minds of the Americans who were there. And the 7,629 miles back to Washington were sad indeed. Thus, still another honest and sincere effort to harmonize wool textile relations with the Japanese, came to naught. The situation remains the same now—1¾ years later.

Japan, which constantly reminds the American people that they are large purchasers of American raw cotton, has indeed been a good customer for our cotton—in the past. She, of course, grows no cotton and, historically, the United States has been the world's foremost raw cotton exporter. But times are changing. Cotton production around the world is increasing each year. More countries are exporting cotton and these increased exports are finding their way to Japan, at the expense of American raw cotton exports.

An analysis of Japan's imports of raw cotton and their exports of cotton textiles and apparel to the United States is quite revealing. Of the total raw cotton used by the Japanese during the years beginning in August 1962, through August 1965, U.S. growths accounted for 32%. In semi-finished and finished cotton manufacturers, all the way to apparel, Japan shipped a full 25% of its cotton textile exports to the United States.

A study of Japan's trade with its other major cotton supplier nations is somewhat different. This comparison clearly shows that factors other than the quantity of its cotton textiles exports to the nation concerned determine its purchases of raw cotton from that country. Mexico is a case in point. Mexico supplies the second largest quantity of cotton for Japanese consumption, or about 25% of the total. Yet Mexico practically excludes all cotton textile imports from all sources, including Japan. The rules of the game don't seem to be the same when Japan is considering American cotton compared with Mexican cotton!

Recently, I saw some figures from the March 1966 Foreign Exchange Statistics Monthly issued by the Bank of Japan. They go a long way toward destroying the myth that Japan purchases disproportionate quantities of American cotton in relation to what they claim are minor exports of cotton textiles and apparel to us. The information applies to the period April 1965 to March 1966.

These figures show that the value of American raw cotton imported by Japan during that year was $136 million compared with $108 million of Japanese cotton textile products exported to the U.S.—a difference of $28 million. Because U.S. imports are based on an FOB valuation, our imports are undervalued by slightly more than 10% thus reducing the balance to about $25½ million. But let us consider a broader picture. The United States exports no raw wool anywhere and our exports of man-made fibers to Japan are minimal. While they purchased $136 million worth of our cotton, they shipped to us, during the period in question, $420 million worth of all textile products, more than three times the valuation of their total raw cotton purchases from us. They seem to be doing real well in the relationship while we are hurting.

I have dwelt at some length on the Japanese because they started, and have continued to lead, the invasion of our American textile markets without regard to its impact on the American worker. They never seem to be satisfied, no matter how large their textile exports to the U.S. may grow. Perhaps they may kill the goose that laid the golden egg. One of these days, this message should get through to Osaka.

An orderly and prompt solution of the import problem of wool and man-made fiber products is the surest way for the Japanese textile industries to preserve, for the future, a strong position in the American market, without the possibility of retaliation. The American industry stands ready to come to the conference table at any time, under the auspices of the American government, and with the cooperation of the Japanese government and textile industry. Such a meeting, approached in the right spirit by all, could remove a rapidly festering situation in Japanese-American relations. It's up to Japan!

Thank you.

FREE ENTERPRISE VERSUS COMMUNISM

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

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

There was no objection.

Mr. YOUNGER. Mr. Speaker, Mr. Charles L. Gould, publisher of the San Francisco Examiner delivered an address before the Advertising Federation of America Conference in Washington, D.C., at the Shoreham Hotel on February 8. I have not had the privilege of reading a more concise, logical, and impressive treatise on free enterprise versus communism. Mr. Gould has certainly struck a blow for the economic system which has made this country great and which has hindered Russia from achieving what she might have achieved under a different economic system.

He also sounds a warning under the title of his address, "Let's Stop Tampering With the Machinery," against Government interfering with our free enterprise system, it is that we cannot achieve economic success laboring under a system half socialistic and half free enterprise.

Mr. Gould's address, which I commend to all readers of the RECORD, follows:

LET'S STOP TAMPERING WITH THE MACHINERY

(By Charles L. Gould, publisher of the San Francisco Examiner)

I recently read that the preamble to the Declaration of Independence contains 300 words. The Ten Commandments has 297. The Gettysburg Address comes in at 267, while the Lord's Prayer has less than 100.

However, a recent report from the Federal Government on the pricing of cabbages allegedly contains 26,911 words. I will confine my remarks to something between the Lord's Prayer and the pricing of cabbages.

I will refrain from suggesting that government spokesmen who use 26,000 words on such a mundane subject might be well advised to spend more time looking at their own communications and functions and less time criticizing the private sector of our economy.

Now, let me, at the very outset, make it clear that I do not presume to stand before you as an expert in any sense of the word.

I speak to you as a newspaperman and as a newspaper reader who has been watching world developments with care and concern for many years.

My remarks today are strictly my own. I do not speak for any group or organization or special interests.

I also address you a a consumer who has had more than 50 years of personal involvement in this regard.

During this half century I have seen our competitive free enterprise system carry this nation to a position of international prestige and power that almost defies description.

At least in part, we have achieved this strength because our manufacturers and merchants were stimulated to greater endeavors through the tangible incentive inherent in our capitalistic concept.

They were not regimented. They were not required to march in the lock-step of conformity. They were encouraged to invest in new ideas . . . to invent new ideas . . . to innovate new ideas . . . in short . . . to aggressively pursue the twin paths of profits and progress.

Now, though, there are people in high places who believe they can improve on our time-tested methods. They are tampering with the sensitive balances of our intricate and complicated free enterprise system.

They do this at a critical hour. They do it at an hour when we are entering a new phase of the cold war and may soon be challenged by the Soviets on the international economic front.

They do it at an hour when we need maximum productive capacity to meet our needs at home while fulfilling our vital commitments abroad.

In this last regard, let me make it clear that I applaud our President in meeting the challenge of Communist aggression in Southeast Asia. I salute him for loving peace enough to fight for it.

Let's stop tampering with the machinery needed to get the job done.

To measure the strength of our system, let's look at its track record over the past half century.

Twice in one life-time, our nation has used its military might and its gigantic industrial power to stop aggression on a global scale.

A dozen times in lesser wars—including the one now raging in the steaming jungles of Vietnam—our citizens have answered the call for help and our free enterprise system has proved equal to the mountainous burden placed upon it.

During the 20 years of a tenuous peace that followed the end of World War II, we opened our hearts and our pocketbooks to the underfed and the underprivileged in a hundred nations around the globe.

Take a map of the world. Close your eyes and place a pin in any inhabited area and you will find some people who have benefited as a result of the generous heart of the American taxpayer.

While pouring out more than 125 billion dollars in foreign aid and military assistance, our free enterprise system has played an important role in raising our standards of living to levels undreamed of by any other people in any other land.

Look around you.

The average citizen in our society lives in circumstances that would have been the envy of kings and czars and potentates half a century ago.

Today, more of our people have more money than ever before. We earn more,

save more, spend more—yes, and owe more—than ever before. We're experiencing a national boom that staggers the human imagination.

In the past six years, total gross national output in the United States increased 218 billion dollars. More than 40%.

Corporate profits soared thirty billion dollars. Up more than 60%.

Personal incomes increased 166 billion dollars and the number of people employed jumped a whopping 7 million.

While making and breaking these records, the American taxpayers have also financed the most expensive and expansive Federal Government in the annals of history.

This year alone, Uncle Sam will spend well in excess of 125 billion dollars.

Can the human mind comprehend the magnitude of this mountainous budget?

How does it relate to expenditures of the past?

Well . . . let us take all of the administrations of Washington, Adams, Jefferson, Madison, Monroe. Let us take all of the administrations from the Revolutionary War, through the Civil War, through the Spanish-American War, through World War I.

Let us take all Federal expenditures—for all purposes through the first 146 years of this nation's history. In those momentous years of war and peace, of prosperity and depression, of growth and expansion, your Federal Government spent fewer dollars than the total that will be expended this year.

In fact, the interest on the Federal Debt in this one year will exceed 14 billion dollars . . . that's more than three times the cost of running the entire Federal Government . . . in all its departments . . . just thirty years ago.

Where does the money go? Who gets it?

It touches the rich. It touches the poor. It goes for payrolls. It goes for research. It goes for parks, housing, education and social services. It lubricates the wheels of the free enterprise system as billions go to General Motors, Ford, Chrysler, Lockheed, Douglas and other corporations for defense contracts.

Let me make it patently clear that I am not one who sees only evil in big government. Big government, as presently practiced in the United States, performs tens of thousands of functions of vital importance to the peace and security and happiness of our 200 million citizens.

However, let me also make it patently clear that I am completely convinced that the fountainhead of our affluent society is not the Federal Government. The main-spring of our capacity to produce more . . . spend more . . . and share more than ever before is our free enterprise system. And—equally important—the faith of our people in this system.

Weaken that faith and the sensitive balance of our unique and highly complicated system can falter and fail. Ours is an economy of diverse and seemingly separate and independent elements. But they are bound together with emotional mortar of consumer faith.

It is thus that I share with many of our business leaders a feeling of frustration and futility and fear as I find men and women in high places within and without our Government who look at profit as a dirty word and are targeting in on big business in general and at the advertising profession in particular.

In preparation for today's discussions, I struggled through the labored and loaded logic of dozens of directives, essays, speeches and bulletins—critical of facets of our free enterprise system—that have poured forth from this weird wonderland of Washington . . . and from a dozen State Capitols throughout the nation.

I do not cloud the honesty and sincerity of all these men and women who have raised their voices in protest against some of the basic planks in our free enterprise system. Most are as sincere as they are deluded.

Neither do I say that big business—or small—is completely without sin. In every facet of our economy you will find some elements that are shady or shoddy and subject to censure.

But those who pursue these paths do not long survive.

One of the great strengths of competitive free enterprise is its ability to purge most of the poisons from its own system.

The practicing physicians who administer the purge are the men and women of the consuming public.

Never underestimate their collective power. Never underestimate their collective good sense and judgment.

Last year alone, more than 15,000 American business concerns were forced to the wall. Thousands of them went into bankruptcy because they lost the faith and support of the consuming public.

If you build a better mousetrap—and advertise it—customers will beat a path to your door. If you build a poor one—or a phony one—the chances are you'll be caught in your own trap.

Yes—the companies that survive and grow strong in our competitive system must run the daily gauntlet of free choice by the most astute, most discerning and most discriminating shoppers in the world.

No Government Agency . . . no do-gooders in private life can possibly have as much interest in pleasing the consuming public as do these successful companies. For—in our economy—their lives literally depend on keeping their customers happy.

In my pursuit of facts for today's meeting, I found a recurring note of criticism in dozens of the bulletins and speeches that came from our Justice Department, from our consumer councils and our alphabetical agencies.

Advertising in all of its ramifications is a favored target for the iconoclasts who seem determined to try their strength at shaking and shocking the gods of competitive commerce.

Some seemed to echo the sentiments of Arnold Toynbee, the famous British historian, who has repeatedly charged that advertising borders on the immoral. He was quoted in one essay as saying—and I quote—"I cannot think of any circumstances in which advertising would not be evil." end of quote.

Ponder those words, my friends, and realize how far from truth and reality are some of our critics.

The Honorable John K. Galbraith, who has long been an advisor to Presidents, is equally outspoken in his attacks. He charges advertising with being a costly luxury that raised the prices of goods and services and thus becomes an unnecessary and unwarranted burden for working men and women.

Our distinguished Assistant Attorney General—consciously or unconsciously—seems to walk down the same garden path with Mr. Toynbee and Mr. Galbraith.

I read with care and concern—and respectful interest—one of his recent speeches in which he deplores the fact that the consumer is confronted with too many choices. He then proposes that—and I quote "Government policies be directed toward neutral vehicles of information which tend to deal directly with uncertainty." end of quote.

He continued with this verbal package of economic dynamite—and again I quote . . . "We all know that such consumer research organizations as Consumer Reports tend to promote informed consumer judgment, and we can reasonably surmise that reports of that kind, if generally circulated, would significantly limit the ability of advertising power to enhance degrees of monopoly power to say nothing of enabling consumers to spend their dollars more fruitfully." end of quote.

Yes—that's what the man said.

Does he not propose a bureau to grade and evaluate all consumer goods and services? Does he not propose reports regularly issued so that the public will be the beneficiaries of his scoring system?

Would not and could not this—if it ever came to fruition—be the most monumental and costly boon-doggle in all time?

Who would do the scoring? How would it be done? Who would settle disputes? Who would pay the cost?

If this foolish fantasy ever came to pass and truly functioned as planned, let's look at the consequences.

Would not the consumers buy only those products and services with the highest scores?

Would not the also-rans soon falter and fail and then fade away? Would not competition wither and die?

Instead of eliminating or reducing monopolies as Mr. Turner suggests, would not this socialistic scheme give birth to the very Frankenstein of monopoly that he has vowed to fight?

Carried to its fanciful conclusion, would we not have an economy where competition was as effectively throttled as it is in Russia with its rigid state controls on production, distribution and display?

In one of his speeches, Mr. Turner advances the philosophy that companies and corporations can stifle and smother competition through the very magnitude of their advertising campaigns.

In short, Mr. Turner implies that once a company gets to the top of the competitive heap it can play king of the hill for evermore merely by the way it spends its advertising dollars.

How valid is this charge? Was Coca Cola's tidal wave of advertising able to slow the powerful and challenging drive of Pepsi Cola?

Who twisted Mr. Turner's thesis when Winston challenged and passed Camel cigarettes in a classic example of a competitive free-for-all?

What happened to the theories of those prophets of doom of twenty years ago who claimed that the Great Atlantic and Pacific Tea Company has reached such a position of power and influence that it would soon strangle and destroy all competition? If you happen to own any of the company's stock you know firsthand how foolish was that fear.

No, Mr. Attorney General, computers and consumer groups to the contrary, no one has ever been able to put a hammer-lock on customer loyalty so long as freedom of choice is maintained.

The billion dollar fiasco of the Edsel motor car is a priceless testimonial to the discriminating taste and complete independence of Mr. and Mrs. John Q. Public . . . so long as they have freedoms of choice in the market place.

Now, let me make it clear that I am not out to white-wash advertising. I do not say that this profession, as practiced in this country, is 100% pure. But . . . what business is? Or what group . . . including those who hold public office?

Just as Doctors and Lawyers and Bankers have established their own agencies for policing and correcting the excesses of associates, so, too, have the leaders of the advertising profession.

No group is more critical of unethical advertising than those who are in the profession. And—they do take proper steps to correct the evils.

I personally feel that the rather mild virus of hoopla and hyperbole that infects some of our merchants and manufacturers is probably less of a threat to the economic health and well-being of our people than are many of the curbs and cures being contemplated

and proposed by the bureaucrats and do-gooders.

In this regard, let us direct our attention to the dreams and schemes that have been blue-printed by the Honorable Esther Peterson and her associates in her unique role as Special Assistant to President Johnson in the area of consumer interests.

The Consumer Advisory Council has issued a litle book of 116 pages that has—in the aggregate—the explosive power of a nuclear bomb.

The Council has made studies and recommendations on every facet of American business that touches directly—or indirectly—the American Consumer.

Never since the long ago days of the NRA has a single Bureau advanced philosophies that—if inaugurated—would so dramatically and decisively affect every consumer business enterprise in the nation.

While some of the critics of business and advertising indulge in heavy outpourings of snarled syntax that defies interpretation, this cannot be said of this frightening little volume that is the Bible of the Consumer Advisory Council.

With remarkable brevity and directness, Mrs. Peterson and her group spell out their unhappiness with present business procedures in packaging, advertising, lending, spending, renting, selling, servicing and soliciting.

In some instances, Mrs. Peterson and her cohorts have launched their plans behind slogans and phrases as catchy and colorful as those produced by the word-merchants of Madison Avenue.

Who—for example—can quarrel with the clarion cry for Truth in Packaging? Like Motherhood and an early spring, it has almost universal appeal.

But look behind the slogan.

The bureaucratic brain-trusters—and they're not restricted to Mrs. Peterson's domain—have announced grandiose plans for re-shaping, re-packaging, re-designing, and re-organizing many of our basic business concepts.

In her important capacity, Mrs. Peterson has publicly deplored the wide variety of products that crowd the shelves of our supermarkets. She has also deplored their sizes, their shapes, their contents, and their labels.

She—and some of her counterparts at the State level—have looked over their shoulders at the past and, seemingly, longed for the good, old days when the corner grocer scooped unbranded coffee from a sack and sold unbranded rice and other unbranded food products on a price-per-pound basis.

Forgive me if I beg to dissent. In the long, long ago, I spent some of my high school Saturdays working in one of those cheerful, casually careless, unsanitary and unsatisfactory old-fashioned stores.

For peace of mind and pocketbook . . . for health and personal happiness—give me the present method of doing business. And deliver me from any concept by any consumer group that would turn our economic clock back to the old days that were not as good as the dreamer thinks.

Mrs. Peterson and her group come from a growing school of economists who are long on theory, but apparently short on experience. These are the Bureaucrats who have never met a payroll. These are the ones who demand an investigation into the higher price of bread while, at the same time, they applaud union-negotiated wage increases for the men who haul the wheat . . . for those who grind it . . . for those who bake it . . . and for those who sell it.

They seem to fail to understand that if you continue to increase the costs of industry you must expect a commensurate increase in prices.

Now—don't get me wrong. I am 100% in favor of protecting consumers.

As a life-long consumer, I am heartily in favor of any system or procedures that will help me get higher quality and lower prices on the goods and services I purchase.

But—having witnessed for more than thirty years the way Uncle Sam has protected our farmers with price controls, soil banks, bonuses, quotas and other impractical gimmicks, I have a strong suspicion that—as a taxpayer—I can't afford much more of his planned protection.

Incidentally, you will all recall that when Henry Wallace first started plowing under pigs and cotton as a means of creating scarcity and raising farm prices, the objective was to make life easier for millions of small farmers throughout the width and breadth of our fair land.

Well, after more than thirty years and more with 100 billion dollars, we find that there are fewer farmers than ever before. The number has declined by better than 50% in the last quarter of a century.

Those on small farms are still having to scratch to make a living . . . but take a look at the bigs. They're bigger than ever and growing bigger.

There are thousands of giant farming complexes that annually receive bonuses, parity payments, or soil bank deposits. Some of these individual Government checks exceed a million dollars. Thousands range upward from $50,000 a year. With the American taxpayers picking up the tab.

This year, the cost of running our mammoth and costly agricultural bureaus will exceed $6 billion. That's almost twice the cost of running our entire Government in 1934 when the plan was first advanced.

The same kind of growth and the same kind of costs are—in my opinion—inherent in the consumer programs now being launched.

Just six years ago—in 1961—a Government report showed that there were 33 Federal Departments and Agencies concentrating almost exclusively on problems relating to the care and feeding and protection of the American consumer.

These Bureaus were then spending more than a billion dollars a year and had more than 65,000 full-time employees on their payrolls.

Today . . . the number of Bureaus, Agencies and Departments is reportedly over the two hundred mark. The annual costs and the number of employees is astronomical.

I see my time is running short . . . please bear with me while I address my closing remarks to the role I see advertising playing in our expanding economy.

I feel that advertising—as practiced and sponsored by the men and women in this room—is a powerful catalytic force in our free enterprise system.

It helps to lubricate the mental machinery that indirectly drives our vast and complicated industrial plant. It has helped to make this the richest and most affluent nation on earth.

However, despite our great prosperity, pockets of poverty still maintain in our Great Society.

Official Washington has stated that any family with an income of less than $3,000 a year must be considered impoverished.

There are more than nine million families that fit this description.

Now—what vision does your mind conjure? Can you picture a tidal wave of Negro families living in abject poverty?

Well—revise your vision. 78 per cent of these impoverished families—three out of every four—are white families.

The uplift and improvement of these people—white and black—while preserving the dynamic strength of the American way—and while preserving individual rights and freedoms—is a challenge that business in general and advertising in particular must meet.

We in the communications fields must work with Government in a continuing struggle to transfer millions of men and women from the relief rolls to payrolls. By so doing, we will create new and needed sources of production . . . and at the same time . . . develop new markets for consumption.

We must also keep our industrial plant at full power if we are to meet the challenges of tomorrow. In this next decade our national population will increase by 33,000,000. In the life-time of some in this room, our population will double.

Think of what this means in terms of houses and highways and schools and colleges and autos and airplanes and factories and plants. Think of what it means for every commodity in our day-to-day living.

We must prepare for an expanded commercial responsibility—and opportunity—among the newly emerging nations of the world. We must play our proper role in Europe and work to develop commerce that will be helpful to those teeming millions in Asia who live in the shadow of hunger . . . and of Communist aggression.

To do all of these things requires maximum efficiency for our great industrial machine. We must, therefore, educate our people to the size and shape and scope of our responsibility. We must seek enlightened legislation in all areas dealing with national production. We must seek understanding on the part of labor leaders so that we can reduce or eliminate wasteful, unproductive, make-work and featherbedding practices.

In every one of these areas advertising has a role and a challenge. And, of course, the biggest challenge is accomplishing the whole so that we will not be buried by Communism on the international economic battlefront.

While I do not underestimate the magnitude of the Russian competitive challenge, let me point out that we have many things on our side. Perhaps, our major advantage is psychological.

And you people who represent the advertising profession have probably done more than the Government to crystallize and chart our basic economic course—our psychological course—in beating the Communists.

Let me explain . . .

The Communists preach happiness and contentment to their people. Through their mammoth propaganda apparatus they tell and sell their under-fed and under-clothed millions that they are living the rich, full, complete life.

When you have everything . . . or think you have . . . when your Government takes care of your every need . . . or claims it does . . . when these things are preached as doctrine . . . we find that individual initiative is stifled. Individual desires are curbed. Individual ambition is discouraged.

Conversely, in this country—you men and women of the advertising profession are the high priests of the cult of discontent. You are peddlers of the healthiest kind of unhappiness.

You hold the carrot of temptation and desire before the consuming public. And we reach for it. And, in reaching, we create movement, action, progress.

You stimulate our desire for improvement. You whet our appetites for better food . . . better cars . . . better homes . . . a better education . . . finer suits . . . smarter dresses. You fan the flames of hope and aspiration.

And hope, perhaps, is the most powerful force in our world today. For, without hope, the future becomes a pattern of monotony. Without hope . . . without dreams . . . without aspirations and ambition, our future world would indeed be grim and gray.

There is no real danger that the Communists will steal our psychological secret. Or—if they do—there need be no fear that they can make it work in a dictatorial system.

Advertising as practiced in this country is the epitome of freedom. It encourages freedom of choice at the individual level for cars,

clothes, refrigerators, restaurants, trains, planes . . . individual choice for things and places and ideas . . . for churches and schools and political parties and Presidential candidates.

If the Communists should ever really unlock Pandora's box of advertising, it is conceivable that they might be able to harness the strength and desires of their millions. Properly stimulated they might eventually eclipse the United States in the economic struggle around the world.

But . . . if that should happen . . . I would not be too concerned . . . because . . . under those conditions the Communists would no longer be Communists. To make advertising work, they must become full-fledged members of the free enterprise system.

And . . . for a world without the menace of Communism . . . I am sure that everyone in these United States would welcome the opportunity to take our national chances on that kind of a competitive battle-ground.

A BILL TO EXTEND TO 1975 MANNED FLIGHT GOAL TO MOON

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

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

There was no objection.

Mr. PELLY. Mr. Speaker, in May of 1961 the late President Kennedy suggested to Congress a goal of landing a man on the moon before 1970. This goal has subsequently been reaffirmed by President Johnson.

Today, I am reintroducing a concurrent resolution which would extend the goal of the lunar landing project to before 1975 instead of 1970.

My purpose when I originally introduced this legislation was to provide the flexibility needed by the scientists, engineers, and others engaged in working out the complex details of the preparations of a successful manned flight. At that time I also had in mind a stretchout in order to lessen the tremendous impact on the budget and avoid a so-called crash program. This latter objective today does not hold. We have gone too far to save money by this means. So, I am simply trying to take the heat off the Space Administration and to avoid any undue pressure which might arise in meeting the before-1970 goal. If we make the original goal, so much the better, but I still feel as I did back in January 1964 when I first suggested extending the goal, that we must not cut corners or incur any added risk due to haste. It is better to delay this project than have accidents.

Mr. James Webb, the Administrator, in a colloquy with me when he appeared before the House Science and Astronautics Committee 2 years ago, took strong exception to the bill so I decided that to attempt action on the bill at that time would be a gesture in futility.

Now, after the tragic flash fire in the Apollo capsule and the report of the review board indicating defects which could have caused the accident, I am raising this issue again. Let me emphasize that I am not inferring that the present disaster resulted from haste. However, according to the review board there were errors and I do say more care and deliberation might have prevented the accident. The goal date has resulted in indirect, if not direct, pressure to maintain the schedule established to "beat the Russians to the moon."

I have long admired the dedication of those connected with the manned space flight. My bill in no way is intended to downgrade their integrity or capabilities.

As I said in 1964, I could see no good reason not to provide more latitude in the scheduling of the program. Also I said and still say, any slippage in time due to reasons of safety should not require any apology to anyone—or loss of prestige. I still do not think there is any need to race. The main thing is to get to the moon and back again safely. If we do it a year or two later than planned we should not be embarrassed.

In that spirit, Mr. Speaker, I am suggesting a postponed deadline for this achievement. However, if we can do it safely and without undue haste by 1970—and I hope we can—as I said in 1964, so much the better.

TRIBUTE TO THE YOUNG PEOPLE OF VERMONT

Mr. STAFFORD. 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 Vermont?

There was no objection.

Mr. STAFFORD. Mr. Speaker, I want to bring to the attention of my colleagues one of the refreshing experiences I enjoyed during the Easter recess of Congress.

During a week-long tour of our State of Vermont, it was my pleasure to speak to the student bodies in three of our high schools. While the accomplishments of the 90th Congress to date do not make the most interesting subject material for a speech, this Congressman was certainly impressed and challenged by the question-and-answer periods which took place with these high school students.

There may be problems which some of our teenagers experience today, just as I suspect there were a few problems we had during that particular period of our lives. But it is encouraging to hear the concerns and interest which high school students are expressing today about national and international affairs.

I was especially impressed, for instance, with the concern shown by these young people in the Congress itself. They are particularly interested in having the Congress establish some type of permanent and meaningful committee which could investigate the official conduct of its own Members so that they can justify the respect and confidence which they feel for this branch of our Government.

I can sympathize with their confusion over the fact that the Congress is ready to pass laws regulating the lives of all our citizens, but has been unwilling to adopt standards for the official conduct of its own membership. I hope I was right when I gave them encouragement that this present Congress and this present House of Representatives would indeed face up to this issue.

I was impressed also with the interest students showed about our involvement in Vietnam. I was gratified by their objective questions about the military draft laws, for these laws will vitally affect them very soon in their young lives. I was encouraged by their concern for a stable Federal Government.

It is nice to be reminded that the great majority of our young people are not the ones we read about on the front pages of our metropolitan newspapers. And I can't help but get the feeling that not only are these many youngsters doing something right, but there must be a lot of parents and teachers still around who must be doing something right also.

CONGRESSMAN HORTON CUTS BACK SUMMER INTERN PROGRAM FOR LACK OF SPACE

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

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

There was no objection.

Mr. HORTON. Mr. Speaker, I rise today to deliver a regrettable message to my colleagues. Every summer since I came to Washington to join this honorable body, I have been pleased and proud to afford many young men and women college students the opportunity to live and work in Washington.

These intern programs have been good for me and for the students. Many of the students who worked and studied in my office in past years have written to me later to tell me that their experiences in my office honed their desires for a life in the service of their fellow citizens.

Each of them has brought to the Horton office an enthusiasm and freshness of thought which always rekindles the spark of duty in my year-round employees. Also, the instruction of these interns seems to sharpen my staff members' knowledge and appreciation of their own duties.

But circumstances have forced me to drastically curtail the intern program for summer of 1967. The decision has solely to do with a critical lack of space.

I have nine employees working regularly on my Washington staff. I employ six secretaries to assist me in handling the multitude of letters which daily are delivered to my office. My colleagues will agree that the mail volume seems to grow daily, underscoring the need for a sufficiently large staff to see to the needs of our constituents.

In addition to secretaries, I employ a legislative and executive assistant and an administrative assistant who supervises the work in the office.

By actual measurement, these nine employees work daily in House-assigned space which is far less than half that which the General Services Administration has called adequate for office work.

The total space afforded me in the Longworth House Office Building is 420

square feet. My private office, of course, is in addition to this total.

Were it not for the gracious assistance of one of my colleagues from Minnesota, who afforded me space for files and two desks in his office annex, this situation would be so intolerable that efficient work would be next to impossible.

According to figures supplied me by the General Services Administration, these nine employees should have a minimum total working space of 1,110 square feet.

Thus, my staff members already are handicapped by working in available space which, as I said, is less than half of the acceptable Government standard.

Thus, Mr. Speaker, where last summer I was able to include six interns on my staff at one time, because of the provision of adequate annex space, this summer without that additional area available, I shall be able to fill only one intern position. In order to spread that single space as far as possible, I hope to be able to open it to two young men, one for the first half of the summer and the second for the latter half.

The intern program for the summer of 1967 in the Horton office will be but a skeleton suggestion of that which once was. Work experience programs conducted by colleges and universities, nonprofit foundations, and civic organizations, to which I formerly opened my office doors just won't fit through this year.

I regret it, and I hope my colleagues share the sense of irritation and indignation which I direct at the unwillingness of all of us, myself included, to move all aspects of this honorable body into the age of modernity, equipping us thereby with the area and apparatus necessary to operate efficiently and effectively.

GRANT OF $125,320 TO LEARN WHEN TO SAY "AIN'T"

Mr. HALL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous but pertinent material.

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

There was no objection.

Mr. HALL. Mr. Speaker, a few days ago, on April 4, 1967, under the heading "Help? Say it Ain't So," I appealed for help in tracking down a Federal grant in the amount of $121,000 to teach people when they should say "ain't," and when they should say "aren't." I am happy to report that the source of this funding has now been established. The grant to Michigan State University, in the amount of $125,320 was made by the U.S. Office of Education under title IV, Elementary and Secondary Education Act.

An article in the March 17 issue of Time magazine entitled "The Fine Art of Grantsmanship," describes a new project that has been created since the advent of the Federal Government into massive expenditures for research. The Time article describes the double talk that must be carefully put together to impress the custodians of the Federal money. Nowhere is this paradox more obvious, than in this grant awarded to Dr. Roger Shuy, of Michigan State University. I ask unanimous consent to insert, at this point in the RECORD, a copy of the project résumés, and an article from the December 15 issue of the Flint, Mich., Journal, which tells what the money will actually be spent for, once one learns to penetrate the verbosity of the application. Both articles follow:

[From the Flint (Mich.) Journal, Dec. 15, 1966]

AIN'T CAN BE RIGHT, PROF SAYS

EAST LANSING (AP)—If you say "he don't," "they ain't," and "nobody learned me how to talk good," the grammar books will say you're wrong. But Prof. Roger Shuy won't necessarily agree.

For anyone whose speech violates grammar book rules, the Michigan State University linguist advocates having two kinds of English—a comfortable everyday kind and a more formal, kind, to impress your boss, for example.

If a child comes to school and says "ain't," Shuy will say "not that it is wrong, but that it is wrong some of the time."

He aims not to eliminate the "ain't," but to make sure the child knows that if he wants to climb high on life's social and economic ladders, there are times when he should say "aren't."

"If, he doesn't want to succeed, that's his business," Shuy said.

"For those who want to succeed, we ought to be able to tell them the switching devices (from everyday English to formal English) more precisely," he said.

Shuy currently is busy trying find out exactly what it is about the way various people speak that makes other people approve or disapprove of them.

The U.S. Office of Education granted $121,246 for his study, which includes taped interviews with 700 Detroit residents from different economic and social backgrounds.

Shuy and his staff are analyzing the tapes of the 1½-hour interviews, and "we could go five or 10 years, there's so much material."

But, he said, the federal office wants reports sooner than that and "we'll have things to say in fall of 1967."

"If there is some pattern that relates to social stratification, it's something teachers should be alert for," he said.

"We're seldom aware of the things that give us away," said Shuy.

Once he has been able to analyze the speech patterns that signal social classes, the next step is to develop the switching devices to turn those speech patterns into what Shuy calls "the target dialect."

This is the dialect, he explained, needed to enter life's "front doors."

Shuy said he has heard teachers tell disadvantaged children something that amounts to: "This is the way your parents talk and they are uneducated slobs."

He would rather have them say: "This type of talk is all right here as long as you understand it may hold you back socially—not that it is wrong, but it is wrong some of the time."

The linguist explained, "Home speech is more intimate. We don't want to shoot it down as bad.

"Talk is something that must be understood," he added. "We want to teach the art of when to switch from one dialect to another."

The type of material he and his assistants are gathering, Shuy said, could be tremendously valuable to teachers.

"It will help teachers determine the nature of the problem," he said. "It seems obvious there is no need to teach against a bad construction if it doesn't exist."

PROJECT RÉSUMÉS: A STUDY OF SOCIAL DIALECTS IN DETROIT

Investigator—Shuy, Roger W.
Michigan State University, East Lansing.
Prop date 25 Aug. 65 (Date of Proposal).
Bureau Number BR-6-1347.
Research Branch, DESR.
No. 6, Michigan.
Contract OEC-3-6-061347-0636
FY66-$121,540. 03-22-66.03-31-67. FY67-$3,780.
04-01-67.08-31-67.
Descriptors—Linguistics, dialect studies, language research, social differences, language patterns, speech habits, urban culture, East Lansing, Michigan.
Start date 03-22-66.
End date 08-31-67.

The linguistic features (pronunciation, grammar, vocabulary, and syntax) of the various English-speaking subcultures of Detroit will be delineated on this research program. In addition, it will—(1) seek efficient means of gathering language data in cities, (2) investigate effective uses of computers in the storing, retrieval, and analysis of language data in an urban dialect study, (3) provide actual language data for practical applications in the classroom, and (4) determine the linguistic clues to social class, the function of language in establishing social boundaries, and the processes of language in an urban area. After a developmental phase and the training of field workers are completed, language data will be gathered by structured linguistic interviews, questionnaires, conversational interviews, multiple choice tests, and tape recording. Consultants and staff will determine analysis techniques and procedures during the developmental stage of the project. (WB).

SENATOR EDWARD E. MARTIN

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

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

There was no objection.

Mr. SAYLOR. Mr. Speaker, with the death of the Honorable Edward E. Martin, Pennsylvania and the Nation have lost another outstanding patriot, soldier, and statesman.

Our former colleague in the Senate was born in sparsely settled country, attended a small college, and preferred the humble surroundings that somehow are unique to the small community. He rose to exalted positions in the service of his State and his country, yet when his active career came to an end, he chose to return to the land of his youth to live almost anonymously among old friends and neighbors.

Edward Martin was a military hero. Before studying law he took part in the Spanish-American War. He also participated in the conflict on the Mexican border and in the First and Second World Wars. He served in all grades from private to major general, and his honors included the D.S.C. with Oak Leaf Cluster, Purple Heart with Oak Leaf Cluster, and American Legion Distinguished Service Medal.

Edward Martin held many public of-

fices, and he conducted each with dignity, honesty, and dedication that endeared him to his political opposition as well as to his legions of supporters. He was burgess of East Waynesburg, solicitor of Greene County, and then auditor general, State treasurer, and adjutant general of the Commonwealth of Pennsylvania before becoming Governor in 1943.

Twice elected to the U.S. Senate, he was courageous, effective, and forthright. And when he reached an age where he felt that he could not continue to serve with the vigor and tireless devotion that he believed inherent in the responsibility of office, Senator Martin gracefully retired to his native western Pennsylvania.

Having had the opportunity to work closely with Senator Martin during my first 6 years in Washington, I came to enjoy a close personal friendship with this retiring and modest but dynamic and determined American statesman. I shall remember him always, and Pennsylvania will forever be indebted for his unswerving devotion to State and country.

JUDGE CHARLES E. MOYLAN

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. MATHIAS] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. MATHIAS of Maryland. Mr. Speaker, a progressive era in the history of Maryland's bench and bar ended last month when the Honorable Charles E. Moylan retired, at the age of 70, as an associate judge of the supreme bench of Baltimore.

A native of Ijamsville in Frederick County, Judge Moylan is one of the Free State's most distinguished jurists and leading citizens. During his long career of public service, he has achieved prominence not only as an eminent judge, but also as a member of the Maryland bar, an active layman in the Methodist Church, president of the board of trustees of the Maryland School for the Deaf, a noted orator—and also as a baseball player and coach, a Navy pilot, a brilliant student, and an outstanding teacher.

Since his appointment to the supreme bench in 1943, Judge Moylan has served by his own request in the division for juvenile causes of the circuit court of Baltimore City. During these 24 years, his leadership and compassion have made this court one of the finest juvenile courts in America. Although the court has handled more than 54,000 cases since 1943, not a single decision has been appealed, a remarkable fact proving the respect his judgment has gained among members of the bar. His work as a champion of youth has been widely acclaimed by such organizations as the Boy Scouts of America, the Jewish Big Brother League, and the Baltimore YMCA.

Perhaps the most appropriate tribute to Judge Moylan's work for youth was the dedication of the Judge Charles E. Moylan Building for Adolescents at Boys Village, the correctional institution whose development the Judge has advocated and overseen for many years.

On the occasion of Judge Moylan's retirement on March 9, his two sons, Charles E. Moylan, Jr., and Daniel W. Moylan, prepared and presented an informal biographical tribute to him. Because this varied collection of articles and summaries presents all aspects of this remarkable gentleman, I would like to include it in the RECORD at this point:

A VISIT WITH CHARLES E. MOYLAN—ASSOCIATE JUDGE, SUPREME BENCH OF BALTIMORE CITY

This is no formal biography. The collection of old newspaper clippings, photographs, articles, speeches, box scores, and other family memorabilia of our father's interests and hobbies is prepared by us for presentation to him on his seventieth birthday,—the occasion of his retirement from The Supreme Bench of Baltimore City. May he enjoy this journey over some old trails of his earlier days as a farm hand, book agent, baseball player and coach, school teacher, clerk in a country store, newspaper reporter, Naval Aviation pilot, lawyer and jurist.—Chas. E. Moylan, Jr.; Daniel W. Moylan.

Retired, one needs must pay the toll
To youth and age, and turn not from his goal.
So let the way wind up the hill or down,
Through rough or smooth, the journey will be joy;
Still seeking what I sought when but a boy:
New friendship, high adventure, and a crown;
I shall grow old, but never lose life's zest,
Because the road's last turn will be the best.

—HENRY VAN DYKE.

THE JUDGES IN MARYLAND

(Reprint from Daily Record, October 1960)

Judge Charles E. Moylan, Associate Judge of the Supreme Bench of Baltimore, was born in Ijamsville, Frederick County, Maryland, on March 9, 1897, the son of the Reverend Daniel E. and Martha Linthicum Moylan.

He was graduated from the Frederick High School in 1914 and took his A.B. degree at Western Maryland College in 1917. He came to Baltimore in 1921 and attended the Johns Hopkins University Graduate School and was admitted to the Bar upon receiving his law degree at the University of Maryland Law School in 1924. He was awarded the honorary degree of Doctor of Laws from Western Maryland College in 1952.

Prior to moving to Baltimore Judge Moylan taught French and mathematics at the Brunswick High School and English at the Frederick High School. He then was an instructor of English at the Baltimore Polytechnic Institute from 1923 until 1925. He engaged in the practice of law from 1924 until his elevation to the Bench in September, 1943, when he has appointed by the late Governor Herbert R. O'Conor to fill the vacancy which existed due to the retirement of the late Judge George D. Solter. He was elected to a full fifteen-year term in 1945 and during his entire service on the Supreme Bench has presided in the Division for Juvenile Causes.

The jurist has served as a Judge of the Appeals Tax Court of Baltimore, 1932–1935, was Chairman of the State Industrial Accident Commission, Chairman of the Board of Trustees of the Maryland School for the Deaf, Trustee of Western Maryland College, a director of the Maryland General Hospital, the Legal Aid Bureau, the Goodwill Industries, and Trustee of the Harlem Park Methodist Church. In addition, he is a member of the National Rush Light Club of Boston, the Society of Antique Light Collectors, The Trial Table Law Club, the American Bar Association, the Maryland State Bar Association and the Bar Association of Baltimore City.

Judge Moylan was Chairman of the Baltimore Youth Commission for ten years and in 1948 the Boys Scouts of America presented him with the Silver Beaver Award "for distinguished service to Youth." In 1950 the Jewish Big Brother League honored him as "Big Brother of the Year for Maryland," while the Baltimore Y.M.C.A. awarded him its 1959 "Award for Service to Youth."

During World War I Judge Moylan was a Pilot in the United States Naval Flying Corps, with the rank of Chief Quartermaster and was coach of the Ijamsville Baseball Club (unlimited) of the Maryland State League which aggregation was the pennant winner on ten occasions from 1939 through 1960. He also is a member of the Kappa Sigma and Gamma Eta Gamma Fraternities, a Past Commander of the German H. H. Emory Post of the American Legion and was President of the Downtown Lions Club in 1932.

He was married to the former Anna Mildred Wheeler in 1924 by his father, a Methodist minister, and has two sons, Charles E. Moylan, Jr., State's Attorney for Baltimore City, and Daniel Wheeler Moylan, member of a Hagerstown law firm—Bushong, Byron and Moylan. Judge and Mrs. Moylan reside at 401 Bretton place in Baltimore.

THE HOME TOWN

Jude Moylan, making his summer home at Ijamsville, has a strong sentimental attachment for his home town. He has established in the Ijamsville Methodist Church a free library in honor of his late parents, Rev. and Mrs. Daniel E. Moylan. He organized and was the advisory coach of the Ijamsville Baseball Club of the Maryland State League for twenty-five years. In competition with Frederick, Brunswick, Thurmont, Mt. Airy and other much larger cities and towns, Ijamsville (pop. 120) won ten league pennants.

Judge Moylan is the author of: "Ijamsville, The Story of a Country Village," which was published in 1951.

COUNTY LEAGUE BANQUET

(Reprints from Frederick Post, 1921)

A banquet will be held by fans from the various towns represented in the Frederick County League last year which will be held at Wayside Inn Thursday evening, March 23, at 7:30 o'clock. This date was set by Bruce S. LeGore, chairman of the banquet committee, last night.

The pennant will be formally presented to the Thurmont team, champions of the circuit last season, at this banquet. Charles E. Moylan, of the Ijamsville club, will be presented with a gold baseball for leading the league in batting last season.

HOW IJAMSVILLE BATTED

Charles Moylan, second baseman of the Ijamsville baseball club, of the Frederick County Amateur League, is the winner of a silver loving cup, offered at the beginning of the season by Harry E. Wolfe, an Ijamsville merchant, to the player with the highest batting average for the season just closed. Moylan led the Ijamsville club with an average of .478, hitting safely in all of the 14 league games. Three Ijamsville players hit above .300. Gilbert and Hauver being the two others. The averages follow:

	G	AB	H	Percent
Moylan	14	67	32	0.478
Gilbert	7	30	12	.400
Hauver	10	36	11	.305
Jas. Grove	8	32	9	.281
Kreh	9	36	10	.277
Molesworth	13	54	14	.259
Wolfe	14	55	14	.255
Jarboe Grove	14	61	15	.246
Rimbey	4	10	2	.200
Riggs	8	20	4	.200
Wallis	6	20	4	.200
Westenhaver	2	6	1	.166
Cadle	9	30	5	.166
Nicodemus	3	8	1	.125

With Kreh as catcher and Hauver as pitcher, the regular club's hitting average for the season is .304, although but three of its members hit .300 or over.

The Ijamsville second baseman also won an overcoat given by B. O. Phelps, another Ijamsville business man, to the player on the Ijamsville club with the highest total bases for the season. He hit safely 32 times, including four doubles, two triples and two homers for a total of 46 bases. Molesworth is second, with 19.

THE CLUSTERED SPIRES OF FREDERICK

Chas. E. Moylan was graduated as an honor student from Frederick Boys' High School in 1914. He served as president of the Belles Letters Literary Society and as one of the editors of the high school magazine. Old box scores in the school newspaper reveal that he played second base on the varsity baseball team, and led his 1914 team in hitting with an average of .454.

After his graduation from Western Maryland College in 1917, the subject of this sketch returned to his native Frederick County. He taught French and Geometry in Brunswick High School for a year and then enlisted as a pilot in the U.S. Naval Flying Corps. When World War I ended, he taught English, Debating and French in Frederick Boys' High School, and coached its baseball team, for three years.

TWO YEARS AT WESTERN MARYLAND COLLEGE

The former clerk in the Ijamsville country store enrolled at Western Maryland College in the fall of 1915. He worked his way through college as a door-to-door book agent. He achieved an academic record equalled only twice in the history of the College. Completing the four years course of study in two years, he was graduated as Valedictorian of his Class in 1917.

While in college, Charlie Moylan served as president of Webster Literary Society, played second base on the Varsity baseball team, and in 1917 represented his college in the Annual Oratorical Contest with Washington College, St. Johns College and the University of Maryland, winning second honors.

The Green Terrors' second baseman in 1917 has served as president of his College Alumni Association. He was awarded an honorary doctorate (Doctor of Laws) by his alma mater in 1952. He has served for more than ten years, and is still serving, as a member of the Western Maryland College Board of Trustees.

THE UNIVERSITY OF MARYLAND LAW SCHOOL

After his two years at Western Maryland College, and a year in Seattle, Washington training to become a pilot in the U.S. Naval Flying Corps (World War I), Charlie Moylan taught four years at Brunswick and Frederick Boys' High Schools. After the War, he taught English for four years at the Baltimore Polytechnic Institute. He pursued a year's graduate work in Political Science at the Johns Hopkins University, while attending evening classes in the University of Maryland School of Law.

In his senior year at law school Charlie Moylan served as president of the University's Student Government. He was president of the Alpha Debating Club and the winner of the Louis Ashman Scholarship. He received an LLB degree in 1924, and was married a month later to a Western Maryland College schoolmate, Anna Mildred Wheeler, who was at the time the Head of the History Department in Baltimore's Junior High School #40. He practiced law in Baltimore from 1924 to 1943.

Certificate of attendance and record of Charles E. Moylan

These presents certify that Charles E. Moylan matriculated in the Law School of the University of Maryland in September 1921 and was graduated with the degree of Bachelor of Laws on June 7, 1924. The following is a transcript of his record:

Elementary Law	100
Contracts	90
Real Property	94
International Law	93
Domestic Relations	97
Pleading	80
Torts	96
Criminal Law	95
Testamentary Law	75
Personal Property	97
Title & Conveyancing	87
Practice	88
Sales	100
Agency	100
Evidence	98
Common Carriers	97
Commercial Law	96½
Corporations	97
Bills & Notes	93
Admiralty	93
Insurance	100
Bankruptcy	91
Conflict of Laws	100
Equity Procedure	77
Federal Procedure	80
Equity Jurisprudence	87
Constitutional Law	99
Practice Court	84

Passing mark 75%.

ROGER HOWELL,
Assistant Dean.

TWENTY YEARS AS A PRACTICING LAWYER

Mr. Moylan served for three years of this period as a Judge of the Baltimore City Appeal Tax Court, by appointment of Mayor Howard W. Jackson; entered the Primary for the Democratic Nomination for Mayor of Baltimore in 1935 and was defeated after a hard fought campaign; and later served for four years, by appointment of Governor Herbert R. O'Conor, as Chairman of the State Industrial Accident Commission.

During his law practice, Charlie Moylan was the senior partner in the law firm of Moylan, McKeldin and Smith. Associates in the firm at various times included Chas. David Harris, W. Hamilton Whiteford, W. Albert Menchine and Lester L. Barrett. Theodore R. McKeldin has twice served as Mayor of Baltimore City and for two terms as Governor of Maryland. Mr. Whiteford and Mr. Harris have served as presidents of the Bar Association of Baltimore City. The late Michael Paul Smith served for several years as a Judge of the Circuit Court for Baltimore County, while W. Albert Menchine and Lester L. Barrett are currently Judges of this Court. Chas. David Harris is now an Associate Judge of the Supreme Bench of Baltimore City. The old law firm was often facetiously referred to as a school for judges.

Chas. E. Moylan was appointed by the late Governor Herbert R. O'Conor as an Associate Judge of the Supreme Bench of Baltimore City in 1943 and was elected for full fifteen year terms in 1945 and 1961. He had served on this Court for twenty-four years at the time of his retirement on March 9, 1967.

SITTING JUDGES ARE ELECTED

(Reprint From the Baltimore Sun, 1945)

(By George J. Hiltner)

Baltimore voters yesterday voiced approval of the principle of electing sitting judges by giving six associate judges of the Supreme Bench a sweeping victory over two other aspirants to the judiciary, in almost complete returns from the city's 471 precincts.

Unofficial tabulations of reports from 467 of the precincts showed the following results of the voting, with the six sitting judges leading the list:

Judge Charles E. Moylan	87,488
Judge Herman M. Moser	83,944
Judge Michael J. Manley	83,184
Judge E. Paul Mason	80,813
Judge Joseph Sherbow	76,920
Judge John T. Tucker	69,223
James K. Cullen	45,841
Wilfred T. McQuaid	42,544

TWENTY-FOUR YEARS AS AN ASSOCIATE JUDGE OF THE SUPREME BENCH OF BALTIMORE CITY

In 1943 the Baltimore Juvenile Court was by statute placed at Circuit Court level. Judge Moylan has, by his own request, been assigned for the past twenty-four years by his colleagues on the Supreme Bench of Baltimore City to sit in the Circuit Court of Baltimore City, Division for Juvenile Causes. The Baltimore Court has been generally acclaimed as one of the best in America.

From the beginning Judge Moylan has agreed with the late Roscoe Pound, one of the country's foremost authorities in jurisprudence, that the establishment of the juvenile court in 1898 represents the greatest reform in the administration of justice since Magna Carta.

Judge Moylan's work for youth has been widely recognized. He was Chairman of the Balto. Youth Commission for ten years (1943–1953). In 1948 the Boy Scouts of America presented him with the Silver Beaver Award "for distinguished service to youth." In 1950 the Jewish Big Brother League honored him as "Big Brother of the Year for Maryland." The Baltimore Y.M.C.A. awarded him its 1959 "Award for Service to Youth."

During the past twenty-four years, the Circuit Court of Baltimore City, Division for Juvenile Causes, has had before it more than 54,000 cases charging juvenile delinquency. Many hundreds of lawyers have appeared in these hearings. In these two decades, there has not been an appeal from a decision to the Maryland Court of Appeals.

BOOK CALLS JUDGE MOYLAN'S YOUTH COURT "ONE OF THE BEST"

(Reprint from Baltimore Sun, September 1965)

Judge Charles E. Moylan, who has presided in the Baltimore juvenile tribunal for about twenty years, yesterday proudly displayed a book on juvenile crime which describes his court as "one of the best juvenile courts in the country".

The laudatory reference to the Baltimore Division for Juvenile Causes is contained in a book entitled "Kids, Crime and Chaos", written by Roul Tunley, editor of the former *American* magazine, and onetime editorial promotion head for *Look* magazine.

"Baltimore not only has one of the best juvenile courts in the country, but perhaps the most effective probation system, with caseloads limited to 50 or 60 per officer", Mr. Tunley wrote.

Further referring to the Baltimore court for juveniles, Mr. Tunley wrote that "the statistical results are gratifying".

"Baltimore's rate of delinquency has not increased since World War II. And the actual number of delinquents today is less than it was five years ago, despite a steady increase in the city's population.

"We could use a lot more of Baltimore's type of coordination."

"When people cooperate"

Earlier, the author asserted, "It is heartening what can happen when people cooperate.

"A few years ago, Baltimore, tired of having the delinquency programs of police, court, schools, church and other organizations working at cross purposes with one another, made a real attempt to coordinate all their activities in one place—the juvenile court building.

"There, most of the community's public and private resources have offices or representatives, and the court is the hub around which the city's whole child-welfare program rotates.

"Such close cooperation tends to eliminate waste and duplication, and most organizations can communicate with each other just by walking down the hall.

"With everybody looking in on everybody else all the time, higher standards are stimulated."

Judge Moylan said the author of the book, a native of Chicago and former reporter for the New York *Herald Tribune*, apparently was referring to a system he inaugurated about twenty years ago which has representatives of the school system and the Welfare Department in his court at all times to give closer liaison with these agencies.

The judge said having such persons in his court saves considerable time in placement of children in foster homes and in handling cases involving school truancy, discipline and acts of vandalism.

COTTAGE NAMED FOR MOYLAN BY BOYS VILLAGE INMATES

(Reprint from Baltimore Sun, Oct. 1958)

(By George J. Hiltner)

Judge Charles E. Moylan, of the Baltimore Juvenile Court, yesterday received the unique distinction of having a cottage at the Boys Village named in his honor by the youths he sent there for misbehaving.

In a sort of reverse twist of the old saying about biting the hand that feeds you, Judge Moylan was feted at a sumptuous meal served by the staff and boys at the correctional institution, and then was presented with a lamp made by the inmates from an aged cedar root.

More than 100 welfare, probation, police and penology officials of the State turned out for the ceremonies to honor the man credited with doing more than anyone else to remove the stigma that surrounded the old Cheltenham School for Colored Boys.

Physical changes noted

Visitors to the Southern Maryland school marvelled at the changes that have come over the institution in the past fifteen years, since Judge Moylan took a personal interest in the place and brought about many needed reforms.

The new Moylan cottage, with a dormitory and private rooms for about 25 inmates, and eight others almost identical, would do credit to almost any college campus.

Each cottage is completely equipped with a kitchen, lavatory and showers, a large play room, dining room and an apartment for the house parents. Outside, each cottage also has its own recreational area.

Gone, or in the state of demolition, are the old buildings with their dingy cells, places of solitary confinement and other shameful memories of the old Cheltenham.

Devil and Cheltenham

As an example of what the old Cheltenham meant to Negro boys of the State, Lawson J. Veney, superintendent of Boys Village, related something that Judge Moylan told him ten years ago.

In those days, the judge recalled, when one asked a white boy what would happen to him if he were bad, the answer would be that he would go to the Devil.

But when a Negro boy was asked the same question, he would reply that he would "go to Cheltenham."

Judge Moylan recalled that when he was assigned to the juvenile division of the courts in 1943, some 70 per cent of the youths at Cheltenham were untrainable because of their mental capacities.

Education provided

Since then, he said, the boys are carefully screened and the untrainable ones are sent to institutions under the Department of Mental Hygiene.

AN ARDENT CHURCHMAN

Judge Moylan is a member of Grace Methodist Church. When his father, the late Rev. Daniel E. Moylan, a deaf clergyman who founded Christ Methodist Church (Baltimore) in 1896 and was its pastor for forty-seven years, died in 1943, the son stepped in and took full charge of the work for two years until the Baltimore Conference of the Methodist Church could locate a successor. The membership of the Church was doubled during this two-year period. Rev. Louis W. Foxwell, whose deaf parents were members of the Church, and who was persuaded by Rev. Daniel Moylan to enter the ministry, is the present pastor.

Judge Moylan's "History of Christ Methodist Church for the Deaf" was published in the May–June (1943) issue of The Maryland Bulletin.

Judge Moylan was the teacher of the Reed Men's Bible Class of Gregory Baptist Church of Baltimore from 1935 to 1945. This is believed to be one of the largest Men's Bible Classes in the East.

C. E. MOYLAN PICKS ODD ALL-STAR CLUB

(Appeared in Grantland Rice's Spotlight, Fall of 1932)

The first All-Biblical team has been picked by Charles E. Moylan, Baltimore attorney, formerly of this city. The following yarn concerning Mr. Moylan's unique club is reproduced from W. Wilson Wingate's column, Baltimore sports writer.

The story:

The open season for All-America, All-Maryland and All-Time football teams has about run out, but, just in time, Charles E. Moylan, judge of the Appeal Tax Court, lets go with both barrels and brings down some rare game.

In fact, Judge Moylan has contributed the most unusual all-star group we have seen—a group composed of athletes of the Bible.

We might say that Judge Moylan, teacher of the Men's Bible Class of the Monument Street M. E. church, was himself an athlete of note in his college days and still holds the record batting average (.478) in Mike Thompson's Frederick County Baseball League.

Here are Judge Moylan's all-stars selected from the virile, dynamic, Biblical characters who lived in the out-of-doors and whose physical feats sometimes surpassed those of modern times:

Elijah	Long-distance runner.
David	Marksman.
Samson	Weight-lifter.
Peter	Oarsman.
Paul	Marathon swimmer.
Dr. Luke	Trainer.

Commenting on Elijah's endurance as a Marathan runner, Judge Moylan points out that this hardy man of the mountains, clad in a mantle of camel's hair, beat King Ahab and his chariot in a race over a rough mountain road to Jezrell, a distance of sixteen miles, in the midst of a blinding storm. He had an iron frame, which enabled him to endure a forty days' fast.

Of David's super control in a crisis, Judge Moylan points out that he threw from his "sling" a stone with such perfect accuracy that it struck the small open spot on Goliath's forehead—the only vulnerable opening beneath the giant Phillistine's helmet of brass. His marksmanship, when Israel's nation existence was threatened, labels David as a great "money player."

"The phenomenal strength of Samson," states the writer, "justifies his selection as weight lifter on the all-star group of Bible athletes. Proofs of his tremendous strength are many. He killed a young mountain lion bare handed (Judges 14.5–6). Standing between two pillars supporting a bleacher-like porch in the courtyard of the palace he exhibited his weight-lifting prowess and the structure crumbled (Judges 16:29–30).

"Shipwrecked in the Mediterranean, Paul was in the water a day and a night (II. Cor. 11–25). Only a great swimmer like Paul, with iron endurance, could have reached shore after being in the water practically twenty-four hours.

"Of the rugged, volcanic Peter, it is timely to note that sudden, and fierce storms are frequent on Lake Galilee, where Peter and his brother, Andrew, were partners in the fishing business and where he developed skill in handling boats, as shown by his exciting trip in a storm in which he rowed almost an entire night."

GOD'S UNIVERSE AND MAN'S ENDEAVORS

(Reprint from the Evening Sun Forum, Nov. 1961)

Sir: In our race with the Russians to conquer space, the spectacular feats of modern scientists and engineers should neither frustrate nor unduly dazzle us. As we place their feats in their proper perspective, they should increase our reverence toward God as the architect of the universe and enlarge our concept and appreciation of his handiwork.

The Russians have put a man (Yuri Gagarin) in orbit for a few hours, and America launched Major Alan B. Shephard 115 miles into space at a speed of 4,000 miles an hour. Next week Joe Walker, of the United States Space Agency, will pilot the X–15 and try for a new altitude record of 250,000 feet. The National Aeronautics and Space Administration announces that the thrust required to launch our first Saturn super-rocket on an eight-minute flight, which starts the United States on the long road to man's landing on the moon, totals 1,300,000 pounds.

Our Heavenly Father—fifty to two hundred million years ago—placed this earth in orbit around the sun. The thrust required to launch from the sun a missile (the earth) estimated by astronomers to weigh 6,000,000,000,000,000,000,000 tons 93,000,000 miles into space staggers the imagination. The earth has remained in orbit, non-stop, without refueling, with not only one man, but 2,500,000,000 people aboard, and has continued for millions of years to whir through space not at 4,070 miles an hour (heralded in 1961 as a record-breaking speed) but at an approximate speed of 68,600 miles an hour in its annual 600,000,000-mile journey around the sun.

Yesterday (November 9), American Major Bog White, in an X–15 rocketship, streaked along at 4,070 miles an hour, six times the speed of sound and twice as fast as a rifle bullet. Is this the new frontier of speed? As long ago as December 1, 1922, the Harvard Observatory issued a bulletin which informed us that a star in Cepheus has been moving for millions of years at a speed of 2,500,000 miles an hour.

The chance that our solar system could have been the result of mere accident—without plan or purpose of the Architect of the Universe—is about as remote as the chance that the King James Version of the Bible could have resulted from an explosion in a printing plant.

In the Constitutional Convention in Philadelphia, Benjamin Franklin said, "I am, at 84 years of age, the oldest delegate here, but the older I become the surer I am of this truth that God still governs in the affairs of mankind."

CHAS. E. MOYLAN,
Associate Judge, Supreme Bench of Baltimore City.

YOUNG AMERICANS ON THE MARCH

(*Address of Chas. E. Moylan, Sr., delivered June 13, 1965, at the Eastern College Commencement in Baltimore, Maryland*)

At the end of World War II, the United States Navy was not only the largest in the world but larger than the combined navies of all other nations. Our Navy historically has been the country's First Line of Defense, but many of its ships in this Atomic Age are already obsolete. We have, however, an auxiliary or reserve fleet; its ships are not obsolete but remain our greatest arsenal, a Gibraltar-like bulwark of national strength,—scholar*ship*, citizen*ship*, leader*ship*, international friend*ship*, statesman*ship* and wor*ship*. May I refer to four of them? First:—

Scholarship

The 130 graduates of Eastern College are a part of a vast army of about 600,000 who this month are being graduated from American colleges and universities. The ten million American college graduates of the past twenty years equal the entire number graduated from college in the preceding one hundred and seventy years of the Nation's history. During the next twenty years, every indication is that our college enrollment will double. The emphasis of the Age is on *Scholarship*.

The graduates of 1965 cannot look forward to an easy life of rocking chair comfort. Whatever profession or business you follow, you are going to find your workshop, your law office, your church, your civic club,—not a dormitory for sleepers but a front line trench. Many complex and alarming world problems will face our college graduates this year. Here are four:—

1. Our country leads the world in crime. This widespread epidemic of lawlessness and violence on our streets must be checked.

2. The world's population explosion must be controlled if we are to escape starvation, disease and plagues.

3. Your country—and the world—must find a way to prevent World War III and build a durable Peace if Judaic-Christian civilization is to survive in this Atomic Age.

4. In any normal decade it is rare for a single country to be born or to achieve its independence. In the twenty years since the end of World War II, that is within the lifetime of most graduates here today, we have seen the emergence of thirty-five new and sovereign states. All are naturally making mistakes and creating complex problems for us as leader of the free world.

Above the storm clouds of crisis, however, there is a rainbow of hope on the canvas of our sky.

Citizenship—Leadership—Statesmanship

This army of 10,000,000 young college graduates since the end of World War II—lawyers, engineers, political scientists, sociologists, business men, teachers, nurses, doctors, economists, homemakers—is the best equipped, the best trained, the best informed generation in all history to deal with the particular type of problems we face. In the past a great weakness of our system has been that too many of our older citizens shrink from taking part in politics. Thousands of these young leaders who have majored in political science, sociology, constitutional law, criminology and public health problems are planning an active participation in government—in politics. More students are being educated for careers in the diplomatic service in recent years in two schools alone, the Georgetown and American University Schools for Foreign Service—than were trained in this specialized field in all of our colleges in the preceding one hundred years.

From the ranks of this army must come the clear-headed scholarship, the public-spirited citizenship, the leadership and the statesmanship we must have if America is to solve our problems here at home, escape national bankruptcy, check crime and violence and set an example for the thirty-five new nations of the world by making our Democracy here at home work more smoothly.

You on this platform are a part of that trained army. With a sense of mission and flaming purpose to match your training and skill, you and your colleagues are ready, I know, to answer the bugle call.

International friendship

We need, too, another Ship—*international friendship*. The United States has for two decades been embarked upon a foreign policy to create a reservoir of understanding and friendship among nations as a broad and necessary foundation in building a stable Peace. The program revolves largely around our student exchange program and our Peace Corps.

A vast army of thousands of our high school and college students are being sent every year to and are educated in foreign countries in every part of the world. Thirty years ago it was rare for a young person under twenty-five ever to go abroad. Students from those foreign countries by the thousands are studying in American high schools, colleges and universities. They are forging strong ties of international friendship. Today these exchange students are overcoming the language barrier.

Tonight more than one-half of the world's people will go to bed hungry. More than one-half live in areas where the per capita yearly income is less than $100. Within a few months, many hundreds of our 1965 graduates will be in the Peace Corps and on their way to these far-off countries to help overcome these tragic conditions.

They are not tourists on a pleasant jaunt abroad. They mingle with the natives, get to know their ways, their needs, their feelings and attitudes. For two years they work among these peoples to improve economic and health conditions there. Their new-found neighbors learn to know them and to appreciate what Americans are really like.

Magazine writers and peddlers of gutter filth, who seem to relish glorifying the morals of the tomcat as they rant about the breakdown of moral standards on American campuses, should spend a month in these steaming jungles and see dedicated American youth of the Peace Corps at work—see them as they really are.

Of course, most of our graduates will not go abroad. Here, on the home front, too, they must play a part in providing the scholarship, the moral leadership, the potential for statesmanship and the public-spirited citizenship needed to keep America strong and free. Every community teems with opportunities in public health, in better sanitation, in community recreation programs, in your law practice, in highway safety, in crime control.

WORSHIP

We need a flagship for our auxiliary Navy. I suggest we christen this ship W-O-R-S-H-I-P. Young Americans must never forget our historic religious heritage as the richest source of our national greatness. I trust each of you will become active in your Church and its far reaching programs for community betterment. Atheistic Russia and Red China, for morale-building purposes, have nothing to match America's religious background, its spiritual resources and strength. Our citizens have more to fight for and more to live for.

In the Constitutional Convention in Philadelphia, Benj. Franklin arose and said: "At 84 I am the oldest delegate here. But the older I become the surer I am of this truth: that God still governs in the affairs of mankind. If a sparrow cannot fall to the ground without his notice, is it possible that a great Republic can be born without his concurring aid?"

THE THOROUGHBRED

(An address by Judge Charles E. Moylan of the Supreme Bench of Baltimore City before the North Baltimore Kiwanis Club, on the eve of the Preakness)

Dr. Frank Crane once said, "There is only one thing in life grander than a young man who is a thoroughbred—a young lady who is a thoroughbred."

What do we mean by this term "The thoroughbred?" Many times a veteran actor, just before the curtain goes up, receives a telegram that his wife or child has been critically injured and rushed to the hospital for immediate surgery. Every decent impulse urges him to rush to the loved one's bedside, but he cannot do so. The curtain goes up. The actor masks his sorrow behind a smile and the play goes on. Why? Deeply imbedded in the history of the theatre for hundreds of years is the tradition that "the show must go on." The old trouper of the stage never disappoints his audience. He is a thoroughbred.

During many shipwrecks, a dramatic scene is enacted. When rescue ships arrive to save the passengers, the last thing they see as the great ship goes down is a lone figure aboard. Loyal to the tradition of the high seas and to the code of men who "go down to the sea in ships," the Captain goes down with his ship. He is a thoroughbred.

All owners of racing thoroughbreds place great value on the bloodlines of their colts. The pedigree of the great Man-of-War has been traced through twenty-two generations of thoroughbreds to a horse owned by the studmaster of Oliver Cromwell.

The 1966 winner of the Kentucky Derby and the Preakness is the Maryland-bred colt, Kauai King. He was sired by Native Dancer, the 1953 Preakness winner and pride of Sagamore Farm here in Maryland. There has been a Preakness winner in three of the last four year generations of the male side of Kauai King's family tree.

The importance of sound bloodlines should not be overlooked by good parents. Clean living parents materially improve the chance that their offspring will measure up to their potential and not start out in life with physical and mental defects. Of 1,500,000 youths who reached draft age in 1965, nearly 40% were rejected for physical reasons and another 20% for mental and emotional defects. This situation is cause for national alarm. If America is to remain strong, more attention must be paid to sensible sex education, to marriage counselling, to medical research and to community recreation projects and public health programs. Strong, healthy parents and sound family planning will improve their chance of bearing and rearing strong, healthy children.

It is well to consider a second facet in the analogy between racing thoroughbreds and those of the human race who deserve this title. The owners and trainers of thoroughbred colts stress not only the colt's pedigree but the importance of long months of careful conditioning and training. Is such training not equally as important for children as for colts? The alarming increase of juvenile delinquency and lawlessness have become a national scandal. It is America's number one social problem. The root cause of the trouble is not delinquent children but delinquent parents who neglect, by precept and example, to train their children to respect the law and the property rights of their neighbors. Training in good citizenship must be stressed. America's greatest shrine of Gibraltar-like national strength is not Fanueil Hall in Boston, Independence Hall in Philadelphia or Raleigh Tavern in Virginia but the good, av-

erage home on the average street in the average town. Here the leaders of tomorrow must be trained by public-spirited parents for responsible citizenship, as carefully and thoroughly as the professional trainer conditions his thoroughbred colt for the big race.

A thoroughbred must have heart and be a great competitor. Many thoroughbreds are at their best on a dry track, when sunny skies are overhead, but they flounder on a muddy track. The real thoroughbred can run well even on a muddy track. That is just as true of men as of horses. When misfortune, sorrow or other mountainous difficulties crush one's spirit, when the track is muddy, only the thoroughbred—the champion—is at his best. He meets the test of adversity.

The most glaring failure in American History was Abraham Lincoln for the first forty years of his life. He tried to run a corner grocery store. His partner absconded with the funds. The business failed and he took several years to pay off the debts. He ran for the Legislature in Illinois but was soundly beaten by his opponent. When he first ran for Congress he was defeated. Then he tried to get a job in the Government Land Office in Washington, but another person got the job. His first effort to run for the U.S. Senate met with defeat. When he was forty years of age, he had failed in everything he had undertaken. But he did not give up! He turned those early failures into stepping-stones that led him into a golden gateway of opportunity, where he could break the leg-irons and lift the shackles from the backs of four million men in slavery—and save this country in the crisis of the Civil War. He had the courage of a thoroughbred.

Military experts told us after World War I that one of the most powerful torpedoes of that day was the Maxmite torpedo. Yet children could play with it in absolute safety—bounce it on the floor—roll it down the steps of an ordinary building and not cause any damage. It wouldn't explode. This particular type of torpedo has to be fired through a foot or two of steel-plate armor before it meets resistance enough to bring out its full explosive force. A thoroughbred is made like that!

Horse breeders are sure that the thoroughbred colt's competitive spirit and fighting heart, his ability to win even on a muddy track, as well as speed and physical stamina, are passed on from sire to colt. Otherwise, Kauai King, 1966 Derby and Preakness winner, ready to be retired to stud, could not command a sales price of two million dollars nor could Man of War's owners have demanded a stud fee of $10,000.

The thoroughbred, as a result of sound bloodiness and long periods of conditioning and training, has not only physical stamina and physical courage but even greater qualities of character. This is as true of men as of horses. Men who deserve to be referred to as thoroughbreds wear always their honor as a shield. And their rugged integrity, honesty and personal morality is their shining sword. Tennyson said of Sir Galahad, "His strength was as the strength of ten because his heart was pure." The thoroughbred has a chivalrous, an inbred respect for womanhood. His personal code of clean living shuns the flabby weaklings with the morals of the tomcat; he turns his back upon the cheap and the vulgar. With him simple goodness and old fashioned decency take on genuine glamor and high adventure. He is not a long-nosed Puritan. He is a thoroughbred, a charter member of the world's finest aristocracy—the Legion of Honor.

The motion picture "The Covered Wagon" glorified the sturdy, weather-beaten pioneers who blazed a pathway across the trackless Alleghenies and settled the West. An introductory caption appeared on the screen. It read, "The cowards never started! The weak died on the way! Only the brave—the thoroughbreds—got through!"

Some years ago, an English ship capsized in a raging storm off the coast of Ireland. The Commander of the Irish Coast Guard called for volunteers to go out to try to save the drowning passengers. He said, "We have the worst storm in years. If you volunteer, some of you probably won't come back." Every man volunteered. One of them said, "Commander, we don't have to come back, but we do have to go out." Their call to duty overcame all thought of personal safety and all thought of their own families. This strong and transcendent sense of duty is the *noblesse oblige* of the thoroughbred. Can it be transmitted from one generation to another? I submit when such men turn their backs on mediocrity and the standards of the market place and stand upon high ground, when they are stirred by "the better angels of their nature,"—these crowning traits of character are a spiritual legacy from our Heavenly Father. Tennyson has observed:

"Men are like coins, some good and some bad,

"But everyone is stamped in the image of the King."

Such nobility is contagious, too! The grand words of Jas. Russell Lowell stand out in bold relief on the walls of Union Station in Washington:—

"Be noble and the nobility of other men,
"Sleeping at times but never dead,
"Will rise in majesty to meet your own."

MRS. MARY ENGLISH FEIGHAN

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. MINSHALL] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. MINSHALL. Mr. Speaker, a long and beautiful life of service and devotion to family, church, and community came to a close April 7 with the death of Mrs. Mary English Feighan, mother of our colleague, the Honorable MICHAEL A. FEIGHAN.

During her 91 years, Mrs. Feighan saw many high honors bestowed upon her late husband, John, and upon their seven remarkable children, five sons, all of whom became lawyers, and two daughters. Mrs. Feighan won her laurels, too, for her selfless devotion to church, charitable, and civic affairs.

In her closing years, she could reflect with great happiness and satisfaction upon nearly a century of achievement, a successful family dedicated to public service, and literally thousands of friends.

To her family, and particularly to my good friend and colleague, MIKE FEIGHAN, I offer sympathy on the loss of a wonderful mother. May the faith which made her life a tribute to the truths of her deep religious convictions sustain you in your sorrow.

THE LATE MRS. MARY FEIGHAN, MOTHER OF HON. MICHAEL A. FEIGHAN

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentlewoman from Ohio [Mrs. BOLTON] may extend her remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mrs. BOLTON. Mr. Speaker, My hometown, Cleveland, Ohio, has lost one of its most beloved citizens, Mrs. Mary Feighan—mother of our colleague, Hon. MICHAEL A. FEIGHAN—who passed away on April 6. The Feighan family has been prominent in civic and cultural affairs in Cleveland for many years.

Mrs. Feighan was 91 years old. Her husband, John T. Feighan, passed away in 1952. She was the mother of seven children: five sons—all lawyers—Joseph, John, Congressman MICHAEL A. FEIGHAN, Cleveland Municipal Court Judge Edward Feighan, and Francis X.; two daughters, Sister Ann Cecile, teacher of French at Lourdes Academy, Cleveland, and Mrs. Ann O'Brien of Cleveland.

Mrs. Feighan was active in church and charity work and was a zealous worker in all movements for the betterment of underprivileged children. Her late husband, John T. Feighan, vice president of the Cleveland Trust Co., received the pontifical award of Knight of St. Gregory. This order is conferred on persons who are distinguished for personal character and reputation and for notable accomplishments. Mrs. Feighan was her husband's counterpart.

It was my privilege to know Mrs. Feighan for many years and I valued her friendship very highly.

To Congressman FEIGHAN and all the members of the family I extend my own deep and sincere sympathy in their great loss and would remind them, in the words so beautifully translated from the Sanskrit by Sir Edwin Arnold:

Never the spirit was born; the spirit shall
cease to be never;
Never was time it was not; End and Beginning are dreams!
Birthless and deathless and changeless remaineth the spirit for ever;
Death hath not touched it at all, dead though
the house of it seems.

Nay, but as one who layeth
His worn-out robes away
And taking new ones, sayeth
"These will I wear today!"
So putteth by the spirit
Lightly its robe of flesh,
And passeth to inherit
A residence afresh.

THE 10TH ANNIVERSARY OF THE METROPOLITAN AREA COUNCIL OF GOVERNMENTS

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. GUDE] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. GUDE. Mr. Speaker, while much of the news these days concerns Vietnam and foreign affairs, we dare not turn away from the other contemporary dilemma—our metropolitan problems.

The Members of this body are all too aware of the challenges and potential damage posed by such urban enemies as crime, pollution of our air and water, traffic, parking, and an array of other problems which are both disturbing and distressing.

In the great metropolitan areas of this Nation, one of the generally significant political developments of this century is unfolding, carrying with it hope for the present and promise for the future. I refer, Mr. Speaker, to the growing conviction among the elected officials of our local governments, a conviction winning support in our State legislatures and the Congress, that the only effective approach to the curing of our metropolitan ills lies in the regional councils of governments.

Since the passage of the Housing and Urban Development Act of 1965, which included a section making such organizations eligible for Federal urban planning assistance, elected officials of local governments in more than 50 metropolitan areas of the United States have established councils of governments. These councils, on behalf of the local governments in their metropolitan areas, seek to develop solutions to their intergovernmental problems. The rapidly growing acceptance of this political strategy is based on the fact that these councils are composed of the elected officials of the local governments themselves. Together, through their council of governments, they establish regional policies aimed at the solution of intergovernmental problems, the same problems that confront every metropolitan area of this Nation in this generation.

Individually, these elected officials—and only they—can carry out these policies in their local areas. Thus, they can develop recommendations on the solution of regional problems without sacrificing any traditional authority or responsibility.

More and more local officials believe that this approach is the only real answer to achieving both the local cooperation and the local control which are at the same time essential and desirable if we are to mount a meaningful attack against these enemies of life in our metropolitan areas in the 1960's.

Indisputable evidence of this was found in Washington last week when 500 elected and appointed officials from our local and State governments across the Nation convened for 3 days of deliberations. This representative gathering clearly expressed the overwhelming endorsement of the council-of-governments approach. The meeting produced specific steps to organize these councils effectively and to assure the intergovernmental cooperation which they are designed to achieve.

It is a source of pride to me, Mr. Speaker, and to other citizens of my district that our own local elected officials have pioneered this approach through their organization, the Metropolitan Washington Council of Governments. This organization is currently observing its 10th anniversary. It is a tribute to the vision and efforts of these officials that the Washington Council is recognized across the Nation as the most productive organization of this type. It is a tribute, too, to such capable leaders as Archilles M. Tuchtan, the council of government's chairman of the board.

As a State legislator for the years that this organization has been active and as a Member of the Congress as it embarks on its second decade of service, I am happy to join in the salute to the Metropolitan Washington Council of Governments. Beyond that, Mr. Speaker, I am grateful for this opportunity to point out to the Congress that its recent mandates in the field of intergovernmental cooperation are producing fresh and hopeful innovations, such as regional councils of governments, which are capable of producing powerful weapons in our war against these urban enemies of crime, transportation, and pollution.

With these new weapons, we draw renewed conviction that we can yet reach that day envisioned by Theodore Roosevelt 60 years ago when he said:

> This Nation will not be a really good place for any of us to live in if it is not a really good place for all of us to live in.

THE INSIDE STORY OF RAMPARTS MAGAZINE

Mr. WILLIAMS of Pennsylvania. 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. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, the April 8, 1967, issue of Human Events, the national conservative newsweekly, featured an extensive article on Ramparts, the leftwing publication which brought to public attention recently the CIA-NASA affair. Human Events makes no claim to impartiality, for "it looks at events through eyes that are biased in favor of limited constitutional government, local self-government, private enterprise, and industrial freedom." Within this wide range of interests, it regularly carries the offerings of such well-known syndicated columnists as John Chamberlain, Henry Hazlitt, James Kilpatrick, Russell Kirk, Victor Riesel, and a host of other established writers. Newsworthy items to Human Events include the warnings of J. Edgar Hoover on the Communist Party, U.S.A. and Communist front groups, congressional committee hearings, and reports on a multiplicity of issues bearing on the interests of the United States and legislation on both foreign and domestic topics which affect individual and international rights and responsibilities. Our firm policy in Vietnam, with some reservations as to implementation, finds support within its pages.

In direct contrast are some of the targets of Ramparts anti-U.S. tirades. Director Hoover and the FBI, along with the congressional investigative committees, are fair game. Of prime importance are the deaths caused in South Vietnam because of the U.S. forces there, with hardly a word about the wholesale slaughter of South Vietnamese civilians which is a traditional feature of Communist policy and operations. Realistic concern over the worldwide threat of communism is "paranoia" to Ramparts.

Differences in policies and methods are to be expected in these troublous times. However, in an era when totalitarianism covets the lives of free men everywhere, the best interests of the United States in defense of its security and survival is a fair criterion on which to base such policies and methods.

In this light, the following article on Ramparts by M. M. Morton, which is the pen name of an expert on internal security affairs, should be judged. I include the article, "The Inside Story of Ramparts Magazine," from the April 8, 1967, issue of Human Events in the RECORD at this point:

THE INSIDE STORY OF RAMPARTS MAGAZINE

(By M. M. Morton)

Just moments away from San Francisco's bustling Barbary Coast of old and the busty topless waitresses of today are the offices of *Ramparts* magazine, a slick-paper sensationmonger that has unique sources of news, a seemingly unceasing flow of funds and an impact on today's political world that makes even the President and Congress take notice.

Though its positions parallel the Communist line on Viet Nam, the FBI, the CIA and a host of other issues, the five-year-old publication has thrust itself onto the national scene in a massive way. Boasting of editors who have been high in the echelons of the Kennedy Administration, including McGeorge Bundy's hand-picked staff man on the super-secret National Security Council, *Ramparts* has rocked the country—and even the world—with sensational exposes tailored to its left-wing ideology.

The magazine stirred an international controversy just over a year ago when it ran the story of Master Sergeant Donald Duncan, a decorated Viet Nam hero who denounced America's role in that far-off Asian land. Still later, it received national publicity by detailing Michigan State University's links with the Central Intelligence Agency.

Its most stunning triumph to date, of course, has been the amazing story of how the Central Intelligence Agency, through an intricate maze of foundations, secretly funded the left-wing National Student Association for 15 years.

While this massive subsidy was sheer folly in view of NASA's radical positions, *Ramparts'* purpose was to discredit the entire activities of the CIA, whose anti-Communist successes in Indonesia, Brazil and British Guiana in recent years have manifestly upset the left. Moreover, *Ramparts* provided the leads for a profusion of newspaper stories revealing that CIA funds had been funnelled to a variety of groups, many with a legitimate anti-Communist purpose.

By unloading its bombshell, the magazine managed to blow the CIA's cover for a wide array of activities, and the hemorrhaging of national defense secrets is not yet over.

Nor has *Ramparts* any intention of slowing down. Though $1.2 million in debt, its backers are putting out a weekly tabloid (*Sunday Ramparts*) and are trying to acquire an advertising agency, a book publishing house and an ultra-high frequency TV station to promote its virulently left-wing views.

Surfeited with journalistic success, *Ramparts* publishers, editors and writers seem to move with an extraordinary ease in and about the power centers of government. Contributing Editor Marcus Raskin, for example,

once served on the National Security Council. Arthur Waskow, another contributing editor, worked for the Arms Control and Disarmament Agency and was a White House consultant on defense matters.

Managing Editor Robert Scheer, who recently met with representatives of the Viet Cong and has been an admirer of Fidel Castro, can just as easily meet with Sen. Robert F. Kennedy and his entourage in Bobby's U.N. Plaza apartment overlooking the East River in New York. In short, *Ramparts* has arrived.

Who runs *Ramparts* and where does it get its money? To find the answers to these questions has required a long digging operation and still not all the facts are known. Space permits only a truncated report of what was uncovered.

Ramparts' founder and publisher is Edward Keating, an intense liberal and Catholic convert who began his magazine back in 1962 as a "fifthly" of literary comment with a Catholic slant. By 1964, with circulation peaking at 2,500, friends counseled him to turn it into a left-wing sideshow. Typical covers after that: Barry Goldwater as a rattlesnake, Ho Chi Minh crossing the Delaware.

Much of the pizzazz injected into the magazine since then has come from Editor Warren Hinckle III, 28. Chief resident ideologue is Robert Scheer, a bearded New Leftnik from New York with impeccable credentials of protest from Berkeley. He is chief architect of *Ramparts'* get-out-of-Viet Nam fixation.

Ramparts expressed its shock and dismay in expensive advertisements in the New York *Times*, Washington *Post* and San Francisco *Chronicle*, over CIA sleuthing, use of covers and channeling of funds through secret "conduits," but an appraisal of the record clearly shows that *Ramparts* is four-square for undercover operations, 100 per cent for secret funds and heartily endorses hidden conduits—so long as they mesh with Keating's oft-expressed anti-anti-communism. No holds barred, in other words, except for the CIA, FBI, HCUA.

CHEMICAL RESEARCH EXPOSÉ

The March exposé of the CIA was written by Sol Stern, an under-30 news editor specializing in CIA affairs. This is not Stern's first article attacking CIA, nor, he promises, will it be his last.

A piece by Stern last year attacked the University of Pennsylvania because it offered students a course covering aspects of strategic intelligence and foreign policy in its broader intelligence setting. Stern attacked the private college for its support of the Foreign Policy Research Institute, the famous Cold War academy of scholars under the direction of Prof. Robert Strausz-Hupe which has produced such reasoned analyses of Communist intentions as *Protracted Conflict*, and the suggested American response, *A Forward Strategy for America*.

What most upset Stern was the federally funded research on campus by chemists and biology experts which may have produced suggestions, for example, for the defoliation of Vietnamese jungle areas to prevent their use by Viet Cong base camps and supply columns and the destruction of food crops in Viet Cong-controlled areas.

The exposure of the chemical research program was accomplished through the use of a snoop, Robin Maisel, who, with Russell Stetler of the May 2nd Movement, used to show pro-Viet Cong films to college students. Maisel had been a messenger for a book store and on several occasions delivered packages to the closely guarded quarters where the biological research was under way.

By carefully noting the titles of the volumes—he also checked titles for the previous six months—by keeping his eyes open while at the laboratory and by a little eavesdropping, Maisel was able to carry out a story about "Operation Spicerack" which led to a *Ramparts* breach of another national security project.

Maisel also took his information to the Philadelphia Committee to End the War in Viet Nam, one of the multitudinous peacenik groups with strong links to the Communists. In Maisel's case his own ties were obvious: He is the Philadelphia contact for the Young Socialist Alliance, the youth affiliate of the Trotskyite Communist group, Socialist Workers party. This was snooping condoned—nay praised—by *Ramparts*.

Ramparts' endorsement of this tactic is further revealed in a recent prospectus sent out by the Radical Education Project of Ann Arbor, Mich. REP calls itself an "independent education, research and publication program, initiated by Students for a Democratic Society, devoted to the cause of democratic radicalism and aspiring to the creation of a new left in America."

Among the projects already begun by REP is its own international espionage organization, which it frankly calls an "international intelligence network." REP describes its need for "quick, incisive sources of intelligence on issues as they develop . . ." and says it now has sources scattered around the world, including "Vietnamese rebels and neutrals." Also, it says, "one former staff member has recently returned from Guatemala where he has made extensive contacts with Guatemalan guerrillas."

STRANGE ADVERTISEMENTS

This far-flung intelligence network is sponsored by a variety of prominent national leftists, including at least two well-known Communists, Victor Perlo and Dr. Philip S. Foner. Other persons sponsoring REP's activities are: Father Philip Berrigan, Julian Bond, Barrows Dunham, Hal Draper, Jules Feiffer, W. H. Ferry, Norm Fruchter, Paul Goodman, Nat Hentoff, David Horowitz, Leo Huberman, Paul Jacobs, Julius Jacobson, Andrew Kopkind, William Kunstler, Staughton Lynd, Herbert Marcuse, Seymour Melman, Jack Minnis, Linus Pauling, Bishop James A. Pike, Marcus Raskin, Richard Shaull, Harvey Swados, Michael Walzer, Arthur I. Waskow, Harvey Wheeler, William Appleman Williams, Marshall Windmiller, and Howard Zinn.

Of the group one, Marcus Raskin, is on *Ramparts'* board of directors, and 11 have contributed articles to the magazine: Bond, Feiffer, Ferry, Jacobs, Pike, Hentoff, Waskow, Williams, Windmiller, Zinn—and Sol Stern, author of the very *Ramparts* articles that bled profusely over CIA intelligence operations.

The latest article attacking the CIA is *Ramparts'* fourth, and the Keating publication has carried three pieces ripping into the FBI. To those who wonder why no articles expose Soviet espionage, Viet Cong torture or Chinese Communist duplicity, Editor Sol Stern has a comeback: "Because we don't have good contacts in those countries." (In actuality, they have better contacts than many long-established publications.)

The real reason would appear to be that any such treatment by *Ramparts* might offend some of its precious few advertisers.

Ramparts in the past year has run a full-page advertisement for the W.E.B. DuBois Clubs of America, named by the U.S. attorney general as a Communist-front group; an advertisement promoting the Draft Program of the 18th National Convention of the Communist party; and a full-page ad for the Progressive Labor party, the national Communist group which fellows the current outpourings from Peking. No other nationally circulated general magazine has carried these advertisements. Other ads have appeared for such left-wing organizations as Americans for Democratic Action, United World Federalists and Women Strike for Peace.

In addition, for months the inside back cover has offered to sell a Scottish island, Inch Kenneth. The island belongs to *Ramparts* contributing editor Jessica Mitford, author of *The American Way of Death*, who is also known as Decca Treuhaft. Miss Mitford has been identified as a Communist party member by several witnesses testifying before congressional committees and in federal courts.

Perhaps the best identification, however, was provided in the Sept. 19, 1946, issue of the *People's Daily World*, which reported that she was the county financial secretary of the Communist Party of San Francisco and a member of the Twin Peaks Club of the CP.

In the interim Miss Mitford has belonged to more than a dozen officially cited Communist fronts, and as recently as January appeared in New York as a sponsor at a dinner honoring William L. Patterson, chairman of the National Negro Commission of the Communist party. She spoke and Gus Hall spoke.

Miss Mitford and her husband, attorney Robert Treuhaft of Oakland, were lionized in a *Ramparts* article last year which portrayed them as signs of "progressive development" in the area. Treuhaft himself has been named as a long-time Communist party member on numerous occasions by witnesses testifying under oath and was also the object of indisputable identification in the *People's Daily World* of April 29, 1946, which said he was a member of the Haymarket Club of CP, a cell set aside for lawyers.

Ramparts publisher Edward Keating revels in his gadfly role to the Establishment, as the New York Times sees his job. He is also quite clear about his foreign policy outlook. "If anything marks American political orientation and direction," he wrote recently, "it is its paranoia over communism. If our policy-makers had their way, we would not only contain communism, we would destroy it."

It is to counter this "paranoia" that Keating has dedicated *Ramparts*. His use of the verbal overkill, as above, also carried him a few months ago to refer to the Communist newspaper, *People's World*, as a "reactionary" publication.

Two years ago Keating addressed an open letter to President Johnson which epitomizes his bitterness and addiction to sarcasm: "We propose that you now carry your policies to their logical conclusion: the United States should occupy every country in the world and thus make this planet forever safe from *the* menace [i.e., communism]. . . . There are, of course, exceptions, such as the great Republics of South Africa and West Germany, which don't *need* to be converted."

Last October Keating called a press conference and with tears in his eyes, and his voice breaking, solefully predicted that once the November elections were behind him Lyndon Johnson would launch an all-out invasion of North Viet Nam. When December came and there was still no invasion, Keating took the stump and rearranged his prediction timetable; it would come right after the new year because Lyndon needed it to wind up the war before the 1968 election campaign.

PUBLISHER'S LEFTISM

This vindictiveness toward Johnson spills over constantly in *Ramparts'* pages and the magazine ran long excerpts from Barbara Garson's off-Broadway play, *MacBird*, which implicates Johnson in the assassination of President Kennedy. (*Ramparts* is also looking out for evidence of a right-wing conspiracy in the Kennedy murder.)

Keating's leftism was unknown a few years ago, but he holds it with such intensity that it obviously isn't a programmed attitude dictated by his public relations men. (They reportedly told him to turn the magazine left to make it a financial success.) Keating began active participation in anti-Viet Nam rallies in early 1965 and has ap-

peared and spoken before more than 50 meetings throughout the country.

One panel he appeared on is illustrative of his poor choice of companions. It was a November 1965 session in San Francisco on "The Shrinking Press, News Management and Thought Control," presented by the Bay Area Friends of the *People's World* the Communist weekly.

Besides Keating the panel members were Dr. Carlton Goodlett, now a *Ramparts* director; Sidney Rogers, who is editor of Harry Bridges' union newspaper; and Steve Murdock, longtime Communist and editor of *People's World*.

In January 1966 Keating announced his candidacy for the Democratic nomination in the 11th Congressional District, the San Francisco Peninsula, and spent his entire campaign pointing to the black clouds over Viet Nam. After losing, Keating made a specific point of not endorsing his Democratic opponent, who had taken a hawkish attitude on Viet Nam. Keating's researcher during this period was Jerold C. Gray, who had made a two-year career out of being anti-HCUA following his 1960 arrest during the City Hall riots that disrupted HCUA hearings.

One of Keating's main projects right now is heading up the West Coast division of Spring Mobilization, the leftwing movement that plans a week-long national demonstration against the war in Viet Nam starting April 8. Keating's Mobilization group contains avowed Trotskyites and professed Communists, including Bettina Aptheker and other members of the Communist-controlled W.E.B. DuBois Club.

These alliances do not seem to bother Keating, however, and he has been quoted as saying he is "not the least concerned" about the violently anti-U.S. attitude of the DuBoisers. "We have only one political policy," he explains, "and that is non-exclusionary." Anyone opposed to the U.S. actions in Viet Nam is welcome.

In its financial report for the three weeks ending February 2, Keating's West Coast office of Spring Mobilization listed income of $1,136. According to the New York *Sunday News*, some of this money is known to have come from Albert (Mickey) Lima, Communist party chairman for northern California.

Keating, his wife and five children live in the exclusive residential community of Atherton on the Peninsula, far from the Negro ghettos of the bay area which regularly provide reading fare for *Ramparts* readers. It wasn't far from Atherton, in Menlo Park, where Keating first began *Ramparts*. The magazine originally was also printed right in Menlo Park, but is now farmed out to a Denver printing firm.

The editorial offices were moved from Menlo Park to the clangor of San Francisco's North Beach because, said Editor Hinckle, Menlo Park "was a ridiculous place to publish a magazine." He apparently has never heard of Pleasantville, N.Y.

The 28-year-old Hinckle, who formerly was on the San Francisco *Chronicle*, is credited in some circles with being the miracle worker who lifted the magazine out of the doldrums and made it a general circulation muck-raker. He is given credit for some of the more sensational layouts, typography and story treatment, and shares with Keating any medals for the magazine's purposefully iconoclastic tone.

It was just a few years ago that Hinckle was graduated from the University of San Francisco, where he edited the school paper, and immediately opened a campaign for city supervisor. He lost and wound up promotion director of the sickly *Ramparts*.

Today Hinckle, his wife and baby live in an olive-drab Victorian mansion in a gradually decaying San Francisco neighborhood. The old house tells an interesting tale, for it illuminates the constant circles within circles of the Ramparts story.

The house is owned by Mrs. June Dunn, administrative secretary of San Francisco Men for Peace, a now-moribund Vietnik group. The tenant before Hinckle was attorney Marvin Stender, member of the Executive Committee of the local chapter of the National Lawyers Guild, a cited Communist front.

SCHEER'S RADICALISM

Probably the best known nationally of *Ramparts'* staffers is Managing Editor Robert Scheer, who, at 30, has made a career of New Leftism. A former member of the pro-Castro Fair Play for Cuba Committee, he is the most articulate of the *Ramparts* crew and contends that he is an anti-Communist.

Last year Scheer ran for the Democratic nomination for U.S. Congress in Berkeley, hinging his entire campaign on getting out of the war in Viet Nam and getting into the "War on Poverty." Several weeks ago, Scheer traveled to Prague, Czechoslovakia, to meet with the Communist-controlled International Union of Students and representatives of the National Liberation Front, the political arm of the Communist Viet Cong in South Viet Nam.

Not publicized in his race for Congress but revealed later was the fact that Scheer's campaign coordinator was Carl Bloice, a 28-year-old Communist party member. Bloice's CP membership was hardly a secret; for several years he had been a by-lined staff writer for *People's World*, the Communist weekly on the West Coast, and then he was publications director of the Communist-controlled W.E.B. DuBois Clubs.

FROM BERKELEY TO THE DISTRICT OF COLUMBIA

At last summer's Communist party convention in New York City, Bloice was elected to the CP's National Committee and the requirements for serving on that policy board make it clear Bloice has been a CP member since at least January 1964, although intelligence agencies place it many years earlier.

Just two months ago the newsletter of the Robert Scheer campaign—he is keeping his organization intact under the name of Community for New Politics (CNP)—carried a social note: "Carl Bloice, heretofore coordinator for CNP, has left Berkeley for the larger battlefield in Washington, D.C., where he will be a correspondent for *People's World* and *The Worker*. At a farewell party December 23 at the home of Mr. and Mrs. Robert Scheer, Carl was presented with several going-away gifts, including a larger than life poster of Mao-Tse Tung. . . . Carl has indicated he will be an occasional correspondent [for the Scheer newsletter] . . . We all wish him the best of luck in Washington and we feel fully comforted by the fact that we are not losing a coordinator, but gaining a spy."

TAX MONEY HELPED

The portrait of Mao probably brought a gust of laughter when it was unveiled and presented to the Moscow-line Bloice, and the "gaining a spy" phrase was simply New Left humor. The story makes two important points: 1) Scheer's campaign manager was a Communist; and 2) The Capital correspondent for two Communist newspapers will contribute occasional articles to Scheer's campaign organization.

Scheer has told *Human Events* that he hired Bloice "for his technical competence"; that he likes him as a person, but violently disagrees with his politics.

Communist Bloice, however, was only one of Scheer's supporters. Another backer was the U.S. Treasury, which channeled funds into Scheer's campaign. It worked this way. During his campaign one of his workers was Mrs. Phyllis Haberman O'Donnell, who has been chairman of the East Bay DuBois Club. Mrs. O'Donnell worked on a work-study program directed by the University of California's Department of Criminology (which is now practically another Sociology Department) and was assigned to a leftist group called Welfare Rights Organization as a case worker. In truth, she worked for the Scheer campaign and reported on it at WRO meetings.

The work-study program was originally funded through the Office of Economic Opportunity, receives its funds through the National Defense Education Act and is overseen by the Department of Health, Education, and Welfare.

RASKIN AND WASKOW

Two of the men around *Ramparts* are highly placed nationally and rarely ever visit its offices. They perhaps account for the magazine's influence among opinion-makers across the country. (They may also account for Robert Scheer's interview with Sen. Robert Kennedy and other indications of favored treatment about the Capital.)

The two are Marcus Raskin and Arthur I. Waskow, both graduates of the staff of Wisconsin's ultra-liberal Rep. Robert Kastenmeier (D.).

Raskin is on the *Ramparts* board of directors and both he and Waskow have contributed articles. Raskin's most recent comment was on the CIA–NSA affair in which he sneered that the CIA is "primarily a commercial institution which deals in buying, renting and selling people." He also suggested that CIA operatives were pocketing some of the subsidy money they were supposed to be passing on.

LIBERAL PAPERS AUTHORS

Raskin and Waskow worked in 1962 on those famous articles of surrender, *The Liberal Papers*, which dealt with the difficulty of "decent Americans" to be "outspokenly and genuinely anti-Communist." *The Liberal Papers* suggested breaking ties with Chiang Kai-shek in order to split the Sino-Soviet alliance and proposed letting the Russians plug in on the DEW line. M. Stanton Evans, in *The Politics of Surrender*, says of *The Liberal Papers*, "The book as a whole is a complete agenda for American backdown, pullout and conciliation in every known category of foreign policy and national defense."

Having prepared *The Liberal Papers*, Raskin was promoted from Kastenmeier's office to John F. Kennedy's National Security Council, the highest policy-making body in the United States. He left after several years but still maintains his contacts in the executive mansion.

Waskow was, if anything, more successful than Raskin. His contribution to *The Liberal Papers* called for an end to nuclear testing (now effectively halted), creation of a "Peace Agency" (we now have the U.S. Arms Control and Disarmament Agency) and elimination of weapons "provocative" to the Soviet Union (well, let's see, there's Skybolt scrapped, those "obsolete" Thors in Europe, and most of SAC's bombers, etc.).

Today both Raskin and Waskow work for one of those "independent" research groups, the Institute for Policy Studies, churning out position papers on disarming the United States. Some of Waskow's work has been submitted to the Disarmament Agency itself, and for *Ramparts* he jotted down a satirical rendering of various articles of the Constitution, to shape it to the peacenik's view of how Lyndon Johnson is mismanaging his office.

Another *Ramparts* director is Dr. Carlton B. Goodlett, a San Francisco Negro physician who also publishes a left-leaning newspaper for Negroes, the *Sun-Reporter*. The *Sun-Reporter*, for instance, will run uncritically the latest pronouncement of Gus Hall and prints most of the press releases from the American-Russian Institute and other leftwing groups.

Goodlett holds both a Ph.D. and an M.D., and has for the past 20 years participated in activities of at least 20 officially cited

Communist fronts, including the California Labor School, the National Committee for Protection of Foreign Born, Committee to Secure Justice for Morton Sobell, American Youth for Democracy. He was a signer of a famous statement urging American students to attend the Communist-directed 1962 Helsinki World Youth Festival.

Goodlett has made several trips to Moscow to attend "peace" conferences and is an American sponsor of the biggest of the international Communist fronts, the World Peace Council of Vienna. He was active in the Fair Play for Cuba Committee and last year was sponsor of the Herbert Aptheker testimonial dinner.

For the past several months the *Ramparts* masthead has listed Don Rothenberg as assistant to the publisher. Rothenberg is also executive director of Californians for Liberal Representation, a far-left group made up of disgruntled left-wing Democrats and many of the same crowd that used to cluster about Henry Wallace rallies in the old days. During the last election campaign Rothenberg tramped the state, lecturing Californians on how they should vote. Rothenberg himself was unable to vote, since he had only recently arrived from Ohio.

What makes Rothenberg so interesting is that he was identified as a member of the Communist party, in Washington, D.C., by FBI informant Mary Stalcup Markward. For many years he served in Ohio as the executive of the Committee to Secure Justice in the Rosenberg Case. As most *Ramparts* (and *Human Events*) readers know, the Rosenbergs were convicted Soviet espionage agents executed for their part in betraying America's atomic secrets.

By uncanny coincidence, *Ramparts* recently advertised the book, *Invitation to an Inquest*, by Walter and Miriam Schneir, which is an attempt to posthumously rehabilitate the Rosenbergs, claiming the principal evidence against them was perjured testimony or concoctions of the FBI. The *Ramparts* advertisement was inserted by the Sobell Committee, a cited Communist front, which is trying to gain freedom for Morton Sobell, who was sentenced to 30 years on spy conspiracy charges.

How that ad got into *Ramparts* should be apparent to a three-year-old, when given the facts. *Ramparts'* New York public relations man is Marc Stone, the brother of leftist publisher I. F. Stone. It was just a year ago that a news release reported that Marc Stone was to handle publicity for the Walter and Miriam Schneir book. So, *Ramparts'* PR man is, in effect, the PR man for the Rosenberg-Sobell committees. Marc Stone once managed the New York office of Federated Press, cited as a Communist press service by both HCUA and the Senate Internal Security subcommittee. The old Dies Committee found that Federated Press was financed by the American Fund for Public Service and the Robert Marshall Foundation, "both principal sources of funds for Communist enterprises" (a nice way of saying conduits).

Last year Marc Stone traveled to Cambodia with six other Americans—one of them *Ramparts'* military editor, Donald Duncan—and after inspecting selected areas announced that the Viet Cong were not using Cambodia as a sanctuary, an expression identical to the press statements they had issued before leaving New York.

Other writers for *Ramparts* with CP connections include Carl Marzani, a former State Department employee who served a three-year prison term for perjury in denying his CP membership. Marzani is now affiliated with Alex Munsell, a notorious fellow traveler, in a leftist publishing house, Marzani & Munsell. They specialize in books attacking the CIA, FBI and any foreign policy based upon opposition to Communist advance.

Besides expertise at criticizing the CIA for its service to American freedoms, *Ramparts* also keeps a stable of nationally known FBI-baiters. Rex Stout, the Nero Wolfe creator, has contributed a piece attempting to absolve the Rosenbergs and implicating the FBI. Fred J. Cook has checked in with more warmed-up minutiae of alleged FBI malfeasance and a renegade ex-FBI agent, William Turner, is a *Ramparts* staff writer.

Several of Turner's articles have criticized his former employer in abusive terms. In the past few years Turner's criticism has progressed from what some FBI agents privately will admit was "constructive" to a high-pitched vendetta, complete with personal attacks upon J. Edgar Hoover.

One Turner story claimed to expose FBI wire-tapping and eavesdropping techniques, but Turner played tricks on his readers. He told, for example, about having worked in the highly secret FBI covert operation which monitored telephone taps and bugs placed in the San Francisco area. Turner wrote, "At a San Francisco cocktail party recently I had the odd sensation of hearing a voice from the past that I couldn't quite place. I studied the face—it was totally unfamiliar. Then it suddenly dawned on me; the voice was one I had heard many times while monitoring the tapes in the 'clubs.' It belonged to Robert Treuhaft, a prominent civil liberties lawyer and husband of noted author Jessica Mitford."

For all the *Ramparts* reader knew, the FBI was simply plugged in on the phone of a "prominent civil liberties lawyer." Turner did not mention Treuhaft's long and documented connections with the Communist party.

FBI UNDER ATTACK

The Turner article also explained current FBI eavesdropping programs, although he has been out of the bureau for six years. And the tone of the article is distinctly one of how he suffered for 10 years while installing bugs and taps.

Actually, following Turner's dismissal in 1961 he fought to be reinstated, carrying his battle, via Edward Bennett Williams, all the way to the U.S. Supreme Court. Such conduct is the mark of a man who liked the bureau and wanted to remain a G-man, not one who loathed his profession.

Now let's look at some others of the *Ramparts* staff. One category comes under the general subdivision of San Francisco *Chronicle*. Full-time *Chronicle* staff members who earn their bylines at *Ramparts* include Judy Stone (I. F. and Marc Stone's sister) and Ralph Gleason, both of whom have a reputation on the left. No shifting of journalistic gears is necessary for this type of moonlighting. On the days the *Chronicle* fails to carry an editorial condemning the CIA, it can be depended upon to carry one upbraiding (a) the FBI; (b) the HCUA; or (c) those opposing Red China's recognition and admission to the United Nations.

Listed as news editor is Gene Marine, an indefatigable writer who has contributed dozens of stories to the *Nation*, most of them anti-HCUA, -FBI, -civil defense, -loyalty oaths, -Nixon, etc. He has worked for Pacifica Foundation radio stations in Berkeley and Los Angeles and managed the campaign of a left-wing San Francisco legislator. For a brief time Marine went to New York and worked as editor for identified Communist David Livingston and his District 65 union, but returned to associate with Keating's publication. Marine *was* a Marine during World War II, but when the Korean War came along in 1950, this Marine asked for conscientious objector status.

One old man should be mentioned simply because he gave the magazine its name. John Beecher, who has been an associate editor, is the grand-nephew of Harriet Beecher Stowe and Henry Ward Beecher. Bearded and slightly eccentric, he used to print up his own poetry in a small printshop on his ranch. He was once dismissed from a state college for failing to take the required loyalty oath and went on to lead a campaign against it.

He has been, over the years, a writer for the *Nation* and has done some protest walking: In 1961 he briefly joined the San Francisco to Moscow Peace Walk, and several years ago joined a San Francisco march protesting the incidents in Selma, Ala., carrying Joe Hill's epitaph, "Don't Mourn, Organize." Back in 1962, when Edward Keating began his magazine in Menlo Park, bearded John Beecher was in Arizona, running his own printshop, Rampart Press.

A contributor, former director and consultant to the magazine is Dr. Gerald M. Feigen, a San Francisco proctologist, ventriloquist and world traveler, who also writes a weekly column for Dr. Goodlett's Negro newspaper, the *Sun-Reporter*.

Feigen encourages the notion that he'll put his money where his mouth is, but it seems only a ventriloquist's trick. During 1964 San Franciscans were startled to see a half-dozen enormous billboards throughout the city depicting an exploding nuclear bomb. On these was printed, "France plans to test an H-bomb near Tahiti. I protest. Gerald M. Feigen." This expensive personal message from an outraged liberal contrasts starkly with Dr. Feigen's 1961 communique to Nikita Khrushchev. He bought a four-line notice in the *Chronicle* personals column, "NIKITA: could you defend your action in resuming nuclear testing before a town meeting of the world? G. Feigen." How's that for a protest? Feigen is also a business partner of local advertising executive Howard Gossage.

Gossage is another member of the board of directors. He has brought in some outside money through advertising and each issue carries at least one, but usually three or four, full pages from Gossage's clients.

Gossage also writes occasionally and one of his articles, "The Fictitious Freedom of the Press," lamented that the press was too beholden to its advertisers and that this economic subjugation tended to sterilize press commentary. He also indulged in a lengthy self-criticism, ending with his opinion the ad agency commission system "is obsolete and the advertising agency obsolescent." Gossage proposed that a self-respecting magazine (*Ramparts?*) could break its chains by spurning advertisements and raising its price to 75¢ or a dollar, or even higher.

This unusual adman also serves one other purpose for the magazine: He is a pipeline to popular San Francisco *Chronicle* columnist Herb Caen, and it's a dull week when Caen fails to carry some puff piece about the magazine or its personnel.

Working closely with Gossage and Feigen is another publicist, with the improbable name of Jerry Mander. One of Mander's accounts is The Committee, a cabaret a few blocks from the magazine which stages political satire, specializing in ridicule of anti-communism. The Committee has had one ad in *Ramparts*, and has been the subject of several favorable reviews.

One misconception should be cleared away. That is the notion that *Ramparts* is a Roman Catholic laymen's magazine. That rests solely upon the Catholicism of Keating and several of his editors.

Actually, for all its underground pretensions about Church orientation, *Ramparts* is just what any other general circulation magazine is—a secular publication with a staff composed of Catholics, Protestants, Jews, agnostics and atheists. One editor is Paul Krassner, the atheist publisher of *The Realist*, a sometimes obscene, always iconoclastic magazine published in New York. So un-Catholic is *Ramparts*, in fact, that it ran an ad for atheist Madelyn Murray O'Hair in

her campaign against church property tax exemption.

Keating trumpeted in mid-1965, via "An Editorial Announcement" that he was establishing an editorial board composed of himself, a Catholic; Arthur Cohen, a prominent publisher and Jewish scholar; and William Stringfellow, New York attorney and Episcopal Church representative to the World Council of Churches. This arrangement didn't last six months.

Only a handful of Catholic religious write for *Ramparts*. Trappist monk Thomas Merton sends in an occasional literary item from his Kentucky monastery. Brother Antoninus, a Dominican friar, is said to have caused official Church displeasure when one of his *Ramparts* articles was read in the San Francisco chancery. Brother Antoninus was once active in the Catholic Worker movement, an anarchist group, as was another contributor, Father Peter Riga, who now teaches at nearby St. Mary's College.

Ramparts' treatment of Jewry reflects a self-consciousness and once led it into an unbelievable gaffe. Author Leslie Fiedler wrote about "The Last Jew in America," and the letters columns shook with indignant readers who thought it disrespectful, condescending and downright insulting. And the illustrations—by Rick Schreiter, who usually draws for pornographer Ralph Ginzburg's *Fact* magazine—were compared by some with the caricatures found in *Der Stuermer*, Julius Streicher's anti-Semitic rag in Hitler's Germany. It even drew a strong letter of protest from the Anti-Defamation League, and an abject apology from the editors.

How does *Ramparts* keep going? This question has been raised repeatedly by readers, friends and critics. Hardly any issue of *Ramparts* shows, at current rates, ad revenue of more than $10,000, and some issues, like the March treatment of the CIA, reflected an income of less than $3,000. Of late the ads have run heavily to those from record and book clubs. Some ads are Gossage's and most of the others show a concentration from accounts of three New York advertising firms.

Recently Hinckle told a reporter that *Ramparts* has so far lost $1.2 million, and was losing $400,000 a year. Reported losses include $750,000 from Keating's pocket alone.

Hinckle said the annual costs run about $1 million, with one quarter of the budget going into printing costs and another quarter million for promotion. The promotion is really razzle-dazzle, from the attention-getting full-pagers in the New York *Times* and Washington *Post* that cost up to $6,000 each, to a methodical direct mail campaign targeted to liberals and leftists. One organization which subscribes to many leftist periodicals reports it has been solicited by *Ramparts* from at least 45 mailing lists.

A magazine cannot long survive on ad revenues of less than $100,000 a year, but *Ramparts* has made deficit financing a way of life. The full details of its finances are a well-kept secret, but some West Coast bankers are known to have made some short-term loans to the magazine.

Other sources revealed that $200,000 came from Frederick C. Mitchell, an assistant history professor at the University of Kansas who had inherited a fortune. Another $100,000 came from Louis Honig, president of a reputable San Francisco advertising agency. There are some rumors Keating is dickering with some other millionaires.

Not to be overlooked is the presence of Mrs. Eleanor Jackson Piel on the board of directors. She is rich in her own right and has the password to the gushing money fountains of Manhattan.

Some mention should also be made of *Ramparts'* connection with the Center for the Study of Democratic Institutions, the tax-exempt foundation at Santa Barbara, Calif. Irving Laucks, an octogenarian millionaire, who, with his wife, is also a monetary pillar of the Center, came through with $50,000 for *Ramparts*.

The Center also managed to finance a Scheer trip to Asia which he put to good use not only for the Center but for *Ramparts* as well. Paul Jacobs, one of the *Ramparts* staff, also serves with the Center.

How much of the Center and Center-connected money spills over to *Ramparts* is a matter of conjecture, but the links between the two groups are clear.

Ramparts is not letting its insolvency interfere with plans for expansion either. As already noted, there is now *Sunday Ramparts*, an eight-page newspaper printed primarily for the New York and San Francisco markets. The weekly was an instant success at losing money, and has a circulation of only 15,000. (The monthly magazine guarantees only 45,000 circulation to advertisers, but the editors talk in terms of 150,000.)

Ramparts has other empire-building plans, including possible purchase of the *Sun-Reporter* from Dr. Goodlett and, with Goodlett, ownership of one of the new UHF television channels.

How *Ramparts*, a supporter of many ultra-left causes, can expand its capitalist ventures while sinking deeper and deeper into debt is difficult to fathom. Perhaps in time *Ramparts* will reveal the entire story of its financing in one of its own exposes.

STATEMENT REGARDING VOTES

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. CRAMER] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. CRAMER. Mr. Speaker, in that I was in Milwaukee, Wis., on Wednesday, April 5, attending a convention involving matters before the Public Works Committee of the House, I was not present for the votes taken by the House on that date. I therefore wish to state for the RECORD that, had I been present, I would have voted "yea" on rollcall No. 53, on ordering the previous question on the resolution and amendments for the House Un-American Activities Committee funds; I would have noted "no" on rollcall No. 54, on the motion to recommit with instructions; and I would have voted "yea" on rollcall No. 55, on passage of the resolution, House Resolution 221.

Further, on the record vote, rollcall No. 52, on the motion to recommit the resolution providing funds for the Science and Astronautics Committee for the purpose of adding to the resolution $30,000 for minority employees for that committee, had I been present I would have voted "yea."

POLLUTION OF AMERICA'S WATERS BY THE FEDERAL GOVERNMENT MUST STOP

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. CRAMER] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. CRAMER. Mr. Speaker, during the past several years, the Committee on Public Works, on which I have the privilege of serving as the ranking minority member, while holding hearings on various bills on water pollution control, has repeatedly heard testimony from witnesses from all sectors of the pollution control effort which attest to the extent of the pollution of America's waters by activities of the Federal Government.

It is most unfortunate that at the very same time the Federal Government is spearheading the most mammoth attack on water pollution in our Nation's history that it has failed to adequately curtail its own pollution of our waters.

On July 2, 1966, the President of the United States signed Executive Order No. 11288, "Prevention, Control, and Abatement of Water Pollution by Federal Activities"—F.R. Doc. 66-7560—which was supposedly to give the full force of power to any Federal efforts to control its own pollution. The Executive order charged the heads of the departments, agencies, and establishments of the Federal Government with providing the leadership necessary to control the pollution of America's waters by any activities or installations under their respective jurisdictions. At the time the Executive order was signed, the administration was under fire for not controlling its own pollution and the Committee on Public Works was considering additional water pollution control legislation, legislation which could have included some prohibition against pollution by the Federal Government.

Unfortunately, the Executive order—for one reason or another—does not seem to have been put into full force by the administration. Pollution from Federal installations still continues, in many places on a massive level.

In a speech before the water and wastewater seminar of the American Water Works Association, Inc., and the Water Pollution Control Federation, meeting here in the Nation's Capital on February 7 of this year, I addressed myself to the problems of Federal pollution, commenting:

I propose the enactment of Federal legislation at the earliest possible date to bring a halt to the pollution of our waters from one of the largest sources of pollution in the Nation—Federal installation. Insofar as it is practicable and consistent with the interests of the United States, the Federal Government must set a clear example to the other pollutors by stopping its own pollution. It should place the construction of facilities necessary to abate pollution of our waters from Federal installations on a high priority basis. The establishment of a time table whereby pollution from any new Federal installation would have to be ceased by July 1, 1969, and whereby pollution from any Federal installations would have to be ceased by July 1, 1971, is one method of meeting this problem. Expenditures necessary to control pollution from Federal installations would be far wiser than Federal expenditures for many things I have found in this year's (recommended) budget.

Mr. Speaker, today I am introducing a bill to amend section 11 of the Federal

Water Pollution Control Act, as amended, to require, with the full force of law, the Federal Government to control its own pollution of our waters.

The enactment of my bill, and its subsequent implementation, would go far toward stopping the pollution of America's waters, a critical problem facing our Nation.

For the benefit of the Members of this body and for all those who are concerned about this problem, the text of the bill which I am introducing today reads as follows:

H.R. 8380

A bill to amend section 11 of the Federal Water Pollution Control Act relating to abatement of pollution from Federal installations

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 11 of the Federal Water Pollution Control Act (33 U.S.C. 466h) is amended to read as follows: "The head of each department, agency, or instrumentality of the Federal Government having jurisdiction over any building, installation or other property from which matter is discharged into waters in any State shall in a reasonable period of time and pursuant with rules and regulations established pursuant hereto by each such department, agency, or instrumentality take such action as may be necessary to prevent, control, and abate the pollution of such waters resulting from such discharge.

Mr. Speaker, I urge the enactment, at the earliest possible date, of the legislation which I am introducing today.

IMPORTS HAVE BROKEN THE MARKET

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from South Dakota [Mr. BERRY] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. BERRY. Mr. Speaker, I am indebted to Dallas McGinnis, extension market editor, Iowa State University, Ames, Iowa, for some very illuminating facts on meat imports and what those imports, dumped on to an already saturated market, have done to the prices of meat in this country.

Mr. Speaker, there has been a great deal of interest created recently over dairy prices of excessive dairy imports. The serious situation is not limited, however, to dairy imports alone. Beef, veal, lamb, mutton, pork, and all kinds of red meat are down a good many points from where they were this time last year, and yet the cost of living for the man who is expected to raise that meat and put it on the market is several points higher than it was a year ago.

The overall parity ratio of farm income stands at 74 percent today, the lowest in many years.

Under unanimous consent, Mr. Speaker, I insert the remarks of Dallas McGinnis at this point in the RECORD, together with the facts he has presented.

Compared with a year ago livestock prices are as follows. Choice steers are $3.00 to $5.00 cwt. below a year earlier, good grade steers from $2.00 to $3.50 lower. Choice grade slaughter heifers are $2.00 to $3.50 lower and utility and commercial cows are $1.00 to $1.25 cwt. lower. The feeder steer price is now $2.00 to $2.65 cwt. below last year. Steer beef carcasses on a wholesale carlot basis are $6.00 cwt. below a year earlier.

Butcher hog prices are $4.75 to $5.00 cwt. lower than last year. The pork loins weighing 8 to 12 lbs. are $8.35 cwt. lower on a carlot basis.

Choice and prime wooled lambs are $4.75 cwt. to $5.25 cwt. below a year ago and the 35 lbs. to 45 lbs. lamb carcasses are $6.50 cwt. below last year.

Here's a summary just released by USDA on the imports of red meats in 1966. The total pounds was 1 billion 273 million pounds—26% greater than in 1965. Low prices for imported meat in Western Europe diverted greater shipments to the United States, where markets were more attractive.

Mutton imports showed the largest percentage gain of all meats in 1966, up 102% over a year earlier. Imports of beef and veal showed a substantial gain, up 192 million pounds, or 27%. Along with mutton, imports of boneless processing beef showed the greatest increase, accounting for 81% of all imported beef and veal. Demand for processing beef has been strong in the U.S.

Certain meat is covered by the Meat Import Law. (P.L. 88-482.) This includes fresh, frozen, and chilled beef, veal, mutton, and goat. Imports of these meats totaled 823.4 million pounds in 1966. This is up 34% from 1965 but below the 890 million pound import quota for the year, and under the 979 million pounds which is required to trigger action under the law.

Pork imports were 14% higher than a year earlier, with the major increase in canned hams, shoulders and other canned products.

Lamb imports showed a 19% increase over 1965. So we see that while mutton imports were up 102%, lamb imports were not up nearly that much but up 19%.

The above information on imports is detailed in the March 27, 1967 issue of the USDA publication "Foreign Agriculture."

You might also be interested in the January imports, the latest information I have available.

[Thousand pounds]

	December 1966	January 1967	January 1966
Total red meat	102,416	111,178	87,992
Beef and veal	72,557	82,936	58,241
Pork	25,165	22,669	25,533
Mutton and goat	3,474	4,275	2,022
Lamb	619	819	1,698

REMARKS OF GOV. GEORGE ROMNEY, OF MICHIGAN

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. CHAMBERLAIN] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. CHAMBERLAIN. Mr. Speaker, in his speech delivered in Hartford, Conn., on April 7, 1967, the Governor of Michigan, the Honorable George Romney, made known his views, relating to our involvement in Vietnam, in unequivocal language. Because of the broad national interest in what Governor Romney had to say, as reflected by press reports, I include in the RECORD the complete text of his remarks. In addition, Mr. Speaker, I also include the editorial comment of the State Journal of Lansing, Mich., on April 8, commending the Governor on the position he has taken.

The material referred to follows:

REMARKS BY GOV. GEORGE ROMNEY, OF MICHIGAN, AT THE 150TH ANNIVERSARY DINNER, THE HARTFORD TIMES, HARTFORD, CONN., APRIL 7, 1967

In the rip tide of today's heated debate on the paramount issue confronting our nation, there is one incontestable truth: it is unthinkable that the United States withdraw from Vietnam.

It is not my purpose tonight either to catalog past mistakes or to prescribe what ought to be done in the next four days, weeks, or four months in that embattled corner of Southeast Asia that so drastically affects every American hearthstone.

Vietnam is a name that boxes the compass. It presents problems that cannot be resolved by crafty political gamesmanship that seeks to homestead the inside track on an issue that will win the American Presidency.

Vietnam is not just foreign affairs as it might have been called a generation behind us. It cuts across every vital sector of national life—urban and rural modernization, economic and social welfare, campus environments, church affairs, and the all-encompassing public morality. It affects most poignantly those American boys who are fighting and their families and loved ones at home.

Moreover, every nation around the globe judges what we are doing in Vietnam against the way in which we comport ourselves on this issue at home.

And it is not a test of wills to see which Party will be the peace party—which candidate will be the hawk or dove.

Too often the complex policies involved in South Vietnam are reduced to, "do we bomb" or "do we withdraw." It's not that simple.

Problem is piled on problem in a tangled heap that challenges our intelligence, our stamina and our faith.

When people become frustrated and confusion reigns, the desire for a simple answer increases. We cannot let this desire cloud our thinking or misguide our action.

Although efforts to induce negotiations have not worked up to this point, they should be pursued vigorously. But since they haven't worked yet, demands for a sharp change of course will undoubtedly be intensified.

What change could take the direction of massive military escalation?

Many thoughtful and responsible American leaders are beginning to speak in this vein. Indeed, among the general public there appears a visible groundswell of impatience leading to a mood of "Let's get it over with; let's crush them once and for all."

This simplistic reaction is tempting but wrong.

First, by actions approaching devastation of a non-white Asian people, we would play into the hands of the Communists. They would use this effectively to paint us in their propaganda as ruthless oppressors and militarists—the very opposite of our true role in the world.

Second, from the point of view of stopping the expansion of Communism, we must remember that a devastated Vietnam would not be a buffer. It would be a vacuum.

Third, we must never forget that substantial escalation is still possible on both sides.

Vietnam does not stand by itself in international affairs.

Others who watch the world frontiers of freedom fear a bogdown in Vietnam may make us vulnerable to Communist pressure, intrigue and subversion in Latin America, Europe, the Middle East, Africa and else-

where. They wonder if America can use effectively our principles, purpose and power for peace and progress around the world.

Before us stretch grief-laden straits that must be navigated with resolute will and genuine—and I repeat genuine—willingness to reach that solution that will lead to a just peace.

Failure to recite a catalog of past mistakes does not mean that the past cannot instruct the present and the future. It is a useful exercise to ask ourselves what are the lessons that emerge from Vietnam.

One lesson surely is that a commitment of the character and massiveness of ours in a country the size of Vietnam has the inevitable result of turning it into an American dependency.

This is as unconscionable to our tradition as it is resented by other free nations. We can hardly be happy when our every decision not merely affects but largely directs the intimate daily life of a sister nation.

We must avoid such future entrapments.

Another—and I hope well-learned—lesson is that we must avoid commitments that grow like Topsy. There has been a failure to decide what the scope and nature of our Vietnam commitments ought to be.

We now must acknowledge the wisdom of President Eisenhower's decision thirteen years ago not to deploy ground troops in Vietnam. Starting with a decision in 1954 to afford modest economic support and limited military advice, we now find ourselves totally committed—with a current force in being approaching half of a million men and a direct budgetary outlay of at least $24 billion yearly, almost one fifth of our national budget.

Our interest has been defined largely by the commitment, rather than the commitment by the interest.

The final major lesson is that any administration must be frank, open, and straightforward in counseling with the American people. Vietnam has given rise to a rupture of trust between governors and governed for which it is difficult to find a parallel in American history.

Not only has the public thus been largely excluded from its direct sovereign role in decision-making but Congress has been bypassed. There is no excuse here of lack of time, or of the small nature of the emergency. This is the fourth largest war in our history.

On this point, I am going to let Abraham Lincoln speak for all Americans who feel that there is something terribly wrong about this.

Lincoln, confronted with this precise issue when in Congress, wrote to his law partner, Willian Herndon: "Allow the President to invade a neighboring nation whenever he shall deem it necessary to repel an invasion, and you allow him to do so whenever he may choose to say he deems it necessary for such purpose, and you allow him to make war at pleasure. Study to see if you can fix any limit to his power in this respect, after having given him so much as you propose. If today he should choose to say he thinks it necessary to invade Canada to prevent the British from invading us, how could you stop him? You may say to him, 'I see no probability of the British invading us;' but he will say to you, 'Be silent: I see it, if you don't.'"

Lincoln continued: "The provision of the Constitution giving the war-making power to Congress was dictated, as I understand it, by the following reasons: Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This our convention understood to be the most oppressive of all kingly oppressions, and they resolved to so frame the Constitution that no one man should hold the power of bringing this oppression upon us. But your view destroys the whole matter, and places our President where kings have always stood."

Adhering to the Constitutional process could prevent similar entrapments in the future.

But where do we stand now?

It is patently clear that the massive buildup in American and allied might has not only made defeat unthinkable, but makes possible the breaking of the spine of enemy main force battalions.

Our military effort must succeed. I believe that we must use military force as necessary to reduce or cut off the flow of men and supplies from North Vietnam, to knock out enemy main force units, and to provide a military shield for the South. We must give our gallant fighting men our full support.

Action in the South holds out the promise of a series of conventional military victories.

Obviously this does not mean cessation of guerilla activity. Nor does it portend a significant breakthrough in that "other war"—the pacification program. But it does mean that, with the achievement of military dominance in the traditional sense we will have reached a decisive moment in the course of the war.

But before that moment is reached we must ask ourselves once again what is the shape of the peace we seek in Vietnam? What do we hope to leave behind when our task there is done?

We must recognize the danger that substantial military victories could inflate our peace aims. I find this prospect extremely disquieting.

Too often in the tides of history, men have sought to rationalize sacrifices already made by seeking wider goals. We must guard against falling into this pattern in Vietnam.

We must stand immovably against all pressures which would preclude a just peace.

Hopefully, the government of South Vietnam would be willing to negotiate a "peace with amnesty."

In a "peace with amnesty" in South Vietnam, all citizens would be allowed to participate in the political process, provided they abide by the ground rules.

Specifically, individual members of the National Liberation Front would be permitted to participate freely in the political life of South Vietnam, on condition that it abandon its use of political terrorism, its subservience to any foreign communist organization, and then disband.

This would not mean that a coalition government involving the National Liberation Front would be forced upon the people of South Vietnam. I am opposed to any such coalition government.

It would mean that all the people of South Vietnam would be given an equal opportunity, as individuals, for peaceful participation in shaping the future of their country.

Unless we pursue this proposition or some similar solution, we will face a very lengthy and brutal struggle in winning the "other war."

It would be far wiser and more compassionate to include today's enemies in tomorrow's peace than to court the human suffering to both the South Vietnamese and our own fighting men that a drawn-out "other war" struggle would demand.

Unless "peace with amnesty" can be achieved in South Vietnam, then it would be necessary to break the spine not only of the main force battalions but of the Viet Cong guerillas as well in order to win the "other war."

The United States is the most powerful nation the world has ever seen. But we are not omnipotent.

While there are no limits to what we can destroy, there are limits to what we can build.

The ultimate outcome of this fateful struggle depends on what the South Vietnamese do in rebuilding their own society and communities as well as on what we do in helping them.

The "other war" is primarily their war.

It combines anti-guerilla warfare, political and psychological warfare, social and economic weapons, pacification and civic action programs, and reconciliation programs to win back those Viet Cong members who are more nationalists than communists.

The villages and hamlets, where the majority of the people live, are the very base of South Vietnamese existence, and thus the base for South Vietnam's future—either Communist or free. The Viet Cong, recognizing this, directs its primary campaign of terror and assassination against them—not against Saigon.

Our fighting men, not only in battle but in countless individual acts of consideration and concern for the suffering people of Vietnam have proved they are truly magnificent Americans.

But it would be a tragic error to ask them to take over the "other war" as some have proposed.

Taking on the responsibility for the "other war" would tie down hundreds of thousands of American troops for many years. It would undermine the initiative and capacity of the South Vietnamese to help themselves. It would transform South Vietnam into an American military colony which America neither wants nor needs.

We have already Americanized the shooting war. We should not Americanize the "other war".

The Hanoi leaders may be holding out in the desperate hope that America will tire of the struggle, that our purpose will falter, that disillusionment and discord here at home will somehow induce us to abandon our friends and dishonor our commitments by pulling back or pulling out.

That is a false hope—and I for one will not contribute to it. I have repeatedly said that I will neither give encouragement to Hanoi's aggressive course, nor undermine our President in sincere efforts to bring peace to Vietnam.

I have even heard that the leaders in Hanoi think a Republican administration might come into power that would settle on their terms.

For what it is worth, I would like to tell them right now that here is one Republican I can speak for who will not settle on their terms under any circumstances!

With our help, the South Vietnamese have made a start toward building a stable, representative, civilian government at the national level. This is encouraging.

America's major objective and contribution must be a just peace.

The political, social and economic development of South Vietnam and of all Southeast Asia cannot readily start or eventually take off without peace.

So much remains to be done—and patiently so.

Let us build stone by stone upon the dreams and concepts that have served this nation from its birth.

Let us get on with the task. Let us be ready to move our dreams and our beliefs in freedom from the drawing boards to the conference table.

Let us pursue with strength the just peace in South Vietnam that our prayers should so earnestly seek, and that may yet be within our grasp.

So doing, we can fulfill our role as "the last, best hope of earth. . . . The way is plain, peaceful, generous, just."

[From the Lansing (Mich.) State Journal Apr. 8, 1967]

SPEECH ON VIETNAM DOES ROMNEY CREDIT

Millions of Americans, including politicians and pundits, awaited Gov. Romney's speech

in Hartford, Conn., to see whether he would emerge as a hawk or a dove on Vietnam.

In our judgment, he did not show himself to be in either category but gave solid evidence that he has devoted long, sober and penetrating thought to the broad and deep significance of the conflict and its implications for the future.

We believe that by showing as he did in his speech his keen recognition of all that is involved in the war, the Michigan governor greatly strengthened his standing in national politics in which he is regarded as a frontrunner for the Republican presidential nomination in 1968.

But he was not making the war a partisan political issue. In general, he supported President Johnson's basic policy in Vietnam and his speech drew praise from the White House.

And, citing reports that the leaders in Hanoi think a Republican administration might come into power that would settle on their terms, Romney said:

"For what it is worth, I would like to tell them right now that here is one Republican I can speak for who will not settle on their terms under any circumstances!"

There is good cause to believe that he reflected the sentiment of the vast majority of the American people when he said that "it is unthinkable that the United States withdraw from Vietnam" and when he called full support of "our gallant fighting men."

While the governor warned against oversimplifying "this conflict by talking only in terms of bombing or withdrawal," he supported the use of "military force as necessary to reduce or cut off the flow of men and supplies from North Vietnam, to knock out enemy main forces, to provide a military shield for the South, and to establish military dominance."

Romney said the failure to induce negotiations at this time should not result in massive military escalation and that "we should continue to seek meaningful negotiations" opening the way eventually for South Vietnam to achieve "peace with amnesty."

Looking to the future, the governor said one lesson to be learned from the war in Vietnam "is that we must avoid commitments that grow like Topsy."

He declared that the public "has been largely excluded from its direct sovereign-role in decision-making" and that Congress has been by-passed.

On this point he quoted Abraham Lincoln as saying:

"Allow the President to invade a neighboring nation whenever he shall deem it necessary to repel an invasion and you allow him to do so whenever he may choose to say he deems it necessary for such purpose, and you allow him to make war at pleasure."

It can be expected that Gov. Romney will now become a target for both the hawks and doves who may have hoped they could count him among them. We think he should be credited for a forthright and comprehensive statement of his views on one of the most important issues confronting America without regard for the political consequences.

SOME OPTIONS FOR U.S. TRADE POLICY AFTER THE KENNEDY ROUND

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. CURTIS. Mr. Speaker, an article in the March 6, 1967, edition of the Chemical and Engineering News titled "The Next Approach to Free Trade" presents an exposition of the ideas about the future direction of U.S. trade policy, and explores their relative merits. This well-prepared article, written by Senior Associate Editor Earl V. Anderson, gives particular attention to ideas for forming special trade arrangements between the United States and other important trading nations, with particular emphasis on the effects of the Canada-United States automotive products agreement, and the possibility of future such agreements with Canada.

Mr. Anderson's article is a distinctive contribution to discussion about our foreign trade policy. With unanimous consent the text of his article follows:

THE NEXT APPROACH TO FREE TRADE

(By Earl V. Anderson, senior associate editor)

Four regional trade blocks, permitting tariff-free trade among member countries, exist today:

European Economic Community: Belgium, France, Italy, Luxembourg, Netherlands, West Germany.

European Free Trade Association: Austria, Denmark, Norway, Portugal, Sweden, Switzerland, United Kingdom.

Latin American Free Trade Association: Argenitne, Brazil, Chile, Colombia, Ecuador, Mexico, Paraguay, Peru, Uruguay, Venezuela.

Central American Common Market: Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua.

1967 is going to be one "helluva year." That prophesy, almost an afterthought, comes from a chemical industry executive discussing the future of U.S. international trade policy. The gentleman couldn't be more correct. This will be quite a year indeed for while internationally minded chemical men are intently watching Geneva for the photo-finish outcome of the Kennedy round, they should also be considering the U.S. alternatives and prospects.

The Trade Expansion Act of 1962 expires on June 30. The Kennedy round, which was launched by the act, comes to an end along with it. And the U.S. must decide whether it will plunge into another freer trade crusade as it did when it passed the Trade Expansion Act, whether it will retrench along more conservative, protectionist lines, or whether it will settle on a trade policy somewhere in between.

There are good reasons to suspect that U.S. decision makers will continue to advocate a policy of less restrictive international trade. After all, it has been the American Way for more than 30 years. The U.S. started out on the liberal trade path when it passed the Tariff Act of 1934 [it has embraced the most-favored-nation (MFN) principle consistently since 1922]; it picked up the pace in 1948 when it joined the General Agreement on Tariffs and Trade (GATT); and it broke into a gallop when it passed the Trade Expansion Act of 1962.

There are equally valid reasons why the U.S. may find it expedient to shy away from another, intensive freer-trade initiative—or at least to consider a new approach.

Whatever the policy, this is the year in which it will start to take shape. There will not be major trade legislation this year designed to smash trade barriers on the scale of the Trade Expansion Act. Instead, there will be only stopgap or interim trade legislation. But the spadework will begin, and the few plans that have been fermenting while the Kennedy round was in session will be brought into the open after negotiations end. New ideas will be developed, and the businessman will have to decide which one he and his industry should support.

It will not be easy. World conditions, both political and economic, are shifting rapidly and generate an atmosphere of confusion. Officials embroiled in the Kennedy round, both in and out of Government, are weary from four years of difficult and taxing negotiations.

Uncertainty clouds the outcome of the Kennedy round even though the end is just around the corner. Nobody can predict what the final Kennedy round package will include, or if there is to be a final package at all. If negotiators agree upon reciprocal tariff cuts, however small and limited, some will consider the Kennedy round a success. Others already call it a failure because there is absolutely no chance of approaching the goals originally set for the trade talks.

The confusion, the weariness, and the uncertainty have made even the most ardent free traders apprehensive and have protectionists crying, "I told you so." Some of the apprehension stems from a feeling that the traditional, unconditional MFN principle and the multilateral form of negotiation used in GATT trade talks may no longer be effective.

Meanwhile, the perceptibly mounting tide of protectionist sentiment goes beyond mere gloating. In the U.S., the signs are scattered but unmistakable:

Senate Concurrent Resolution 100, which chides the Administration for even considering to negotiate American Selling Price and an international antidumping code.

A Congressional investigation of steel imports.

The Herlong-Hartke proposal, which calls for much tighter U.S. antidumping laws.

The protectionist tone of a speech made by master orator Sen. Everett Dirksen (R.-Ill.) before the Trade Relations Council in December.

The insistence by several farm groups to abandon the Kennedy round altogether.

Nor are protectionist tendencies confined within U.S. borders. World trade analysts are convinced that the European Economic Community (EEC) has little appetite for lowering its protective barriers. In fact, in the critical agricultural field, it has adopted a policy that makes foreign access to its markets even more difficult. Australia recently put into effect a variable import levy system designed to protect its chemical industry. Tariffs are assessed according to the difference in the import price and the price of the domestic product. In Canada, the chemical industry is incensed about Tariff Resolution 120, a government propsal that recommends far lower tariffs on chemicals than the industry thinks it must have to survive.

STOP OR GO

The weariness and frustration caused by the Kennedy round, along with the confusing crosscurrents of opinion, have fostered the belief that what is really needed is a moratorium on tariff and trade talks. Such a breather would give the world's major trading nations a chance to recharge their batteries, to digest the results of the Kennedy round, whatever they may be, and to consider their future trade policy carefully and deliberately.

Nobody has endorsed the idea officially. However, opinions expressed privately suggest that a one- to three-year hold on further negotiations wouldn't be detrimental to world trade.

Such an attitude is far from unanimous. Most freer trade advocates insist that the momentum toward less restricted trade must be maintained. Rep. Thomas B. Curtis (R.-Mo.), a Congressional delegate to the Kennedy round and one of the men on Capitol Hill most familiar with trade problems, is among them. He says that unless the mo-

mentum generated by the Trade Expansion Act and the Kennedy round is maintained, U.S. trade policy "could settle into a series of fragmented *ad hoc* responses unrelated to economic principle."

This bewildering kaleidoscope of opinion doesn't indicate anything definitive as far as a new U.S. trade policy is concerned. But it is safe to assume, despite the frequently warranted forebodings of adamant protectionists, that the U.S. will not abandon the principle of freer trade and revert to rock-ribbed protectionism. It is likely, however, that the U.S. will not embrace a liberal trade policy with the same zest it displayed in the Trade Expansion Act.

This Mexican standoff leads to two pivotal questions. What form or method will our future free trade policy embrace? How much freedom will it seek?

Several alternatives are available. They vary in form as well as degrees of freedom. And, of course, each has its share of advantages and disadvantages:

The U.S. can continue to adhere to the concept of multilateral negotiation in reducing tariffs and to the unconditional MFN principle, which is the cornerstone of GATT.

It can adopt a conditional-MFN attitude, which would permit multilateral negotiations, preferably through GATT. But, the U.S. would offer its tariff concessions only to those countries willing to reciprocate.

It can join or form a broad free trade area, which would bring under one free trade blanket as many industrialized countries as would be willing to join.

It can consider a bilateral free trade arrangement with Canada.

It can negotiate "controlled" or "qualified" free trade arrangements, covering specific industries or products, such as it has with Canada in the Automotive Agreement.

FEW CLUES

Which one of these alternatives, if any, will it be? Those industries with a stake in international trade that have looked to Washington for clues have found very few. The few that they have found are either so conflicting or so purposely vague that they give few hints as to the future.

The truth is that there has been little thought given to a post-Kennedy-round trade policy in official Washington. This shouldn't be too surprising. All of the government agencies involved with international trade have been concentrating upon the immediate, pressing problem: squeezing some measure of success out of the Kennedy round. Other problems, such as Vietnam, a faltering domestic economy, and civil rights, also tend to push trade policy into the background.

American industry shouldn't complain, however. It has remained conspicuously silent about the shape of future U.S. world trade policy. The chemical industry is no exception.

To their credit, chemical industry leaders have devoted a lot of time and money to the Kennedy round and its implementation. They have concentrated particularly on the fate of the American Selling Price. But, with pitifully few exceptions, it seems as though chemical men, like many government officials, haven't looked beyond the Kennedy round. One international trade expert worthy of the name says he has been unable to get his own company to do much thinking about future trade affairs.

This shouldn't be. The chemical industry has too big a stake in world trade to be apathetic about it. Last year, U.S. chemical exports reached an estimated $2.65 billion. That may be only about 6% of total output, but it's still a lot of business. U.S. chemical imports totaled about $990 million last year and are becoming an increasing concern because they have been growing twice as fast as exports in the past 10 years.

Most of the thinking about U.S. post-Kennedy-round trade policy has been done by a few private study groups. Among the most active are the National Planning Association (NPA) in Washington, D.C., and its Canadian counterpart, the Private Planning Association of Canada (PPAC) in Montreal, the Committee for Economic Development, and the Committee for a National Trade Policy. PPAC has under way a massive, three-year Atlantic Economic Studies Program to evaluate the prospects for trade liberalization among the Atlantic countries; that is, North America and western Europe. The study naturally pays particular attention to the economic impact on Canada of freer (or even completely free) trade in various possible alignments. However, because the relationship between the two countries is so uniquely close, the study considers carefully the outlook for U.S. foreign trade policy as well.

The two groups, NPA and PPAC, jointly sponsor another organization, the Canadian-American Committee, which has placed its emphasis on mutual problems and joint opportunities between two countries, including ways in which they can collaborate in world trade affairs. It has completed depth studies on a bilateral, Canadian-U.S. free trade area and last year published a statement recommending a broader trade area arrangement that would include European countries as well as Canada and the U.S.

Other groups have been active, too. The International Economic Policy Association has made proposals for a broad-based free trade area that could include the U.S. The U.S. Chamber of Commerce recently held a series of meetings in cities throughout the country to discuss the future of U.S. international trade policy.

EVALUATING THE COURSES

The work of these various study groups, enlightening as it is, won't help anyone predict what Washington will do eventually in world trade affairs. The one single aspect of future U.S. trade policy that appears certain is that it will include help for the LDC's—the less developed countries. The great unknown is the character and extent of future trade policy with the world's industrialized nations.

The independent studies do, however, enumerate the paths available to the U.S. as far as free or freer trade with industrialized nations is concerned. They also weigh the pros and cons of the various alternatives and, more important, stimulate thinking of government and industry officials concerned with the problem.

Assuming that a moratorium on trade talks is out of the question, the most obvious alternative is for the U.S. to continue its practice of granting tariff concessions on an MFN basis and of multilateral negotiation through GATT. In other words, no change, except that the policy doesn't have to be as far-reaching as were the provisions of the Trade Expansion Act.

For many reasons, this is the most likely course of a new foreign trade policy. Because it doesn't involve any basic changes in current policy, it is the least complicated course of action. It's doubtful, too, that Congress will be in any mood to give the President new, sweeping powers to lower trade barriers on the scale that the Trade Expansion Act did. Nor is it likely that the President will seek them. Too many other problems must take priority. MFN, by which concessions granted to one trading partner are automatically extended to all others, is so well entrenched in U.S. trade policy that it's difficult to conceive of its being discarded casually. Rep. Curtis has warned, for instance, that if the U.S. decides to drop MFN, "We should be fully aware of what it is we are taking leave of and what it is we will be undertaking."

Perhaps the most convincing argument for continuing the MFN principle is that it has worked extremely well from a free trade point of view. Since 1948, the year after GATT was organized, Free World exports have risen from about $50 billion to an estimated $200 billion last year. During this time, tariff barriers have been progressively lowered, principally through five rounds of GATT tariff negotiations (the Kennedy round is the sixth).

Others contend that would trade grew despite MFN concessions, not because of them. They believe that the exploding economies of most of the industrialized countries sparked the growth in world trade, not any method of negotiating lower tariffs.

More important, there is a growing disenchantment with MFN, multilateral negotiations, and reciprocal bargaining that characterize the GATT conferences. The disappointment, frustration, and stumbling encountered in the Kennedy round have nourished such feelings. It may be that the very success of MFN has made it less useful now. It may be that some of the world's major trading powers won't participate in future multilateral tariff sessions like the Kennedy round, either because they don't want to or because they can't. Whatever the reason, there is a growing tendency to consider alternatives to MFN as tools to further liberalize world trade.

A "conditional MFN" approach may be the answer. It would allow the U.S. to participate in some GATT negotiations on a multilateral basis, but the U.S. would only grant tariff concessions to those countries that offer reciprocal concessions.

This approach appeals to many opponents of unconditional MFN. They feel that it is sensible and fair. But it has its problems. It would violate a fundamental GATT principle and a traditional U.S. principle. It would destroy GATT itself, and one economist wonders whether the world without GATT would be better than the world with GATT. Conditional MFN probably wouldn't appeal to many other countries. It opens the door to a wave of massive retaliation and possible trade wars and could reverse trade concessions that we already have obtained.

FREE TRADE AREAS

One way for the U.S. to escape this impasse would be to join a regional trade bloc—a free trade area or customs union. If, indeed, the Administration decides that it wants to continue its freer trade momentum, it could go all the way to completely free trade through a regional trade bloc without sacrificing its sacred MFN principle or violating GATT rules.

GATT's Article 24 allows such regional trade blocs, which eliminate tariffs completely among member countries but not for nonmembers, if the arrangement covers "essentially all trade." Examples of customs unions are EEC and CACM (Central American Common Market). Free trade areas include EFTA (European Free Trade Association), LAFTA (Latin American Free Trade Association), Anglo-Irish Free Trade area, and the Australia-New Zealand Free Trade area.

Both types of trade blocs grant absolutely free movement for intraregional trade. There is one basic difference, however. In the customs union or common market, member countries adopt a common external tariff against imports from nonmembers. In a free trade area members can maintain their own individual tariff structures against nonmember imports. The customs union, too, implies a greater degree of harmonization in the economic and political policies of member countries than the free trade area.

Proposals calling for the U.S. to join a regional trade bloc specify a free trade area rather than a customs union. Why? Because Congress has the responsibility to

shape U.S. trade policy. In a customs union, it would have to share this responsibility with the governments of other nations. Congress, reluctant to share its foreign trade responsibilities with the executive branch, certainly wouldn't consider sharing them with a foreign government.

Within the past year, there have been several specific proposals concerning the U.S. and its role in a possible free trade area:

The Canadian-American Committee has proposed a free trade association that would include the U.S., Canada, and Great Britain and her EFTA partners. Later, it could be expanded to include the EEC countries, Japan, Australia, and New Zealand.

The Canadian-American Committee has also studied (but has not proposed) a second plan: a free trade area embracing only Canada and the U.S.

The International Economic Policy Association calls for a trade area or common market that would cover all of the North Atlantic alliance countries.

The Private Planning Association of Canada is also studying the possibilities of a trade alliance among the members of the North Atlantic community.

In his recent book, "America in the Marketplace," ex-Sen. Paul Douglas says that the U.S. should establish a free trade area with the 13 leading countries of western Europe. This would include both EEC and EFTA countries. Later, it could be opened to Greece, Israel, Turkey, Central and South American countries, Japan, Australia, New Zealand, Canada, and Mexico.

At its convention in Ottawa last October, Canada's Liberal Party recommended that the Canadian government start negotiations to establish a free trade area embracing Canada, the U.S., and the Caribbean countries.

An unofficial proposal, originating in Japan, calls for a Pacific trade area that would start with the U.S., Canada, Japan, Australia, and New Zealand as members.

In a speech in London more than a year ago, Sen. Jacob K. Javits (R.-N.Y.) stated that, if Britain doesn't get into EEC, it should consider a free trade area that would include Britain, Canada, the U.S., and, indeed, all nations of OECD (Organization for Economic Cooperation and Development).

The world's leading industrialized nations shared this growth

[In millions of dollars]

	Total trade						Chemical trade					
	1960	1961	1962	1963	1964	1965	1960	1961	1962	1963	1964	1965
Canada:												
Exports	5,562	5,879	5,939	6,472	7,699	8,107	189	183	201	219	250	291
Imports	5,663	5,696	5,855	6,081	6,942	7,986	338	354	358	373	346	491
EEC:												
Exports	29,761	32,352	34,249	37,586	42,594	47,904	2,704	2,966	3,119	3,525	4,110	4,743
Imports	29,622	32,216	35,817	40,417	44,928	48,991	1,654	1,752	1,896	2,203	2,585	2,963
EFTA:												
Exports	18,129	19,046	19,961	21,707	23,540	26,031	1,529	1,593	1,686	1,857	2,099	2,314
Imports	23,089	23,544	24,599	26,383	30,097	32,228	1,338	1,368	1,437	1,593	1,912	2,156
Japan:												
Exports	4,050	4,240	4,920	5,450	6,670	8,450	170	190	260	320	385	547
Imports	3,760	4,810	4,450	5,560	6,570	6,795	240	300	255	345	400	408
United States:												
Exports	20,300	20,629	21,359	22,922	26,086	27,003	1,720	1,772	1,865	1,943	2,375	2,402
Imports	14,652	14,357	16,249	17,014	18,600	21,366	451	455	512	566	707	781

Sources: U.N., GATT, and OECD Annual Statistical Bulletins.

NORTH ATLANTIC FOCUS

Most of the proposals for a free trade area have two things in common: They include the U.S. and Canada; they concentrate upon the North Atlantic countries (though their recommendations about which European countries should be the charter members vary).

One reason for the emphasis on a North Atlantic economic partnership is that it would embrace just about all of the major industrialized trading nations in the world, with the obvious exception of Japan. But, more important, a close-knit Atlantic alliance—a strong bond with Europe—has been the cornerstone of U.S. foreign policy since the end of World War II.

Militarily, the approach has come through NATO (North Atlantic Treaty Organization). But NATO is on very shaky legs right now, and anything that would reinforce the Atlantic bonds would be appealing to the U.S. Gen. de Gaulle, who is thinking French first and European second, has no enthusiasm for NATO. He has dropped his NATO obligations, while managing to retain its benefits, and has forced NATO headquarters to move from Paris to Brussels. And in 1969, any NATO member can leave the organization with a year's notice.

The U.S. has also used economic rope to lasso European countries. In this respect, the famous Marshall Plan was fantastically successful. Even the Trade Expansion Act had as its goal a closer Atlantic alliance. The so-called "dominant supplier authority" provision of the act enabled the President to remove completely all tariffs on products in which the U.S. and EEC accounted for more than 80% of Free World exports, provided EEC granted reciprocal concessions. At the time, of course, the U.S. was confident that Britain would soon become a member of EEC. With Britain as an EEC member, the dominant supplier authority would have led to free trade for a substantial portion of transatlantic business. In effect, it would have established a free trade beachhead. However, France, with its famous veto, blocked Britain's EEC bid, and the dominant supplier authority became virtually meaningless.

There is no doubt that a multinational free trade area with the U.S. as a member would sustain the free trade momentum that seems to be losing some of its steam. There are many reasons why it is impractical, however. For one thing, it is not a simple matter for many nations to reach agreement on a free trade treaty. There are many complications, and the "weariness factor" comes into the picture. There is also much validity to the argument that the U.S. couldn't possibly consider exposing its market to foreign competition on a free trade basis with countries whose labor and production costs don't approach its own. Too many American companies would be driven out of business or forced to relocate overseas. Ironically, many European countries fear a free trade arrangement with the U.S. because of this country's technological advantage.

Nor do trends in Europe make this the best time to strive for a North Atlantic free trade area. Try for an arrangement with EEC and its internal struggles would preclude its even considering a broad free trade area with the North American community. Try for an arrangement with EFTA and the wedge driven between the European blocs may be more damaging to U.S. interests than the gains made from a joint free trade area.

Besides, several EFTA countries are longing for association with or membership in EEC. Britain is making new, strong gestures in this direction. Yet, the circumstances are not the same as they were when the dominant supplier authority was being designed. This time, Britain is thinking more "European" and less "Anglo-Saxon." Britain's Prime Minister, Harold Wilson, may be taking this stand publicly as insurance against another de Gaulle veto. Or he may be sincere in his desire to build up Europe as a "pillar of equal strength" with the U.S. Either way, it doesn't improve the prospects for a North Atlantic free trade area at this time.

Former Under Secretary of State George Ball put the situation in proper perspective last year when he testified before the House Foreign Affairs Committee. He pointed out that there are two ways to mesh the North Atlantic countries:

Try for a federation immediately.

Encourage European unity first and, at the same time, strive for an effective partnership through existing international groups (like GATT, NATO, OECD, and the International Monetary Fund). Said Mr. Ball, "The realities of power and politics clearly favor the second."

In cold reality, then, the prospects for a North Atlantic free trade area covering most of the Atlantic community countries are very dim at this time. Because it is politically inopportune, it's unlikely that the U.S. will push for such a broad trade alliance. To the chagrin of most U.S. businessmen, the Government seems to use trade policy to gain international political dividends rather than economic dividends. Because U.S. exports traditionally account for no more than 4 or 5% of gross national product, the Government can get away with it. Right now, there are no political dividends to collect, as far as a North Atlantic free trade area is concerned.

Exports are a small part of U.S. gross national product

[Exports, percent of GNP]

Canada	17
EEC	19
EFTA	18
Japan	10
United States	4

Source: United Nations.

NORTH AMERICAN ONLY

Following the old saw that "half a loaf is better than none," if a broad free trade area is out of the question, a narrower one may be the next best thing. One such proposal is a North American free trade area that would weld the U.S. and Canada into a regional trade bloc.

A U.S.-Canada trade pact would certainly be less complicated to consummate than a North Atlantic arrangement, though it would not be without problems. It would also satisfy the prerequisite that the U.S. can only join in a free trade area with a country of comparable labor and production costs, if indeed this is a prerequisite.

This proposal has received a lot of discussion recently. Admittedly, most of the discussion has taken place in Canada, and a lot of it has been unfavorable. One of the key questions is, "Who wants such an arrangement?" Presumably not the U.S. because there is nothing to be gained by it politically, and the economic advantages to the U.S. are also sparse or nonexistent.

Canada wants free trade, but on as broad a base as possible. Unlike the U.S., though, Canada's foreign trade objectives are influenced heavily by economics. Canada's exports account for more than 20% of her national output. Her imports are proportionately larger than those of the U.S., too. Foreign trade, obviously, is important to Canada.

However, if a broad free trade area is beyond reach, an obvious alternative for both countries is a bilateral arrangement. The spark won't come from Washington, though ("What's in it for us"). The initiative will have to come from north of the border.

Washington might respond favorably to such a Canadian initiative. If freer trade remains the Administration's goal and there is nowhere else to turn, the U.S.-Canadian proposed would be one way to maintain momentum toward that goal. And the U.S. rightly regards U.S.-Canadian relations as something special—in all the world there is nothing to compare with their 3000-mile, unprotected, common border.

For Canada, too, it might be the next best thing to a broader free trade area. Free trade between Canada and the U.S. isn't a new idea. It's been talked about ever since Canada became a federation, and Canada celebrates its 100th birthday this year. Now, the idea has been getting much more than passing interest in Canada. Dependent as it is on world trade and with the Kennedy round rushing to a close, Canada is looking ahead to its international trade prospects beyond the Kennedy round. Canada has set up an export goal this year of $11.25 billion, up from last year's estimated $10 billion. The significance of this goal can be best appreciated on a per-capita basis. It amounts to $563 for each Canadian. In the U.S., per-capita exports are less than $150.

In many of their speeches, top-ranking Canadian officials have emphasized the free trade theme. The theme, for the most part, has been consistent: free trade on the broadest possible basis and reluctance for a narrow, Canadian-U.S. arrangement. The latter isn't ruled out completely, however. In a speech before PPAC in November, Prime Minister Lester B. Pearson said, 'There are worse things that a customs union with the U.S." But the fear of political implication remains. In the same speech, he also said that a continental free trade area could lead to a "continental no-Canada area."

Canada's problem is simple to define and difficult to solve. It wants a viable domestic industry, but it has a population of only 20 million people to support this industry. It also wants to remain independent of the U.S., both politically and economically, but disparity in power and size is a tough foe of independency.

Canada developed its own secondary, or manufacturing, industry behind a high tariff wall. But without a mass market and the economy of size that such a market permits, it is a relatively inefficient industry. A gateway through the high tariff wall has been provided for Britain by the British Preference (BP) system which sets lower-than-normal tariffs on British exports to Canada. The BP system was designed, in part, to offset the economic influence of the U.S. but, ironically, the opposite has occurred. With the help of BP, British companies find it more profitable to export to Canada rather than invest directly there. Meanwhile, U.S. companies, through direct investment now own almost half of Canadian industry (the percentage is higher in the chemical industry alone).

Despite BP and general Commonwealth ties, Canadian-British trade is small compared to Canadian-U.S. trade. In 1965 for instance Canada shipped only 14% of its exports to Britain but 57% to the U.S. Similarly, Britain accounts for only 7% of Canada's imports, the U.S. 71%. With Britain now talking seriously about joining EEC, what little value remains in the BP system may disappear completely.

Another paradox in the Canadian position is that, although she seeks the freest possible trade on a multi-lateral basis, Canada has found it necessary to negotiate in the Kennedy round on a product-by-product basis. The original Kennedy-round scheme called for linear, or across-the-board, tariff cuts on as many products as possible. Canada felt that linear cuts in its own tariffs would expose Canadian industry to increased foreign competition. Reciprocal linear cuts by its trading partners, meanwhile, wouldn't help Canadian exporters significantly because Canadian costs still would be higher than those of its foreign competition.

Thus, Canada, not unlike the U.S., finds itself advocating a policy of freer trade on the broadest possible basis, yet stymied by economic realities of life. It wants—it needs—mass markets for its industry. But if Canada can't achieve these mass markets through linear tariff cuts and the world isn't ready for a transatlantic trade alliance, Canada might consider a more restrictive, regional trade bloc with the U.S.

Indeed, many in Canada are considering it—again. And again, Canadian thinking is torn between the obvious advantages of access to a mass market of 200 million neighboring U.S. citizens and the danger to Canadian economic and political independence.

Many Canadian industrialists, and this is particularly true in the chemical industry, think that Canadian industry would be swamped by American competition in a free trade arrangement. With much of their industry already controlled by Americans, they believe that American parent companies would relegate their Canadian operations to a branch-plant status. They also argue that it would be much easier for U.S. industry, with its large, efficient plants, to adjust to an additional market of 20 million people than it would be for Canadian industry to adjust to a new market of an additional 200 million people.

Not all Canadians share these reservations. One of those who doesn't is Jack Davis, Liberal M.P. from Coast Capilano, British Columbia, and a leading advocate of a Canadian-U.S. free trade alignment "as a first step." Referring to the branch-plant arguments, he says Canadian industry already has a branch-plant economy, brought about by protectionist policies. A free trade area with the U.S. would correct the situation, he says.

Mr. Davis agrees that some Canadian manufacturing industries may succumb to U.S. competition. But he and many others think that, given suitable adjustment provisions and an adequate transitional period, most Canadian industries would not only survive but benefit by a bilateral free trade arrangement with the U.S. The PPAC study now under way should help to determine whether they could or they couldn't.

The argument that economic union with the U.S. alone may or may not lead to political union will be even more difficult to resolve in Canadians' minds. Many Canadians think it would be inevitable. Others do not. They point out that the probability of—and the need for—political harmony in a free trade area is much less than in a customs union such as EEC. They also think that the U.S. would be careful to guarantee Canadian political independence, a commodity equally valuable to the U.S. With very few exceptions, such as East-West trade, Canadian thinking parallels U.S. policy, and it is to this country's benefit to have a sympathetic, independent ally in the forums of the world.

"SELECTIVE" FREE TRADE

While Canadians weigh the pros and cons of a U.S.-Canada free trade area, very little is heard in the U.S. about the subject, except when visiting Canadian dignitaries mention it in a speech. The U.S., it seems reasonable to expect, won't give much serious attention to the proposal unless and until initiative comes out of Canada.

One option for future Canadian-U.S. trade relations, however, that has been discussed frequently in the U.S. is the Canadian-U.S. Automotive Products Trade Agreement, more commonly known as the autopact. The autopact, authorized by Congress under the Automotive Products Trade Act of 1965 (P.L. 89–283), has been hailed as a major step toward free trade in automotive products between the two countries.

A "step toward free trade" it may be; "free trade" it is not. It is, instead, a scheme for controlled or regulated, no-tariff trade on a limited number of products involving a limited number of companies. Sperry Lea, American director of research for the Canadian-American Committee, believes that the term "selective industrial integration" better describes the autopact. Whatever the description, the autopact appears to be working well for both the U.S. and Canadian automotive industries. Now, industrialists on both sides of the border are wondering if it might be extended to other industries as well. Within the chemical industry, both the Canadian Chemical Producers Association and the Manufacturing Chemists Association have committees studying (if not recommending) the possibility.

The autopact removes tariffs on automobiles and some original equipment parts moving between Canada and the U.S. for companies that agree to meet certain conditions. These conditions require participating companies to:

Maintain the Canadian production-to-sales ratio that prevailed in the 1964 model year.

Maintain the level of Canadian value-added to imports of semifinished cars that prevailed in 1964.

Increase the Canadian value-added as sales increase.

Increase the level of Canadian content by fixed amount during the 1966, 1967, and 1968 model years.

Because auto companies in Canada must meet these conditions to qualify for the free trade benefits of the autopact (and the bulk of them are American-owned), it is considered as much an Ottawa-Detroit arrangement as it is an Ottawa-Washington arrangement. The pact runs through the 1968 model year, when it must be renewed.

There isn't universal agreement that the autopact is the best thing for the Canadian and American car manufacturers and their suppliers. Nationalistic Canadians have attacked it as "handing the country over to the Americans." Many Americans think that the Canadians blackmailed the U.S. into improving the efficiency of the automotive industry north of the border. And, while big and small business may benefit, the Canadian car buyer still must pay higher prices (if not quite so much higher) for automobiles than his American counterpart.

Imperfect though it may be, the autopact

seems to be working as well as its planners dared to hope. Automobile and parts shipments have increased in both directions since the pact came into effect. Canadian automotive exports have risen more on a percentage basis, but they started from a much lower base.

The Canadian trade deficit in automotive trade with the U.S. has been reduced very little, however. This trade deficit, in fact, led to the autopact. Canada's deficit in automotive trade with the U.S. had been running more than $600 million per year. To stimulate exports, Canada concocted a complicated plan to remit to Canadian auto producers the duty they paid on imported American parts. The amount of remission depended upon how much the companies increased their own exports to the U.S. The U.S., under its customs laws, would have had to levy countervailing duties against the Canadian imports. The situation threatened to break into a trade war, a war which both sides wanted to avoid. The autopact became the solution.

Now other industries are wondering if the two governments will work out other arrangements similar to the autopact. Several have been mentioned, including chemicals. Others are tires, forest products, primary metals, power plant equipment, and electronic equipment.

An arrangement such as the autopact offers several advantages. First, it eliminates the artificial barriers that split a natural, single North American market into two tariff-protected regions. It allows Canada to rationalize its production for increased efficiency and, because Canada's automotive industry is almost entirely U.S.-controlled, it provides U.S. companies the same advantage.

Although the autopact doesn't provide for free trade in the true sense, it nevertheless is a step in that direction. It opens up the American market to Canadian producers (and vice versa), yet by its Canadian production guarantees avoids the danger of a pull-out by U.S. companies that so many Canadians fear would occur in a genuine free trade situation. Finally, by using the industry-by-industry approach complete with adequate safeguards and transition periods, it is possible to reach a highly developed state of free trade with a minimum of disruptions to industry.

There are, however, compelling reasons to believe that a sequel to the autopact will be difficult to achieve:

The autopact was born of a crisis. It may take another crisis to stimulate a similar arrangement.

The automotive industry is unique. On both sides of the border there are few producers involved, and in most cases the Canadian companies are subsidiaries of American companies. The chemical industry, by comparison, has many more products and many more producers.

Congress may be exceedingly reluctant to consider a sequel. The autopact was negotiated by the executive branch, then presented to Congress as a fait accompli. This irked many Congressmen.

On the U.S. side the autopact violates GATT's MFN principle. The U.S. had to obtain a waiver from GATT members for the autopact. Presumably, the U.S. would hesitate to seek additional waivers, even if it were confident of receiving them, for fear of triggering a wave of similar requests from other GATT members.

Unless a crisis arises as it did in the case of the autopact, many of the difficult problems which could have, but didn't plague the autopact would have to be faced. For instance, the U.S. might decide to adhere to its MFN principles rather than seek a waiver from GATT. If it did, any concessions it granted Canada would have to be extended to other countries, thus exposing the U.S. market to outside competition. If these other countries didn't offer reciprocal tariff terms, the U.S. would be exposing itself to unfair competition.

Unless the two countries were willing to give outsiders a free ride, the only products worthy of consideration for an autopact sequel would be those for which Canada and the U.S. were each other's dominant supplier. Agricultural machinery, which is already freely imported by the U.S. and Canada, is an example. Even after these products are identified, there remains the problem of what to do with related products. Although controlled free trade may be agreed upon for a particular product, one country may have an advantage because of a more favorable position in raw materials or production equipment. The obvious solution, of course, is to bring these materials into the agreement, too, but the raw material suppliers and equipment manufacturers may not want to be included.

Canada received production guarantees under the autopact, and its industrial structure demands that it receive them in any sequel to it. The legality of these guarantees never was questioned when the autopact was being framed, but it could be in future similar arrangements. The antitrust implications of industrial cooperation might also prove a stumbling block.

Despite the problems involved, the possibility of another arrangement similar to the autopact is still very much alive, especially in Canada. Given the proper conditions, an arrangement such as the automotive industry worked out could be beneficial. One industrialist close to the problem lists these conditions:

The industry should have only a few producers with plants in both countries. This would enable companies to get the maximum benefit out of rationalizing their production; that is, making their plants more efficient.

The industry should have an excellent growth potential so that adjustments could be readily absorbed. There's little sense in trying to adopt the autopact to a stagnant industry because the adjustments can only be absorbed by cutbacks.

Industries should produce products which have a mass market.

In the U.S., if the chemical industry is typical, most of the interest in an autopact sequel has been defensive. Nobody is going around advocating an arrangement for his industry such as the car makers have. Rather, chemical leaders are preaching preparedness. They want to be prepared to give their opinions on a controlled free trade deal if the Government confronts them with it as suddenly as it did the autopact.

MCA, for instance, has a committee studying the problem. At its semiannual meeting in 1965, then Secretary of Commerce John Connor asked if the industry would favor an agreement with Canada similar to the autopact. MCA immediately formed a U.S.-Canadian Trade Study Committee. The committee recently issued its first report, but it doesn't favor or condemn a sequel to the autopact. It does, however, recommend that each company study the implications from its own point of view and lists several guidelines for conducting the study.

Few chemical companies have started their own investigation yet. Those that have, even before the MCA report was issued, have given the subject only a cursory glance. ASP and the Kennedy round still command attention. Although many chemical executives indicate they would rather have a qualified free trade arrangement than a free trade pact with no controls at all, it's unlikely that they will actively solicit such a deal.

Many in the chemical industry are hoping, if not betting, that the Administration will have no appetite for another major crusade against trade barriers after the Kennedy round finally ends. They may be right. The Administration may not have either the desire or the ability to mount another major campaign for freer trade.

The prevailing attitude in the chemical industry seems to be that advocates of freer trade are in the same predicament as a painter. The painter covers a lot of wall and ceiling space with his roller and broad brush. But he eventually reaches the point where he must do the woodwork and the trim. This requires a fine brush.

Perhaps world tariff and trade negotiations have reached a point where the fine brush must replace the broad brush. Perhaps the Administration recognizes this. But the chemical industry shouldn't make this assumption casually. Many believed the same thing before the Trade Expansion Act was passed.

U.S. TRADE POLICY BECOMES MORE LIBERAL

The chronology

1. 1909: Republicans under Taft refused to lower existing tariffs and passed the Payne-Aldrich Tariff Act of 1909.
2. 1914: Democrats under Wilson cut tariffs by about 40% with their Underwood Tariff Act. These were the most sweeping tariff cuts since 1857
3. 1922: The Fordney-McCumber Act of 1922, out of a Republican Congress, raised tariffs again. However, the most-favored-nation (MFN) principle was included in the act. So was American Selling Price (ASP)
4. 1930: The Smoot-Hawley Act raised tariffs to their highest level in U.S. history
5. 1934: The Reciprocal Trade Agreements Act of 1934, considered the start of the liberal trade movement in the U.S., was passed under Roosevelt
6. 1947: Formation of the General Agreement on Tariffs and Trade (GATT)
7. 1949: GATT negotiations at Annecy
8. 1951: GATT negotiations at Torquay
9. 1956: GATT negotiations at Geneva
10. 1960: GATT negotiations at Geneva (Dillon Round)

PROCEDURAL IMPROVEMENTS IN CONTEMPT CITATION CASES

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. CURTIS. Mr. Speaker, during the last several sessions of Congress I have introduced two bills dealing with procedural reforms in contempt citation cases. Recent debate on this issue underscores the great need for reform in this area. The first bill would set up new procedures in the House for the investigation and referral to the House of circumstances leading to possible contempt of Congress citations. The second bill would amend judicial procedures by allowing courts to return declaratory judgements in these matters.

CONGRESSIONAL CONTEMPT CITATIONS

One of the necessary powers of this, or any other, legislative body is to protect itself against acts designed to undermine and contravene its functions. The means by which the American Congress protects itself is through the invocation of the contempt procedure, a process which calls to the attention of the Congress the act which threatens it and pro-

vides for punishment of the offender, either through the courts or before the bar of the House against which the contempt has been directed.

Most contempts today arise from actions of those called before committees of the Congress as witnesses. These actions range from refusal to cooperate to active obstruction of the committee's work. There is no need to call attention to the importance of our committee structure and the fact that the detailed legislative and investigative work which is done by the Congress is accomplished through committees. This is all clearly understood. The point to which I wish to address attention is the procedure by which contempts are brought to the attention of the parent body, the House or the Senate, by committees which have encountered such witnesses.

At present, it is the practice for the committee which has been the subject of the act of contempt to serve as first judge of the matter. It is the committee itself which reports the matter to the parent body, acting at once as victim and prosecutor. I question the soundness of this form of proceeding and the bill, I have introduced, would change this procedure. Basically, this bill provides a screening committee to which the complaint of contempt is brought and it is this screening committee, not the committee which has been subject to the action complained of, which would act as the agency reporting the matter to the parent body.

This new procedure commends itself because it places in the hands of an impartial body the investigation of the charge of contempt and does so in a manageable way. Surely the House or Senate could be considered impartial bodies to investigate the charge, but considerations of time prevent this and there is no practical way in which outside witnesses could be heard on the question of guilt if the entire House or Senate heard the matter. There is real question if the committee which complains of contempt can properly be charged with the responsibility of impartially weighing the evidence to determine if a contempt should be reported to the parent body.

This committee to investigate contempt charges would be named by the presiding officers of the House and Senate respectively and would serve as a special committee. The committee would have seven members and be divided four to three along party lines. The creation of this committee, and its operation in the important area of protecting the Congress and its proceedings from the interference of those wishing to undermine its effectiveness, would provide a strong safeguard of the rights of those charged with contempt and would make more meaningful this type of protection for the Congress.

JUDICIAL PROCEDURES

I have also introduced legislation which would provide for a declaratory judgment mechanism in connection with congressional contempt proceedings. These two proposals would represent a great step forward in the way in which the Congress deals with the contumacy of witnesses appearing before its committees.

The provisions of the declaratory judgment bill would be highly beneficial in that they would permit the clarification of the very difficult issues that often underlie potential contempt situations without resort to the difficult quasi-criminal procedure surrounding an actual contempt citation. Often the underlying point in a contempt situation is lost by concentration on the contumacy of the witness and not on the issue upon which the refusal to testify or produce papers is based.

Many recall, I am sure, the contempt citations offered against officials of the Port of New York Authority in 1960. It would have been far better had we been able to raise the issues of Federal-State relations that lay at the heart of the matter for consideration by a Federal court, through the declaratory judgment procedure, rather than using, as we did, the criminal contempt mechanism that was necessitated when a witness refused to produce the information requested by the committee.

This declaratory judgment procedure would be open only to the Congress and not to witnesses. It would serve as a means of expediting congressional action, and could not be used as a means to deter the proper functioning of the Congress or its committees. Further, the use of the declaratory judgment's mechanism is optional and need not be invoked. Of course, there will be many contempt situations that will not raise issues calling for immediate determination by the courts. However, many situations do arise where there is a need for a clarification of the underlying issue of contempt without concern for the fact that the witness has failed to divulge information.

Linking this with my other proposal to establish a special committee in both Houses of the Congress, to consider contempt situations, it would be the function of that committee, not only to make recommendations as to whether a contempt citation should issue, but whether the Congress should obtain from a court of the United States, a declaration of the legal relations between the Congress and the recalcitrant witness. The House of Congress concerned would then be free to act on the recommendations of the committee as it sees fit.

With the tremendous workload facing the Congress there is a great need for improving the procedures of the House of Representatives. These two proposals represent substantial steps forward in the field of contempt procedures, increasing both the speed and the skill with which the Congress can deal with contempt situations.

A BILL TO EXTEND THE PROVISIONS OF THE OLDER AMERICANS ACT OF 1965 AND TO INCREASE THE FUNDING LEVELS AUTHORIZED BY THAT LEGISLATION

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. REID] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. REID of New York. Mr. Speaker, I am introducing today a bill to extend the provisions of the Older Americans Act of 1965 and to increase the funding levels authorized by that legislation.

Americans born today can expect to reach 70 years of age, compared to those born in 1900 who had a life expectancy of 47 years. The number of Americans over 65 today is equal to the combined population of 20 States. The special needs of these senior citizens represent a national challenge, as the President stated in his recent message to the Congress.

The Congress first recognized this need in 1965 with the unanimous passage of the Older Americans Act, which declared that it is the responsibility of government at all levels to assist these citizens to achieve full and free enjoyment of their later years.

The act focused on three basic areas. First, it created the Administration on Aging to serve as the coordinating unit within the Federal Government in all matters of concern to older people.

Among its other responsibilities, the Administration on Aging carries out two grant programs authorized by the act. Title III provides funds to the States for community planning, services, and training in accordance with a State plan that is administered by a State agency whose sole responsibility is to administer this plan and whose concern is improving the lives of senior citizens. Some 51 States and territories now have such agencies and some 43 plans have been approved. It is expected that community programs under this title will total 800 to 1,100 by the end of this fiscal year.

The third major thrust of the Older Americans Act is the grant program authorized by titles IV and V to provide direct grants to conduct research into problems of the aged and to develop new techniques for meeting these problems, and to support specialized training programs for persons working with the aged. By the end of 1966, 39 grants had been made to institutions in 25 States under these titles.

The bill I am introducing would extend the grant provisions of this act through 1972. Further, authorizations for fiscal year 1968 are made in the amounts of $10,550,000 for grants to the States and $6,400,000 for research, demonstration, and training direct project grants, as well as such sums as may be necessary for the next 4 fiscal years. The increased funding is expected to support 240 to 300 new programs by the States and an additional 70 to 80 new research projects. One such research program that is contemplated by the Administration on Aging is the development of nutritional services that meet the needs of senior citizens.

Mr. Speaker, identical bills have been introduced by the chairman of the Education and Labor Committee, Mr. PERKINS, and by the chairman of the Senate

Special Committee on Aging, Senator HARRISON WILLIAMS. In the 2 years that this legislation has been in force, considerable progress has been made in reaching senior citizens in their home communities who can benefit most from these programs. The extensions and revisions contemplated by my bill are important in sustaining this effort on the Federal, State, and local levels.

THE AMERICAN PEOPLE HAVE A RIGHT TO KNOW

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. BOB WILSON] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. BOB WILSON. Mr. Speaker, the American people have a right to know that their own money is being spent in vast amounts by the Johnson administration to brainwash them at their own expense.

In fact, the Johnson administration is spending nearly $75 million more for self-glorification each year than it costs to support the Congress of the United States and the Supreme Court combined. It spends some $425 million a year of the public's hard-earned money to sell its story to the same people who put up the money.

Now I submit that it is understandable why the Johnson administration goes in for this record spending. The administration has demonstrated an unequaled inability to deal with either our domestic or our foreign problems, and it needs this vast publicity slush fund to try to cover up—to make flat failure look like rosy success.

How else can you explain the fact that the LBJ-Humphrey-Kennedy three-ring circus is spending more this year on propaganda than the combined expenditures of the two major American news associations, the three largest networks, and the 10 biggest American newspapers. As the Associated Press reports, straight-faced:

> Much of the expenditure is devoted to convincing Americans that what their Government does is for their welfare.

For example, Sargent Shriver, Kennedy's brother-in-law and head of the scandal-racked poverty program, keeps 46 staffers grinding out favorable publicity.

"With Sarge, when something goes wrong with the program, you step up the publicity," one of his public relations men was quoted as saying. On this program which has helped administration wardheelers more than the poor, the coverup has obviously been paid for by you, Mr. and Mrs. American.

Defense Secretary Robert S. McNamara has 3,000 publicity personnel and a budget of over $32 million to make the American people see the war in Vietnam through his eyes. In Vietnam alone, McNamara stables a publicity staff of 500—roughly one for each American plane lost in combat there.

The space agency, NASA, sent out 2,400 speakers last year to boost its unearthly program at symposiums and concerts. Some 2,700 radio stations are supplied weekly with 5-minute taped NASA radio shows and 1,600 with 15-minute shows. Each month, 500 television stations—about 200 of them color stations—also get a short NASA film. These propagandists say not one word about the huge Soviet military space effort which is a secret from the American people.

The Army alone plans to turn out 250 films this year. Government film or slide shows are available to the number of 6,000.

The Department of Agriculture spends $8.9 million a year on publicity; HEW, $7.7 million; and the AEC, $6.1 million.

No wonder you, the people, get only one side—the administration side—on almost every development and program. No wonder the truth is a casualty and people wonder what is really going on. Neither the Red Chinese nor the Soviet Russians have been submitted to such a costly brainwashing campaign. The attempt is to make the incredible credible—to make Alice in Wonderland seem real—by taking the American people through the administration's looking glass. The effort is to achieve the impossible—to make the administration look respectable, responsible, and reliable.

ADDITIONAL MEMBERS OF TASK FORCE ON AGRICULTURE

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. LANG] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. LANGEN. Mr. Speaker, as chairman of the House Republican task force on agriculture, I am pleased to announce the appointment of two additional members: the Honorable BOB PRICE of Texas, and the Honorable SAM STEIGER of Arizona.

These gentlemen have, on the basis of their outstanding background in agricultural and rural affairs and expressed interest, qualified themselves for this assignment. I look forward to working with them and the other members of the task force during the 90th Congress.

ROBERT E. SHERIDAN—A TRIBUTE

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut [Mr. MESKILL] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. MESKILL. Mr. Speaker, on April 2, my longtime friend and adviser, a member of my staff, Bob Sheridan, died without warning at his home in New Britain. He was 51. His loss was a tremendous personal shock to everyone who knew him and worked with him. Its true dimensions will be measured in the coming weeks and months.

I owe more to Bob than I can possibly say. The fact that I am in Congress today is due in large part to Bob Sheridan's skill and judgment. His interests and his skills were manifold. He led a many-sided rich life. Politics was one of his greatest loves and a subject which he understood deeply. He was a rare man who not only could sense every subtle change in the ground currents running beneath and through his community but who also knew how best to respond to these changes.

His friends will long remember him as a lover of life and as a master craftsman. His principle job at the time of his death was public relations director for Central Connecticut State College in New Britain from which he graduated. He was an ardent partisan for the college and for the general interests of education.

The New Britain Herald reflected the sense of community loss in a beautiful editorial published last Tuesday, the day of Bob's funeral. It expresses my feelings perfectly and in tribute to his memory and in respect to his family, I offer it at this point in the RECORD.

ROBERT E. SHERIDAN

He was a man of such quick, good wit, of such wide interests, of such far-ranging curiosity, of such clever imagination, that it was perhaps difficult to think of him as a serious, intellectual man. But Robert E. Sheridan was all of those things, a man of all seasons to many people.

His death on Sunday was a jolt, a shocking jolt. This was a man in the prime of life and activity, involved as he always was involved with many projects, many things, many ideas.

His obituary told of the great diversity of his activities: As public affairs director for Central Connecticut State College; as a prominent state Republican; as one interested in community activities; as a former school principal; as a radio announcer, and much more.

He knew and loved art, and surrounded himself with many original works of various modern schools. He loved theater, was a perceptive critic of it. Likewise, he appreciated great films, good writing, good music.

In politics, he had no peer in the realm of campaign organization. Sheridan was a man of bold and provocative ideas in politics; a strong influence in Republican campaign tactics. Yet, he was such a fair-minded person that he could number close friends high in Democratic circles—even during intensely partisan circumstances.

CCSC had no more fiercely partisan supporter. A graduate of the school (then known as Teachers College of Connecticut), he was in the forefront of the emergence of CCSC as a college of major proportions and dimensions. He fought for the college with a vigor that bordered on outright dedication, and he was a persuasive advocate when there was a need to be.

Bob Sheridan was often the "cool" man when others around him stormed or raged. Not that he was without emotion. But it was more in keeping for him to see things in their bigger perspective, and for him to assert himself by example of calmness and restraint.

We will not belabor the obvious to say that those who knew him were shocked by his untimely death. But we will suggest that this man was a dear friend to many people, and that in his way he enriched the lives of those with whom he came in contact. He will be sorely missed.

TORRINGTON REGISTER QUESTIONS U.S. BACKING FOR FIAT OF ITALY-SOVIET AUTO DEAL

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut [Mr. MESKILL] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. MESKILL. Mr. Speaker, under unanimous consent, I am submitting for the CONGRESSIONAL RECORD a recent editorial from the Torrington Register, an outstanding daily newspaper in my district, in which the editor criticizes proposed U.S. support of the automobile deal between the Soviet Union and the Fiat Automobile Co. of Italy.

I second the Register's call for the closest congressional examination of this proposal. In calling this thoughtful editorial to the attention of the Congress, I want to point out that the people of my district are very familiar with advanced machinery. They understand machines and machine tools. They know how different machines can be used for different purposes. They appreciate how the knowledge displayed in one kind of machine can be adapted to machines for other purposes. We have a great deal of varied and highly sophisticated manufacturing in the Sixth District of Connecticut. In short, our people appreciate the tremendous, intangible value that is represented by $50 million worth of the finest machinery our country is capable of producing. Of course, it has a strategic value and, of course, this deal ought to be reviewed in closest detail by Congress. I urge my colleagues to read this editorial:

WHAT'S "STRATEGIC?"

Washington's intention to permit an Italian firm to purchase American equipment for an automobile manufacturing plant in the Soviet Union may signal the end of the policy of prohibiting the export of "strategic" goods to communist countries.

Certainly the question of what is "strategic" is open to debate. In a strict interpretation, virtually everything shipped to the Soviet Union aids the Soviet war machine by freeing materials and capital needed in the consumer area.

Even under the most liberal interpretation, however, it is difficult to justify the approval of $50 million worth of U.S. auto manufacturing equipment. Among the items approved are foundry and heat-treating equipment, stamping and shaping tools, transfer lines, lathes, material-handling equipment and painting and upholstery tools.

More important than the equipment is the advanced technology which goes with it. The House Banking subcommittee, which approved the loan of $50 million to Italy through the Export-Import Bank for the deal, admitted "U.S. machine tool technology may play a larger part in the proposed auto plant than has been forecast earlier."

In light of this admission by an official agency, approval of the sale becomes still more questionable. If it goes through, the door will be opened much wider to the sale of previously restricted material and technical know-how.

As the President and Congress both have approved the deal, there is little chance of changing the decision now. But the subject of strategic sales to communist countries is due for a more thorough discussion in Congress than it received on this issue.

RESOLUTION OF KANSAS ASSOCIATION OF STUDENT FINANCIAL AID ADMINISTRATORS SUPPORTS HIGHER EDUCATION AMENDMENTS OF 1967

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. SHRIVER] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. SHRIVER. Mr. Speaker, the Kansas Association of Student Financial Aid Administrators recently adopted a resolution concerning the Higher Education Amendments of 1967 at its meeting at Kansas State Teachers College in Emporia.

This resolution was presented by Mr. Paul Chrisman, director of financial aids, Wichita State University.

The increasing numbers of students seeking higher education opportunities coupled with rising costs of getting an education require our continued attention and support of student financial aid programs.

Mr. Speaker, I include a copy of the resolution as adopted on March 20, 1967, by the Kansas Association of Student Financial Aid Administrators. The resolution follows:

Whereas the continued need for financial aid for students attending institutions of higher education in Kansas appears inevitable, and

Whereas this need involves educational opportunities for great numbers of students of the State of Kansas, and

Whereas such need will inevitably require an increase in allocated funds, and

Whereas most institutions find it extremely difficult to maintain sufficient funding of their diverse financial aid programs, and

Whereas the opportunity to endorse the new bill entitled "Higher Education Amendments of 1967" which has been introduced to Congress presents itself, and

Whereas the Kansas Association of Student Financial Aid Administrators believes in and is committed to the optimal use of funds that may be used to meet deserving students' needs.

Be It Therefore Resolved by the Kansas Association of Student Financial Aid Administrators that Congress be urged to proceed with all due expedition the passage of such amendments that provide for:

(1) Institutions to borrow student loan funds from the Commissioner of Education as an alternative to receive Federal capital contributions that must be matched

(2) Work-Study assistance to students being used as matching funds for Educational Opportunity Grants.

(3) Federal funds for Work-Study to be scheduled on a 80%–20% ratio

(4) Students being able to work 40 hours a week on the Work-Study Program while attending summer classes and (5) Other provisions that will provide students and their institutions the ways and means to plan effectively for the future growth and development of their State, Nation, and their resources.

OPPORTUNITY CRUSADE—SUBSTITUTE FOR THE WAR ON POVERTY

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. GOODELL] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. GOODELL. Mr. Speaker, Mr. QUIE and I and other Republicans will soon be introducing an "oportunity crusade" for the poor. This will be a complete substitute for the languishing and confused war on poverty.

The opportunity crusade involves total Federal expenditures of $1.7 billion, $300 million less than President Johnson's budget proposals. By involving private industry and States in the opportunity crusade for the poor, a total of $2.4 billion would be available "to revive the hopes and realistic aspirations of tired, cynical, and hopeless prisoners of poverty."

The opportunity crusade builds upon the solid foundation of a free-enterprise economy. By providing realistic incentives for private employers and individuals to develop on-the-job training programs, it also offers respectable and productive jobs, rather than dead end, make-work, public employment. Participants in jobs or in training under the opportunity crusade number 1,475,350 as compared to 423,000 under the administration of the war on poverty.

The opportunity crusade would completely dismantle the Office of Economic Opportunity under Sargent Shriver, eliminating or redirecting existing programs. The community action phases of the poverty war would be transferred to the Department of Health, Education, and Welfare. Job Corps would be replaced by residential skill centers administered by vocational education officials.

Other new proposals by the Republicans include:

First. An industry youth corps in which youths 16 to 22 would be offered private productive employment and on-the-job training. The Federal Government would pay 25 percent of enrollees' wages for 1 year under conditions that offered promise of long-term employment.

Second. Expansion of Headstart and a new Early Years program for poor children up to third-grade level.

Third. New military career centers under the Secretary of Defense for volunteers who are otherwise unable to meet Selective Service requirements for military service.

Fourth. Convert the present in-school neighborhood Youth Corps program into a major work study program for youngsters likely to drop out of high school for economic reasons. The program would be transferred from the Labor Department to the Office of Education, and be expanded to include part-time employment in private industry. Funds would be made available on a 50–50 matching basis for local schools to hire a coordinator to counsel, test, and, find appropriate jobs for needy students.

Fifth. A new State bonus program would be offered to encourage States to contribute up to a total of $200 million, matched by the Federal Government, to supplement community action and Headstart programs.

Sixth. VISTA, the so-called domestic peace corps, would be supplemented with a new "Hometown VISTA" to enlist local volunteers in the opportunity crusade for the poor.

Seventh. States would be brought in as partners in the opportunity crusade and all earmarking of community action funds would be eliminated.

Eighth. Employment services would be automated to provide high-speed, reliable joining of individuals with available jobs.

Ninth. A long overdue national skill survey would be made to pinpoint the thousands of skilled jobs for which qualified applicants cannot be found.

Tenth. Tax incentives would be given employers by a new Human Investment Act to encourage hiring and training of the unskilled.

Eleventh. The elderly and retired, who can be accurately characterized as the "forgotten poor," will be permitted and encouraged to work and obtain a livable income without loss of social security benefits.

Although the opportunity crusade would spend $300 million less than the President's poverty program, funds for new Headstart and unearmarked community action would be substantially above the President's proposal. Because of private and State involvement, more needy people would be reached and helped by the opportunity crusade at the $1.7 billion expenditure level than by the faltering, misfiring war on poverty at the $2 billion expenditure level.

The war on poverty is in desperate need of major redirection. It should not be eliminated, it should be revamped and put on a realistic basis. Only a small percentage of the poor have received meaningful assistance as a result of the billions of dollars in the present war on poverty. After 3 years, the poverty war has spent $4 billion of the taxpayers' money and created a poverty bureaucracy of 91,000 administrators. The poor have lost faith in the high promises of those who thought they could solve difficult problems by simply spending billions of dollars through a new poverty agency in Washington. If the administration fails to take the drastic steps long overdue to overhaul completely the present poverty war, Congress may well repeal the entire program and the good will go down with the bad. The plight of the poor in America today is a growing and major crisis that must be met realistically. The opportunity crusade, by reinforcing and redirecting portions of the poverty program with good potential and by starting new innovative programs, will revive the hopes of the poor and the confidence of the American people.

Following is a chart comparing opportunities and expenditures available through the opportunity crusade with those under the war on poverty:

Program	Total opportunities		New Federal authorization for opportunity crusade	Total funds for opportunity crusade	Budget proposal for war on poverty
	Opportunity crusade	War on poverty			
Job Corps	43,350	38,000	$230,000,000	$230,000,000	$295,000,000
Skill centers	(31,350)		(190,000,000)	(190,000,000)	
Military career	(12,000)		(40,000,000)	(40,000,000)	
NYC work study	1,295,000	295,000	140,000,000	202,000,000	321,000,000
In-school	(295,000)		(115,000,000)	(152,000,000)	(1)
Coordinator	(1,000,000)		(25,000,000)	(50,000,000)	
NYC work training	107,000	60,000	100,000,000	320,000,000	
Out-of-school	(13,500)		(30,000,000)	(40,000,000)	
Industry Youth Corps	(93,500)		(70,000,000)	(280,000,000)	
Community action			550,000,000	762,500,000	808,000,000
Total versatile unearmarked funds			(550,000,000)	(762,500,000)	(443,000,000)
Urban CAP's			(243,000,000)	(303,750,000)	
Rural CAP's			(207,000,000)	(258,750,000)	
Bonus			(100,000,000)	(200,000,000)	
Total present earmarked—Nelson-Scheuer, special impact, legal aid, health centers			0	0	(365,000,000)
Headstart			575,000,0000	793,750,000	472,000,000
Preschool			(340,000,000)	(425,000,000)	(337,000,000)
Early years			(135,000,000)	(168,750,000)	(135,000,000)
Bonus			(100,000,000)	(200,000,000)	
VISTA			26,000,000	26,000,000	31,000,000
Migrant and seasonal workers			27,000,000	27,000,000	27,000,000
Rural loans			2,500,000	2,500,000	2,500,000
Work experience			70,000,000	70,000,000	70,000,000
Automation of job opportunity data			20,000,000	20,000,000	0
Skill survey			5,000,000	5,000,000	0
Administration			0	0	16,000,000
Other funds			0	0	17,500,000
Total			1,745,500,000	2,458,750,000	2,060,000,000

[1] Total New York City.

THE OLDEST AND MOST DECADENT FLEET IN THE MARITIME WORLD

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. GOODELL] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. GOODELL. Mr. Speaker, the neglected and scandalous state of the American maritime industry has been vividly portrayed by Helen Delich Bentley in an article which appeared in the April 7, 1967, issue of the Baltimore Sun.

In her exposé on the present condition of the American merchant marine fleet, Mrs. Bentley makes a startling and embarrassing assertion: the most wealthy and powerful nation on earth, the United States, has the "oldest and most decadent fleet in the maritime world."

More than just feeling a twinge to our national pride, the United States should be concerned with what effect this predicament has on our national security and our ability to fulfill our military commitments.

Exactly 1 year ago, the House Republican Policy Committee issued a statement to alert the America public to the crisis in our shipbuilding efforts and subsequent sealift capabilities. At that time, House Republicans called upon the administration to initiate corrective steps in order to avoid what well could prove to be a disastrous situation. Recently released reports by appropriate congressional committees have justified this skepticism and concern.

Mr. Speaker, it is with the hope that this lucid illustration of the facts will prompt the necessary action to, if not eliminate, at least minimize this serious situation that I include the following article by Mrs. Bentley:

LIBERIAN, UNITED STATES SHIPS SAD CONTRAST

(By Helen Delich Bentley)

YOKOHAMA, JAPAN.—It was a dismal, rainy day with peasoup fog enveloping the outer reaches of Yokohama Harbor. One could still see from one nearby pier to another and one end of the long piers to the other.

The atmosphere was filled with irony as well as thick clouds of mist.

BLACK PAINT GLEAMED

Looming high alongside the outfitting dock was a proud, spanking new 96,000-deadweight-ton tanker, rising majestically some 60 feet from the waterline to her shiny spotless deck.

The new coat of black paint gleamed on her hull, which extended for several football fields in length. Even through the thick haze, the white decks shone.

Climbing up the long gangway, reaching from the pier across 20 feet of water and up to the deck, was a feat in itself. Anyone

concerned with heights would undoubtedly panic upon looking down from the aluminum gangway to the black water far below.

A "BABY" TANKER

One couldn't help but wonder about the difficulties a pilot must encounter climbing up and down a jacob's ladder on the new breed of sea giants when they are sailing without cargo, and their full height rides above the water line.

The melodic name of the 96,000-tonner—a "baby" tanker by today's standards since 300,000-tonners already are under construction and 500,000-tonners are in the planning stage—is the Allegro. Therein lies the irony.

The Allegro was built by Basil Goulandris, a prominent Greek shipowner who at one time had substantial interests in American-flag ships but has since sold them.

Goulandris built the ship for a long-term charter to an American-based oil company, Esso. That charter not only would assure the Greek owner full payment on the cost of the vessel but also a profit.

TWO AMERICANS THERE

Since on that particular day the ship was being turned over to her owners by the shipyard, the Ishikawajima-Harima Heavy Industries Co., Ltd. (referred to in Japan as I.H.I.), it meant her flag was to be raised with pomp and ceremony.

Therefore, some ten Japanese officials of I.H.I. lined up on the port side of the stern opposite all of the Greek officers who were to sail the ship. Standing in the center were some Greeks, Japanese, and two Americans.

When everybody was dutifully standing at attention, a record player was turned on and the strains of the Liberian national anthem came out loud and clear. As the music began, Chief Mate John Koukis slowly began raising a red, white and blue flag—that of Liberia.

TIMED PERFECTLY

He had practiced his timing perfectly so that as the anthem finished, so, too, had he completed his task of pulling the Liberian flag to the top of the halyard.

As the music ended and the one-star flag waved in the breeze, the Spectators clapped, marking the addition of another modern, gigantic ship to the fleet of the African nation.

And then somone pointed over the side to a rusty, sad looking freighter moored at the nearby repair pier. She, too, was flying a red-white-and-blue emblem, but her blue field containing 50 white stars. This seemingly neglected rustbucket, in which two men had recently been asphyxiated, is part of the American merchant marine.

The 27-year-old vessel, of World War II vintage, like the rest of the obsolete American-flag fleet is still struggling to keep vital American commerce and goods flowing.

SAME FOR 85 PER CENT

Eighty-five per cent of the American merchant marine is in the same decrepit patched-up condition, with their owners wondering how much longer they can keep these vessels going.

Where the Liberian-flag Allegro has an automated engine room, ample recreation rooms, a swimming pool, and even an elevator leading to the engine room, the American-flag ship's machinery is so old and worn that it is difficult for her owners to keep her sailing without extensive expenditures for repairs. The crew quarters on none of the World War II vintage vessels are anything to write home about, and the old engineers who have been called back to help keep the pipeline to Vietnam going find it so demanding to try to keep these vessels going that heart attacks are increasing and the men are aging faster than ever.

Liberia, the small African nation, has the world's largest and most modern fleet of merchant vessels.

The wealthy United States, which seems to have abundance for every other nation, has the oldest and most decadent fleet in the maritime world.

EMPTY SEAT IN THE CLASSROOM

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. KEITH] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. KEITH. Mr. Speaker, in these troubled times when we hear constantly of death and horror in southeast Asia, we tend to overlook the truly horrible slaughter on our highways. Every year the death rate on our highways far exceeds the death rate in Vietnam. Innocent people are murdered indiscriminately on the highways, whether they are newborn babies or aged grandparents. How can we prevent this massacre?

American Trucking Associations is doing its part to cut down the tragic highway toll. Because of education and constant safety awareness, truck drivers have a good safety record. They are trained to drive safely and to maintain their vehicles in top condition.

For 12 years American Trucking Associations has held an annual newspaper safety writing competition and has awarded prizes comparable to the famous Pulitzer awards.

This year a distinguished resident of my district, Mr. Everett S. Allen of the New Bedford Standard-Times won a $1,000 first prize for his editorial, "Empty Seat in the Classroom." Mr. Allen's editorial is a frightening and realistic account of the aftermath of an accident which claimed the life of a young man. It describes the shocked reactions of the victim's classmates, their horror at sudden death in their midst.

Mr. Allen has been a journalist for more than 30 years with the Standard-Times, and the clear and concise writing in his editorial has great impact.

American Trucking Associations is to be commended for attracting the Nation's attention to outstanding articles such as Everett Allen's. Readers of Mr. Allen's prize-winning editorial will find themselves driving more carefully. Perhaps lives will be saved.

Everett Allen's article from the Standard-Times of New Bedford, March 27, 1966, is as follows:

THE PRESENT TENSE: EMPTY SEAT IN THE CLASSROOM

(By Everett S. Allen)

In the newspaper of the night before, they all had seen the Page 1 picture of the wrecked automobile, twisted junk slammed against a tree, and they knew precisely how long the police said the black skid marks were, the final signature he had made in the last seconds of life.

At school the next day, in all the classrooms to which he had gone, they filed in awkwardly, looking furtively and reverentially at the empty desk. Between classes, it was virtually the only subject of conversation, because none of them was 20, and death, striking close at hand, was unbelievable, frightening, and exciting.

"You knew Mildred was supposed to have been with him," said the blond with leotards, "only at the last minute she decided not to go?"

COMING CLOSE TO DEATH

"No, was she?" they gasped appreciatively, and huddled closer about the water bubbler to savor this, because Mildred was in their classes, too, and very much alive on this blue and bright morning, and he was not.

To think of coming so close to death; if she had said yes, instead of no, and you could see them turning it in their minds.

Some of them had been to the funeral parlor.

"You know why the casket's closed?" asked the boy who won his letter in track, "When that heap stopped, he kept right on going." One of the girls grimaced, remembering how his dark hair had been strong and thick, and the whiteness of his teeth when he laughed, and that he had asked her to dance.

The band had played George Hamilton's "Long Black Limousine," and he had grinned, and slapped his fist on his open palm in time, because he liked everything about cars. It was awful to think about . . . it was too awful.

"Did he know anything about it, I wonder, when he was—going through the air?" asked the pale boy who got A's in mechanical drawing.

"No," they said in a chorus. They did not want to believe that he did; they thought probably the last bad second was before he was hurt at all, when the rear end started to swing, and the rubber was squealing, when the heap leaned into a sickening roll and he knew this time it wasn't going to come back up, and the big thick trees, dark and ugly, were almost in his face.

"There was a farmer," said the football player, "who lived more than half a mile down the road. It woke him up. He said he thought it was a dynamite blast. When he got there, it was all burning."

"Well, his father told him not to take the car," the brunet with the white sweater interjected. "I don't mean to sound cruel, but he shouldn't have been there anyway and if he'd been where he was supposed to, it wouldn't have happened."

They weighed this quite carefully because it had the ring of cosmic justice, but it did not satisfy all of them.

The girl with the history notebook said, "I don't think . . . I mean, if you believe in God, I don't think God would do a thing like that just because somebody was, you know, doing a small thing like that."

The three-letter man commented, "I don't think God had anything to do with it. I think when it's your time, it's your time. That's all. That's the way I live. That's what I think about getting drafted. Don't fight it."

One of them, who had been in the same class with the dead boy since the 1st Grade, who had lived across the street from him for all these years, had gone to the house last night, had mumbled something agonized at the boy's mother, clutched her hand, and fled. Today, he walked from class to class, mostly silent, but he had told them a little.

SHE HAD SOME PICTURES

"His mother was crying all the time. Her face was all swollen up from crying. She had some pictures of him on the kitchen table, and she was crying all over them, and you couldn't hear what she was saying very well, because it was as if she were choking. And the pictures she had weren't even the way he looked but they were all when he was little.

"And his father looked like an old man; his clothes looked too big for him. All he

said was 'Seventeen years. He got through pneumonia. He was a smart boy. We had some of the money saved for college. What'll we do with it now? We'll bury him with it, and buy a nice stone with his name . . .' and he couldn't talk anymore."

"I can't believe it," said the blond with leotards. "I just can't."

"Well, you've got to take care of your car," the red-faced junior offered. "Check it all the time, especially the front end. So you can count on it. And some guys think they're better drivers than they are."

They looked at the empty classroom seat once more, and walked slowly down the corridor. Outside, protesting tires squealed as somebody rounded a corner and they looked at each other, but said nothing.

SOUND MONEY

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. WYMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. WYMAN. Mr. Speaker, there is no substitute for sound money. Fiscal policies that take us away from sound money are against the people.

For years fiscal irresponsibility has characterized the fiscal policies of the present administration. It was preceded by similar policies in the administration of the late President Kennedy. Even under the 8 years of President Eisenhower's leadership, there were but 3 years in which the budget was held in balance.

If the Government was to be operated at a deficit equivalent to the cost of the Vietnam war, it might be excused as an extraordinary cost of war. But this is not the case. This Government is currently being run at a wild and reckless deficit. It is a deficit that this year added to the cost of the Vietnamese war—is likely to exceed $20 billion.

No attempt is made to confine requested appropriations to anticipated revenues. The Bureau of the Budget has approved departmental requests in excess of projected revenues time and again with a war on to boot.

The Congress itself, acting through its Appropriations Committees, has not required receipt of a prior estimate of revenues. It does not demand that its Appropriations Committees should confine their recommended appropriations to projected revenues. It has no legislative budget, and it fails to even require its separate subcommittees to operate within a cohesive overall plan. They separately go merrily on their separate way.

It is a fundamental that the best cook in the world cannot cut more pieces from a pie than there are materials in the pie. It is basic to sound money that the Congress should not permit the continued overspending of the Federal Government beyond its revenues.

No matter what administration does this, it should be halted whether the administration at 1600 Pennsylvania Avenue is Republican or Democrat.

The bus of state is very close to the cliff of insolvency. It is up to us here in the Congress to bring it back, to protect the people, to guard those who have savings, those who are on fixed incomes, and the future of our children. In this connection, the editorial by David Lawrence in the U.S. News & World Report issue of April 17, 1967, puts the question in the proper context. I commend it to the careful reading not only of the Members of this great body, but to all citizens interested in placing responsibility for inflation where it belongs.

CHEATING THE PEOPLE

(By David Lawrence)

Governments since ancient times have depreciated the value of the monetary unit in order to get more money to spend and to make pretended payments on debt—but this custom has not become honorable because of its age.

The American people today are suffering from the effects of a continuous inflation. Their savings are being reduced in value. While money loaned is repaid in the same number of dollars, the purchasing power of each dollar is cut down every year.

Individuals who have invested in bonds or who have put their money in savings and loan associations or in savings accounts in banks, find themselves, after a few years or even months, to have been, in effect, short-changed on what they can buy with their dollars. This is also the experience of those persons whose contractual claims are payable in fixed-dollar amounts such as life insurance, annuities or pensions.

At the end of the year 1966, for example, individuals who have been accumulating the aforesaid types of assets had an estimated $770 billion in such savings. But each price rise of one per cent has reduced the purchasing power of these savings by $7.7 billion.

Last year the cost of living went up by 3.3 per cent, which meant a loss of $25 billion to the nation's savers. Persons living on pensions and workers whose paychecks did not rise also suffered a loss in buying power.

During the past 15 years—according to the Government's own figures—the cost of living has increased. This has curtailed the purchasing power of the dollar by 20 per cent, and we now have an 80-cent dollar as compared with the 100-cent dollar of 1952.

The price rise over the last decade and a half has affected various types of savings in different ways. Each $1,000 deposited in a bank in 1952 has today a loss of $200 in buying power. Although the annual interest on $1,000 in a savings account has gone up from $25 in 1952 to $40 today, it will be found that, in terms of current purchasing power, the real gain in interest is $7 rather than $15.

Bond investors have been hurt even more by the inflation than have persons who placed their money in the deposit-type of savings. Interest rates, of course, on bonds already issued do not change. A corporate bond, for instance, with a 3 per cent coupon, bought in 1952 for $1,000 will pay that same amount of interest until maturity. But when the bond itself is redeemed, the $1,000 will not buy what it did in 1952. Instead, the investor will receive the equivalent of only $800 in buying power, and the $30 annual interest will buy only as much as $24 bought in 1952.

Owner of long-term bonds, moreover, face disappointment if they wish to dispose of their holdings in advance of a maturity date. A corporate bond bought in 1952 for $1,000 which still has 20 years to run before maturity may have dropped in its market price to $750. This is because the low interest rates of yesterday are out of line with the higher interest rates of today. If the investor needs to convert his bond into cash, the $750 he receives will buy only the quantity of goods that was available 15 years ago for $600.

The same problem also confronts investors in federal or State or local bonds. Even savings bonds, which do not fluctuate in price and offer to small investors an advantage over marketable bonds, are subject to the hazards of inflation.

The Government's "E" bonds has been widely bought, and in fact $43 billion's worth are held by the public. Such a $1,000 bond—purchased in 1952 at a cost of $750—can be cash in now for $1,215. But this will only buy as much goods and services as could have been obtained 15 years ago for $972. Inflation, therefore, has eaten up $243 of the accrued interest, or cut approximately in half the yield on the investment itself.

Investors, however, in such assets as common stock or real estate have fared better. For, in the average case, $1,000 put into common stocks 15 years ago now has a value of $3,800 in the market. This gain far exceeds the rise in living costs. The tendency, therefore, has been to divert funds into common stocks and various types of physical assets, and count on possible appreciation.

Even this is by no means an absolutely safe formula. For history tells us that when government finances become unstable, the public loses confidence in the policies of an Administration which keeps on spending more and more money in excess of revenues collected each year. There usually ensues a collapse of stocks, too, in what is called a "panic" or "depression."

The lesson that all this teaches us is that a "managed economy" can be mismanaged, and that debt-ridden governments which preach the doctrine that deficit-spending is healthy are soon or later confronted by economic disaster.

People can be cheated some of the time, but not all of the time. In the long run, they become convinced that there is no substitute for policies which are dedicated to sound money.

THE SOCIAL PROBLEM SOLVERS AND FUTURE PLANNERS ARE RUNNING AMUCK

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. FINO] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. FINO. Mr. Speaker, sad as I am to say it, the squirrels are climbing down from the trees and finding happy homes in the ivory towers of the Federal Government. I suggest that the Members of this House read the following two articles from the New Republic. Frankly, I was shocked by them.

The first article entitled "The Future Planners" is taken from the February 25, 1967, issue of the New Republic. Written by Andrew Kopkind, the general gist of the article is that the Federal Government is getting itself into the business of future-planning with a pronounced socio-experimental bias. I seem to recollect having told this to the House last year. Mr. Kopkind says that—

The Administration is intrigued by all the activity, but cautious lest public opposition develop before a lobby for future-planning can harden its lines.

Mr. Kopkind goes on to describe how leftwing radicals "see future-planning as

a backdoor to democratic socialism; they cannot figure how to get in by more overtly political means." I strongly suggest that the Members of this House read this article to see what the latest word is from the ivory towers of the Left. Before long, I imagine the Department of Housing and Urban Development will suggest that American residential patterns be planned by integration-programed computers.

The second article is another bomb. Written by James Ridgeway, it appeared in the April 8, 1967, New Republic under the title "Program Solvers." Reading it, I was not surprised to find that our asinine Pentagon is training soldiers to fight in Vietnam by means of games. The Department of Defense has given Abt Associates of Cambridge, Mass., a fat fee to produce a game called "Agile-Coin" in which players in different tents represent insurgents, government forces, and villagers. This game is being used to train U.S. soldiers in Fort Benning, Ga. No wonder we are losing in Vietnam. The order for this game was placed by the Pentagon's Advanced Research Projects Agency, one of McNamara's mathematical monstrosities. We cannot afford to play games in Vietnam. I am waiting to see how Secretary McNamara can computer-program Vietcong boobytraps. Maybe our war effort would pick up if the Secretary stepped on one such boobytrap.

Mr. Speaker, admirers of the poverty program will be delighted to know that the social problem-solvers have also produced a game called "Urb-Coin" which features Government players and insurgent players wrestling for sociopolitical control of U.S. cities. The game includes "bomb cards," presumably all in fun. Then there is "Raid," a game about a protection racket in the slums. This was a natural for the poverty program, which is a racket itself.

Last but not least, Mr. Speaker, there is a new transportation game being drawn up. According to Mr. Ridgway:

Abt plans to run the final play of this game within the next couple of months, and the company hopes to heighten the reality by getting senators and congressmen and industrialists to represent themselves.

I am sure that supporters of the demonstration cities program will look forward to this new demonstration opportunity. I can hardly wait to see the Members of this House acting in games for the social planners. After all, we passed the demonstration cities program, did we not?

[From the New Republic, Feb. 25, 1967]

THE FUTURE-PLANNERS

(By Andrew Kopkind)

While you and i have lips and voices which are for kissing and to sing with who cares if some oneeyed son of a bitch invents an instrument to measure Spring with?

—E. E. CUMMINGS, from *Is 5.*

With the growth of the complexity of society, immediate experience with its events plays an increasingly smaller role as a source of information and basis of judgment in contrast to symbolically mediated information about these events . . . Numerical indexes of phenomena are peculiarly fitted to these needs.

—ALBERT D. BIDERMAN, from *Social Indicators and Goals.*

An editor of *Fortune* calls it "the greatest advance in the art of government [in] nearly a hundred years." Michael Harrington says it is "one of the most radical suggestions put forth by a responsible body in our recent history." An antipoverty official in Virginia fears it is the road to "a full-fledged socialist state"; a socialist teacher in Chicago fears it is not. Tom Hayden, the organizer in Newark, calls it "a new barbarism."

What "it" is that so excites some and horrifies others turns out to be not one thing—or at least nothing for which there are words or concepts in common usage. Rather it is a collection of vaguely related political and intellectual happenings that have to do with new ways to analyze, anticipate, and control the social environment. Involved are elements of old-fashioned central planning and new-fangled futurism; but the participants are more than planners and less than utopians. They are a new genus of social actors, something between politicians and technicians. For the most part, they do not want to push the buttons of the computerized society themselves; they are not technocrats. Instead, they would like to tell whomever is in charge which buttons to push. They dream of using social science instead of pressure politics to solve the nation's problems. Professor Bertram Gross of Syracuse, one of the few men in the business who tries to relate all the happenings into a coherent social movement, calls the new breed "technopols." But a simpler definition describes what they do: plan for the future.

Future-planning is in many ways the most fascinating, and certainly the most fashionable thing to be doing this year in both government and the social sciences. There are a dozen or so public and private panels, task forces, editorial boards, and seminars engaged in it. The Department of Health, Education and Welfare has quietly assembled a technopol pool under Assistant Secretary William Gorham and the Columbia University sociologist, Daniel Bell, to explore the possibilities of a "social State of the Union" report. The American Academy of Arts and Sciences has two future-planning projects under way: a "Commission on the Year 2000" (the work will be published in *Daedalus*), and a shorter-term panel on the year 1976. The American Academy of Political and Social Science will publish two special issues of its *Annals* this year on "Social Goals and Indicators for American Society," and the chapters are being discussed this winter in a series of seminars conducted around the East Coast by Bertram Gross. The new planners have an international network: the UN runs a small future-planning operation in Geneva. Last year, future-planers from several countries met in London to set up a continuing project called "Mankind 2000." In Washington, a World Future Society is in the process of formation. Hundreds of private profit-making and nonprofit companies and foundations, taking off from the RAND idea, are in the future-planning game.

"It's an idea whose time is coming," former Assistant Secretary of Labor Daniel P. Moynihan said recently. Politicians of the more conventional stripe are beginning to see a wave in the future. Democratic Senators Harris of Oklahoma and Nelson of Wisconsin have bills in Congress seeking federal support, in one way or another, for future-planning. But the biggest political boost came earlier this month when Senator Walter Mondale of Minnesota introduced legislation to set up a Council of Social Advisers in the White House, authorize an annual "Social Report" to the President, and establish a Joint Social Committee of Congress to oversee the whole thing.

The Administration is intrigued by all the activity, but cautious lest public opposition develop before a lobby for future-planning can harden its lines. "Planning" still evokes fears of creeping socialism or rampant New Dealism (although most future-planners are ideologically distinct from both doctrines), and both the regular politicians and the technopols keep their eyes trained on the right for signs of attack. But the idea remains attractive. "If the war on poverty turned out to be money without progress," a sociologist said the other day, "this could be progress without money." Presidential Assistant Douglas Cater is the liaison with the future-planners, but he is not overly busy with the task. By and large, future-planning is still directed at the Administration, not by it.

If the technopols have their way, that will not always be the case. They assume that government must increasingly intervene to reform the social structure. But they see that the government is unable either to define its social goals or evaluate its performance in any scientific way. Definition and evaluation are inextricable. For an example, there are no reliable statistics on crime in the US; the FBI totals illustrate the basic law of statistical method—feed "garbage" into computers and you get "garbage" out. There is no way of telling whether methods of prevention and correction do any good, and no idea at all of the precise relationship of presumed "causes" to crime. In effect, the government has no concept of what the "crime problem" is, and at least until publication of the National Crime Commission's report, could develop no relevant anti-crime goals. "Making the streets safe" and such statements are not considered goals at all, but idle wishes or subjective metaphors. A few measurements have been taken of crime, but no significant correlations have yet been drawn. The state of the art was classically described by Groucho Marx; leaning over Harpo's prostrate form and groping for his pulse, Groucho declared, "Either he's dead or my watch has stopped."

SOME STICKY PROBLEMS

An impressive body of economic indicators, goals, and models has been constructed to show the state of the nation's economy and make policy objectives possible. The future-planners like to remind skeptics that it was not until economists measured unemployment that a distinct "unemployment problem" was recognized, and goals set for its alleviation. Now, federal economists aim for certain levels of employment and use their indicators to rate success toward that end. The Council of Economic Advisers watches over a sophisticated set of national accounts, which give a fair picture of where the country stands in terms of prices, income, steel and car production, movement of goods, investment, construction and the like. The economists use the data (weighted with their own ideas of what's good) to set economic goals. If things begin to go awry—if there are indications of inflation or an unemployment rise—the CEA will advise the President to take whatever steps he can to make the accounts come out even again.

But that is not always easy, and in fact even the economic indicators are inadequate (price indices do not take note of quality changes, for instance), the goals too obviously based on the economists' values, and the power to "fix" the economy really rather slight. Sticky problems on which there is no consensus—such as the maldistribution of wealth—are left unfixed.

Nevertheless, to a race of underprivileged behavioral scientists, the status, influence and political power of the macroeconomists are objects of consuming fascination and some envy. Economic data are *hard*; economic manipulation *works*. Would that the same could be said for psychology, sociology, political science and the rest. As tokens of their esteem, the behavioral scientists choose the terminology of economics and the "harder" physical sciences and mathematics. They throw around phrases like input/output,

feedback, entropy, synergism, symbiosis; as if by adopting the symbols of science they could achieve it.

But they know too that the emphasis on economic accounting in governmental planning has excluded crucial social considerations. There is altogether too much talk about Gross National Product and too little about happiness, culture, integration, participation. Bertram Gross calls the obsession with economic forces "the new philistinism."

Gross' hobby-horse is a national system of social accounting, in which aspects of the "quality of life" would be tallied along with the facts of the economy. Ways will be found to work with data on health, social relations, crime, aspirations, art and culture, conflict, mobility. In a long and difficult chapter in the anthology, *Social Indicators*, Gross outlines his ideas on the possibilities for social accounting. He concludes that it is an inevitable development.

Laymen may find social indicator prose rough going and the tables and diagrams unfathomable, but a popular statement of social accounting was made by Michael Harrington two months ago in *Harper's*. His formulation of social accounting is rather simple: translate social values into economic terms (or devise a common unit for social and economic values), list the benefits on one side of a ledger, and balance them off against the social and economic debits on the other side. Thus, on the sheet for "highways" might be the benefits of mobility, convenience, supply and defense capability, employment in the construction trades, and so forth. On the debit side might be urban disruption, natural resource wastage, accident potential, car proliferation, and eyesore intensity. Anyone who has had a few years of the new math should be able to tote up the figures and arrive at a national highways policy. What is so *different* about future-planning is its assumption that the lack of information and not the conflict of interests is at the bottom of society's problems. Some of the planners (Gross in particular) question that approach, but despite their arguments the overall effect of future-planning seems to downgrade the importance of conflict. What is so *new* is the expectation that methods will be devised to supply the needed information.

A Washington economist recently explained what social indicators were all about by reducing the notion to an absurdity. He fantasized a scene in the Council of Social Advisers one day in the mid-1980's:

"Dan Bell is idly watching the Dow-Jones societal wire (formerly the business wire): 'Consumer Indignation Index down .04 percent. . . . Black Power Ratio steady, two percent drop in hair-straightener sales offset by two percent rise in empty seats at Miriam Makeba concerts). . . . Three youths from eastern Kentucky accepted at CCNY. . . . Participatory Democracy Determinant drops slightly (collapse of an antifluoridation organization in West Texas). . . . Cross Social Product extrapoliated to 789 by December 31.'

"Suddenly Bell calls excitedly, 'Mike, Bert, come here quick. The Native Restlessness Index has hit an all-time high!' The Advisers go into special session with their staff, then report their conclusions and recommendations to the President, who the next day asks Congress for emergency legislation to install a nationwide network of plastic swimming pools. He activates the National Guard, and calls a White House Conference."

BACK DOOR TO SOCIALISM

Much of the appeal of social indicators comes from the obvious parallel with economic accounting (Gross, as a young legislative assistant, helped draft the Employment Act of 1946 which set up the Council of Economic Advisers; he later served as its director.) There is a feeling among many radical and liberal reformers that no effective movement is likely to bring the kinds of change they want for the U.S. Harrington and a few others may see future-planning as a back door to democratic socialism; they cannot figure out how to get in by more overtly political means. But the diffuse background and predilections of the future-planners suggest that no common ground for a movement can be found. At one pole are the liberal and socialist humanists—Gross, Bell, Moynihan, Harrington, Leon Keyserling—who are more or less conscious of the values they want the indicators to indicate. At the other are the RAND-y systems analysts who take more pleasure in piecing together puzzles. In the middle somewhere are government officials who want to rationalize the bureaucratic process and be "effective."

The historical springs of future-planning are similarly diffuse. It has much in common with Fabianism and Keynesian economics, although there is no model for the social structure to compare with Keynes' construct of the economy. There is certainly some relevance to the concept of technocracy and managerialism. There is actually very little pure utopianism, which is "an absolute leap into the dark, the attainment of *the* one and only decent society—by people who have no power to bring it about," as one future-planner put it. Many of the new planners have been influenced by Bertrand de Jouvenal, the French political theorist who runs a social research institute called *Futuribles* (the name is a combination of *future* and *possible*). They also look to the urban planning experts who alone have physical models of "the future" to contemplate. Computer technology is not absolutely essential to social accounting, but the excitement computers have generated probably stimulates the urge to collect data.

But the most direct antecedent is the systems-analysis experience which began in the 'fifties and was brought to the government by Defense Secretary McNamara in the 'sixties. A Pentagon planner fixed the origins of the "corporate society" in the Korean War:

Major funds began to pour into research and development, stimulating the aircraft, missile and electronic industries. The rapid changes in R and D found government bureaucracy incapable of managing the complex weapons which technology declared possible, and the weapons system concept was born. The philosophy has spread throughout the economy."

PPBS — planning-program-budgeting-systems—flowed out from the Defense Department. Systems men set up the guts of the poverty program. HEW took it over and put one of McNamara's whiz kids, William Gorham, in charge. But the systems approach is restricted to more or less fixed programs—a Head Start, a weapons program, a health project. And it is concerned mainly with the efficiency of the program in economic terms—according to its pre-set objectives and values. Cost-effectiveness analysis will not indicate which Head Start organization in Mississippi gives Negroes a better sense of their community, which helps them share in politics, or which instills more dignity in the children. It will only tell which program has more enrollees, disburses more money, and creates jobs.

Social indicators are of a different order. They are meant to quantify the intangibles of quality, and feed them into the accounting. They deal with longer-term societal trends, and lead more directly to policy goals. A social indicator system for Mississippi might find ways to quantify pride, power, and communitarianism, and so formulate objectives and measure performance. The recent Coleman report on the effects of discrimination in education (reviewed by Christopher Jencks in this journal, October 1, 1966) was a partial model of what can be done with social indicators. But its field was narrow. The Moynihan report on "The Negro Family" is a better example of the uses of social indicators of continuing trends.

Post-industrial society (as Daniel Bell calls the current managerial, white-collared, technological state of affairs) creates the logic underlying, future-planning. A case in point is the development of the supersonic transport. The fantastic size, the money, the time span, and the complex government and corporate interests involved in the project forced planners to think about the future—what things would be like ten or a dozen years hence when people would (or should) be hurtling around the world aboard an SST. On only slightly less complicated levels, the biggest corporations must postulate demands and needs far into the future. Will the US use so many billion barrels of oil in 1985? Then Standard Oil had better buy Honduras, while the price is right. Better still, a combine of the government and an oil consortium should buy Honduras, for the sake of super-rational planning and permanent stability.

The power that industry's own future-planners have is immense. In an important way they can make public policy without feeling responsible to a popular constituency. The aerospace industry has tens of thousands of R and D technicians busily making models of the future and dreaming up ways for their corporations to profit by its exploitation.

The analysts build their futures-models, the companies fit their hardware to the models, the military men plan their strategies according to the available hardware, and the Administration chooses its foreign policy from the possible strategies. Along the way there may be some flexibility of choice: President Johnson can decide to go ahead with an anti-ballistic-missile program, or not. But by the time such choices are presented, many of the crucial alternatives have been eliminated. The R and D people at Lockheed, or wherever, have framed the key questions, even if they have not supplied the answers. Defense policies may be subject to some countervailing public debate, but industry's policies—oil reserve development, say—rarely if ever come into public view.

THE "CONTRACT STATE"

As the biggest purchasing agent in the U.S., the government has a special interest in seeing that its requirements are fulfilled. The Defense Department has dealings with some 17,000 subcontractors for its 12 weapons systems. Cost-accounting was obviously the only way to check on contract performance. But the "contract state" now encompasses more than military work. Increasingly, government agencies contract out to provide social services—education, job training, health care. Performance in such areas cannot be measured in purely economic terms (although they currently are). Social indicators are needed to judge performance standards. The contract state can hardly exist without them. Defense corporations are already at work analyzing the society's domestic needs, and trying to fit their production to them. James Ridgeway has pointed out in these pages how large companies are thinking about such projects as "new towns," which they would build and (perhaps) operate, for fun and profit. In California, a traditionally nervous aerospace industry has hedged against defense appropriations cuts by working up analyses of crime, pollution, transportation and Heaven knows what else, and selling both their models of the future and their plans for production to the state government. One company peered into its crystal ball and saw revealed an enormous number of Americans living at the water's edge (oceans, lakes, rivers, marinas, etc.) by 1990. It thereupon began to develop ways of producing or investing in the products the new race of amphibians will demand: boats, hydroponic gardens, waterproof paints. re-

suscitators, and the like. The future-planners can have it two ways: they can get in on the action early in a trend, and they can accelerate it by simply watching it, and doing a little loose talk on the side. They can even create huge markets. One government future-planner notes that RCA invested some $160 million in color television simply to create the market for it. In the same kind of way, the aerospace industry and military technologists created the "market" for the space race, by planning, and producing the hardware.

But model-building of future societies (almost all the planners like to "anticipate" a plurality of possible futures, rather than "predict" one specific future state) is only part of the work. It is the most fun, but also the least responsible. The serious, "scientific" future-planners are more concerned with the methods of developing social indicators, and the ways in which they will be used.

Here the most troublesome problems arise. First of all, there is precious little data available on the operation of the society in a non-economic way. As a consequence, men like Gross, Raymond Bauer (a Harvard Business School professor who edited *Social Indicators*), and their colleagues have to spend most of their time working out methods for taking measurements. The process leaves more action-minded social critics frustrated and confused. A recent discussion of the crime problem among social indicator people, for instance, dismissed the questions of prevention and causation and focused on correction, because no one has the foggiest idea of how to develop indicators for causes, much less how to work them into a social account. Would data on an urban freeway system—which accelerates the flight to the suburbs and thus solidifies ghettoes—be an item in a social accounting of crime? The social accountants take such questions in their stride. The need for data is obvious, no one claims much expertise, and to oppose the science because of its primitive methods is termed "the new know-nothingism." But it is harder for the future-planners to get off the hook on two fundamental problems their work raises: who will use the information collected, and for what purposes?

"Information is a core resource," a New York sociologist said last week in a discussion of indicators. "We've got to help countervailing groups use the information. We have it in economics, but not in the social sciences. There could be a government monopoly on information." Professor Bauer tends to agree: "The data are more likely to be used by people at the top of the structure," he says. Gross points out that there is always conflict in social systems, and social accounting will not—and should not—eliminate such clashes. He sees the role of social accounting as an "effort to restore human values to a central position in man's thought and action."

"HUMAN VALUES"

There is no general agreement on "human values." But the people who frame the questions about the society and plan the future can easily, and unconsciously, inject their own values into the answers they receive. The Moynihan report was a good example. The assumption was that fatherless, mother-dominated families were a "bad thing." Information was collected about unemployment rates, the number of heads of households who were Negro females, education, delinquency, and other symptoms of pathology. The questions the surveyors asked were designed to find out how bad a thing it was. Such studies might be titled, "The Negroes—and what to do about them." The goals which could emerge from the collection of indicators would have to do with changing Negroes to make them conform to the model of a "healthy" family member. There might be other ways to pose questions about the condition of Negroes—for example, what is so terribly wrong with a social structure that produces racism, alienation, and gross inequality? But the policy implications of the answers to that kind of question might be too unsettling to consider. Moynihan's questions were certainly legitimate, and his data weren't at all inaccurate. The problem was that he and his fellow-surveyors were able to frame national thinking about race and poverty problems by their choice of questions. The danger is that government and corporate elites will monopolize the business of question-asking, and so manipulate the attitudes of the society they are pretending to serve as disinterested technicians.

Elitism seems to be built into the theory of social accounting. "It is an establishment position," Bauer says. "It involves amelioration of the present system, but it assumes that the system can be made to work." Future-planning serves the ideological needs of the "corporate state" to maintain itself by the manipulation of reform: not so much as to change basic economic and political relationships, but enough to take care of immediate needs. The technopols are supposed to keep the balance.

In the fifties, Daniel Bell (among others, many of whom are confirmed future-planners) proclaimed "the end of ideology" in America, and predicted its demise in the West. The theory was that ideology arises from conflict, and serious conflict (class warfare and systemwide defects) is forever resolved in the U.S. Furthermore, the ideological model of Marxism is discredited, and radicalism is a dead letter. What problems remain to be solved are non-ideological, and could best be dealt with by intelligent, humanistic technicians. The systems analysts, the technopols, the future-planners filled the bill perfectly.

Max Ways, of *Fortune*, no modest propagandist for "liberal corporatism," sees the future-planner's role as shifting "the politics of issues to the politics of problems." Under their tutelage, business and government will prosper, and the level of national morality will climb. As proof, he shows how the Secretary of Defense has allowed the US to avoid the twin immoralities of escalation and withdrawal in Vietnam. "McNamara, his systems analysts, and their computers are not only contributing to the practical effectiveness of US action," Ways wrote, "but raising the moral level of policy by a more conscious and selective attention to the definition of its aims."

Ways, Bell, Moynihan, Harrington and others suggest, perhaps without realizing it, that there is a definite ideology of technical problem-solving. It would indeed be "know-nothing" to batter down all attempts at data-collection and social accounting just to get at those ideological elements. Some of the formulators—Gross, Bauer, and Biderman—have no sharp axes to grind, and are open to arguments that their theories may be misused in practice. The "corporate state," "post-industrialism," "the contract state" or whatever US society is coming to, already tends toward elitism and a kind of totalitarianism. "The worst kind of dictatorship," Bauer said not long ago, after an evening's discussion of social indicators, "is the kind that give people what they want, the kind in which you can't tell you're being controlled." If that is one of the possible futures, it is too important to be left only to the planners.

[From the New Republic, Apr. 8, 1967]

SOCIAL PROBLEM-SOLVERS

(By James Ridgeway)

Abt Associates, Inc., of Cambridge, Mass., uses technology in attempting to solve complex social and economic problems. This is a relatively new sort of work, and to judge by Abt's success, it could become big business.

Two years ago Clark Abt, 37, quit his job as manager of Raytheon's Advanced Systems Department and went into business for himself. At Raytheon, Abt had tried his hand at applying technology to arms control research, but the government wasn't much interested and all in all the work was disheartening. Abt was intrigued with the possibilities of using technology in dealing with such problems as transportation and education, and since there was no opportunity for him to do this at Raytheon he took a gamble and started a research and consulting firm. To begin with he had two employees, and one small contract to help Educational Services, Inc. devise educational games for children. He soon got another small contract from the Pentagon which wanted Abt to do research in counterinsurgency.

These were meager enough beginnings. By the end of 1966, however, Abt Associates had gross sales of $560,000 and expect this year to reach $1 million. The staff grew from three people to 30, and Abt moved the office from a tiny clutch of rooms atop a machine shop on a back alley to a large new building. His business has shifted from the military to planning and the design of educational curricula for civilian government agencies and private industry. Most of this involves using techniques of mathematical modeling, computer simulation or human-player gaming.

Abt, who is both an engineer and political scientist with degrees from MIT and Johns Hopkins, does not care to be too closely linked with the fad in games. Nonetheless, the company uses games extensively, and its first major success came from designing several counterinsurgency games for the Pentagon's Advanced Research Projects Agency. The first of these was called Agile-Coin (Coin stands for counterinsurgency) and it sought to simulate some of the main aspects of the terror-phase of internal revolutionary conflict in a Southeast Asian setting.

Gaming gets pretty complicated, and the introduction to Agile-Coin helps explain what Abt set out to do: "If the problems of counterinsurgency could be described in terms of a small number of variables, like most physical processes, mathematical analysis could soon solve them. If the state of social science knowledge were comparable to that of physical sciences, in which most important variables and relationships can be defined quantitatively, direct mathematical analysis would possibly be more attractive than simulation.

"The situation now is that we must deal as best we can with a complex problem that has not been described in quantitative form. Simulation is one way of moving from the qualitative to quantitative, and from subjective impressions to objective analysis, theory building, experiment, theory correction, prediction and control. And that is the final objective of our applied research—control of insurgencies."

In Agile-Coin, actors represent insurgents, government forces and villagers. The insurgents and government forces are meant to knock each other off, at the same time gaining the loyalty of as many villagers as possible. For their part, the villagers try to keep losses down, stop the conflict as soon as possible and end on the winning side. In playing the game the actors can be spread around in different rooms, or, in an outside version, they use tents. In approaching a village in the game, the insurgent player is accompanied by Control; by flashing cards back and forth at the village player, the insurgent either is ambushed or admitted to the village. Once in the village, the insurgent can make deals, arrange an ambush, impress villagers into his service, or if he likes, assassinate the government's representative. All of this is accomplished by flashing cards and recording movements with Control.

Although Agile-Coin was constructed as a research tool to find out more about terror,

the military were excited by its educational possibilities, and used the game in teaching officers about counterinsurgency at the special forces school at Fort Benning, Georgia.

Abt made two other games about counterinsurgency. One was called Politica or Counter-Conspiracy. It is a simulation of internal national conflict in a Latin American setting. The players find out what can happen in a "pre-revolutionary" conflict—whether it results in democratic change, revolution or reaction. The third game, and perhaps the most popular of all, is Urb-Coin. It resembles Agile-Coin, but in an urban setting. Now, the government and the insurgents, often disguised as members of the population, wrestle back and forth for control of the city. The actors representing the people get white "chips," those from the government and insurgents have blue and red chips. The chips are worn around the player's neck in a "chiplace," (an Abt word). In addition, the belligerents get weapons chips and bomb cards they can show if they want to blow up something. Cheating is to be expected, but this can be embarrassing. Once, a Pentagon officer who had been invited to play Urb-Coin got so carried away with his role as a secret agent, that he hid his weapons chips in his shoes. He was disgraced when an Abt employee pinned the officer against the wall and pulled off his shoes. Urb-Coin is used in training military police at Fort Gordon, Georgia. A version of the game, called Raid, proved to be useful in catching the attention of youngsters in the Boston slums. Raid is about a protection racket in the slums. The youngsters choose sides, some playing members of the protection gang; others are cops who fight the gang; and the rest are slum dwellers whose main object is to avoid paying money to the gang and stay alive.

Abt is matter of fact about the games. In part he sees them as tools for social science research. On the other hand, games have had some success in schools, involving youngsters in learning and getting them to see different sides of a problem. From the standpoint of Abt's business, games serve as both a promotional device and an interesting way of putting across research. For example, instead of presenting a bank with a thick report telling it what to do about a training program, Abt gives the management a game which he helps them play. This way they learn to see some of the assets and liabilities of various kinds of training programs. They can pick and choose as they wish from a "menu" of strategies provided by Abt.

Abt has collected a diverse staff of people around him. Most are in their twenties. "The cost effectiveness of people in their middle twenties is unbeatable," Abt says. The staff has capabilities in mathematics, physics, systems engineering, computer programming, industrial management, economics, political science, sociology, anthropology, psychology, linguistics, history and fine arts.

The employees sell as well as manage. Part of the idea in running the company is to hire unusual people other firms wouldn't take and turn them into efficient managers. Average salaries are $12,000 and profit is made very much a part of the "reward system." "The more you produce the more you get" was the way it was described to me. Abt holds out the possibility of a salary increase every six months and gives year-end bonuses. The company's stock is held by the employees.

In pricing the work, Abt figures out the total man-months involved in a project, adds on cost and a fee of from 10 to 15 percent. In managing the research projects, he uses a computer to determine how many hours should be spent by each employee on the various projects each week.

The company now is engaged in a wide range of jobs, very few of them for the military. Last year Abt Associates designed an education system cost effectiveness model for the Office of Education. Now it is helping the National Science Foundation develop a way to measure the production of knowledge. The Foreign Policy Association has hired the company to make a game that shows the different foreign policy strategies that were available in dealing with the Korean war. Abt hopes professional actors will play this game on educational television; other games are to be serialized in trade magazines. The company is helping the First National City Bank with a curriculum for a new college the bank wants to open. It is designing curricula for Creative Playthings, CBS's educational subsidiary. And, for the first time, the company will make games purely for entertainment—games, Abt says, "a middle-class intellectual would like his kids to play."

A GAME FOR TRANSPORTATION

Abt does its selling in an offhand sort of way. Last year it demonstrated Agile-Coin, the popular counterinsurgency game, for 35 employees in the government, and this eventually led to a $50,000 contract from the new Transportation Department for a game to help explain some of the complicated economic and political interests that influence development of a new transportation policy for the Northeast corridor (Boston to Washington, D.C.).

The Abt people still are taking the kinks out of this game, but as Richard H. Rosen, the senior operations analyst at Abt described it to me, the game works something like this: Eighty different actors, representing different economic and political interests play for two days at simulating the economy and politics of the Northeast corridor. The objective of each actor is to come up with a plan that will benefit his interests. Nine rooms are required for play, three of them for negotiating.

Control has representatives in each room and they try to keep the game moving along. Thirty economic actors represent various business interests, such as the New York textile industry, the Providence jewelers, Connecticut and Massachusetts tool makers, etc. The communications industry actor is made to resemble the late Henry Luce. The economic actors lead off in the game, as they might in the "real world," by placing orders for raw materials and specifying how the goods are to be shipped. As the economic actors go through the motions of buying, manufacturing and shipping goods in the Northeast corridor, the data are run through a computer, and begin to show the transportation system bogging down. Each round of the game lasts about 40 minutes but with the help of the computer, the 40 minutes simulate a year's time (the game represents what happens between 1960 and 1980).

The economic actors become more and more frustrated as the computer shows them losing increasing amounts of money due to late or lost shipments. The businessmen actors look around for politicians to fix things up. Now the political actors, who have been sitting on the sidelines, begin to play. They represent all sorts of elected officials—senators, congressmen, mayors, heads of state legislatures—as well as representatives from political pressure groups, trade associations, conservation societies, state and local planning agencies. There is even a team of actors representing federal bureaucrats who squabble over who gets to do what.

Everyone is equipped with a scenario of his role, telling him how he would be acting in the "real world"; otherwise, the play is free, and as Rosen says, "the actors can negotiate, lie, steal, cheat, anything so long as it's in concert with their objective, which is to make a transportation plan that satisfies their own needs."

SENATORS WILL SIMULATE THEMSELVES

After five or six rounds of wheeling-dealing, the federal government calls a conference and presents a plan, which in the test plays was hooted down. More conferences follow, with state and local governments and other interested parties presenting different plans. The haggling drags on; under the game rules, a new plan must be agreed upon by the end of the first day of play. Rosen points out that in the "real world," one way to get political agreement is to wear down the participants. Thus, in the transportation game, the actors have to continue playing into the wee hours of the morning until they agree on a plan. This, says Rosen, "is a real simulation of reality." During the second day of the game, a computer is used to break down the general plan into details, and then it simulates the new system. The players watch to see how well it works.

The transportation game can be broken down to deal with regional problems. In one test play involving the states of Connecticut and Rhode Island, actors hammered out an interstate transportation plan. Basically the problem was how to get workers in Providence to jobs in Hartford. The participants agreed to build a high-speed rapid transit system from Hartford to Providence as well as a fast highway between the two cities. These measures would facilitate transportation of both people and goods. In addition, it was agreed that Connecticut should enlarge the Hartford airfield into an international airport, and a high-speed subway should be run from the center of town out to the airport. (The subway could interconnect with rapid transit systems coming up from New York and down from Boston.) To pay for much of this, Connecticut decided to float a bond issue. This was feasible, because the actors representing United Aircraft, based in Hartford, agreed to buy the bonds which offered a good yield. In addition, United, which makes aircraft engines as well as the high-speed railway equipment, stood to profit from the increased business. Rhode Island got some federal money to develop the Providence harbor, and more important, Connecticut promised not to develop the harbors of New London and New Haven, which might have competed with Providence. Thus Connecticut traded Rhode Island the rights to build a major seaport in exchange for a big air center.

Abt plans to run the final play of this game within the next couple of months, and the company hopes to heighten the reality by getting senators and congressmen and industrialists to represent themselves.

In the future, Abt would very much like to have the company open a new kind of school which he calls the "Free School." The children could start attending when they were three or four and would be free to pursue at their own pace subjects that attracted them. Abt is interested in getting children to teach one another and they would have a chance to do so at his school. Some of Abt's educational ideas may be put into practice in a somewhat different setting fairly soon. The company is discussing with the Office of Economic Opportunity the possibility of running a Job Corps camp in a large city. As Abt conceives this project, the corpsmen would remain in the community, living in refurbished tenements or houses. The youngsters would do much of the teaching in the camp, and would control its operation.

In using technology to solve social problems, Abt Associates, and companies like it, raise some unanswered questions. One is that this kind of enterprise can very well result in removing decision-making even further from the people, by taking it out of the hands of government bureaucrats and placing it in the hands of a new kind of in-

tellectual elite able to raise and solve political and economic issues. Abt tries to keep clear of this situation by insisting that his clients ask the questions they want answered; Abt won't ask the questions for them. But what happens when a client has a dubious political aim it wants put across? For example, the purpose of the Agile-Coin research was to provide the client, the Pentagon, with knowledge to control "insurgencies" in foreign countries. Abt says the company is "apolitical," but, this is hardly so; its politics seem to be defined by the interests of its clients, whether they are in the government or big business. Will technology result in making people's lives more free, or is it to serve a small group of managers in their manipulation of society? It will be interesting to see how this group of intellectual businessmen deal with this question.

REVENUE SHARING: A PROGRESSIVE WAY TO MEET PROBLEMS

Mr. WILLIAMS of Pennsylvania. 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. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. NELSEN. Mr. Speaker, I am today introducing a Federal revenue-sharing bill like that introduced by our distinguished colleague from Wisconsin [Mr. LAIRD]. I believe this bill is a progressive way to meet the problems and challenges of the future. It seeks to avoid establishment of an unresponsive supergovernment at the Federal level by providing more revenue to State and local governments for solving problems.

It is a truism, of course, that if more Federal tax dollars were left at home in the first place, a proposal of this nature would be most unlikely. However, this is not the case at present. Revenues needed for the support of good State and local government are being siphoned off to Washington at great bureaucratic cost. So it has become necessary to examine Federal revenue sharing as a means of redressing the present imbalance.

Briefly, this bill provides a 5-percent return of the Federal personal income tax to the States with no strings attached. The States could then use the money to help local communities solve priority problems.

The 5-percent return of the Federal personal income tax to the States would be allocated primarily on a population basis, though it would be weighted by a "tax effort ratio." Accordingly, those States with higher tax levels—indicating greater efforts to solve their own problems—would get a proportionately higher payment.

The bill also includes a tax credit section for individual taxpayers, permitting an individual to take a Federal personal income tax credit for all State and local taxes paid.

Mr. Speaker, among reasons for establishing some form of Federal revenue sharing is the fact that redtape, delays, and uncertainty mark today's Federal grant-in-aid approach, hampering the efforts of local communities to solve their problems.

A key complaint of State and local officials is that when they finally find out which Federal agency might be helpful, that agency turns out to have too many similar requests and too few funds to go around. Delays, paperwork, and the rejection of local projects result, while the problems go unsolved.

Moreover, the present comprehensive income tax system of the Federal Government, as I indicated earlier, has so eaten into available tax resources, the States and local governments find it almost impossible to raise extra money.

While it would be unrealistic to expect extensive revisions in our present system could be made overnight, the growing disillusionment of Americans with specialized grant-in-aid programs, designed and administered from Washington, indicates a fresh approach is needed. As a matter of fact, a recent national poll shows more than 70 percent of the American public favors a revenue-sharing program of some type.

For such reasons, I believe a revenue-sharing plan has merit and should receive consideration by this Congress.

THE LATE HONORABLE DR. A. L. MILLER

The SPEAKER. Under previous order of the House the gentleman from Nebraska [Mr. MARTIN] is recognized for 30 minutes.

Mr. MARTIN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

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

There was no objection.

Mr. MARTIN. Mr. Speaker, today I have taken 30 minutes of special orders in order to pay tribute to Dr. A. L. Miller who ably served in the House for 16 years—from 1943 until 1959.

Dr. Miller represented the Fourth District of Nebraska which it is my honor to represent today.

After Dr. Miller's retirement from Congress at the age of 66, his indefatigable energy required that he remain busy and useful in his activities. He served as Director of the Office of Saline Water between 1959 and 1961. In 1963, at age 70, he returned to the practice of medicine as medical director of the Hermitage Methodist Home in Arlington, Va.

Dr. Miller's home was Kimball, Nebr., where he was a surgeon and general practitioner. He also served as mayor of his hometown, in the Nebraska Legislature, and as State Health Director of Nebraska prior to his election to the first of his eight House terms.

In 1934 he lost both feet in a hunting accident, and 6 weeks later he performed successful major surgery on a woman patient while seated at the operating table. Dr. Miller got around on two artificial legs, and after World War II visited many wounded veterans in our military hospitals who had lost their legs. One of his regular routines to cheer up and restore confidence in these men was to dance a jig in the hospitals to show that the loss of his two feet was not a serious impairment on his activities.

When Dr. Miller gave up his practice in Kimball to come to the Congress, he mailed receipted bills to his patients totaling some $43,000 as a sort of a Christmas present.

He was an indefatigable campaigner and worked at his job of representing the Fourth District of Nebraska 12 months a year. He made frequent trips back to the district contacting personally thousands of people on each trip.

In the 83d Congress, he served as chairman of the House Interior and Insular Affairs Committee from 1953 to 1955. As chairman of the House Interior Committee, many reclamation projects were begun under his leadership. Adequate moisture for our crops in western Nebraska is always a great need, and the reclamation projects begun under Dr. Miller's chairmanship will serve as a life-long tribute to his recognition of the benefits of reclamation to our country.

He was an ardent advocate of many causes and never was hesitant about engaging in controversies.

Once, when some Washington ministers took issue with a piece of legislation, he told the House, "It would suit me better if they would stay with the Bible, and stay out of the political arena."

He had a sharp tongue when engaged in political dispute as exemplified when he told Harold Stassen in 1956 that delegates that favored Mr. Stassen for Vice President could caucus "in one of the telephone booths at the Statler-Hilton."

But, in attendance of elderly patients at the Hermitage after he left politics, he won paludits for his gentle and practiced care.

Proud of being a life member of the American College of Surgeons, he once commented he "probably was the only such individual engaged exclusively in the practice of geriatrics, the care and treatment of the elderly."

I like it—

He said—

it's what anybody ought to do that can. These people need someone to care for them.

And thus Dr. Miller completed a long and fruitful life of assistance and kindness to his fellow men.

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

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

There was no objection.

Mr. CUNNINGHAM. Mr. Speaker, it is with a deep sense of sorrow I learned this morning of the death of one of our former colleagues, a great Nebraskan and my personal friend, Dr. Arthur L. Miller. I had the privilege of serving with "Doc," as he was known to most of us, during the 85th Congress. As a new Member of this body, I relied heavily on his vast knowledge and experience.

All Nebraskans are proud of the record of Congressman Miller, and his exemplary service to the people of our State during his 16 years in the House of Representatives.

This respected Nebraska physician, born on a farm in Pierce County, Nebr., in 1892, graduated from Loyola Medical College in Chicago, served his country in the Medical Reserve Corps in World War I, practiced medicine and surgery in the western part of our great State before becoming a member of the Nebraska Unicameral Legislature in 1937. Before his election to the Congress on November 3, 1942, he served with distinction as the State health director of Nebraska.

I think I remember Doc Miller best for his long and continued interest in reclamation and health legislation which he worked so diligently for here in Congress. As chairman of the House Interior Committee he authored many important pieces of legislation, reclamation legislation that has benefited all Americans. As a result of his work on the Interior Committee he was given the Department of Interior's outstanding award for his successful efforts to establish the Office of Saline Water.

His reclamation projects in Nebraska will long be remembered by the thousands of persons who have benefited from his knowledge and assistance. As some of my colleagues may remember, Doc authored the Miller pesticide residue amendment which in turn led to much of the strong food and drug legislation that we have today.

As a physician he retained his strong interest in the medical profession and sponsored much worthwhile health legislation. He was one of the first sponsors of the original proposal to create the Department of Health, Education, and Welfare.

Much could be said about Doc Miller but I would just like to say that he was truly a representative of the people of Nebraska. I know that my colleagues join me in extending our heartfelt sympathy to the members of his family.

Mr. MARTIN. Mr. Speaker, I ask unanimous consent that the gentleman from Colorado [Mr. ASPINALL] may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. ASPINALL. Mr. Speaker, I wish to join with my colleagues, especially those from Nebraska, in paying my personal respects to the memory of our late colleague, the Honorable A. L. Miller of Nebraska. My first acquaintance with my late colleague and friend was in 1937 when I was speaker of the House of Representatives of the State Assembly of Colorado. Nebraska had just approved the unicameral system for its legislature. I invited the then State Senator Miller of Nebraska to visit the Colorado House of Representatives and advise us on the operations of the unicameral legislature in Nebraska and give us his opinion of this new innovation.

In his characteristic way, he told us why his State had adopted such a system and how it was working during its first period of operation. I remember that he said that in his opinion it would be a generation before anyone could effectively evaluate the unicameral system as compared to the bicameral legislature. His remarks at that time have proven to be all to true because even now there are questions as to the related values of the two systems.

Dr. Miller was a member of the Committee on Interior and Insular Affairs when I came to Congress in 1949. He became chairman of the committee when the Republican Party took over the control of the Congress in 1953 and served as chairman during the 83d Congress. He was a great friend of the reclamation program and water resources throughout the West. He was an effective legislator, very determined in his own position, and consequently had strong supporters as well as strong critics. He served the later years of his life in the profession which I personally believe he loved most, practicing medicine here in the Washington and Alexandria, Va., area. It truly can be said that he was a knowledgeable and dedicated public servant.

Mr. MARTIN. Mr. Speaker, I ask unanimous consent that the gentleman from South Dakota [Mr. BERRY] may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. BERRY. Mr. Speaker, I have asked my colleague to yield in order that I might add a few words to the expressions of sympathy being extended to Mrs. Miller and to the Miller family on the occasion of the passing of one of America's great men.

When I came to Congress 17 years ago I was assigned to the Interior and Insular Affairs Committee as soon as there was an opening. "Doc" Miller, as he was fondly known by his many friends in Congress, was ranking Republican on that committee.

In 1953, when we had a Republican majority in Congress, "Doc" became chairman of this important committee. He worked diligently and the legislation that was steered through Congress under his guiding hand was legislation that has been most influential in this Nation's history.

It was my privilege on several occasions to accompany Chairman "Doc" on committee trips, frequently to various Indian reservations, studying the condition of the Indians, and what might be done to improve that condition. One time our studies took us to the South Pacific where we studied the conditions on the islands in the trust territories. Always "Doc" was a most interesting traveling companion. He was widely read and studied. His experience had been broad. His abilities were enjoyed and appreciated, not only by we on the committee and those in Congress, but also by the natives of the South Sea islands who recognized him as a friend, a neighbor, and one interested in their problems.

Nebraska and the Nation lost a real statesman and a tireless worker when "Doc" was defeated at the polls. The Nation lost a real statesman when "Doc" Miller passed away. I want to join the many friends, the loyal supporters, the many Members of Congress who served with "Doc" Miller in extending my sympathies to Mrs. Miller and the family on this occasion.

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

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

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, the American people lost a fine public servant recently in the death of Dr. Arthur Lewis Miller, for 16 years a Member of this House.

Dr. Miller was dedicated to service. He practiced medicine and surgery in Kimball, Nebr., for 23 years in the best tradition of the family physician. The people of Kimball loved him and made him their mayor. Later he served the people of his area in the Nebraska State Legislature and in January 1943 took a seat in the U.S. House of Representatives. During the 83d Congress, he served as chairman of the Interior and Insular Affairs Committee. After eight terms in the House, Dr. Miller capped his career by serving as Director of the Office of Saline Water in the Department of the Interior.

Mr. Speaker, Dr. A. L. Miller lived the good life—a life of service to others. As one who served with him in this House, I know well that America is the poorer for his passing.

Mr. MARTIN. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma [Mr. ALBERT] may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. ALBERT. Mr. Speaker, I join the distinguished gentleman from Nebraska in his tribute to our late friend and former colleague, Dr. Miller. I served in the House with Dr. Miller for several years. He was a very efficient and helpful Member of the House. He has befriended me many times. As chairman of the Committee on Interior and Insular Affairs he took the lead in many matters important to my State. He was an affable, friendly man of innate wit and good humor. He was kind, courteous and highly respected by all the Members of the House.

I know I speak for all my colleagues when I say we are grieved at his passing. Mrs. Albert and I extend our deepest sympathy to his loved ones and his host of friends.

Mr. MARTIN. Mr. Speaker, I ask unanimous consent that the gentleman from Nebraska [Mr. DENNEY] may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. DENNEY. Mr. Speaker, it is with deep sorrow that I speak to the Members

of the death Thursday, March 16, 1967, of Arthur Lewis "Doc" Miller—farmer, teacher, medical doctor, military man, civic leader, city mayor, State legislator, U.S. Congressman, lay churchman, and family man.

"Doc" Miller helped many young men to achieve their potential in life. A man of vision in many areas, he was among the first to foresee the possibility of a fresh water shortage. It was his efforts that created the office of saline water under the Department of the Interior. Desalinization as a dream became a reality under "Doc" Miller's pioneering leadership.

A Congressman for 16 years, "Doc" the chairman of the House Committee on Interior and Insular Affairs.

"Doc" lost both legs by accident before World War II. Yet his courage gave inspiration to the many amputees he visited frequently in hospital wards during both the Second World War and the Korean war. It was only natural that his courage to inspire led him to overcome the use of crutches and he proudly walked without help.

After "Doc" retired from the service of his country, he continued his statesmanlike service to his fellow man. He continued his civic service and church work. He found time to work and hold a great interest in humanitarian ventures, such as his work in the Hermitage Clinic in Virginia.

All who knew "Doc" Miller benefitted from his outgoing inspiration. And those who did not know him personally will be influenced and helped by the mark he leaves on the archives of this country he loved so dearly.

Mr. Speaker, I ask unanimous consent for all Members who desire to do so to extend their remarks in the record on "Doc's" life and service. I know my colleagues will want to join Mrs. Denney and myself in extending our deepest sympathies to his family.

Mr. MARTIN. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. ARENDS] may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. ARENDS. Mr. Speaker, it was a shock to me to learn of the passing of our former colleague from Nebraska, Arthur Miller, affectionately known to us as "Doc" Miller. He was a man of courage, determination, and compassion.

In 1930 he lost both his legs in a hunting accident. This did not discourage "Doc" Miller, nor deter him in his determination to make not only his place in life but to make a contribution to the betterment of life. Within 2 months, after learning to use artificial legs, he was back at his medical practice as a surgeon.

That is the kind of man he was. He was indeed an inspiration to all of us who knew him.

He felt that there would be a larger opportunity to serve mankind by being in Congress. He was first elected to this body in 1943. As a Member of Congress he enlarged his medical practice by sponsoring legislation for the improvement of hospitals and health facilities, for dealing with the problem of drug addiction and for the hospitalization of alcoholics. He sought to improve our laws relating to the adoption and care of children.

In many ways he was a pioneer in the field of public health. Many of the things he advocated have been put into effect. And, in this regard, he was especially helpful to the city of Washington. He was for a time chairman of the District of Columbia Subcommittee on Health, Education, and Welfare.

He also served on the House Interior and Insular Affairs Committee. Here, too, he made a distinctive contribution. Nothing "Doc" undertook but that he did it thoroughly and constructively.

"Doc" served in this body for 16 years. This in itself bespeaks the quality of his service to the people of his district in Nebraska. He was indeed a loyal Republican. He firmly believed in republicanism, and he stood firm on the principles in which he believed.

I consider it a great privilege to have known "Doc" Miller so well, and to have been able to work with him when he was in Congress. It was not only a privilege, it has been a lasting inspiration.

I extend my sincerest sympathy to his wife and his fine family. I share their loss. We have all lost a truly fine and great friend.

Mr. ULLMAN. Mr. Speaker, I was deeply saddened to learn of the passing of our friend and former colleague, Dr. A. L. Miller, Representative from Nebraska's Fourth District from 1942 to 1958.

Dr. Miller's last term in the House of Representatives was my first. Although we often differed, I have always appreciated the courtesies and advice he extended to me as a freshman Member.

Dr. Miller and I served together on the Interior and Insular Affairs Committee. I grew to admire and respect his considered judgment as ranking minority member of the committee. His criticisms were always constructive, and his record on the committee reflected a profound regard for the welfare of this Nation.

In this moment of sorrow, we can be thankful for the many years of distinguished service Dr. A. L. Miller extended to the U.S. House of Representatives.

Mrs. KELLY. Mr. Speaker, I wish to join my colleagues in paying tribute to the late Honorable Arthur L. Miller of Nebraska.

Congressman Miller was a great American. He fought fearlessly for what he believed to be best for our great country.

His service to the House of Representatives spanned two decades. He was chairman of the House Insular Affairs Committee. As chairman of the House District Subcommittee on Health, Education, and Welfare, his interest in the District of Columbia's hospital and health facilities will long be remembered. The Congressman was also a doctor of medicine, thus, he understood the problems of drug addiction and pushed for legislation dealing with the problem.

I will always remember Congressman Miller's integrity, and strength of character. He was a man of principle. He dedicated himself, heart and soul, to public service; first in the House of Representatives and later in the Department of the Interior.

I wish to express my deep sympathy to the Miller family, and I pray God's blessings upon them to endure their grief and sorrow.

Mr. BOW. Mr. Speaker, it was my privilege to serve with Dr. Miller as a member of the Committee on Interior and Insular Affairs during my first term in Congress. I continue to be grateful for the advice and encouragement he gave me at that time. The contribution he made during long service on the committee, including his term as its chairman, will be remembered for many years, particularly in the Western States where the activities of the Committee on Interior and Insular Affairs is vital.

My interest in water and reclamation projects, in the problems of our Indian tribes and in the Commonwealth of Puerto Rico were stimulated by my service with Dr. Miller.

I was grieved to learn of his passing and I extend my deepest sympathy to the members of his family.

Mr. RHODES of Arizona. Mr. Speaker, it is with a feeling of deep sadness that I join my colleagues in paying tribute to the late Dr. A. L. Miller. Dr. Miller was my first chairman. When I came to Congress, my one aim was to become a member of the Interior and Insular Affairs Committee. This aim was realized, largely through the efforts of many good friends including Dr. Miller. I met him at the National Reclamation Association meeting in Long Beach, Calif., before the Congress convened, and came away with his assurance that he would welcome me on the committee. He was even better than his word, because I can truthfully say that during his chairmanship I had nothing but the finest of treatment from him.

Dr. Miller was a sound thinker and a good organizer. He was a good chairman, and a good Member of the Congress. He was considerate of the other members of his committee, and of the committee staff. Much landmark legislation was passed during his tenure as chairman.

Mrs. Rhodes joins me in expressing our sympathy to Dr. Miller's family. They can be comforted by the exemplary life which their loved one led, and the high regard in which he is held by all who knew him.

Mr. DELANEY. Mr. Speaker, I join with other Members in paying my respects to our late former colleague, Dr. Arthur L. Miller, with whom a great many of us had the privilege to serve in this body.

As chairman of the Select Committee to Investigate the Use of Chemicals in Foods and Cosmetics, in 1950 to 1952, I came to know at firsthand the incisive mind, the broad knowledge, and the deep dedication with which "Doc" Miller served his constituency and our country. He applied to his legislative endeavors the same devotion and understanding which served him so well for nearly a quarter of a century as a practicing physician and surgeon.

The Congress and the Nation were enriched by his service. He was a good and warm friend whose name and record never will be forgotten. I extend my deepest sympathy to his family.

Mr. COLLIER. Mr. Speaker, I take this opportunity to join my colleagues who recently eulogized the late Arthur L. Miller, former distinguished Member of the House of Representatives.

Dr. Miller was elected to the 78th Congress to represent Nebraska's Fourth District, his State, and his country in Congress with distinction, just as he had earlier served his local community as a practicing physician.

Dr. Miller's service in this body continued from 1943 to 1959. It was my good fortune to serve with him during the 85th Congress, both as a Member of the House and as a member of the Committee on Interior and Insular Affairs when he was ranking minority member.

I was greatly impressed with his ability, his knowledge, his integrity, and his dedication. He believed that the taxpaying citizens should get a hundred cents' worth from every dollar they sent to Washington. He believed that thrift had not ceased to be a virtue simply because it was old fashioned.

Dr. Miller's triumph over a physical handicap that would have discouraged many a lesser man served to inspire other handicapped persons to do their best to show that ability will outweigh disability.

Mr. HALL. Mr. Speaker, I want to join my colleagues from Nebraska, and others, who had the privilege of serving with Dr. Miller when in the House of Representatives from Nebraska. I came to know Dr. Miller socially after coming to Washington in the 87th Congress. We frequently lunched together at the "Banana Kings." I came to know him as a stanch representative of the republic under a limited Constitution, a devoted family man, and a fine physician. The higher degree of education, culture, humanics, and knowledge of humans, to say nothing of belief in quality service above self, characterized this man in his application to legislation, as well as to everyday life. As physicians signed the Declaration of Independence and the Constitution, so indeed do we need more clear and discerning objective thinkers imbued with the scientific attitude, as we hammer out the will of the people in legislation this day and age. Such principles remain eternal, and are not thwarted by time, enhanced communications, or shrinkage of the earth. Dr. Miller evidenced these in his service to this body, as well as to mankind in general. His demise is the earth's loss, and we must have the deep and abiding faith, along with his family, of understanding the Almighty's great scheme of things beyond.

Again I compliment my colleague in the well of the House for taking this occasion to do deserved honor to a great physician, and an outstanding representative of his people, as well as a stalwart for the Nation.

Mr. MILLS. Mr. Speaker, the announcement of the passing of our friend and former colleague, Dr. Arthur L. Miller, of Nebraska, brings deep sadness to all who knew him.

I was privileged to serve with Dr. Miller during his 16 years of service in the House. His strength of character, his courage, and fortitude in the face of vicissitude, his dependability and devoted service not only as a legislator but in all his other fields of endeavor, merit the greatest respect and admiration. His record will stand as a source of inspiration and a monument to his devotion to his people, his State, and country.

My sympathy is extended to the members of his family in their bereavement.

Mr. FISHER. Mr. Speaker, I was grieved to learn of the passing of my good friend and former colleague, Dr. A. L. Miller. He and I were elected to the Congress at the same time, and he served with great distinction for 8 terms. In private life Dr. Miller was an expert in the field of medicine. He was a fellow in the American College of Surgeons. As a highly capable and practicing physician, he was recognized in the House of Representatives as a dependable authority in the field. And his advice was often sought and heeded.

Above all, Dr. Miller was a patriotic, dedicated American. He never faltered in his devotion to the cause of good government. He did his homework, was always well informed, and prepared to do battle for a good cause. I am sure that during my nearly 25 years in this body I have never known a more conscientious Member. The imprint of his legislative workmanship can be found in many enactments. Always constructive and progressive, Dr. Miller applied practical statesmanship to his legislative service.

Like many others, I counted Dr. Miller as my personal friend. From personal contact I was able to know and appreciate the depth of his personal integrity. He was indeed a great American.

To his surviving wife, Margie, I extend my deepest sympathy in her bereavement.

GENERAL LEAVE TO EXTEND

Mr. MARTIN. I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the life and service of the late Honorable Representative A. L. Miller.

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

There was no objection.

THE SENIOR AMERICANS ECONOMIC FREEDOM PROGRAM

The SPEAKER. Under previous order of the House, the gentleman from Michigan [Mr. RIEGLE] is recognized for 10 minutes.

Mr. RIEGLE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

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

There was no objection.

Mr. RIEGLE. Mr. Speaker, on Thursday of last week I introduced H.R. 8218—a comprehensive legislative program called the senior Americans economic freedom program.

This program is designed to meet head-on one of the most tragic problem areas in our country today—namely the economic privation and lack of opportunity facing today's senior American. Events and circumstances—too long ignored—are today shunting most of our elderly out of the vital mainstream of American life onto the dead-end side-roads of poverty, isolation and despair.

This is an urgent national problem—it cries out for immediate and efficient corrective action. Because the problems of America's elderly are not exclusively those of our 19 million citizens aged 65 and over, but rather these problems belong to all of us.

The problems of senior Americans must become a common concern. Thoughtful Americans ought not be divided on this issue—it is an issue to which all concerned citizens should rally—and an issue on which Republicans, Democrats, and Independents should unite. It is, admittedly, and ambitious program—as it must be if it is to correct many long-standing inequities. I cannot predict today how long it will take before this entire program is enacted into law—but it will be enacted into law—and I intend to press the fight until that fight is won. Years of delay in seeking these reforms have trespassed too long on the patience and endurance of Senior America—and further delay is indefensible.

What then is the extent of the problems facing our 19 million senior Americans:

Today over 7½ million senior Americans have assets of less than $1,000.

Today over 5 million senior Americans have incomes below $1,600.

Today we know that job discrimination based on age continues.

Today some 400,000 unemployed senior Americans are on the sidewalks of our country looking for work—and they are not finding jobs.

Today senior Americans with incomes below $5,000 are paying Federal income taxes in excess of $206 million. I cannot believe the Federal Government needs this $206 million more than our low income senior Americans do.

Today over 17,000 of our Nation's 20,000 nursing homes are so poorly equipped that they do not meet the minimum standards of medicare.

Today senior Americans drawing social security are discouraged from earning more than $1,500 by the automatic loss of a portion of their social security payment.

These dismal statistics can be expressed in countless other ways but the conclusion is the same. The reality of this critical problem is absolute—and it is time that we in the Congress get moving to do something about it.

The senior American economic freedom program is built on one essential premise. It is that senior Americans need not be—and prefer not to be—wards of the Government. They prize their independence. They have, in fact, given our Nation much of its legacy of independence.

The record shows that in all too many instances, the Government has acted to arbitrarily restrict the initiative of our

senior Americans and to erode their self-sufficiency. It is time to strip away these barriers and negative incentives and move to strengthen self-sufficiency—it is time to help and encourage our senior Americans as they strive to rejoin the mainstream of our national vitality.

The program as proposed provides the following:

First. That the first $5,000 of income be exempt from Federal income taxes for people 65 and over.

Second. That senior Americans are not to be discriminated against in employment on account of age.

Third. It provides for an 8-percent increase in social security payments retroactive to January 1, 1967, with future increase automatically tied to the cost of living.

Fourth. Increases the amount that a person receiving social security may earn from $1,500 to $3,000 without a reduction in his benefits.

Fifth. It provides that no reduction will be made in veterans' and widows' pensions when social security payments are increased.

Sixth. It establishes a Community Senior Citizens Corps and a Presidential Commission on Senior Americans.

Seventh. It initiates federally sponsored long-term loans and grants for the construction of nursing homes.

Eighth. It substantially revises and improves the income tax treatment of senior Americans.

Now, as a member of the minority party in the House, I nurse no illusions about the chances of this legislation on the strength of my sponsorship alone. Certainly, this legislation must earn the support of Members of the majority. And so I urge all Members—whether in the minority or majority—to study this legislation and join with me to win its passage. I will work with any Member of the House to enact this legislation—I invite any and all Members to join in a working partnership to meet the national need regarding the lives and hopes of senior America.

But the essential fact today is that we who now undertake this fight intend to win. Our energy and conviction is fully equal to the requirements of time and effort necessary to achieve this essential reform.

Let us work together to accomplish what is so badly needed.

THE LATE ILLINOIS STATE REPRESENTATIVE MARJORIE PEBWORTH

The SPEAKER. Under previous order of the House, the gentleman from Illinois [Mr. DERWINSKI] is recognized for 10 minutes.

Mr. DERWINSKI. Mr. Speaker, I have taken this special order to pay respect to the memory of Illinois State Representative Marjorie Pebworth, who passed away on April 2, 1967. Marge Pebworth represented a district coinciding with a substantial segment of the district I represent and as a valued constituent and political associate her dedicated work on behalf of her constituents was obvious to all of us who worked with her.

She was one of the most effective member of the Illinois House of Representatives. Testimony to this was clearly evidenced in newspaper eulogies, which I include in the RECORD at this point as a continuation of my remarks, from the Calumet Index, the Chicago Heights Star, the Chicago Tribune, Chicago Daily News, Chicago Sun-Times, Suburbanite-Economist, the Lansing Journal, and the Pointer.

Mr. Speaker, these testimonials speak for themselves in dramatizing the outstanding work of this wonderful woman whose dedication to the highest principles of government was an inspiration to all of us who had the privilege of working with her. Marge Pebworth, in a relatively brief career, made a lasting contribution to good government in the State of Illinois. It is because of her efforts that Illinois is a better State and she has helped lay the foundation for continued progress.

Mr. Speaker, as a further indication of the great esteem in which she was held, I ask unanimous consent that my colleagues, the gentleman from Illinois the Honorable JOHN N. ERLENBORN, the Honorable TOM RAILSBACK, the Honorable HAROLD R. COLLIER, and the Honorable DONALD RUMSFELD, be allowed to revise and extend their remarks at this point to join me in this eulogy to Mrs. Pebworth.

[From the Calumet Index, Apr. 5, 1967]

MARJORIE PEBWORTH: 1911–67

Riverdale has lost one of its most beloved and valued members of the community, with the death Monday of Mrs. Marjorie Pebworth. Services are planned for Friday at 9 a.m. in St. Clement's Episcopal Church, 15245 Loomis, Harvey. Visitation begins this afternoon at the mortuary, 14338 Indiana. Graveside services will be conducted at 4 p.m. for the interment in the Knights of Pythias cemetery, Lizton, Indiana, the state of her birth.

She was the wife of Robert C., an executive with Sears, Roebuck & Co.; mother of two sons, Robert and Donald, and grandmother of twins, Marjorie and Carl, now two years old.

Mrs. Pebworth was born in Homer, Indiana, Aug. 19, 1911. She graduated from Indiana University and was librarian and secretary in the Indiana legislature reference bureau, before coming to this area in 1949.

One of four women elected to the Illinois House, Mrs. Pebworth was one of the best liked and most respected members of the 177 member body. She was serving her second term and was first elected to the legislature as a blue-ribbon candidate in the 1964 at-large election.

She led a field of six to gain one of the two Republican nominations as an independent candidate and then was swept into office last November.

Mrs. Pebworth served on the committees on education, on elections and on public aid, health, safety and welfare. She was also most proud of her chairmanship on the Constitutional Study Commission, to which she was appointed by the 1965 legislature.

Her loss is a sad blow not only to her family, but all those who knew her as a friend and as a member in the legislature, and as Governor Kerner commented "She was an able, dedicated public servant guided always by deep principle."

[From the Chicago Heights Star, Apr. 9, 1967]

LEGISLATOR'S DEATH IS LOSS TO STATE AND SOUTHERN SUBURBS

State Rep. Marjorie Pebworth of the Sixth district, who died Monday at the age of 55, was one of those rare persons who believes in suiting the action to the word. As a young woman fresh out of Indiana university she decided that local government and education could stand some improving. There followed a career of dedicated public service, which she managed to pursue with distinction while raising two sons.

For aggressiveness this gentle lady substituted persistence and persuasion. But the result was the same: She accomplished what she went after.

At the time of her death the south suburban legislator was serving a second term in the Illinois House, where she was known to be one of the hardest-working members. Fellow officials rewarded her diligence and ability by making her chairman of the important Constitution Study commission and secretary of the Commission on the Organization of the General Assembly.

Their trust was not misplaced. To both groups she brought her characteristic vigor and intelligence, which aided greatly in their deliberations.

In addition to possessing legislative and administrative abilities, Mrs. Pebworth was a woman of culture and great personal charm. Her experience and vast fund of practical knowledge made her a popular public speaker and debater. Off the platform her quick, warm smile, ready sense of humor and perceptive mind made her a most engaging conversationalist.

Because she took to Springfield, in addition to the qualities already mentioned, her special woman's talents, the General Assembly is deprived of one of its most valuable members and the south suburban area has lost an able representative. She also will be greatly missed as a person by all those who knew her.

[From the Chicago Tribune]

MARJORIE PEBWORTH

The death of Rep. Marjorie Pebworth of Riverdale has deprived the Illinois legislature of one of its most valuable members. Altho she was not a lawyer, she was recognized as an expert on the state constitution and was named chairman of the Constitution Study commission which recently proposed the calling of a state constitutional convention. She also served as secretary of a commission on the organization of the General Assembly which worked long and hard on plans to improve the legislative process.

It is customary in some circles to deride the Illinois legislators for various faults. Mrs. Pebworth was one of those who set high standards of ability, industry, and integrity and who are practical in their approaches to government problems. At the same time she was a warm and gentle lady. She will be missed.

[From the Chicago Daily News]

MARJORIE PEBWORTH

Marjorie Pebworth's death at 55 is untimely, but the courageous legislator from Riverdale leaves a record of distinguished achievement.

A woman of conscience and integrity, she had a sure instinct for the public good and worked zealously to serve it. She chaired the important Constitutional Study Commission and served on the House committees on education and elections.

But it may be that Mrs. Pebworth's greatest service to Illinois was her recent, exemplary campaign for re-election. Because of her support of open occupancy bills, the regular Republican organization in her district tried to deny her renomination last year.

Mrs. Pebworth decided to go it alone. She led a field of five candidates in the primary and was re-elected handsomely.

Her strength and character will be missed in the Legislature and in a Republican Party not overburdened with leaders of the caliber of Marjorie Pebworth.

[From the Chicago Sun-Times]

MARJORIE MULL PEBWORTH

Mrs. Marjorie Pebworth had a great zeal to improve local governments and public education. As a young woman just out of college in the early '30s, she worked in the Indiana statehouse. Later, she managed to be active in the League of Women Voters while raising two sons, and was Illinois president of the league 1961–63. Elected as a blue ribbon at-large member of the Illinois Legislature in 1964, she proved to be a diligent and hard-working member, serving as chairman of the important Constitution Study Commission and as secretary of the Organization Study of the General Assembly. Her research in the latter job alone was monumental.

Mrs. Pebworth's death, at 55, reminds us of a line in the late T. V. Smith's book, "The Legislative Way of Life" commenting on the scarcity of women in legislative assemblies: "Think I ask you, of the richness of feminine temperament and talent whose absence makes the legislative way of life poorer."

Mrs. Pebworth brought not only a woman's special talents to Springfield but a vigor, intelligence and conscientiousness that is all too rare there. The General Assembly is poorer with her passing.

[From the Suburbanite-Economist]

WE'LL MISS MARGE

State Representative Majorie (Mrs. Robert C.) Pebworth, of the 6th district, who died in her sleep last Sunday night at her home in Riverdale, is going to be sorely missed, not only in her home district, but in the legislative halls of Springfield.

There can be no doubt that Mrs. Pebworth's untimely and tragic death was hastened by her unselfish devotion to her job and the countless hours she gave cheerfully to the task of helping give Illinois a better state government.

She earned the complete respect and admiration of leaders of both political parties. She was first elected as Republican candidate to the House of Representatives in the state at-large election of 1964, finishing seventh among the 59 Republicans named to the lower house at that time. Marge, despite the fact that she was denied organization support in the district, was re-elected to a second term last November, topping the entire slate.

The 6th district, which she so ably represented, includes all of Worth township and parts of Stickney, Calumet and Thornton townships. The seat which has been vacated with Marge's death will probably remain unoccupied until the election of November 1969. Governor Kerner could call a special election to fill the seat but this action is not likely since it is taken only in rare instances.

The writer had been personally acquainted with Mrs. Pebworth for some 18 years and knew her as a dedicated and able worker in the cause of good government years before she was named to the board of education of Thornton Township High school and Junior college and then was "drafted" by the Republican party and subsequently elected to the state legislature.

Few members of the state legislature have earned the title of "blue ribbon" legislator with all its connotations of integrity and excellence as did Mrs. Pebworth. It must be comforting to the sorrowing members of her family and her constitutents in the 6th district that her service to good government was recognized during her lifetime.

Mrs. Pebworth, a former state president of the League of Women Voters, was recognized as an expert on the Illinois constitution and, as a freshman legislator, was named chairman of the non-partisan Constitutional Study commission.

This was a distinguished legislative honor, more so since Marge was in her first term in the house. It was an assignment of which she was most proud.

It was the duty of this commission to research and recommend steps to be taken to update the state's 1870 constitution. At the time of her death she was preparing for the opening of commission hearings in Springfield.

A gracious person who never in the 18 years of our acquaintance failed to meet our news inquiries with charm, sanity, good humor and helpful cooperation, she is going to be missed. It was a great privilege to know her and a greater grief to note her passing.

[From the Lansing (Ill.) Journal]

REPRESENTATIVE MARJORIE PEBWORTH

The death of State Representative Marjorie Pebworth of Riverdale has deprived the Illinois legislature of a gentle and warm woman.

Mrs. Pebworth was chairman of the State's Constitution Study Commission which is calling for a Constitutional Convention.

She has been considered an expert of state constitution and also served as secretary of the commission on the organization of the General Assembly, which worked to improve the legislative process.

Mrs. Pebworth was known in government as a legislator with industry, integrity and ability.

All of Thornton Township will miss her.

[From the Pointer, Apr. 6, 1967]

COMMUNITY SADDENED BY DEATH OF REPRESENTATIVE MARJORIE PEBWORTH

RIVERDALE.—Funeral rites for Marjorie Pebworth, Illinois state representative from the 6th District, who died in her sleep in the family home at 14115 Wabash Ave., Riverdale, will be held Friday, April 7, at 9 a.m. at St. Clement's Episcopal church, 15245 Loomis, Harvey.

Visitation began at 1 p.m. yesterday at Community Mortuary, 144th and Indiana, Riverdale.

Graveside services will be held at 4 p.m. at the Knights of Pythias cemetery in Lizton, Indiana.

Mrs. Pebworth, 55, had been feeling ill about a week ago, but planned to return to Springfield last Tuesday.

Her husband, Robert, found her dead in her sleep early Monday morning.

Mrs. Pebworth was born in Homer, Rush County, Indiana in 1911. She moved to Illinois in 1937 and had been a resident of Riverdale since 1948.

She was educated in Shelbyville schools, and graduated from Indiana University with an A.B. degree in psychology in 1932, and a minor in journalism. She was a member of Mortar Board, a leadership honorary, Theta Sigma Phi journalism honorary, and Phi Beta Phi.

Prior to her marriage in 1934 she was employed as a clerk in the office of the Teachers License Bureau of the Indiana State Superintendent of Public Instruction; and later as a secretary-librarian in the Legislative Reference Bureau of the Indiana Legislature.

She has been editor of several publications of the Illinois League of Women Voters, and served as its lobbyist, secretary and state president. She was active in PTA, on the board of a Chicago Settlement House and on the board of a fund raising body for 50 children's agencies.

She was a member of the Illinois Distributive Education Foundation, chairman of the Citizenship committee of the Episcopal Diocese of Chicago, and a delegate observor for the Diocese to the national Conference on Race and Religion. She was appointed to the Education Committee of the Governor's Commission on Status of Women.

She was a member of the Riverdale-Dolton League of Women Voters, the Harvey Area Welfare Council and the Flossmoor Country Club.

She formerly served as a three term member of the Thornton Township High school and Junior College Board.

At the time of her death Rep. Pebworth was chairman of the Constitutional Study Commission.

She was first elected to the Legislature in 1964 as a blue-ribbon candidate running at large on the Republican ticket. Although the regular Republican party did not support her for renomination in the primary election last spring, she decided to run as an independent and won by a handsome majority in November.

She is survived by her husband, Robert, an executive with Sears, Roebuck and Co., two sons Robert Jr., 27, who is studying at the University of Cologne, Germany, and Donald, 25, a law student at Indiana University.

CONDOLENCES

Mrs. Derwinski and I are deeply shocked to hear of the unexpected death of State Representative Marjorie Pebworth. She was a great friend as well as a close political associate. While serving in Springfield she established a reputation as one of the most outstanding and dedicated members of the Illinois House of Representatives.

During her earlier career in school work and civic activities she had demonstrated her continuous devotion in helping residents of our local communities.

Her loss is something we feel in a very personal sense, and it is a tragedy for the State of Illinois to lose one of its most progressive and courageous legislators.

Congressman EDWARD J. DERWINSKI.

Marjorie Pebworth was a person who set high standards of ability and integrity and was practical in her approach to problems of the State and to the problems of the people she represented. She will be missed.

THOMAS HARPER,
Mayor of Dolton.

The death of Marjorie Pebworth is a great loss to the State of Illinois. My personal feeling when I heard of her death was one of shock and grief over the loss of a dear friend. My sincere condolences are extended to the family, all of whom I know well.

EDWARD KIPLEY,
Mayor of Riverdale.

Mr. ERLENBORN. Mr. Speaker, Marjorie Pebworth was a most exceptional woman. She was an idealist who, somehow, was able to carry her politics and her ideals in the same basket. She died the other day in her second term in the Illinois House of Representatives.

She was a leader in the League of Women Voters in Illinois, and some of my male colleagues have difficulty in accepting that organization's factfinding approach to public questions. Mrs. Pebworth, however, won the votes of the people of her district and the respect of her colleagues in the Illinois Legislature.

They found she was fairminded. They found she had good judgment—and used it.

Mr. Speaker, I am happy this good woman lent her talents to my State. I am glad she found a comfortable political home in my political party. I am sorry that she was taken from us at a time when all of us expected her to render a much longer period of public service.

My condolences go to her family and her neighbors.

Mr. RAILSBACK. Mr. Speaker, I was deeply saddened to learn of the death of my good friend and colleague in the Illinois House, Marjorie Pebworth. It was my privilege to serve with Marjorie Pebworth as a member of the house education committee in Illinois and there was no one that I respected more for her sincerity, integrity, and wonderful intellect.

Her death will be an irreplaceable loss to her constituents, to the members of the State legislature, and to the people of the State of Illinois, as well as to her husband, Bob. My wife and I wish to extend our condolences to her family, and especially to Bob Pebworth.

Mr. COLLIER. Mr. Speaker, I join my colleague from Illinois [Mr. DERWINSKI] in paying tribute to the memory of Marjorie Pebworth, who passed away last week. Mrs. Pebworth had been a member of the Illinois House of Representatives, having been elected in 1964 and reelected in 1966. She was one of only four women in the 177-member body.

Mrs. Pebworth was recognized as an authority on the constitution of Illinois when she was named chairman of the Constitution Study Commission during her first term in the legislature.

Before her election to the lawmaking body, she was associated with the Illinois League of Women Voters. She was the organization's legislative chairman for 3 years and then served as its president from 1961 to 1963.

It is a tragedy that such a promising career should be terminated by death at the early age of 55. My sympathies are extended to her husband, Robert C. Pebworth, their two sons, and their grandchildren.

Mr. RUMSFELD. Mr. Speaker, it is with sadness that I rise today, with my colleague, the Honorable EDWARD DERWINSKI, to pay tribute to a devoted American from the State of Illinois—Mrs. Marjorie Pebworth—whose life was dedicated to the service of her country and her State.

Before entering public life, Mrs. Pebworth was active in numerous worthwhile civic activities, including her distinguished service as president of the Illinois League of Women Voters from 1961 to 1963. She was elected to the Illinois State Legislature in 1964 as a blue-ribbon candidate in the at-large election, and was uniquely honored by her colleagues in being named chairman of the Constitutional Study Commisssion during her first year of office. Mrs. Pebworth was overwhelmingly elected to a second term in the State legislature in 1966, and at the time of her death was one of only four women in the 177-member Illinois House. Truly, she was a devoted civic leader and able legislator. I extend my deepest sympathies to her family.

CRUSADE FOR OPPORTUNITY FOR THE POOR

The SPEAKER. Under previous order of the House, the gentleman from Oklahoma [Mr. SMITH] is recognized for 20 minutes.

Mr. SMITH of Oklahoma. Mr. Speaker, I have chosen in my first address to this body to direct my remarks to one of the most distressing problems of our day. Our Lord stated that the poor would be always with us, and I am persuaded that it is no disgrace to be poor; however, if one desires to improve himself, then I think America should fulfill its destiny, and continue to offer the opportunity of advancement to every individual. The best manner and means of attaining this goal should continue to engage our leadership and our individual attention. Many errors have been made in attempting to ease some of men's burdens, and causing many to misinterpret the economic design intended to raise their status. Education is the fundamental answer to our problem. We must teach each generation so that they may have the opportunity to succeed or fail. Our future must rest on our ability to produce, not upon the prospect of a Government dole. These mistakes must be overcome.

For many years it has been plain that the dependency of the poor on welfare administration sapped them of their initiative to make their own decisions. I believe that a poor man fails only when he is unwilling to attempt to make his own way in our economy, or fails to take control of his own life within the framework of our American ideals. To conquer poverty, we must break down the barrier to full participation in the economic life of our Nation, by producing citizens who have proven themselves to be willing and able to serve their fellow man, rather than resorting to marching and rioting. America has proven its ability to find a place for every immigrant, every citizen who was willing to overcome obstacles by testing his own resources.

It is my opinion that there is compassion in the hearts of every good American, and the desire to do something toward alleviating the problem of the poor, and of those who have suffered misfortune in life. To deny this would be to discount the very concept of the foundation upon which this country rests. This compassion reveals itself; not for personal reward, but because by our very nature we abhore the idea and the consequences of poverty of the soul and of the body.

The genius of the American system has proven that every man does not aspire to the same station in life, or the same vocation, and it has permitted him to exercise direction in his personal affairs. Whatever means are taken to alleviate our problems, we must not deny the personal privilege or incentive which has produced the uncommon rather than the common, and excellence, rather than mediocrity and conformity.

Eighteen years ago Senator Robert Taft said:

> I believe that the American people feel that with the high production of which we are now capable, there is enough left over to prevent extreme hard circumstances, and to provide education, medical care and housing, and to give to all a minimum standard of decent living and to all children a fair opportunity to get a start in life.

Mr. Speaker, in the next 5 years, our economy will be producing $1,000 billion worth of goods each year. The program which this administration has proposed to Congress, which is supposedly the Nation's answer to the plight of the poor, has lost its way in the bureaucratic befuddlement of the Office of Economic Opportunity. The poor are becoming poorer in many cases as a result of high sounding promises of those who thought they could solve difficult problems by spending billions of dollars through a poverty program administered in Washington.

Time after time, my distinguished colleagues, the gentleman from Minnesota [Mr. QUIE], and the gentleman from New York [Mr. GOODELL], of the House Committee on Education and Labor, have pointed out to the House the inadequacies, inefficiencies, and the total lack of rapport that exists in the OEO. Time and again these gentlemen have brought to the attention of the House the specter of politics that has entered into the program for the poor. They have so aptly presented the employment practice of the OEO by which over one-third of the employees, or some 38 percent of those working in the poverty program, which are making over $6,000 annually in at least five men's Job Corps centers, received over a 20-percnt increase over their former salary to join the war on poverty. The same condition prevails with the professionals in the $12,000 bracket. And in all too many cases, the poverty program has provided a haven for defeated political candidates. My colleagues have proposed amendments to the Economic Opportunity Act which would eliminate the 20 percent previous salary unless otherwise authorized. These amendments were objected to in a straight party line vote.

There have been efforts made by irate citizens to bring to the attention of the members the fact that very often poverty staff members have participated in partisan efforts on behalf of the majority party. In my opinion, this brings into question the motives of some of those who are engaged in this major effort. But, I need not dwell on the realistic facts which all of us know have occurred within the so-called war on poverty.

And, I think, it must be mentioned here also there are many who are giving themselves to this cause which are of the highest character, and whose concern is most genuine. What outrages our conscience and tears at our soul, is that those who are not able to take care of themselves because of unfortunate circumstances, or those who are living in the absolute vacuum of poverty, are beginning to realize that there are those in their country who really do not care for them, and that they are being used as a tool for the political success of the few. The mail received in my office indicates that we must move to correct this situation.

Mr. Speaker, I know that there is not a member in this House who does not care what happens to the child in the next block, or on the other side of town, or in any section of our beloved Nation. I would not dare to charge that there was anyone within the sound of my voice who is so callous as to look upon the plight of

the poor as being an opportunity for political opportunism.

I believe that we can all agree that it is absolutely mandatory that we revive the local interest in the problems of the illiterate and underprivileged, and accentuate the learning processes and the principle of personal integrity and self-dependency. These ambitions must be fulfilled if the Federal bureaucracy is to be contained, and the taxpayers given their due consideration.

As human beings, and as Americans with an ethical heritage, we must never turn our faces from the problems of our day; but I would say to you, there is no better economic law than the one given in the book of Genesis which states, "we earn our bread by the sweat of our faces." There are many in this country that we must and will help, not because we feel compelled, but because we want to. In my opinion, one of the problems with the war on poverty is that it is too far removed from the concept that we are our brother's keeper. Instead, this has been replaced by the concept of "big brotherism."

Therefore, let us not impose the bureaucracy of a Federal agency over our local scene of government and thus have the complete reversal of the American ideals and concepts of government. I can tell you that I believe that this will happen in almost every phase of American life, if we as elected Representatives of the people, and if we as citizens of this country, do not stand up now and be counted and offer ourselves in testimony for our precious American system of incentives.

I believe it is incumbent upon those in the business communities, in the churches, in the schools, and universities, to revive a new awareness of individual commitments toward freedom and security which can only be produced by hard work, morality, and integrity, exemplified so well by leaders on the American scene in the generations passed; leaders who were statesmen, with true love for God and country.

It goes without saying that the problems of New York City and Chicago are not precisely the same problems which exist in Oklahoma City or Lawton, but I have a great faith in the combined intellect of those in all of our communities across this land to rise up and meet the problems that challenge them in their own communities. National uniformity of approach to the problem of poverty has not proven successful. But the fact that we can help those who are willing to help themselves is uniform and practical.

Mr. Speaker, my distinguished colleagues, Mr. QUIE and Mr. GOODELL, of the Education and Labor Committee, and other Members who represent the minority party in this Congress, on this committee, have suggested to the American people a program of action which will return to the poor a renewed and expressed desire to again raise their lives above the level where it now exists.

The "Opportunity Crusade," which I will cosponsor, is the blitzkrieg of the war on poverty. I would not be so bold as to state that it is the perfect answer nor do I believe that all the answers to all the problems could or should originate from Washington. However, I believe most firmly that it is a step in the right direction.

Ths crusade would involve total expenditures of $1.7 billion; some $300 million less than the administration budget has proposed. This crusade would involve private industry, and the State in an "Opportunity Crusade" for the poor. There would be a total of $2.4 billion available to revive the hopes of those who have a sincere desire to improve themselves. This crusade is built upon the solid foundation of a free enterprise economy. This crusade would completely dismantle the OEO under its present director. The community action phases of the so-called poverty war would be transferred to the experts in the Department of Health, Education, and Welfare. The Job Corps would be replaced by residential skill centers administered by vocational-technical experts and officials in the States. It will involve an Industrial Youth Corps in which youths 16 to 22 would be offered private productive employment and on-the-job training. It would expand the Headstart program and institute a new "early years" program for the poor children up to the third grade level. It would include new military career centers under the Secretary of Defense for those who were otherwise unable to meet selective service requirements for military service.

This crusade would convert the present in-school Neighborhood Youth Corps program for youngsters likely to drop out of school for economic reasons, from the Labor Department to the Office of Education, and would expand the program to include part-time employment in private industry. This great opportunity crusade for our country would institute a new State bonus program which would be offered to encourage the States to contribute up to a total of $200 million, matched by the Federal Government to supplement Community Action and Headstart programs. The VISTA program or the so-called domestic peace corps would be supplemented with a new Hometown VISTA to enlist local volunteers in the Opportunity Crusade for the poor.

Instead of earmarking community action programs, this crusade would bring the States into the Opportunity Crusade as a partner. This crusade would institute a long overdue national skill survey which would be made to pinpoint the thousands of jobs in which qualified applicants cannot now be found. Along with this crusade, tax incentives should be given to employers by the new Human Investment Act, which would encourage the hiring and training of the unskilled. Although this Opportunity Crusade would spend some $300 million less than the administrations so-called poverty program, funds for the new Headstart or unearmarked community action programs would be substantially above the President's proposal. Because of private involvement more needy people could be reached and helped, instead of ignored and used.

Mr. Speaker, I say that the war on poverty is in desperate need of major redirection. Local knowledge and private resources must be adequately utilized. After almost 3 years, the administration's war on poverty has spent $4 billion of the taxpayer's money and has created a poverty bureau of 91,000 administrators, and the poor have lost faith.

Mr. Speaker, I congratulate my colleagues, Mr. QUIE and Mr. GOODELL, for their insight and inspiration. I, for one, pledge to join them in their crusade for opportunity for the poor. And, I say to those in our country who have lain by the well, and waited for so long for someone to help them into the water, that they can now get up. We must further demand that those in our country who have so long lain by the well while they observe the misery about them must honor the same command. We must have a new mood in this country if we are to answer the challenge of leadership required of us, both at home and abroad, in this 20th century.

Mr. Speaker, I ask unanimous consent to insert immediately following my remarks an editorial by Richard Wilson, which was printed in the April 10, 1967, issue of the Evening Star.

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

There was no objection.

The editorial referred to follows:

GREAT SOCIETY PROGRAMS OFF IN ALL DIRECTIONS

(By Richard Wilson)

A high resolve by some members of Congress at the opening of the current session has gone the way of most New Year's resolutions. The Democratic leader, Sen. Mike Mansfield, was one of those who resolved to re-examine the programs of the Great Society and shape them up.

President Johnson and Vice President Humphrey shared this noble purpose. Nothing has come of it, nor is anything likely to come of it unless a comprehensive program of reexamination is begun.

The reason for this is very simple. According to the President's Advisory Commission on Intergovernmental Relations, the total number of separate statutory authorizations for federal grant-in-aid programs is approximately 400. It is estimated that the programs are administered by 21 departments and agencies and 150 federal bureaus and divisions involving all 50 states, and a large proportion of the 92,000 units of local government.

We have come a full turn of the wheel on intervention of the federal government in the affairs of states and localities. Those who were insisting 20 years ago that only the federal government could solve local problems because local governments were unable to do so are now pleading with local government to take command of their own affairs because the federal government can't find the answer.

They are saying it is administratively impractical for Washington to run local affairs and that only through greater decentralization and more grass-roots participation can there be the slightest hope of making satisfactory progress.

In one breath the President's commission warns that the states are on the verge of losing control over the problems of the major urban centers to the federal government.

In another breath the report's substance is that federal intervention in local affairs

has become an unmanageable mess. In other words, the states are losing control of urban problems to a federal government which can't handle them satisfactorily.

This bleak outlook is compounded by the hopelessness of trying to straighten out, coordinate, decentralize, and reorganize some 400 programs which have gone off every which way.

It is all a little reminiscent of Russian political experience. The Moscow planners decentralize and then they centralize only to decentralize again, add on incentives or take them away, and still the system does not work the way it was planned. But at least the Russians have a plan, and we do not.

Perhaps we need a nonproliferation treaty between Congress and the White House on the creation of new bureaus, agencies and programs, at least until it is found out how to make the old ones work. Some effort is being made in this direction.

Congress enacted laws replacing a dozen or more separate grant authorizations for health programs in such fields as tuberculosis, cancer, communicable diseases and venereal diseases.

These programs and others were consolidated into a single program with funds granted to the states for comprehensive public health services, with the precise services to be rendered submitted to the surgeon general for review and approval.

But this is only a meager beginning and may be the kind of centralization which later will have to be replaced by decentralization.

Studies are going forward on how to reduce the total number of programs and provide greater flexibility to recipient state and local governments.

It is undoubtedly too late to go back and do what many members of Congress now realize should have been done in the first place—the use of existing agencies for slowly expanding programs instead of the creation of new "crash" programs to abolish poverty and cure social ills which were of a chronic and not epidemic nature.

That approach, of course, would not have fulfilled the political imperative of two Democratic administrations which tried to convince the country that it had been stagnating in the Eisenhower years.

But in their eagerness for action, the two Democratic administrations have created such a proliferation of malfunctioning agencies and programs as to cause even the President's advisers to despair. We cannot do what a teacher would advise a fumbling student at the board—erase it all and start over again—but we can do what Vice President Hubert Humphrey advised after the last election: re-examine all these programs, junk the bad ones and improve the good ones.

Mr. PRICE of Texas. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Oklahoma. I yield to the gentleman from Texas.

Mr. PRICE of Texas. Mr. Speaker, I congratulate my colleague who represents the district in Oklahoma adjoining my district in Texas.

Many of our problems are common problems because of the similarity of the geography and economics of that area of Oklahoma and Texas.

I am particularly happy to hear the gentleman from Oklahoma [Mr. SMITH] say that education is the answer to our problem and that we must teach each generation so that they may have the opportunity to succeed or fail.

The gentleman also said that our future must rest on our ability to produce rather than upon the prospect of a government dole.

Nowhere is the tragedy of the welfare dilemma better—or worse—exemplified than here in our Nation's Capital. Only this morning I read in the morning newspaper that welfare payments in the District of Columbia have risen 19 percent during the past year and that payments for public assistance in February totaled $1,461,349 and that the number of persons on welfare rose from 29,472 in February 1966, to 30,684 in February 1967.

The total population of my hometown, Pampa, and most of the cities in the district represented by the gentleman from Oklahoma is less than the number of people on public assistance in Washington, D.C.

This rise in the number on public welfare is in spite of all of the money spent on antipoverty programs under the Office of Economic Opportunity and further emphasizes the failure of the war on poverty to even begin to accomplish its objectives.

I commend the gentleman from Oklahoma and the authors of the opportunity crusade, the gentleman from New York [Mr. GOODELL], and the gentleman from Minnesota [Mr. QUIE], for bringing this problem to our attention, a problem that can and must be solved.

Mr. SMITH of Oklahoma. I thank the gentleman from Texas, the Honorable BOB PRICE, for his considered and accurate statement.

AIR SAFETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. BROWN] is recognized for 20 minutes.

Mr. BROWN of Ohio. Mr. Speaker, events of the past few weeks have prompted me to speak out on the tragic incidences of air crashes that we have experienced in this country.

I speak as a resident of Urbana, Ohio, where on March 9, just a few miles from my doorsteps, a midair collision claimed the lives of 26 people. I am certain that I speak also for the residents of Juda, Wis., who just recently lost nine of their fine young citizens in New Orleans.

In speaking, I represent a broad range of air-safety interests in my congressional district; my close personal friend, family physician and acting coroner who is a weekend flyer; the Grimes Manufacturing Co., whose lighting and other products are widely used as safety devices on both commercial and private aircraft; and, of course, Wright Patterson Air Force Base, where thousands of my constituents earn their living by flying. I also speak for all of us who fly in commercial airlines regularly.

A time of reckoning is upon us. Since we must reckon, we should do so in an ordered and reasoned manner. And to that end I speak today.

The scene of the Urbana crash almost defies description. There were 26 bodies so torn apart that positive identification was all but impossible. Some baggage and body parts were never found.

Bits and pieces of the charred planes and their occupants were spread over 3 square miles of Ohio countryside like shrapnel, tearing the branches off trees.

What might the carnage have been if the collision had occurred over a populated area? We know what happened when a plane crashed on the outskirts of the New Orleans airport. Consider the results of a midair collision in the traffic pattern around National Airport above downtown Washington, or over suburban Virginia or Maryland. Also consider the loss to the carrier—not only of a multimillion-dollar aircraft and through possible lawsuits, but of a highly trained and valuable crew of men and women.

Let me suggest that 3 days after the Urbana crash, there could have been five Congressmen aboard the DC–9 that went down there. I often fly into Dayton, as do several of our colleagues.

That brings the possibility of very personal involvement pretty close to this body.

My district secretary and his wife were scheduled to fly into Dayton that day at about the same hour. He, too, might have been on that plane if a change in plans had not detained him in Washington.

Most Government leaders, including most in this Congress, are air minded, and are regular airline passengers. Many fly their own planes.

Fortunately, of course, no Members were on that ill-fated flight. But the families of the 26 people who did make the flight—the orphaned children, the widowed wives, the communities and businesses who lost their leaders, are little consoled that there were no national leaders on board. Their grief must echo that of the families and friends of the 476 other victims in the last 20 years of midair collisions where commercial carriers were involved.

I want to share the feeling of loss of all involved and to offer them a long arm of comfort. I should like also to be able to assure them that we will do everything humanly possible to avoid another echo of that grinding, explosive crash—to see that these 26 did not die without a purpose.

We must do everything we can to avoid future midair collisions.

At Urbana, a commercial airliner crossed paths with a small, but fast and well-equipped private plane. Before that crash, my awareness of air safety techniques did not extend much past seatbelts and "no smoking" signs. But this is no longer true.

Having met with representatives of the FAA, the CAB, the Air Transport Association, the Air Line Pilots Association, TWA, the Aircraft Owners and Pilots Association, the Institute of Navigation, the Collins Radio Co., the McDonnell Aircraft Corp., and the Bendix Corp.—having read court cases and studied reports endeavoring to acquaint myself with the many aspects and ramifications of air safety, I now feel I have a working knowledge of the ideas and attitudes of the people whose business is air safety. I would like to share some of those thoughts with you.

There are graphs that illustrate the recent growth of the air industry in terms of passenger miles flown, air cargo ton-miles, hours flown, the number of civil and commercial aircraft in operation, and so on. I risk an understate-

ment when I describe the growth of the industry as tremendous—and the potential growth as projected on the graphs as phenomenal.

The number of civil aircraft, for example, will have nearly doubled between 1959 and 1970. These planes are categorized as general aviation—which varies in type from the cloth covered economy planes that a lot of Sunday pilots fly, to the multimillion-dollar, very fast and very sophisticated company jets piloted by professionals—and the commercial, with which we are all familiar.

For the past 17 months, manufacturers have delivered over 1,000 planes a month of all types, a high proportion of them to private users.

Revenue passenger miles flown by U.S. scheduled air carriers, by 1970, will have increased 3½ times since 1959. Total hours flown by general aviation alone is increasing at a rate of over half a million hours per year.

Aircraft operations handled by FAA traffic control towers was 27 million in 1959, but in 1970 the figure is expected to be 2½ times that, or almost 70 million. At this rate, average control tower business is doubling every 5 years.

Our present-day planes are much faster, much larger—and, as I have mentioned, there are a lot more of them. The aircraft manufacturers and their designers, the airlines and their pilots, the FAA and its air traffic controllers—in short, the whole industry—is striving hard to improve air transportation and to serve safely and with pride the American public.

But recent events focus attention on air safety, and illuminate the possibility of some serious lags in technology in this area of concern.

The idea of several supersonic airliners—each carrying 400 or 500 passengers—converging on a given air terminal at the same time is not at all farfetched. The implications here are very clear.

In 1966, there were over 5,500 total airplane accidents. Of those, 546 involved fatalities in which 1,340 people were killed. I can assure you that the trend in total fatalities is sharply upward. We can roughly predict that, by 1970, fatalities from aircraft accidents—that is, plane and ground accidents as well as midair collisions between two or more planes—will reach 1,500 per year. That 1,500 figure could easily occur in just two crashes—if two SST's were to collide and another SST were hit by a private plane. Whether or not this rate continues its climb is a question over which I feel Congress may have some control.

Soon after the Urbana crash, I asked the distinguished chairman of the Interstate and Foreign Commerce Committee, our esteemed colleague from West Virginia, HARLEY STAGGERS, to schedule hearings of all interested parties to air safety before the committee. I am pleased that Chairman STAGGERS has done so, and preliminary hearings will begin tomorrow. I hope these remarks of mine can point up some of the problems which will be fully aired in that hearing.

A valuable purpose will be served by a candid, executive session discussion of the tools and technologies required for safe air transportation—requirements that now exist and those that will certainly be engendered by growth in the industry.

The challenges in the development of an air safety program are many. Some are obvious. Some are as yet undefined.

Weather evaluation and reporting is certainly a major factor in flying. And techniques in this field have improved consistently over the years.

Yet, as late as December of last year—just 5 months ago—the U.S. Court of Appeals held that the failure to immediately report known changes in weather conditions was a substantial contribution to and concurrent cause of the crash of an Eastern Air Lines flight at Kennedy International Airport on November 30, 1962.

In this instance, the failure was human. The responsibility was placed on an FAA employee and the U.S. Government was held liable.

The committee should consider how we can achieve a weather reporting procedure that allows no such errors.

The committee should ascertain from all available sources whether air traffic control personnel are receiving adequate training prior to assignment, and recurrent training once they are on the job—and, whether the FAA has an adequate recruiting plan for ATC personnel, and is paying a competitive pay rate for qualified people.

How are working conditions? What are the duty schedules? Is there too much pressure on ATC people? Are they encouraged to report near-misses? Do air traffic controllers have the tocls they need to do the best possible job?

These are areas that may warrant study. Is the best possible use being made of Federal and private money for the development and procurement of equipment that would improve air safety?

Since it is estimated that over $100 million in damages is sought in cases pending against the Government alone arising from air crashes, and the eventual dollar value of suits against the airlines in many of the same cases would probably be an equally staggering amount, perhaps we can afford to spend money to save money. That is smart business.

Are all the experts consulted when policies and programs are formulated? How realistic are plans for automation?

In view of the fact that the new alphanumerics system of aircraft identification and position is considered by some to be useless in heavy air traffic, I wonder. I mention this particular piece of hardware because it has been described as a panacea for much of our traffic control problem, but it may not perform when the chips are down.

Perhaps the committee should reevaluate the adequacy of the radar being used—its effective range, and its power to pick up general aviation aircraft that move into positive controlled airspace.

Are radarscopes so cluttered with traffic that a slight diversion, perhaps to light a cigarette, can result in a controller losing track of his customers?

Time magazine reports that the British have performed 15,000 fully automatic test landings with a variety of aircraft. The United States has but one such landing to show for its effort in this direction. If the British system is capable of certification for use as early as 1969, as reported, perhaps we should beg, borrow, buy, or steal it from them so we have the same protection when visibility for landing drops to zero.

This, a hearing may resolve.

There has been a concerted effort to develop a collision avoidance system that would work in conjunction with ground control to warn pilots when there is traffic in their immediate area. If the system reads a possible collision, a cockpit indicator advises the pilot of diversionary tactics that would supposedly prevent a midair collision.

A collision avoidance problem has existed since soon after the Wright brothers built their second airplane, and was recognized as early as 1919. During that year the International Commission for Air Navigation, an arm of the League of Nations, set forth some general rules for air traffic.

The basis of air safety at that time was what is called the see-and-avoid method—whereby pilots were solely responsible for the safe operation of their craft and relied on eye-sightings to determine any and all risks to their craft from other air traffic.

As we know from observing the blinking and flashing lights carried by virtually all planes—lights engineered and produced in Urbana, Ohio—the see-and-avoid, do-it-yourself system is still one of the fundamental methods of collision avoidance—and a very vital one.

But before 1930, it was realized that additional safety aids were needed. First, flagmen were on duty at some airports to signal pilots when it was clear for them to take off and land. Soon after, many airports installed radio-equipped control towers to cope with the traffic, and ground support for pilots was full born.

With the advent of radio aids to navigation, which were being installed along airways by the Federal Government, the amount of flying in restricted visibility or actual instrument weather conditions was increasing. By 1935, the airlines had established the first air route traffic control center at Newark to cope with this part of the air collision problem—flight in instrument weather conditions when the pilot cannot see and avoid.

At this point, there was a full sharing of responsibility for air safety between the pilot—when he could see—and ground control systems—when he could not. Industry terms for these two methods are visual flight rules—VFR—and instrument flight rules—IFR. Certain prescribed weather minimums, in essence, form the basis for the distinctive requirements of each of these two modes of flight operation.

Thus, under VFR, where the pilot is responsible for collision avoidance, he must conduct flight in weather conditions which permit him to see and avoid other traffic.

By contrast, under IFR, air traffic control is responsible for preventing col-

lisions between IFR aircraft in controlled airspace. A big-brotherly, all-seeing eye protects planes from takeoff to letdown.

IFR operations have no en route weather minimums, and may be conducted in absolute zero visibility conditions or in absolutely clear conditions—and any type of visibility conditions between these two extremes.

Therefore, VFR and IFR traffic may be intermixed under a variety of weather situations, and air traffic control, especially en route, is not responsible for separating IFR aircraft from VFR in the same airspace.

The collision avoidance system is a real bright spot on the safety horizon. However, it is predicted that it will probably be 1970 before it becomes operational throughout our commercial fleet. But one potential manufacturer of the system has indicated that development and production in quantity could be speeded up.

The FAA must determine and publish specifications for such a system before any manufacturers can move ahead. The Air Transport Association, whose collision avoidance committee is coordinating the efforts of airline, government, and manufacturers interests, has set a goal date of June of this year for the completion of the needed specification. Why not April or May for a target date?

I would suspect that a healthy number of pilots and air traffic controllers would favor an earlier date. If I may speak for airline passengers who want to stay healthy and alive, so would we.

The committee should study the autonomy of the Civil Aeronautics Board, and—perhaps more timely—the National Transportation Safety Board which will soon assume the accident investigation duties and responsibilities of the CAB.

As an investigatory agency, the NTSB should be as independent of governmental and civilian ties as possible. The Board needs a highly trained complement of professionals to do its job properly. The hearing may help pin down the new Transportation Department to see that this congressional aim has not been frustrated.

The long-range development and location of air terminal facilities has gained added import with increased traffic and per plane passenger load. We should be able to point to a comprehensive master plan for a system of air terminals that will accommodate the super planes, the rigorous schedules and the millions of passengers in the decades to come. Our experience with inadequate and unsafe highways should be a lesson in why we must avoid a "too little, too late" air terminal development.

The limited access principle has proven effective on interstate highways, and may have valid application to airways in the near future. It is not altogether unreasonable to consider prohibiting some aircraft from entering certain areas around airports where traffic is heavy.

Here we must distinguish between types of aircraft, notwithstanding the present delineation of commercial and general aviation planes. As I have mentioned, the general aviation category includes some planes that are as fast, as well equipped, as well manned and, in some cases, even as large as some commercial air carriers. These aircraft are often capable of meeting commercial air safety criteria, and some do. Perhaps others should, if they want to compete for airspace with the scheduled carriers.

This might include, for example, requirements for filing an IFR flight plan and proceeding in accordance with it. The plane would, in turn, be monitored and controlled by air traffic control facilities, which would assume responsibility for its safety within the airspace authorized by the flight plan. Installation and use of certain safety equipment such as a radar transponder and effective radio gear might also be required in certain areas, and a periodic physical examination and proficiency check of pilots of some general aviation craft—similar to those required of commercial pilots—might be in order.

Meeting these standards would bring this type of aircraft within the scope of the FAA planned national airspace system which includes automatic conflict prediction and other automated functions relieving controllers of routine workload and permitting more time to be devoted to the maintenance of adequate separations between aircraft.

It is noteworthy that probably a small percentage of general aviation aircraft would be affected by such regulations. The greater number of private planes have no need to enter air corridors of other airspace normally used by commercial craft. They are based at, and most often fly between, the smaller airports where there is little hazard of collison with a scheduled carrier.

The committee should determine whether a severe economic or convenience hardship would be imposed on these planes by restricting them from the high-traffic areas mentioned. Again, a healthy respect for safe flying conditions for all should be the measure.

Remember, we do not allow bicycles on our freeways. They use other roads without undue inconvenience.

Ground support facilities and noise abatement requirements are important in the overall air travel picture. Perhaps, they should be studied in depth for factors related to air safety. We know that noise abatement is currently a partial determinant in assigning air routes and patterns, particularly around metropolitan airports. We must know to what extent—if any—this practice affects safety.

Is safety a major consideration in the number of crewmen in the cockpit of a commercial airplane? Are two men overtaxed to safely operate a DC–9, or are three needed—and what about the faster, bigger SST planes of the future?

If there is an answer, we should find it.

This the committee and the Congress can do—and must do.

It would appear that, being a relative youngster among American businesses, the air industry may be suffering some uneven growing pains. Surely it will eventually outgrow these problems. But how soon? Let us be sure it is as soon as possible.

The finger of 1,500 deaths a year is pointing at us.

NATION'S URBAN AREAS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. GOODELL], is recognized for 60 minutes.

Mr. GOODELL. Mr. Speaker, on March 29, 1967, Mr. Edward J. Logue, development administrator of the Boston Redevelopment Authority, spoke before a gathering at George Washington University on the problems of our Nation's urban areas. His long experience in the field makes him a most articulate and perceptive commentator.

Mr. Logue offers several proposals for improving the effort to cope with urban area problems. Some I would reject, but all deserve careful consideration.

Two features of his remarks deserve special attention. First, he condemns the existing fragmented grant-in-aid system and proposes that Federal aid be made available "on a no-strings basis."

Second, Mr. Logue offers an endorsement for the principle of the Human Investment Act—H.R. 4574—introduced by my colleague, the gentleman from Missouri [Mr. CURTIS] and about 100 other Republicans. Mr. Logue ventures the opinion that we ought to "advance the proposition that people are more important than machines." He proposes far more generous tax treatment for the costs of job training than I have ever heard suggested, contending that—

> We should allow the employer to deduct not only the full cost of paying and training the unskilled worker but twice as much besides to encourage him to take the risk over and over again.

I commend Mr. Logue's remarks to all who are concerned about redirecting our efforts to meet the problems of our cities and would like to read portions of those remarks into the RECORD at this point:

> I have been in the work of city rebuilding for a dozen years. In that time (is it long or short?) the urban crisis has moved from the fringes of public concern to a quite central position.
>
> Long unconsidered by too many of our columnists and editorial writers, the city and its problems have now come to be a major topic, albeit the concern strikes me as somewhat seasonal.
>
> I wish I felt that the work we have done in city rebuilding, or the eloquence of some of our mayors and scholars, was responsible for the increasing awareness that a cancer is eating away at most of the older neighborhoods in most of our older center cities.
>
> I am more inclined to the belief that deprivation, alienation combined into unrest and then erupting into riot in the slum ghettos is what has awakened the people and the pundits to the dangerous sickness afflicting so many of our cities. I think we are beginning grimly to sense that we are not coping effectively with a condition that can tear at the vitals of our domestic tranquillity as has nothing else in our nation since the Great Depression.
>
> May I take it this evening that there is widespread agreement, whatever the cause may have been, whatever the remedy should be, that in our slum ghettos and in the malaise affecting too many of our cities and their governments we have a problem of surpassing national importance. You have all heard

the statistics and I shall not repeat them tonight.

If you are not persuaded that much of our older inner cities are not fit to live in I still will not offer you numbers. Instead I will suggest that there still are plenty of slum areas in Washington you can walk through and perhaps convince yourself.

I think I can say, accurately if reluctantly, that our national efforts to date to cope with the urban problem, while far from unavailing, are not going to solve it in this century, which is only two-thirds through.

Do we have that much time left? You answer that yourselves. How long can we wait to launch the all out assault so obviously required?

I respectfully suggest that an affluent society, which parades itself through a ghetto living room via the television tube, should be aware that it is inviting a reaction from those who are not able to share in the affluence.

Too often in the last ten years areas of public and private opportunity in housing, education and employment have opened up, apparently, only to be effectively shut by rising standards and the rapidity of technological change. It is the relatively swifter pace of white affluence and white technological capacity which has made obsolete the striving patterns that put our immigrant forebears into the mainstream of American life. Special efforts are going to have to be made to bring our nonwhite fellow citizens into the mainstream of American society. Curiously this effort is most effectively underway today in our armed forces. It is a demonstration that it can be done. Some may rebel from the cost of such an effort or from its apparent deviation from older puritanical virtues we have supposedly held dear. I respectfully suggest to you all that it is consistent with our aspirations to join together for the pursuit of happiness and that it is a whole lot cheaper and less unpleasant than leaving most of the nonwhite population outside.

What kind of effort should we be making? I believe that the basic legislation we now have on the books is good enough if it were adequately funded and the program administration invigorated as it would be by full appropriations. Nothing will make a bureaucrat into an administrator faster than a steady flow of calls from the White House or the Budget Bureau or the Appropriations Committee asking to increase the pace of spending to meet demonstrated need and promising supplementary monies if required. (To the best of my knowledge such calls have never been made.) Contrariwise, nothing turns a high powered mover and shaker into a questioner and sceptic on individual program proposals faster than the knowledge that there are five to ten worthy applicants for every one he can satisfy. (Why, the same thing has even been known to happen to foundations.)

I am concerned about the future of urban renewal. I believe that in the last eight years it has developed a flexibility, a sensitivity to both human and aesthetic concerns, which have made it into one of the most potentially useful and worth while programs for city rebuilding in the world today. However, it will soon quietly approach a moment of crisis. If continued underfunding persists it will become as sterile and unsatisfying as much of our public housing is today, and support for the program will drop away as it has dropped away for public housing. The loss of talent, the loss of verve, the loss of fans that public housing has suffered will happen soon to the urban renewal program if present funding levels are maintained.

In recent years, and in particular on December 13 before the Ribicoff subcommittee, I have made many suggestions as to how the national government could more effectively help local government do a better job. They could be summed up in a few words "more dough, less advice". I continue to believe in that approach but I am increasingly pessimistic about its being adopted in the next few years, absent a sudden and honorable halt to hostilities in Viet Nam. If that happened I am sure we would be called on as a ready reserve of spenders to keep the economy going until the national government had re-arranged its priorities. We would then probably lose out to a program to populate the moon with new towns.

How about the model neighborhood program we have been looking for? Will it make rebuilding our cities easier? Not at all. In fact, Secretary Weaver went out of his way to assure the Congressional Committees that it would not be easy. Having studied the guidelines with some care I can guarantee you it will not be easy to get selected to plan a model city neighborhood and to get the money to carry the plan out. In fact, it is the most complicated way to get a so-called "block grant" that I think could have been devised.

In Boston, and in hundreds of other municipalities throughout the nation, us locals are busily preparing binders to stake out a claim for our share of $11 million. Even though there will be only seventy lucky winners, the work being done and the paper being churned out just to get into the act is a stimulant to the economy all by itself.

Despite the fact that the model city program is also under-funded and over detailed, I support it strongly. I oppose equally strongly the notion built into it that you in Washington and we in Boston are in a competition to see who can come up with the brightest, shiniest ideas to help our poor. I think there is something terribly wrong about the whole nation that some ghettos are going to be improved because they have the right kind of leadership and some are not because they do not. And it is even more distressing to me that for the sake of geographical balance some cities with no ghettos at all are going to get designated and some small towns, just to prove it is not a big city program. We have long since adjusted in Boston to the idea that the Bureau of Reclamation was not something we were going to see much of locally. Yet our Congressional delegation has consistently gone along with such programs.

Despite these reservations, which I regard as serious, I think the program is a useful experiment, and I hope that we in Boston will be allowed to bring to bear our experiences to make it successful.

The fifty-two page guideline is a competent document and by federal standards quite concise. Although setting forth a general outline it appears to allow for and indeed even to encourage cities to be innovative.

In order that seventy cities may get a piece of eleven million dollars to make model city plans some 500 to 1000 local mayors or city managers are going to have to confess their cities' shortcomings at length and quite publicly. There may be some sound reasons of public policy for encouraging so many repentant sinners to come forward when it is fore-ordained that only a few can be saved. As a Democrat, I am sure it is not good politics.

However, in Assistant Secretary H. Ralph Taylor the President and the Secretary have chosen an executive who is sensitive, imaginative and thoroughly experienced. He knows all the tricks we locals can try. He ought to; he invented a good many of them. If anybody can make the model city program move, Ralph Taylor is the man who can.

One of the things I am enthusiastic about in the HUD Model City guidelines is the emphasis it places on the central role of the Mayor. I have long felt that the authority and also the responsibility of the Mayor needs to be more central in the affairs of the city as increasingly have the role of the governors in the states.

Of course, I admit to having been spoiled. I have worked for and with two intrepid gentlemen Richard C. Lee and John F. Collins who enjoyed the job of Mayor and have transformed their cities (New Haven and Boston) in a way that no lesser office holder could have. New Haven has become the prime example of what can be done if you go all out. I am not at all sure Secretary Weaver will be able to justify a model neighborhood grant to New Haven. In Boston with its famous political tong wars John F. Collins has shown that not only can a new civic center rise out of the ashes of the Old Howard and Scollay Square but that urban renewal can be made to work on a truly large residential scale.

In New York City I think we are witnessing something equally promising in Mayor John V. Lindsay's bold and large scale approach to the slum ghettos there. He has asked for approval of three model neighborhoods. I have been particularly impressed by the careful, yet forceful way he is reshaping and decentralizing the administration of housing and renewal programs and the outspoken emphasis he has given to the quality of design in a city long indifferent to good architecture, public or private.

Although reluctantly, I am convinced that the model neighborhood program is not the answer we should all be looking for. It is a step forward, an interesting opportunity, but I do not believe it will make rebuilding cities easy.

I would like to suggest that in our search for an approach to city problems from a national standpoint there are some ground rules which I am sure apply in 1967 and may apply for sometime in the future. Most of us interested in the work of city rebuilding have been reluctant to recognize many of these ground rules and their implications for our aspirations for slumless cities while we are still around to enjoy them.

I am afraid we must begin with a pragmatic acceptance of the fact that, despite the poverty and degradation endemic in our slum ghettos, the American people and their national government are not about to reduce any existing national priorities or reallocate any national resource commitments in order to make more adequate national resources available to deal with the urban crisis.

I don't like that conclusion but I am afraid it is inescapable.

The most we can hope for, short of an honorable peace in Viet Nam, is a longer share of the increment in the gross national product. It will not be enough, however, to make a significant difference if the experiences of the last five years is indicative.

There are some specific ground rules I believe we must follow.

First, no money now needed for our present effort in Viet Nam is going to be diverted to the cities. (I don't happen to think it should be.)

Second, no money now needed for our present space effort is going to be diverted to the cities. (I happen to believe it could be and should, but concede it won't be.)

Third, no other established national budget priority such as the mammoth U.S. Department of Agriculture is going to be cut back to make room in the budget for the cities. (I used to think USDA programs were way over-funded but I have changed my mind about present programs. In fact, in view of the phenomenal increase in world population and the virtually worldwide lack of a population policy we should probably be encouraging worldwide USDA research.)

Fourth, no major beneficiaries of what Philip M. Stern has called "The Great Treasury Raid" are going to get turned out in

order that more federal tax monies will be available for urban needs.

Fifth, no major element in the American economy is going to be slowed down in order to pump money into cities. Automobiles and sailboats and color television will be produced as rapidly as advertising can find them a market.

Sixth, no major new federal taxes are going to be levied to produce the extra unallocated revenues which could be channeled into meeting inner city needs. Nothing is more unlikely than an emergency slum tax or city tax.

Seventh, what is true of the federal government is more true of the states and will not be changed significantly by reapportionment. State needs are growing faster than state resources. The states have lost their chance to stand between the cities and the federal government.

To sum it all up the war against urban poverty and blight is not a war at all. The term is misleading and should be dropped. It is a low priority national program, substantially under funded and likely to remain so. I see only two ways this situation can change. The first is peace in Viet Nam which we all hope for. The second is war in the ghettos which we all hope against.

It is time for a new realism on the part of local officials, public interest groups and civil rights leaders. I have been to too many meetings here in Washington where we spelled out our needs, to too many Congressional hearings where we made our pleas. We have been going down the wrong road. I think it is time for a new turning.

Operating within the inescapable ground rules of no major new federal resource commitments, what we can do?

Basically I believe there are two things we can do.

First, I believe we can do vastly more with the federal resources we have and do it much better and much faster.

Second, I believe we can go over the Federal Internal Revenue Code with the care of a Wall Street lawyer or a Washington lobbyist and find ways to eliminate the help the Code is giving today to spreading slums and ways it can be amended to fight blight without draining the Treasury.

As to the first point, streamlining federal programs, we have not begun to scratch the surface. We need to put an end to the incredible proliferation of categorical federal aid programs in HUD, OEO and HEW particularly which are spawning a vast number of instant experts who are not the slightest bit reluctant to attempt to impose their own notions on local officials whose first mark of success must be the amount of dough they get from the feds. The instant experts would be better off closer to home working on the problems close enough to see them and feel them.

Last year's 414 page "Catalog of Federal Programs for Individual and Community Improvement" is already obsolete. At the rate the executive and legislative branches are spinning off new pilot projects, launched with glowing promises of the wonder they will perform, the average local official is beginning to feel like those air traffic controllers we heard about last week. Increasingly the local official is forced to turn his attention away from the local scene to palaver with a bewildering variety of feds who are at home with all the rhetoric but inexperienced and uninterested in the practical local applications. This criticism is more true by far of OEO than HUD.

Grantsmanship is one of our minor growth industries and I say the hell with it. If we do not cut away this jungle of programs (the catalog has to be read to even begin to comprehend how serious this problem is) I guarantee you that by 1969 C. Northcote Parkinson will be in charge of all local programs for the federal government.

If we are ever to restore the health and strength of inner city local government we must treat them as adults and give them freedom to work out their own solutions. I say that we in the city halls of America are as honest as those in Congress and the Executive Establishment, we know our needs and priorities a lot better and I believe we are equally capable of doing something about them.

Sure we will make mistakes but so have and will the Feds. We are closer to the electorate and if we are wasteful and incompetent or dishonest we stand an even better chance of being tossed out.

I propose that we lump together all of the inner city programs listed in the OEO guide and make them available to those cities on a no strings basis. Yes, let the Mayor of Boston decide his city's greatest need is for school improvements and the Mayor of New York that police are his highest priority. Let them decide. Let them use the process of consultation they think most appropriate. Let them be accountable to their communities for the choices they make and the way they carry them out. After all, no mayor has more than a four-year term.

Let the federal role be limited to two steps. First to receive, analyze and comment on a report from the Mayor on what he has done—a kind of accrediting report, quite public.

Second, since federal funds are involved, let the GAO conduct stringent post-audits for financial irregularities, the results to be made quite public.

I guarantee you, for whatever my twelve years in this work is worth, we will do the job faster, better, cheaper and more sensitively than we are doing it now. We will enjoy it more, we will get better people involved and we will provide gainful employment for all of those unneeded Feds.

And remember it does not cost one dime more.

Too much for one bite?

Well then why not pick seventy cities this year and let them try it. Then let's have a real competition between the federally oriented model neighborhood program and the "trust the locals" program. I think I know where I would place my bets. Where would you? And remember it would not cost a dime.

A change in the federal role from holding all the leading strings to conduit and auditor is not enough to make rebuilding our cities possible.

Where else can we turn within the limitations of the budgeting guidelines which must, I believe, govern us.

I believe the answer lies in the Internal Revenue Code. First, there is one major loophole to be plugged.

Incredible as it may seem, Uncle Sam is a principal cause of the phenomenon known as the slumlord.

No matter how run down the properties, no matter how miserable the housing, no matter how many violations have been lodged, the slumlord may file his depreciation. Believe it or not, even in an old low tenement he may take it on an accelerated basis!

I shall not attempt to take you through all the morbid steps by which noxious slums become respectable "tax shelters". The process is all explained in Chapter VII of Philip M. Stern's recent book, "The Great Treasury Raid." The chapter is titled: "How To Get Rich Quick in Real Estate"—with Uncle Sam's help.

In a contest between an on-the-premises tenant with meager resources and no access to the conventional lending market and a slumlord with access to all kinds of money markets and a federal tax bonanza to boot, who is going to win?

I suggest a simple amendment closing the loophole. No more depreciation allowed until and unless the owner can produce a certificate from the local government that the property for which the depreciation is claimed is in full compliance with the codes.

Such a provision would accomplish several objectives. It might make a good landlord out of a bad one. By stopping the tax-free depreciation allowances it would stop an outrageous drain on the federal treasury.

It will squeeze the water out of inflated slum values making it possible for public authorities, non-profit sponsors or competent profit-motivated private operators to acquire and rehabilitate the properties or, if that is infeasible, demolish the building and transfer the land to a more appropriate use.

I cannot imagine very many slumlords surfacing at a Congressional hearing and opposing such legislation. It should whiz right through.

On the positive side of tax inducements there are even greater opportunities to make the Internal Revenue Code work to make it easier to rebuild our cities.

Watch out for the critic who says it will drain the federal treasury. It won't. Helping rehabilitate slum ghettos has the same kind of economic spur potential that the recent income tax cut had. We all are familiar with the nation's happy experience when it gave an extra note of confidence to the private enterprise system by cutting back corporate and individual tax rates. We all know, or somebody must know, the benefits to the nation of the 27% depletion allowance.

I would like to propose for your consideration a series of "urban investment allowances" which could be taken by any federal income taxpayer owning property or conducting a business in an area certified by the appropriate local public agencies as blighted.

1. *Owner-Occupant of Residential Property:* He is the fellow we ought to encourage the most and whom we now discourage the least. Remember, unlike our slumlord he gets no depreciation unless he has tenants and has no tax incentive to keep his property in repair.

Why not give the owner-occupant a flat allowance of $1,000 a year as a deductible expenditure for maintaining his property—provided only that he spends it. Over and above that, why not give him generous straight-line depreciation allowance as an encouragement to stay where he is, assuming his own property needs no further improvement and the risk is in the neighborhood around him. He could stay there as long as he liked. His only risk would be that the blighted designation would be removed. What an interesting public hearing that would make!

2. *Owner of Residential Rental Properties:* Once the owner is in compliance with local codes give him extra depreciation allowances over and above the normal allowance if he is, in fact, investing them in repairs and improvements and can prove it.

3. *Owner-Occupant of Residential Rental Properties:* We all agree we want to encourage owner occupancy. It is certainly one of the most stabilizing forces a blighted community can have. Therefore it would seem appropriate to give an extra deduction to resident owners of rental properties.

The impact of such amendments would be widely and quickly felt in the average time it now takes to plan an urban renewal project before you begin to carry it out.

4. *Blighted Area Business Enterprises:* These enterprises, particularly the smaller ones have often been the hardest hit of any by eminent domain action or by the deterioration of the environment around them.

I would propose they get accelerated depreciation for any improvements to their properties and, in addition, get double the normal depreciation allowance as long as

they remained within the blighted area. Expansion in the area should receive even greater preferential treatment from the Internal Revenue Code.

May I pause right here and say that I believe these allowances should be available to any area, whatever its racial composition, which meets the existing HUD criteria of eligibility.

5. *Incentive for New Investment:* Much of any blighted area really should be developed for new uses. New Housing, shopping and industrial buildings should not all be located outside the blighted areas as they nearly entirely are today.

There is an extra risk to such investment. Let's recognize that risk by allowing *triple* the normal depreciation allowance. Let's let the job of assembly of land be done privately and have the writedown, if any, provided by allowing a five-year write off of property acquisition.

6. *Incentives for on-the-job Training Programs:* Better housing and improved physical environment quickly attained can provide an enormous improvement in the quality of life and in the sense of hope. The improvement in the conditions of private properties will lead to an improvement in the level of public services; at least this has been the usual experience where rediscovered locational advantages have led to a comeback of once blighted areas.

But employment and education are equally as important as improvement in the physical environment. Education is complex enough to warrant separate treatment, and I shall not attempt to deal with it here.

We know that residents of blighted areas tend to have lower occupational skills than residents of other areas. We know that the gap is accelerating. We know that with a few exceptions public and quasi-public manpower development and job training are costly and ineffective. We know that, despite expressions of good will, private enterprise has not made a quantitatively significant contribution to the employment and training of blighted area residents.

Why not abandon the hope of wholesale charity or wholesale goodwill and turn the incentive system on again?

It's risky to take on an unskilled worker and train him. It's particularly costly if you give him a living wage during his training period. The overhead cost of such training is also high.

Why not make it worth the employer's while?

After all, if he buys a brand new machine that is certain to improve his plant's efficiency and probably guaranteed to displace some of his present employees, we call that progress and give him accelerated depreciation allowances as a reward.

Why not advance the proposition that people are more important than machines and allow the employer to deduct not only the full cost of paying and training the unskilled worker but twice as much besides to encourage him to take the risk over and over again.

Well, I could go on, but I'll just add one more—the New Seagram Rule. You may recall that the City of New York penalized the owners of the Seagrams building for the extra cost of making it superbly beautiful.

Architects are too shy or timid to admit that beautiful buildings do cost more than ugly ones. Why not get the extra cost of beauty certified (it wouldn't be hard) and allow a quick five-year write off? Think of all the practical people who would suddenly become enthralled with architects they never knew existed.

There is apparently very little that a lot of investors will not do to obtain a good tax shelter. Why not allow them to do a little social good?

Sure, I am aware that the inventive genius of the tax lawyer and the accountant would soon be trying to find ways to improve on the law. But what a nice problem to have!

I am also aware that the tax reformers will oppose any new efforts to amend the code for non tax revenues. That doesn't bother me a bit. They have not been too successful in the past, witness Phil Stern.

Ladies and Gentlemen, we have the most ingenious, most productive private enterprise system in the world. Our income tax structure has encouraged its imagination and resourcefulness. So far it has had no reason to go into the blighted areas of urban America. Let's speak to that system in language that it understands. Let's make it not only easy but profitable for private enterprise to rebuild our cities.

I would like to see a meeting in Washington, or maybe it would be better in Reston, devoted to examining new approaches to rebuilding our cities. All the public interest group leaders and representatives could come provided they agreed to leave their old slogans and their old bold new programs behind. The only featured speakers would be tax experts who would have been paid $1000 apiece to set forth a new way of improving cities by adjusting the code. Having had my say this evening, I would gladly stay away.

I believe that cities are a part of the public business the nation has too long neglected. I see no prospect of a funding breakthrough. I see enormous possibilities at negligible expense in a series of amendments to the Internal Revenue Code. It used to be said that the HHFA Administrator and the Federal Highway Administrator had never met and were unlikely to. In time they did meet, though not until after most of the Interstate Highway System had been laid out. I hope it may be possible for Secretary Weaver and Secretary Fowler to convene a conference to explore ways and means of making the Internal Revenue Code work in favor of city rebuilding instead of against it as is now the case. If the Treasury can give this as much attention as it does the international balance of payments, and as much enthusiasm, I believe we will, in fact, have found a way to make rebuilding cities easier.

"A HERO'S WELCOME": THE SUBSTITUTION OF GIMMICKS FOR SUBSTANCE

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Alabama [Mr. EDWARDS] is recognized for 30 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, the Vice President returned yesterday from a European trip. The occasion was marked by what they called a hero's welcome down at the White House.

This hero's welcome and the trip itself is another example of how far we have gone in the substitution of gimmicks for substance in the conduct of U.S. foreign policy.

The Vice President's trip might be considered a symbol of everything that has gone wrong with our foreign policy management in the past 6 years.

As he wiped the eggs, paint, and flour from his clothing in preparation for the gala White House ceremony, and as he recalled the jeers which greeted him at nearly every stop on his European trip, the Vice President must have wondered at what has gone wrong.

With U.S. relations abroad in so precarious a situation it is no wonder that administration publicists find it necessary to stage so spectacular a show as yesterday's "hero's welcome."

BASIC FACT

Any American, or any citizen in any country, who can read a newspaper knows that when you sweep away all the public relations gimmickry which characterizes U.S. foreign policy of the past 6 years the basic fact of the situation still exists: the United States has failed to provide international leadership.

And much of the world's trouble today is directly a result of that fact.

After 8 years of a Republican administration during which no country fell under the heel of Communist domination, and no American forces were engaged in hostilities, we now have witnessed 6 years of foreign policy drift and gimmickry during which both the insecurity and major military conflict have increased manifold.

After 8 years of world stability based in large part on a system of U.S. alliances carefully developed and nurtured by the Eisenhower-Dulles foreign policy, U.S. relations with non-Communist countries have steadily deteriorated in the past 6 years, and as a result we have had one crisis after another.

In 1960 there was a great controversy over the alleged loss of U.S. prestige around the world. Regardless of what prestige we had, we had a great deal of respect as an international force for peace and freedom.

In 1967 we have neither prestige, nor respect, nor peace, and freedom is on the ropes in many areas of the world. These facts might have been considered at yesterday's White House "hero's welcome."

REACTION

One major missing ingredient in foreign policy during the past 6 years has been genuine planning based on effective working relationships between the White House and the State Department.

In the Eisenhower administration the National Security Council, however bulky it might have been, worked as an effective core of U.S. foreign policy planning.

The Lebanon crisis of 1958 and the two crises over the offshore islands of Quemoy and Matsu were handled in such a way as to maintain peace and stability in remote parts of the world.

But with the coming of the Kennedy and Johnson administrations in 1961 the National Security Council was tossed into the wastebasket. Instead, reliance was put on haphazard judgment of a small number of individuals playing the important foreign policy game by hunch.

President Kennedy and President Johnson both entertained suggestions that long-term planning was essential in order to take the initiative and provide leadership. Both disregarded the advice.

Beginning in 1961 we entered a period of "firefighting" as a substitute for fire prevention: a period of foreign policy gimmickry instead of substantial planning.

We have had 6 years of concentration on the "operational aspects" of foreign policy instead of long-term reasoning. We have seen very little U.S. initiative, and instead a series of U.S. reactions to initiatives taken by others.

We have yielded the timing, the choice of weapons, and the choice of the battleground to our adversaries, and we are suffering the consequences.

VACUUM

As one example of the vacuum in our policy machinery I refer to an incident I have experienced at first hand.

On February 24 of this year I wrote to the State Department asking some questions as to the reasoning for the Department's action in denying Mr. Ian Smith, of Rhodesia, an opportunity to visit this country so that he could respond to an invitation to speak in Chicago.

I had thought my questions were routine in nature. The State Department had taken the action, and I was only asking why. But to my surprise I had no response to my letter, not even an acknowledgment of its receipt, until a month later on March 24.

On that day a gentleman from the State Department called my office to say they were working on a response. He said it was a "sensitive matter" but that we could expect a response shortly, perhaps even the next day.

A week later came another call from the same individual. This time he said essentially the same thing: the matter was under consideration at high levels, but it involved policy questions, and a response would soon be forthcoming.

Mr. Speaker, to this day I still do not have an answer to my questions. I have had nothing but the two phone calls.

I do not feel that this is a problem just within the State Department itself, although surely they must have a situation there in which true initiative is stifled in an atmosphere of "don't rock the boat."

I believe the primary problem is that on this Rhodesia matter there is no real policy yet even though some actions have been taken. It is an example of how our foreign affairs are being conducted on a day-to-day, even an hour-to-hour, basis, without a suitable overall plan.

If the State Department had a policy on which its Rhodesia actions have been based, I think that either they would have responded to my questions of some 46 days ago, or else would have explained to me why they cannot.

In these past 6 years, without real planning in foreign policy, without an operating National Security Council, and with undue reliance placed on slogans and gimmicks, the U.S. position has steadily deteriorated.

We should hope that the low-water mark was reached at yesterday's "hero's welcome" at the White House. What are some of the examples of our foreign policy failures?

First. The North Atlantic Treaty Organization has fallen apart and there is no relief in sight. We have no alliance with European nations worthy of the name.

State Department people seem to justify this by saying "the world changes" and "we must change with it." But adaptation to change is one thing, and a broken alliance is another.

NATO and other alliances in 1961 were the subject of scorn on the part of many influential people in the Kennedy and Johnson administration. It was fashionable in these groups to downgrade these alliances as a kind of old-fashioned and unnecessary mechanism associated with an oversimplified view of the world.

It was not sufficiently considered that they worked.

Even in the late 1950's Senator John Kennedy took the floor of the Senate to issue a blast at France for alleged mishandling of the Algeria matter. It was inevitable that, when Mr. Kennedy became President, our relations with France were to deteriorate further to the present point.

As part of this problem Mr. Kennedy in December of 1962 canceled the Skybolt missile program on which England had counted, and instead offered Polaris submarines to that country, but not to France except as an afterthought.

Second. The Southeast Asia Treaty Organization has fallen into disrepair in the same manner. It was a victim of the same scorn for alliances which prevailed in the White House beginning in 1961.

With France alienated and with Pakistan embittered SEATO became a paper organization. Our support for it became only a ritual acted out for the supposed benefit of those closest to Communist Chinese aggression in Asia—the Philippines, South Vietnam, and Thailand.

It was with a touch of irony that in 1965 and 1966 the Secretary of State was brought to the point of justifying our effort in Vietnam on the basis of our SEATO commitments.

Closer to the real point would be that it was our disregard for the substance of the SEATO idea that led to our unfortunate involvement in Vietnam in the first place.

THE SNOWBALL

With this serious deterioration of NATO and SEATO the United States has met a snowballing series of troubles. With a lack of regard for our natural allies we have found ourselves acting in effect without allies.

Third. President Kennedy went to Vienna in 1961 to meet Khrushchev where the Kremlin leader took the measure of the new President. While U.S. newspaper readers were fed reports by the hour on how the ladies got along, Mr. Khrushchev must have been deciding that our new administration was intent on starting U.S. foreign policy from scratch, just as though nothing had happened before—that no lessons had been learned in the actions of the Eisenhower-Dulles years which had been so successful from the U.S. standpoint.

Fourth. Then came the Bay of Pigs, with its catastrophic display of U.S. incompetence. The Kremlin's assessment of that incident must surely have been to verify the Vienna judgment: Under President Kennedy we had no capacity for effective action based on sound planning.

So the Cuba missile installation of 1962 was inevitable. What reason did the Kremlin have for thinking we would seriously object? The Kremlin's miscalculation should have been predicted, but it was not, and as a result we hovered on the brink of all-out nuclear war

Fifth. The Berlin Wall evidently was a complete surprise to our foreign affairs people also. We had no program, no policy. We did not even have a reaction.

Sixth. The Yemen crisis beginning in September of 1962 brought our position in the Middle East to a precarious crisis stage. In extending recognition to a rebellious regime we sought to appease Nasser but we managed only to dismay our friends.

Today in 1967 that problem still exists. And instead of more stability we have less in that area. Terrorists are spreading their poison in Aden; Russia is building an airstrip, a seaport, and roads in the area, and in the words of one reliable newspaper account just last Sunday, "alarms are ringing from the Mideast to the Atlantic."

Seventh. Also in 1962 Mr. Averill Harriman returned from Geneva after reaching agreements designed to find stability in Laos. His welcome at the White House was similar to the "hero's welcome" provided the Vice President yesterday.

The Laos agreements may have bought a lessening of active conflict in Laos. They did achieve a truce as a kind of patchwork emergency solution. Our mistake was to accept that solution as real progress.

Kennedy's mistake was to think of the Laos matter in isolation instead of part of the area strategy of Communists, with Vietnam as the key.

The fact is that the Laos agreements were a great victory for the overall southeast Asia strategy of the Communists—the Pathet Lao in Laos and the Vietcong in Vietnam.

The reason for this was that they left the Ho Chi Minh Trail in Communist hands as a route over which the Vietcong continued to send men and equipment from North to South Vietnam.

BIGGEST ACT

No single U.S. act, before or since, has served to deepen the U.S. commitment to South Vietnam as did the 1962 Laos agreements engineered by the Kennedy administration through Averill Harriman, who at that time had no experience in Asia.

Aside from the fact that the agreements were breached by the Communists when they chose to do so, the biggest result of the affair was to enable the North Vietnamese to count on having their supply route to the south open on a continuing basis.

From that time in 1962 the Communist strength in South Vietnam mounted sharply.

And today's guerrilla warfare is not limited to Laos and South Vietnam. It has been a problem in northeast Thailand for at least 2 years. And now just this month Prince Sihanouk, of Cambodia, despite his long efforts to placate the Communists, has announced that armed Communist rebellion has broken out in parts of his country.

BOLIVIA, TOO

Eighth. Today, Mr. Speaker, President Johnson begins new talks with Latin American leaders at Punta del Este in Uruguay.

These talks come after Communist

guerrillas have begun to terrorize part of the countryside in Bolivia. The State Department says there is little to worry about in Bolivia. We all hope they are correct but we have to recall that for many months they said there was nothing to worry about in Cuba also.

In fact they denied Castro was Communist until Castro himself came forth with the news in a boastful performance for the Cubans.

The Bolivian incidents are in accord with the Communist plans laid out at the Tri-Continental Conference in Havana in January 1966, where it was agreed to establish at Havana a general headquarters to support, direct, intensify and coordinate guerrilla activities in Latin America, Africa, and Asia.

CLEAR SUPPORT

Mr. Speaker, history is clear in its demonstration that Republicans in Congress have provided full support to any President of either party in any foreign policy action which utilizes planning and sound operational action to apply U.S. leadership to the long-term needs for stability, peace, and progress in world affairs.

Unfortunately the other party does not show the same measure of support, and our national foreign affairs leadership has been handicapped by a division in the Democratic Party. It handicaps us today.

Yesterday's "hero's welcome" at the White House might yet be useful if it somehow marks a transition. Let us move from a foreign policy of gimmickry and temporary expediency to one of true U.S. leadership.

It is only in this way that we can fulfill our very real responsibility to retain stability, peace, and humanity in the world.

THE LABORATORY REQUIREMENT FOR U.S. OCEANOGRAPHY

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. HANNA] 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 Arkansas?

There was no objection.

Mr. HANNA. Mr. Speaker, the remarkable progress made by the United States in its missile and space efforts in no small degree can be attributed to the close relationship and cooperative interplay between the laboratories doing research and development and the shops producing hardware and materials.

Some time ago, Mr. Edward Wenk presented a paper called "Engineering for Maritime Exploration and Development." In this assignment, Mr. Wenk developed the role of ocean engineering in the effective and productive exploration and exploitation of the ocean potentials. The discussion certainly made clear that engineering was a particular discipline which would be called upon to apply its technology, methods, techniques, and materials to the sea world.

In the early phases of authorization and funding, I would like to delineate a related and equally important special field for careful consideration and favorable treatment. For lack of a more adequate designation, I shall call it the area of laboratory practices. As we prepare for a massive move into the wet frontiers of the sea, we must precede much of what we do by laboratory trials. This technique is well understood in the space program where "simulators" and other devices give data; give some operative form, and mark valuable experience ahead of project performance. Savings on heavy outlays in projects or projectiles are substantial because of this work.

It is our judgment that the laboratory techniques, methods, materials, and machinery are, in the United States in particular and in the world in general, below the standards required, if we are to move productivity into projects for undersea exploration. For example, not too long ago we found that we had made several very costly errors in such ancient and long accepted penetrations into the sea as harbors. Projections relative to wave patterns and tidal surges were incorrectly assessed and embarrassing damage ensued. Now there is an almost universally accepted requirement for testing in a laboratory such as the facility at Vicksburg for the design and structural components of new harbors.

It could well be that the French, the Dutch, the Scandinavians, and even the Russians are much further ahead in the development of laboratory practices and facilities than are we. Not surprising would be the disclosure that much of what has been developed is available in papers done in the languages of these nations. More than likely, little, if any, of this material would have been funneled, at this point, to our universities and scientific centers. Hardly any such works would have been translated into English.

An effort should be bent at once to collect all available information and materials. Immediately these works should be translated and communicated. Further, funds should be allocated early to put our country in the forefront of the development of laboratory practices which must precede any rational project undertakings.

When the tooling techniques and materials in such laboratories are such that one, applications are more fully effective, give full range to experimentation, more accurately reflect the actual conditions to be encountered, and two, interpretations are more penetrating and specific in their measurement of immediate results and in assessing probable projections, then the marriage between the laboratory and the project will begin to resemble that experienced in NASA.

Without an early preparation for funding in this particular field we may be making costly errors which will only necessitate a backing up. We can much more efficiently deal with this important requirement now. May I personally recommend to the recently organized National Council on Marine Resources and Engineering Development that urgent consideration be given to this phase of our coordinated effort. Seek a report on the experience of the nations known to be making a significant effort now, in this new work. The Dutch have a history of battling with the sea for a larger yield of productive life from the "wet world." The Japanese are ahead in the "fish farm" concept. Let us open up the channels for the learning flow from other lands. Let us equip our laboratories to ourselves become a significant center of advance in the conquest of the sea.

ADDRESS BY THE HONORABLE CLAUDE PEPPER

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. HANNA] 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 Arkansas?

There was no objection.

Mr. HANNA. Mr. Speaker, I would like to take this opportunity to insert in the RECORD an address delivered by my distinguished colleague, the gentleman from Florida [Mr. PEPPER]. Mr. PEPPER made this statement at the luncheon of the International Union of Building Societies and Savings & Loan Associations in Buenos Aires, Argentina, on March 28.

REMARKS OF HON. CLAUDE PEPPER TO THE INTERNATIONAL UNION OF BUILDING SOCIETIES AND SAVINGS & LOAN ASSOCIATIONS

President Raymond Harold, Distinguished Delegates and guests, Ladies and Gentlemen; I thank you very warmly President Harold for your generous and kind words of introduction. Coming from you whose friendship I so highly esteem they mean much to me. I wish my father and mother could have heard what you have said about me. My father would have liked it and my mother would have believed all that you have said.

I thank you also for the privilege of speaking upon the program of the distinguished international union of building societies and savings associations. We are all fully aware of the momentous contribution toward the accumulation of savings and the building of homes by these great international institutions in so many parts of the world and the important contribution they are making toward the happiness and the well-being of so many millions of people. It is significant that you should be here on behalf of your great international organization to recognize the most significant work toward the same high aspiration of the interamerican savings and loan associations and all those identified with these great endeavors. And my wife and I are most happy to be able to come again as we were able to do last December to this beautiful city of Buenos Aires to observe again its lovely vistas and parks, its magnificent edifices and institutions and to enjoy once more the most gracious hospitality of its kind people.

Maybe you have heard of the man who died and went to Heaven. After he was there for a while he was moved down to the other place. And after residing there for some time by a great miracle he was permitted to return to earth. When he came back and his old friends learned that he was home again they crowded around him and plied him with many curious questions. One was now Bill tell us the truth. Which did you like better Heaven or the other place? Well said the returned traveler, if you like streets paved with gold and pearly gates and beautiful angels, Heaven is the place for you. But

for old friends and warm associations, don't forget the place down below.

Although we meet here in heavenly Buenos Aires, it has been a great privilege for Mrs. Pepper and me to be able to see again so many old friends whom we have met at previous interamerican savings and loan conferences in Santiago or Quito or have been privileged to see in our own country.

I wish in the warmest way to commend Mr. Stanley Baruch and all those who have had a part in the setting up of this Fifth Interamerican Savings and Loan conference. The arrangements have been perfect. The setting here is most auspicious, the program most excellent, the distinguished delegates from all the countries represented were outstanding in their competence in these vital fields of savings and loan associations and home building. And with all this is a truly momentous interamerican conference which not only comes between the meeting of foreign ministers of the American Republics who gathered here only a month ago and the summit conference of the presidents of the American Republics to be held next month but it worthily ranks in significance with both.

Before I say more, may I invite all of you to attend the opening of the great Interamerican Cultural and Trade Center which will open as a permanent center in Miami, Florida, in my congressional district on July 4, 1968. This significant interamerican institution in which the United States and all of the Latin American countries except Cuba will participate and have distinguished exhibits, revealing the culture and the economic contributions of all of our peoples—a beautiful center where one who comes as a visitor may get a glimpse of the lovely attractions and the noble institutions of all of the free American republics—and where the republics of Central and South America who cherish freedom may appeal to the United States tourists to come to visit your lovely countries and where also you may expand your export trade by exhibiting to the fifteen million people who will come every year to this center the very desirable goods and products which you provide.

I especially wish to commend the National League for Insured Savings for the splendid and gallant leadership which it has given to the building of the dynamic savings and loan industry which is already in existence in Latin America. What a source of satisfaction it must be to Mr. Rex Baker, the president of the National League, and his predecessor, Mr. Harry Greep and one of my colleagues at Washington Federal, Mr. Arthur Courshoen and many, many more who have played a leading part in this great enterprise to see now that these institutions which came to birth only after the Alliance for Progress was inaugurated by President Kennedy in 1961, have flourished to the point where today there are 91 associations in nine Latin American countries with a total membership of 470,000 persons. These associations have accumulated savings in excess of 165 million dollars and have financed more than 56,500 homes. But we know this is only the beginning and there is to be a more exciting growth and progress in the years ahead—even greater than in the past—under the leadership of you who have come from so many countries to attest your continuing faith in savings and loan associations and under the stimulus and inspiration of the five momentous interamerican savings and loan conferences so dramatically climaxed here in lovely Buenos Aires.

It is my hope and belief that the legislation which I introduced in the congress last week to which my distinguished friend Mr. Rex Baker so generously referred in his address of Tuesday evening, will make a significant contribution to the growth of the savings and loan industry in Latin America to which we look forward. I am sure that we are in the process of working out a program under which the private savings and loan associations of the United States will be able to invest up to 1% of their assets—that means up to a maximum of 1 billion dollars since our industry is one of more than 100 billion dollars in assets now—toward the initiation and expansion of the savings and loan industry in Latin America. Such assistance, of course, will require the cooperation in the most earnest way between the government of the United States and the governments of Latin America, and between the savings and loan industry in the United States and the savings and loan institutions of Latin America. But we all know that the progress we have achieved thus far evidences that we have laid the foundation for such cooperation. We have developed the understanding and are rapidly developing the techniques by which it will be possible for the savings and loan industry of the United States as well as our government to give to this meaningful industry in Latin America not only the encouragement and counsel but also the assistance which will enable it to be a safe depository for the savings of the people and the instrumentality through which many more millions of people can achieve the happiness that can come only from the ownership of a home. But the perfection and the expansion of the savings and loan industry is only a part of the exciting revolution which is taking place throughout Latin America today. The spirit of San Martin, O'Higgins, Bolivar, Hidalgo, is felt where everyone goes throughout this old and great part of our hemisphere. But the enemy in this revolution is not a foreign crown or conqueror against whom these heroes of the past fought and triumphed but lack of education, substandard living, inadequate housing and denied opportunity for young, middle-aged and old alike.

San Martin, O'Higgins, Bolivar, Hidalgo and all those gallant men and women who fought with them in the several countries they liberated fought almost alone. In this revolution of today led by those who fight on in the spirit of your liberators and heroes of the past you do not fight your present revolutions alone. You have not only the friendship but the commitment of the United States of America and our people that we are with you in this war and we shall continue to fight with you until the new liberation is again gloriously achieved.

I regret to say that my country has not always followed this course. On the contrary, in the 15 years after World War II the United States gave 30 billion dollars to Europe, 15 billion dollars to Asia and only 2½ billion dollars to the western hemisphere. But, beginning in 1958 when we signed with you the charter for the Interamerican Development Bank the United States out of recognition that your cause was our cause took and set upon a new course. In 1960 we signed with you the Act of Bogota, under which we authorized 500 million dollars for the social trust fund to be used by the Interamerican Development Bank.

But the great stride forward in our cooperative program came in August of 1961 when President John F. Kennedy, who had such a warm place in his heart for the people of Latin America, inaugurated at Punta del Este the Alliance for Progress charter. In the words of President Lyndon B. Johnson, speaking to the Pan American Health Organization in Washington on August the 17th of last year: "The aim of the Alliance is to build new societies. And its method is to build democratically through a partnership of all. Today, the Alliance is a revolution at work—it is creating, building, transforming, reaching forward; it is touching the lives of hundreds of millions of our fellow citizens." President Johnson said he saw the further impact of the Alliance: "In the teacher and her pupils as they moved into new classrooms in the mountain plateaus of the Andes and the barrios of the cities;" he said, "we see it in the isolated indians of the remote villages that are striving to become part of larger international communities; we see it in the laborers that are carving roads on the eastern slopes of a vast mountain range to open up the heartland of South America; we see it in the farm extension agents and in the campesino who for the first time works the farm that he can call his own. We see it in the workers and the managers that are building new and great and modern industries. We see it in families that are moving from the slums to a new apartment or a new home. We see it in wholly new institutions such as cooperatives, development banks and unions and see them unlock the energy and resources of thousands of people who learn the strength of a common endeavor."

But continued President Johnson:

"We have only begun to meet the needs of today, and these are but a small fraction of the needs of tomorrow."

The President continued:

"If present trends continue, the population of this hemisphere will be almost one billion by the year 2,000. Two-thirds, some 625 million, will live in Latin America. Whatever may be done through programs to reduce the rate of population growth, Latin America faces a vast challenge.

"Farm production, for instance, should increase by 6 percent every year, and that will be double the present rate.

"At least 140 million new jobs will need to be created.

"Over a million new homes should be built each year.

"More than 175 thousand new doctors need to be trained to meet the very minimum requirements.

"Hundreds of thousands of new classrooms should be constructed.

"And annual per capita growth rates should increase to the range of 4 to 6 percent.

"These requirements, added to the demands of the present, mean that new sights must be set, that new directions and renewed drive must be found if we are to meet the challenge, if we are to move forward."

Then pledged President Johnson speaking, as I said, in August of last year:

"We are ready, therefore, to work in close cooperation toward an integrated Latin America. As the other Republics are forming their policies to accelerate this movement, at the moment we are now reviewing the opportunities for joint action throughout the hemisphere.

"To my fellow Presidents, I pledge: Move boldly along this path and the United States will be by your side.

"To all the hemisphere we say: Let the pace be quickened. Time is not our ally."

The Presidents of the Latin American republics accepted the challenge of President Johnson to a course of boldness. Accordingly, here in this great city of Buenos Aires only last month the foreign ministers of the Latin American republics met and formulated an agenda for a new Punta del Este conference to move to a higher level the whole program of the Alliance for Progress.

But this commitment to a new phase of the Alliance for Progress and a new form of cooperation between Latin America and the United States comes not only from our President but also from our Congress as well. Only last week it was my honor to present from the Rules Committee of the House to the House, House Joint Resolution 428 entitled: "Joint Resolution to Support the Other American Republics in a Historic New Phase of the Alliance for Progress." An overwhelming majority enacted this resolution which is awaiting only the action of the Senate after the Easter recess to become the law of our land when, of course, it will be approved by the President.

Here are some of the provisions of this congressional resolution passed by the House of Representatives of our Congress last week.

"That the Congress supports the concept of a Latin American Common Market."

"The Congress further supports United States participation with the other members of the Interamerican Development Bank, in the provision of resources to that institution to be used for financing multinational projects which promote Latin American economic integration."

"That the Congress supports individual and joint efforts of the member states of the Organization of American States to expand trade within the region and with other areas of the world and to mobilize public and private resources inside and outside the hemisphere to further the economic development of Latin America."

"Further, the Congress supports an increase in assistance under the Alliance for Progress for programs of educational and agricultural modernization and improvement of health."

"Thus, if progress is made by the Latin American countries toward the goals of economic integration and in the mobilization of domestic efforts and resources to advance the purposes of the Alliance for Progress, the Congress is prepared to support the allocation of significant additional resources over a period of five years for these objectives."

Hence, in a period of less than six years the Alliance for Progress has not only been founded and launched but it is being greatly expanded in historic conferences at nearby Punta del Este.

How exciting it must be to you in Argentina who have given such magnificent leadership to great enterprises in the past to know that here in this great city of Buenos Aires in February the American Foreign Ministers met; in March this most productive Savings and Loan conference convened, and in April the new Summit Conference of American Presidents will take place at neighboring Punta del Este.

We in the United States know as do you in Latin America that we are all the children of God and, therefore, are brothers. And we must and shall help one another. Gallant American men today are fighting and dying in far off Vietnam to help those brothers to live in freedom and dignity. You know other gallant American men would fight and die beside your own patriots if a foreign aggressor sought to set his foul foot upon your sacred soil—we know you would be at our side if such an infamous assault should fall upon our country.

Fortunately, we do not have to fight today for your freedom or ours. Our patriots of the past have won that precious inheritance for us all. What we have to do today is to make the freedom of your people and ours come to mean what San Martin, and O'Higgins, and Bolivar and Hidalgo and George Washington dreamed that it would be. With God's help and together we shall win this new freedom as we have won the old.

In Britain's darkest hours in World War II, Winston Churchill, in offering his people the hope of growing help from the United States quoted some lines from the United States poet Longfellow. As Churchill then looked toward the west in hope, we in the United States, seeing and feeling throughout Latin America the surge and rise of progress and a better life, look with new hope and faith to the South; and I paraphrase the words of Longfellow:

"For while the tide waves, vainly breaking,
Seem here no painful inch to gain,
For back through creeks and inlets making,
Comes silent, flooding in, the Main.

"And not by northern windows only,
Where daylight comes, comes in the light,
In front the sun climbs slow, how slowly!
But *southward*—look the land is bright."

And your land is bright—bright with the undying glory of your noble past; bright with the hope and promise of an even more glorious future.

VIETNAM'S FARMERS AND LAND REFORM

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. HANNA] 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 Arkansas?

There was no objection.

Mr. HANNA. Mr. Speaker, one of the arrows in the quiver collected for firing at the underdeveloped countries is land reform. I think it is high time to expose the fact that giving an activity a name does not necessarily indicate any knowledge about the said activity or indicate any measure of the desirability of its being undertaken or carried on.

Land reform, like any other activity, can only be understood in relation to where it is to occur; what the existing situation is; and what the so-called reform is going to do about it. Land reform is one thing in Taiwan and another in Korea. In each place a change in landownership has effected a betterment; in Taiwan the ownerships were increased in number and in Korea they are being decreased. Each move, though diametrically opposite, makes for an improved farm situation and increased output of farm products.

Land reform is only reform if it improves conditions and increases productivity. It must achieve both of those ends not through an exercise in abstractions but with reference to a real environment of a given country, its agricultural complex and its cultural conditions.

I wish to insert into the RECORD an article dealing with land reform in Vietnam which appeared in the March 30 issue of the Washington Post. I believe it can be useful in clearing up a misapprehension which is widespread; namely, that we are dealing with a feudal—or to use a perhaps more appropriate term—a "mandarin" type landholding situation in that country. By this is meant the type situation often associated with Iran and Cuba, for example, in which a very small percentage of the population owned a very large proportion of the land and an individual landlord might control the land and the livelihoods of literally thousands of poor peasant farmers.

Apparently in Vietnam this is not the case at all. During the 1950's individual landholdings in excess of approximately 250 acres were expropriated—with compensation—by the government and much of the wealth which was represented by the expropriated land was subsequently invested in urban activities such as industry and commerce. Thus, not only were individual landholdings reduced to 250 acres but the big absentee landlord class itself was converted to an urban class with a major stake in vigorous economic development rather than a vested interest in a rural status quo.

This article can serve to clarify what seems to be an important point of confusion to many who are trying to assess where we stand in our civilian efforts in Vietnam. The article sets the question of land reform in the perspective of the confusion the war has brought to the countryside. It makes the point that the immediate improvement of present conditions of land rental and land holding is largely dependent upon the ability of the government of Vietnam to reestablish security in the countryside and, where security exists, to enforce laws already on the books. This is a tall order in itself, and an urgent one, quite apart from future steps to increase the available land for sale to tillers. I encourage all of my colleagues to take a moment to read this article, which follows:

[From the Washington Post, Mar. 30, 1967]

VIETNAM'S FARMERS AND LAND REFORM

(By Eric Wentworth)

Understandable impatience with the landsnail's pace of pacification in Vietnam's countryside continues to fuel a quest for magic remedies. It is particularly unfortunate that "land reform" should number among the touted cures.

Though the term gets much lip-service from Americans and Vietnamese alike, to apply it loosely to the pacification picture can only cause new dribbles on a Jackson Pollock canvas that is already the bane of reason's eye.

In its classic sense, "land reform" entails the taking of property from inordinately well-endowed landlords and the distribution of this acreage to wretchedly under-endowed peasants. Thus is the term generally understood when governments undertake "land reform" in such nations as Iran, Chile, Brazil, Colombia and Peru. The usual goals are self-evident: to improve social justice, to neutralize political opposition, to gain prestige abroad and encourage greater farm production.

Even when the disparity between landed and landless is less than appalling, the reshuffle of holdings to allow former tenants a modicum of ownership can provide important social and economic incentives. Perhaps the most successful example in recent history was the U.S.-instigated land reform program after World War II in Japan, where population pressures on the available arable land have long been immense. Among other things, absentee landlords were compelled to sell all their land to the government for resale to tenants.

Those who advance land reform in the traditional sense as a pacification panacea for Vietnam seem to view it primarily as a political tool to remove a basic agrarian grievance and pry the peasants loose from Vietcong sympathies.

The VC themselves have wielded land reform as an issue to proselytize the peasantry. Some U.S. and Vietnamese officials on the scene question, however, whether the VC have provided much "land reform" themselves. They report that the VC redistribute land as political patronage, charge taxes at least as high as the rents the peasants used to pay their landlords and provide those allowed to have land with "instruments of possession" valid only during the duration of the war.

Even more to the point, Vietnam today simply isn't a typical candidate for the sort of sweeping land turnover that might pay rich dividends, say, in Latin America. Though no one pretends he did a perfect job, the late President Ngo Dinh Diem took dramatic steps toward narrowing Vietnam's "real estate gap" more than a decade ago. Diem expropriated the large French hold-

ings, including rich Mekong Delta riceland, and limited individual Vietnamese to 100 hectares (about 247 acres) apiece—plus an extra 15 hectares for burying and worshipping ancestors. Diem also decreed farm rent controls. Today, though an accurate breakdown of South Vietnamese land-holdings is impossible, it is estimated more than one-half the nation's farmers own at least part of the land that they till. At the same time, close observers of the war-weary nation's rural scene agree that few if any "feudal" landlords with massive properties still exist.

What does exist is unfinished business and confusion: Farmers with "provisional" titles to land they have gotten from the government or, in the case of the countless squatters, no titles at all. Farmers paying too much rent and farmers paying little or no rent. Farmers paying taxes (in many cases to the VC as well as to the Saigon government) and farmers paying no taxes.

In the name of "land reform," Prime Minister Nguyen Cao Ky's government despite a woeful lack of skilled bureaucrats has launched an apparently vigorous drive to distribute titles to government-held lands to squatters, tenants and other farmers including those who held provisional titles. In January and February alone, "firm" titles were issued to an estimated 57,000 farmers. Most if not all of them were occupying the land already.

In addition, to strengthen the administration of land policies at the local level, one member of the village councils to be elected throughout the country next month will have charge of these and related agricultural matters.

These are important, if limited, steps. They do not, however, represent any sweeping new "land reform" program. Nor does any such program appear to be in the cards.

CURRENCY COMPTROLLER CAMP COMMANDS CONFIDENCE

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. HANNA] 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 Arkansas?

There was no objection.

Mr. HANNA. Mr. Speaker, one of the most essential ingredients in the continued success of our Nation's banking industry is the confidence of the American people. Since his appointment as Comptroller of the Currency, Mr. William B. Camp has done much to insure that the confidence of the American public will continue to be vested in the Nation's banks.

Mr. Camp has shown in his short tenure that he takes his obligations seriously and performs them well. His close attention to the quality of the examinations his office must make of the operations of the 4,800 national banks and their 9,400 branches is most commendable.

Insisting on only the highest quality of service, Mr. Camp has initiated a number of steps designed to upgrade the bank supervisory role of his office. An accelerated program of recruitment has been instituted so that the staff of examiners can be increased by 200. Starting salaries of field examiners have been raised so they are now more competitive and assist in attracting well-qualified people. Accelerated educational programs have been instituted, including annual sectional examiners schools, semiannual automation schools, and credit seminars. Needed training in advanced electronic data is also being encouraged.

The 1,700 persons involved in the comptrollers office examining function and who work under Mr. Camp's expert supervision are performing both a needed and important service. Mr. Camp's foresight in emphasizing and strengthening the examining aspect of his office is indeed praiseworthy and deserving of the support of Congress.

I commend to the attention of the Members an article by Comptroller Camp that appeared in the April edition of the Banking Journal. The article detailing Mr. Camp's views on bank examinations follows:

IMPORTANCE OF BANK EXAMINATIONS

(By William B. Camp)

A prudent man, regardless of his age and general health, usually forms the habit of getting periodic medical checkups—both for his own peace of mind and for his physician's benefit in keeping his records current and spotting any danger signals that might develop.

What is a voluntary procedure on the part of an individual is a requirement of law with respect to the national banks—and for very good reason. Their health and general well-being are of vital importance to the general public, depositors, and shareholders.

The Comptroller's office would be remiss in the performance of its statutory obligation if strong influence were not exerted on the continued safe and sound operations of our country's 4,800 national banks and their 9,400 domestic branches, which hold nearly 60% of all commercial bank assets in the nation. There are also 1,600 national banks operating trust departments holding in accounts with investment responsibility assets having a market value in excess of $90-billion. In addition, there are 235 overseas branches of national banks with total resources in excess of $9-billion. Since the cost of examination is borne by the bank, it is only fair that the banks receive in return the best and most thorough examination this office can provide.

The importance to the public of efficient and thorough examination of banks is abundantly clear. Public confidence, on which banks depend for the conduct of their business, could hardly be sustained without this assurance of regular scrutiny of bank operations.

The importance of examinations to the banks, themselves, is only slightly less apparent. Depositors have an extra safeguard of the security of the funds they have entrusted to the bank's care; shareholders receive additional assurance of the sound management of the business they own; temptation and opportunities for defalcations on the part of all who work for a bank are substantially reduced. Bank management has the benefit of assessment from an outside source of a variety of operations, procedures, policies, and practices which may be due for expansion, curtailment, modification, or continuation.

WEALTH OF DATA

Moreover, examination reports—while confidential as to individual banks—yield a wealth of statistical data that could hardly be obtained in any better or different manner. Such material, along with information supplied through reports of condition and other data, can be summarized and analyzed by the management of any individual bank to provide a reliable picture of relative standing in a variety of areas. It is this feature which is of obvious, direct concern to the Comptroller's office and to all other bank regulatory authorities.

The examining function is performed for the Comptroller by some 330 persons in the Washington office and by approximately 1,450 persons in field offices throughout the country. The field staff is organized into 14 geographic regions. In addition to the head offices of each region, there are 114 subregional offices.

It is of interest to note that it has been customary from the establishment of the national banking system to have an examiner conduct an examination of each national bank at least once a year. Frequency of examinations have raised from time to time in keeping with statutory requirements.

Bank examinations in the broad sense, are made to determine the condition, performance, and operations of banks. All facets of a bank examination, ranging from appraising assets and internal controls to evaluating the soundness of management policies, have as their end result the determination of liquidity and solvency—present and prospective—and the legality of the bank's acts. The scope of a national banking activity embraces every phase of banking activity found in the particular bank under examination or it may concentrate in specific areas of bank activity which deserve and must receive greater emphasis in direct relationship to their importance and bearing on the condition of the bank.

There are occasional rare instances where the examination report alerts this office and the directors of the bank to the deterioration of the affairs of a given bank and quite frequently, by timely warning, the affairs of the bank can be placed on a proper course and the unfortunate situation of a closed bank can be avoided. However, no laws or system of examination will prevent dishonest men from keeping false records and concealing the true condition of a bank, but we hope our examination techniques will enable our examiner to ferret out these before disaster strikes. The surest preventive is to have an honest, active, and competent board of directors.

The national banking system is sound, safe, and serving the public admirably. However, we feel it appropriate to upgrade our examining procedures to assure more effective supervision and to assist bank management in adapting to present-day banking techniques. To do this we have accelerated our recruitment program to increase our examining staff by approximately 200. The starting salaries of field examiners were recently increased to a more competitive level. Enrollment in graduate schools of banking and participation in courses of the American Institute of Banking have been accelerated. Our educational program also includes an annual sectional examiners school, semiannual automation schools, and credit seminars. In addition, 28 examiners are at present receiving training in advanced electronic data processing.

Our office is cooperating fully with the other Federal banking agencies in an effort to attain a uniform, or more nearly uniform, report of condition form. A continuing committee, composed of representatives of the three agencies, was able to make a significant advance toward this goal in December 1966. We believe that there is a good chance of achieving this goal for the mid-1967 call report.

The increasing use of automatic data processing, both by banks and the regulatory agencies, has added urgency to efforts in this area. When banks are required to report the same transactions on different bases to different agencies, a considerable cost is involved. Therefore, divergencies in requirements must be reviewed periodically to determine whether they still are necessary.

CHANGES ARE COSTLY

Changes in the format of report forms, even when made concurrently by all banking agencies, are also costly, for similar reasons. However, such costs must on occasion be incurred, if the benefits of improved reporting are to be achieved. We are participating in an interagency committee which will consider anew the purposes and uses of the report of condition and the report of income and dividends, toward the end of achieving revisions more nearly consistent with these purposes.

We have published in the *Federal Register* and distributed to all national banks for comment our proposed regulation relating to bank accounting and reports to shareholders. In our proposal, minimum requirements are set forth relating to the format of banks' annual reports to shareholders. These include a balance sheet, earnings statement, reconciliation of capital accounts, and reconciliation of reserves. Our operating assumption has been that the purposes of proper reporting are best achieved when the results are placed in the hands of bank shareholders.

In addition to outlining the reporting format, the regulation also specifies certain accounting methods and procedures to be followed. For example, under its terms, all national banks with assets above $100,000,000 would be required to operate on the basis of full accrual accounting. Every national bank, whatever its size, would be required to handle its installment loans on an accrual basis. Consolidation of all majority-owned significant subsidiaries in the reports of the parent bank is called for. All majority-owned bank premises subsidiaries would be consolidated, whether or not significant.

It is our view that this accounting and reporting regulation, with any modification deemed appropriate based on comments received, will allow shareholders to receive the information on bank operations to which they are entitled, without causing any undue burden for banks.

Banks are privately owned and financed; therefore, this office has no intention of interfering with the business of national banks so long as it is conducted in accordance with the law, in keeping with sound banking practices, and in the public interest.

HUD ANSWERS QUESTIONS

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. HANNA] 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 Arkansas?

There was no objection.

Mr. HANNA. Mr. Speaker, last month at a banking and currency meeting briefing session, I addressed two questions to representatives of the Department of Housing and Urban Development. The questions related to present FHA policies and procedures. To those interested in knowing the present HUD views on the particular aspects of the FHA policy question I commend the following to their attention:

HUD ANSWERS QUESTIONS BY MEMBERS OF THE HOUSE BANKING AND CURRENCY COMMITTEE, MARCH 14, 1967

Representative HANNA. In the late 40's home financing was 80% FHA/VA and 20% conventional. In the 60's the mix is reversed—20% FHA/VA and 80% conventional. A change in the mix of the 40's was desirable; the dramatic reversal it seems to us may be questioned.

Among the reasons for this change is the emphasis by the government on standards of construction and the length of time for application processing. Since the situation today is so changed from 20 years ago—with local codes and more sophisticated buyers—how would you react to a suggestion that FHA shift to relying on the local financial institutions for application for guarantees and standards control, and rely more on the allowance of participation to exert national office influence? Setting standards of foreclosure and delinquency, as well as standards of code compliance which must be met to qualify for participation in the FHA/VA guarantee, are already local matters. This change would increase efficiency and decrease required personnel.

Answer. It is true there has been a change in recent years in the ratio between FHA/VA home mortgages and those financed conventionally. According to national estimates, however, this ratio reached its highest point in 1955, when 41% of the new construction was financed with an FHA or VA mortgage. The ratio was 32% in 1949, and the current ratio is about 17%.

The principal reason for the shift from FHA/VA mortgages to conventional lending is the greatly increased liberality of the terms (low downpayments, long amortization periods) under which conventional loans are being made. There is less incentive to use FHA financing when liberal mortgage terms are available conventionally.

In past years, the FHA processing time for home mortgages may have been an influencing factor. Today, it is not affecting the use of FHA financing because of the speed with which the FHA processes applications for home mortgage insurance.

We do not interpret the decrease in the use of FHA financing as an indication that it is no longer necessary for the FHA to serve as the pioneer in setting and developing standards for home mortgage financing. The fact that private lenders are making loans on a conventional basis, similar in terms to those FHA provides, is proof that the FHA is accomplishing its mission of establishing the soundness of the more liberal mortgage terms. The FHA needs to stay in the home financing market to serve as a yardstick and standard against which conventional lending can be judged. We do not believe this FHA mission can be accomplished by delegating to local lenders the responsibility for setting processing standards and standards for delinquency and foreclosure.

Most important of all, it should be noted that during recent years, more than 40% of all new homes selling for less than $15,000 have been financed with FHA-insured loans; inside metropolitan areas the proportion is ever higher. And the FHA has continued to serve special classes of need in its urban renewal, relocation, elderly, cooperative, military, and other special purpose housing programs. Finally, FHA aid continues to add an important fund mobility factor to the entire mortgage market, and creates an element of negotiability that is absent in conventional loans.

Representative HANNA. Secretary Fowler recently suggested that the Congress abandon the interest ceilings on FHA and VA loans.

Reports now available on studies of discount and fee point schedules indicate that the beneficial results sought by a controlled interest ceiling are largely thwarted and to some extent distorted to the disadvantage of the homebuyer by the local factors of discounts and fee points.

What is your reaction to the suggestion of the Secretary of the Treasury?

Answer. The FHA statutory interest ceiling on home mortgages serves as a governmental protection to the homebuyer against exorbitant interest rates. It provides uniformity in the interest rates for all FHA insured home loans.

It is true that fee points and other discounts are collected by lenders in connection with FHA transactions to compensate for the variations among localities in money market conditions. However, any discounts collected are obtained from parties other than the borrower. FHA regulations prohibit the collection of discounts from the homebuyer. The lender is only permitted to collect from the borrower an initial service charge of $20 or one percent of the original principal mortgage amount, whichever is the greater, in the usual FHA home mortgage transaction. This charge may be increased to $50 or 2½ percent of the original principal mortgage, whichever is the greater, where new construction is involved and the lender disburses loan proceeds and inspects the property during construction.

We do not believe the problems relating to discounts would be solved by removing interest ceiling on FHA insured mortgages. During the recent period of stringency in the mortgage market, discounts were also being collected on conventional loans. There would, however, be justification for further flexibility in the FHA-insured multifamily mortgage programs, particularly those which have a statutory maximum below 6 percent.

NEED TO REVISE SELECTIVE SERVICE LAW—XLIV

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. KASTENMEIER] 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 Arkansas?

There was no objection.

Mr. KASTENMEIER. Mr. Speaker, the draft forces the relatively few men who are asked to risk their lives for their country to bear the financial costs of maintaining our armed forces as well. The draftee is expected to subsidize our defense budget by accepting low pay during his first 2 years of service. This is nothing more than a reverse Government subsidy. The military compensation for the men in the lower grades is so small that, by way of comparison, Bruce Chapman, in his book, "Wrong Man in Uniform," reported that an Army private's pay of $90.60 a month is only slightly more "than the pay of a peasant on a collective farm in Rumania." It is also below the $110 and $112 a month, paid respectively by West Germany and Canada to their new recruits. Is it any wonder that 91 out of every 100 draftees leave the military service after their 2 years have expired?

One of the country's most distinguished economists, Prof. John Kenneth Galbraith, has said that the military draft is still "a device by which we use compulsion to get young men to serve at less than the market rate of pay." Galbraith went on to say that—

> We shift the cost of military service from the well-to-do taxpayers, who benefit by lower taxes, to the impecunious young draftee. This is a highly regressive arrangement that we would not tolerate in any other area. Presumably, freedom of choice here as elsewhere would be worth paying for.

Mr. Speaker, it is time we put an end to this ridiculously absurd Methuselahan principle of military compensation which imposes severe financial hardships on men with less than 2 years' service. The

pay for inductees and initial enlistees should be substantially raised.

THE TEACHER CORPS: AN EDUCATIONAL BARGAIN

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. HOLLAND] 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 Arkansas?

There was no objection.

Mr. HOLLAND. Mr. Speaker, I would like to reiterate my support for the Teacher Corps. I was privileged to vote for it last year when we enacted so many fine education programs. One of the finest of them—the one which shows almost unlimited promise—was the Teacher Corps.

We had an opportunity to decide on the merits of the Teacher Corps last fall when we considered its authorization. Both the House and the Senate considered, debated, and approved it. Now, having seen it working, we can take pride in our creation.

Our purpose in debating bills is to consider and decide upon the soundness of the program, to ascertain the amount of money needed to carry out its purpose, and to measure the results of the program against the expectations of Congress.

I favor evaluating established and operational programs by means of debate. It has proved to be an effective way to assure that money will be spent wisely. In the case of the Teacher Corps, called by Life magazine "the best bargain in the Federal education program," this has clearly been the case.

If we fund the Teacher Corps for a second year of operation, the Office of Education will recruit an additional 2,400 spirited, dedicated, experienced teachers as well as qualified college graduates to join the present cadre of 1,200 Corpsmen. These new Corpsmen will then be enrolled for 2 years' service during which they will be made available to school districts with large numbers of children from low-income families. The local school will hire, pay, and control the Corpsmen and the Federal Government will reimburse the school district.

Last year we considered the merits of a Teacher Corps and decided that it was needed and should be established. Since then the program has clearly justified our approval and earned our extended support. I urge not only its continuation but its expansion so that more of our Nation's most desolate classrooms will be served by these dedicated young people.

THE COURTS SUPPORT CRIME AND CRIMINALS

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. WAGGONNER] 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 Arkansas?

There was no objection.

Mr. WAGGONNER. Mr. Speaker, there are still a few people in the United States who believe that the Congress is somehow to blame for the ever-increasing crime rate. Two prime examples of how the courts have set themselves above the decisions of the Congress were printed in the Washington Post last Friday and this morning.

The first was a 2-inch item buried in the back of the paper stating that the Justice Department has finally given up trying to require the Communist Party to register as Communists. The U.S. Circuit Court of Appeals ruled last year that it violated the Constitution to require Communists to registered as subversive. This lunacy must have provoked a howl of laughter in the Kremlin.

The second item was another shortie—this time, six sentences—taking notice of the fact that a justice of the U.S. Court of Appeals in Boston ruled unconstitutional the amendment to the Selective Service Act which Congress passed last year prohibiting the mutilation or destruction of a draft card.

In these two specific instances, Congress tried to instill some respect for order and law, but the courts will not stand for it. It only remains now to see how much longer this branch of the Government is going to tolerate the excesses of the judiciary. It is completely pointless for us to consider any anticrime bill, particularly the pap the administration has recently proposed, until we take care of the first problem, the courts and their disrespect for any procedure requiring punishment for the lawbreaker. Until we curb the courts, there is no point to further efforts to curb the criminals.

The two items I refer to follow:

JUSTICE DROPS REGISTRATION OF COMMUNIST PARTY

The Justice Department abandoned yesterday a 14-year effort to register the Communist Party of the United States as an agent of the Kremlin.

A Department spokesman said it would not seek Supreme Court review of an appellate court's reversal of the second conviction of the Party for failing to register with the U.S. Attorney General.

Yesterday was the deadline for filing for review of the U.S. Circuit Court of Appeals ruling of March 3 which, in effect, extended Fifth Amendment protections against self-incrimination to the Party.

DRAFT CARD BURNING CASE REMANDED

BOSTON, April 10.—A Federal appeals judge ruled unconstitutional today an amendment to the Selective Service Act which prohibits the mutilation or destruction of a draft card.

Justice Bailey Aldrich of the U.S. Court of Appeals said the amendment was a violation of the First Amendment of the Constitution.

The decision came in the case of David Paul O'Brien, 22, of Framingham, Mass. He was sentenced to six years in prison for allegedly burning his draft card in public last year.

The appeals court upheld O'Brien's conviction, however, on grounds he had violated the Selective Service Act by not having his draft card in his possession at all times. Maximum penalty on that charge is five years in prison and a $10,000 fine.

Judge Aldrich ordered the case returned to U.S. District Court with instructions to vacate the six-year term and impose a new sentence.

INTEROCEANIC CANAL PROBLEM: THE CONGRESS MUST ACT

Mr. PRYOR. 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 Arkansas?

There was no objection.

Mr. FLOOD. Mr. Speaker, one of the gravest questions now before the Congress and the Nation is the interoceanic canal problem. In the diplomatic field, representatives of our Government are negotiating with those of the Republic of Panama on the future status of the Canal Zone. In the area of exploration, we are conducting surveys in the Republic of Panama for a new canal. Despite the importance of the canal subject, the mass news media has virtually ignored it and the Senate, which is a part of the treaty-making power under our Constitution, has been silent. All this has left the people of our country confused and seeking enlightenment.

During the Eisenhower administration it was thought by those in responsible authority following Panamanian invasions and riots in the Canal Zone that the token display of one Panama flag alongside our own, on zone territory, would satisfy the claims and aspirations of radicals in Panama—indeed, a naive judgment.

The two flags were accordingly displayed near the Tivoli Hotel in the Canal Zone. Did that satisfy the radical elements in Panama? Far from it. The flying only whetted their appetite, clamor, and demands for more extended Panamanian authority in the zone, with the display of the Panama flag everywhere the U.S. flag was officially flown.

Again the national administration acquiesced and the two flags were thus raised and maintained throughout the Canal Zone? Did this satisfy the radicals? Far from it. It was boldly proclaimed by their leaders that these recognitions by our Government were proof positive that the Panamanian Government was entitled to immediate, full, and exclusive sovereignty over the Canal Zone. This, if granted, would annul every law passed by the Congress for the administration of the Panama Canal enterprise and every act of our occupation since 1904 when, under treaty provisions and congressional enactment, our Government assumed control over the zone territory for canal and protective purposes.

Thus, Mr. Speaker, we see, just as was predicted by informed Members of the Congress, that a small beginning in the wrong direction opened the door to destruction. The Panama Canal cannot be maintained, operated, and governed efficiently with less authority than

that granted the United States by the 1903 treaty. Moreover, it is evident from what has transpired that authoritative elements in our own Government who have so basely acquiesced in all these erosive processes and in the furtherance of supine and suicidal policy are now endeavoring to accomplish by treaty what could never be obtained by the normal process of congressional enactment.

In the exercise of our treaty authority, this has never been done for the oppression of Panama but for the sole reason that we cannot maintain, operate, sanitate, and protect the canal with less authority than that granted in the 1903 treaty. This viewpoint, so long held by our ablest statesmen and administrative authorities, in recent years has altogether been ignored by our responsible officials who have, in fact, adopted the radical aims recently and currently proclaimed in Panama with terroristic tactics. Yet these important facts have been virtually ignored in the mass news media in our country which have not sought information from the best informed sources.

It was primarily to meet the situation of massive news blockout and ex parte propaganda that the Congress in 1966 authorized the publication as House Document No. 474, 89th Congress, of a selected assembly of my addresses under the title of "Isthmian Canal Policy Questions." This volume has been distributed to all Members of the Congress and Government document depositories throughout the Nation. In addition, it has been sent to key officials in the executive branch of our Government and educational institutions. In some of the latter, it is being used as a textbook.

The two main canal issues, as historically evolved, are obvious. First, site; and, second, type. As to site, the struggles for it have been known as "battles of the routes"; and as to type, consideration of this matter has been aptly described as "battles of the levels." Today, history is repeating itself for the third time in the present century with practically all the old arguments and confusion that featured the earlier debates but with an added complication regarding Canal Zone sovereignty.

Over the past few years other Members of the Congress and myself have tried to make clear what the key canal questions are. Though stated many times on previous occasions, I shall do so again:

First, the transcendent responsibility of our Government to safeguard our treaty based sovereign rights, power and authority over the Canal Zone that are indisputable and indispensable for the continued efficient maintenance, operation, sanitation, and protection of the Panama Canal.

Second, the major increase of capacity and operational improvement of the existing Panama Canal through the modification of the third locks project—53 Stat. 1409—to consolidate the Pacific locks and to provide a summit-level lake anchorage in the Pacific end of the canal to correspond with that in the Atlantic sector, on which project some $75,000,000 was expended before work was discontinued in May 1942.

Third, the question of a new Panama Canal of so-called sea level design, or modification thereof, to replace the existing canal.

Fourth, the matter of a new canal at a site other than the Canal Zone.

Though bills designed to meet these questions in forthright and objective manner were introduced, no action was taken until after the January 1964 Red-led Panamanian mob assault on the Canal Zone. In September of that year, on administrative request and without adequate debate, the Congress enacted Public Law 88-609—78 Stat. 990—creating a five-member study group specifically instructed to determine the feasibility of one predetermined solution of the interoceanic canal problem—that of the so-called sea-level type. Later, on December 18, 1964, the President, reversing his previous stand, announced the negotiation of an entirely new treaty on the Panama Canal that would recognize the sovereignty—exclusive—of Panama of the Canal Zone territory.

In two addresses to this House on April 1 and July 29, 1965, on the subject, "Interoceanic Canal Problem: Inquiry or Coverup?" I went deeply into the canal question, including the legislative history of Public Law 88-609. Because of the pertinence of the information developed, I would urge all who are concerned with canal questions to read the indicated addresses, which can be found on pages 428 to 516 of House Document No. 474, 89th Congress, as well as in the CONGRESSIONAL RECORD. In addition, I would suggest careful study of a very able address before the Panama Canal Society of the District of Columbia by Capt. C. H. Schildhauer, on "The Problem of a New Canal: The Best Solution," which was quoted on July 13, 1966, in an address to the U.S. Senate by Senator JOHN G. TOWER and given wide distribution.

The enactment of Public Law 88-609 and the Executive announcement about the plan to return zone sovereignty to Panama have not solved the problem involved in the formulation of objective and realistic canal policy Instead they have complicated them and emphasize the need for adequate action by the Congress: To this end, Representative WILLIAM R. ANDERSON of Tennessee, FRANK T. BOW, of Ohio; CRAIG HOSMER and B. F. SISK, of California; and myself have introduced new bills in the 90th Congress to create the Interoceanic Canals Commission. These measures were approved in 1966, after mature consideration, by the American Legion in a notable resolution.

In order that the Congress may be fully informed concerning the matters above discussed, I quote the text of the indicated bills, Public Law 88-609, the 1966 American Legion resolution, and Captain Schildhauer's addresses as facts of my remarks and invite a comparison of the provision of the bills with those of the indicated law. The documents follow:

A bill to create the Interoceanic Canals Commission, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Interoceanic Canals Commission Act of 1967".

SEC. 2. (a) A commission is hereby created, to be known as the "Interoceanic Canals Commission" (hereinafter referred to as the "Commission"), and to be composed of eleven members to be appointed by the President, by and with the advice and consent of the Senate, as follows: One member shall be a commissioned officer of the line (active or retired) of the United States Army; one member shall be a commissioned officer of the line (active or retired) of the United States Navy; one member shall be a commissioned officer of the line (active or retired) of the United States Air Force; one member shall be a commissioned officer of the Corps of Engineers (retired) of the United States Army; and seven members from civil life, four of whom shall be persons learned and skilled in the science of engineering. The President shall designate one of the members from civil life as Chairman, and shall fill all vacancies on the Commission in the same manner as original appointments are made. The Commission shall cease to exist upon the completion of its work hereunder.

(b) The Chairman of the Commission shall receive compensation at the rate of $30,000 per annum, and the other members shall receive compensation at the rate of $28,500 per annum, each; but the members appointed from the Army, Navy, and Air Force shall receive only such compensation, in addition to their pay and allowances, as will make their total compensation from the United States $28,500 each.

SEC. 3. The Commission is authorized and directed to make and conduct a comprehensive investigation and study of all problems involved or arising in connection with plans or proposals for—

(1) an increase in the capacity and operational efficiency of the present Panama Canal through the adaptation of the third locks project (53 Stat. 1409) to provide a summit-level terminal lake anchorage in the Pacific end of the canal to correspond with that in the Atlantic end, or by other modification or design of the existing facilities;

(2) the construction of a new Panama Canal of sea-level design, or any modification thereof;

(3) the construction and ownership, by the United States, of another canal or canals connecting the Atlantic and Pacific Oceans;

(4) the operation, maintenance, and protection of the Panama Canal, and of any other canal or canals which may be recommended by the Commission;

(5) treaty and territorial rights which may be deemed essential hereunder; and

(6) estimates of the respective costs of the undertakings herein enumerated.

SEC. 4. For the purpose of conducting all inquiries and investigations deemed necessary by the Commission in carrying out the provisions of this Act, the Commission is authorized to utilize any official reports, documents, data, and papers in the possession of the United States Government and its officials; and the Commission is given power to designate and authorize any member, or other officer, of the Commission, to administer oaths and affirmations, subpena witnesses, take evidence, procure information and data, and require the production of any books, papers, or other documents and records which the Commission may deem relevant or material for the purposes herein named. Such attendance of witnesses, and the production of documentary evidence, may be required from any place in the United States, or any territory, or any other area under the control or jurisdiction of the United States, including the Canal Zone.

SEC. 5. The Commission shall submit to the President and the Congress, not later

than two years after the date of the enactment hereof, a final report containing the results and conclusions of its investigations and studies hereunder, with recommendations; and may, in its discretion, submit interim reports to the President and the Congress concerning the progress of its work. Such final report shall contain—

(1) the recommendations of the Commission with respect to the Panama Canal, and to any new interoceanic canal or canals which the Commission may consider feasible or desirable for the United States to construct, own, maintain, and operate;

(2) the estimates of the Commission as regards the approximate cost of carrying out its recommendations; and like estimates of cost as to the respective proposals and plans considered by the Commission and embraced in its final report; and

(3) such information as the Commission may have been able to obtain with respect to the necessity for the acquisition, by the United States, of new, or additional, rights, privileges, and concessions, by means of treaties or agreements with foreign nations, before there may be made the execution of any plans or projects recommended by the Commission.

SEC. 6. The Commission shall, without regard to the civil service laws, appoint a secretary and such other personnel as may be necessary to carry out its functions, who shall serve at the pleasure of the Commission and shall receive compensation fixed in accordance with the Classification Act of 1949, as amended.

SEC. 7. The Commission is hereby authorized to appoint and fix the compensation of such engineers, surveyors, experts, or advisers deemed by the Commission necessary hereunder, as limited by the provisions in title 5, United States Code, section 55a; and may make expenditures, in accordance with the Travel Expense Act of 1949, as amended, and the Standardized Government Travel Regulations, for travel and subsistence expenses of members of the Commission and its employees while away from their homes or regular places of business; for rent of quarters at the seat of government, or elsewhere; for personal services at the seat of government, or elsewhere; and for printing and binding necessary for the efficient and adequate functions of the Commission hereunder. All expenses of the Commission shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the Chairman of the Commission, or such other official of the Commission as the Commission may designate.

SEC. 8. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions and purposes of this Act.

SEC. 9. The Act entitled "An Act to provide for an investigation and study to determine a site for the construction of a sea-level canal connecting the Atlantic and Pacific Oceans" (Public Law 88–609, 78 Stat. 990), is hereby repealed.

PUBLIC LAW 88–609

[88th Congress, S. 2701, Sept. 22, 1964
78 Stat. 990]

An Act to provide for an investigation and study to determine a site for the construction of a sea level canal connecting the Atlantic and Pacific Oceans

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized to appoint a Commission to be composed of five men from private life, to make a full and complete investigation and study, including necessary on-site surveys, and considering national defense, foreign relations, intercoastal shipping, interoceanic shipping, and such other matters as they may determine to be important, for the purpose of determining the feasibility of, and the most suitable site for, the construction of a sea level canal connecting the Atlantic and Pacific Oceans; the best means of constructing such a canal, whether by conventional or nuclear excavation, and the estimated cost thereof. The President shall designate as Chairman one of the members of the Commission.

SEC. 2. The Commission is authorized to utilize the facilities of any department, agency, or instrumentality of the executive branch of the United States Government, and to obtain such services as it deems necessary in accordance with the provisions of section 15 of the Act of August 2, 1946 (5 U.S.C. 55a).

SEC. 3. The Commission shall report to the President for transmittal to Congress on July 31, 1965, with respect to its progress, and each year thereafter until the completion of its duties. The President shall submit such recommendations to the Congress as he deems advisable. The Commission shall continue until the President determines that its duties are completed, but not later than June 30, 1968.

SEC. 4. There are hereby authorized to be appropriated such amounts as may be necessary to carry out the provisions of this Act, not to exceed $17,500,000.

Approved September 22, 1964.

LEGISLATIVE HISTORY

House Report No. 1706 (Comm. on Merchant Marine & Fisheries).
Senate Report No. 968 (Comm. on Commerce).
Congressional Record, Vol. 110 (1964):
Mar. 30: Considered and passed Senate.
Aug. 12: Considered in House.
Sept. 1: Considered and passed House, amended.
Sept. 8: Senate concurred in House amendments.

[Forty-eighth annual National Convention of the American Legion, Washington, D.C.; August 30, 31–September 1, 1966]

RESOLUTION No. 547

Committee: Foreign Relations.
Subject: Panama Canal.

Whereas, in a joint statement on September 24, 1965, Presidents Johnson of the United States and Robles of Panama announced that the two countries were negotiating new treaties with respect to the existing Panama Canal and a new "sea-level" canal which might be constructed across Panama; and

Whereas, that statement made clear that the 1903 treaty "will be abrogated" and that its replacement "will terminate after a specified number of years or on the date of the opening of the sea-level canal whichever occurs first;" and

Whereas, there is no assurance at this time that the construction of a sea-level canal will be determined to be feasible, either in Panama or elsewhere in the area, or that a satisfactory treaty respecting such new canal can be secured so as to provide the United States with the necessary rights for its effective operation and protection; and

Whereas, in the interim, this situation places in serious jeopardy the rights of the United States respecting the existing canal; and

Whereas, the Congressionally authorized Commission currently studying the feasibility of constructing a new interoceanic canal is restricted to studies relative to a "sea-level" canal; and

Whereas, various proposals, such as one known as the "Terminal Lakes Plan," have been advanced for the modernization of the existing Panama Canal, based upon study by competent students of many years experience in maintaining and operating the Canal; and

Whereas, such proposals would not require a new treaty with the Republic of Panama and would not jeopardize the U.S. rights in the Canal Zone; now, therefore, be it

Resolved by the American Legion in National Convention assembled in Washington, D.C., August 30, 31–September 1, 1967, That the American Legion (1) reaffirms its support of the basic and still existing provisions of the 1903 treaty, and the continued, indispensable sovereign control by the United States over the Canal Zone; (2) urges the enactment of legislation (similar to the Anderson-Flood-Bow bills of the 89th Congress) to establish an independent, broadly-based "Interoceanic Canals Commission," having as its mandate the examination of *all* tangible possibilities for improving and increasing trans-Isthmian transit capacity, followed by appropriate recommendations, and (3) urges that, until such a commission is duly created and makes its report, all further negotiations with the Republic of Panama be deferred.

THE PROBLEM OF A NEW CANAL: THE BEST SOLUTION

(Address by Capt. C. H. Schildhauer, USNR, retired, before the Panama Canal Society of Washington, D.C., May 21, 1966)

Mr. President, distinguished guests, ladies and gentlemen: Naturally, the thoughts of all of us are directed to the question of a new Isthmian Canal, either at the present route or at some other location. Because of the grave importance of the subjects involved, I venture to give you my own views on the matter of the best solution trusting that they will be considered objectively. Notwithstanding the fact that there has been legislation providing for consideration of only one solution, the canal matter is of such vast consequence that any inquiry purporting to be comprehensive should consider other treatments. In so doing, the key issues are site and type; and I shall express views which, I believe, reflect the judgment of most of the survivors of the construction of the present canal, including engineers so engaged. All these can appraise the problem realistically because of their intimate experience with, and knowledge of, the extreme difficulties which accompanied the original construction. In this connection, I especially refer to the tremendous question of slides, which would be vastly enlarged in any effort to go deeper into the earth for a so-called "sea level" project if the present site should be recommended as now seems most likely or in any other area.

In recent years much has been published about inter-oceanic canal problems. Writers have vied with one another to make the subject appear new but, as experienced students of Isthmian history well know, the major questions involved are old. The only new feature in the equation is a new crop of advocates and diplomats who have ignored the lessons of experience and have proceeded purely on the theoretical considerations.

The Panama Canal was opened to traffic on August 15, 1914, yet, within ten years, the subject of the type of canal, despite a most careful evaluation of the matter, was still being agitated. In a letter on May 31, 1924, to former Chief Engineer John F. Stevens, who had designed the Panama Canal and brought the project to a point where its success was certain, Governor Jay J. Morrow, one of its ablest governors, made this incisive and prophetic statement:

"The sea-level project is a hardy perennial, and apparently there will always be someone to argue for it, no matter how often the impossibility of realizing any such scheme within practicable limits of time and cost may be demonstrated."

The years passed. With the approach of World War II, our authorities became concerned about the problems of the Panama Canal and sought legislation for increasing its capacity through the construction of what was described as the Third Locks Project.

Authorized in 1939 at a cost of $277,000,000 after insufficient study and inadequate investigations, this proposal provided for one set of larger locks (140' x 1200' x 50') near each of the existing locks but somewhat removed from them and for connecting the new locks with the existing channels by means of by-pass channels. (H. Doc. No. 210, 76th Cong., 1st Session.)

The proposed arrangement at the Atlantic end of the canal was logical because it duplicated a sound layout that has been tested by more than 50 years of successful operation at Gatun. At the Pacific end, however, the original third lock channel plan had three sharp bends that would have created operating problems and navigational hazards of the gravest character. This appraisal is based on navigational experience, study and observation, including many transits of the Panama Canal on naval vessels. Also, it should be especially noted that this project had undisclosed features for converting the canal to sea level according to a plan that had been neither comprehensively studied nor specifically authorized by the Congress!

Active construction started in 1940 and was placed on a rush basis until it was suspended in May 1942 after an expenditure of more than $75,000,000 mostly on lock site excavations at Gatun and Miraflores. Fortunately, no excavation was undertaken on the Pacific side at Pedro Miguel, which left the way open for a re-examination of the project in the light of marine experience before it was too late.

The Panama Canal at that time was the scene of tremendous activities in connection with its military protection and the transit of our naval vessels to and from combat areas in the Pacific. These demands created keen interest among canal authorities, both operating and engineering in the study of canal operational, navigational and engineering problems with regard to planning as derived from lessons learned under war conditions.

Eventually, these efforts inspired the development in the Panama Canal organization itself of what today is known as the Terminal Lake-Third Lock Plan, which proposal would consolidate all Pacific locks in one set south of Miraflores similar to the existing layout at Gatun and provide a summit-level lake anchorage in the Pacific sector to serve as a traffic reservoir.

Recognized immediately by respected canal engineers as the greatest single contribution in the way of canal planning since the removal of the Bohio Dam and Locks to Gatun to form Gatun Lake, the proposal attracted wide support from navigation interests that use the canal, including local naval authorities and, eventually, Fleet Admiral Ernest J. King and Secretary of the Navy Knox.

In its study of the plan, the Navy Department sent the Assistant Secretary of the Navy as a member of the General Board to the Canal Zone to look it over in the field. The General Board recommended strong Naval support of the plan and, in its principal report, made this significant statement: "The General Board is much impressed by the great preponderance of evidence in favor of the lock type and considers that the opinions presented, supported as they are by experience, fully justify the abandonment of the idea of a sea-level canal across the Isthmus of Panama." (CONGRESSIONAL RECORD, vol. 111, pt. 5, pp. 6757–6766.)

Extensive studies at the time in the Canal Zone, and later in the Navy Department, showed the lake-lock design to be the best canal plan for the transit of vessels practicable of achievement, and at "comparatively low cost", estimated in 1943 at less than $300,000,000 and without the necessity for negotiating a new treaty with Panama. The last is a paramount consideration.

Eventually, the terminal lake proposal was submitted on September 7, 1943, by the Secretary of the Navy to President Franklin D. Roosevelt, who indicated his approval of it as a post-war project. It was subsequently approved in principle by two Governors of the Panama Canal as the preferred form for the modification of the authorized Third Locks Project to meet future navigational needs.

Upset by the wide acceptance of the terminal lake idea for a new lake-lock type canal, advocates of the old and rejected "sea-level" plan, after the startling advent of the atomic bomb in 1945, seized upon that nuclear development as the psychological lever for obtaining legislation for a canal inquiry under a statute, the bill for which was drafted by themselves at the height of public hysteria.

The ensuing act of the Congress (Public Law 280, 79th Congress, approved December 28, 1945) directed the Governor of the Panama Canal to make a comprehensive investigation of the means for increasing its capacity and "security" to meet future needs of interoceanic commerce and "national defense"; and also for a restudy of the Third Locks Project, and a study of canals at other locations.

Taking advantage of the "security" factor inserted in the bill by advocates of the "sea-level" type, the 1946–7 investigators interpreted this factor as paramount and controlling, and money costs not a "governing consideration" and sympathetic propagandists urged it as a "mandate of the Congress!" According to informed members of the Congress at that time, this was a far more extreme interpretation of the statute than was intended by the Congress which enacted it.

The report of this inquiry was submitted in 1947. As expected, it recommended only the so-called Sea-Level Project in the Canal Zone on an alignment different from the existing channel for major canal construction, initially estimated to cost $2,483,000,000 primarily on the basis of its alleged greater "security". It ignored such matters as the vital treaty question involved, and what would be its costs for a huge indemnity to Panama, a greatly increased annuity, and the effect on tolls, all of which would have to be borne by maritime interests that use the canal or by our over burdened taxpayers. No wonder, such report failed to receive Presidential approval! When President Truman transmitted it on December 1, 1947, to the Congress, he did so without comment or recommendations, and the Congress took no action thereon, not even authorizing its printing. Three years later, in the Act of 1950, the Congress, on its own initiative, reorganized the Panama Canal enterprise, placing it on a self-sustaining basis.

As time passed, transits through the Panama Canal increased, and by 1964 its capacity was approaching saturation. On Executive recommendations, without adequate hearings, debate or information, the Congress enacted Public Law 88–609, 88th Congress, approved September 22, 1964, under extraordinary circumstances for so gravely important a matter.

In the Senate, the bill for this law was passed by voice vote without debate; in the House, under a rule procedure that prevented adequate debate on the vital issue. Moreover, the House acted without the benefit of published hearings before the Committee on Merchant Marine and Fisheries that conducted them and those hearings to this day have never been printed!

The statute authorized the President to appoint a so-called "commission" of five men not subject to Senate confirmation to determine the feasibility of constructing only a "sea-level" canal connecting the Atlantic and Pacific Oceans. This action, unwisely restrictive and unprecedented in character, served to exclude from consideration the solution that many competent independent and experienced engineers and other experts considered to be the best and most economic solution when the problem is evaluated from all key angles.

This body is now functioning. It is not the independent and broadly-based commission that situation requires and as was employed in the building of the present canal. The sea-level interests because of the alleged vulnerability of the present high-level lake-lock type canal are using the 1964 enactment to advance the 1947 "sea-level" recommendations with utter disregard of costs or consequences as a "mandate from the Congress" for the second time since World War II.

Meanwhile, the proper handling of the overall inter-oceanic question has been complicated by a series of developments affecting the Isthmus that started when Alger Hiss of the State Department in 1946 listed the Canal Zone as an "occupied area," thereby classifying it as a non-United States possession. Then followed in 1953 the negotiation of the Eisenhower-Remon treaty of 1955, which was supposed to end Panamanian demands for years to come. But efforts to appease, as was foreseen by informed members of the Congress and others, only resulted in greater effort to extort. Today we are in the process of negotiation with Panama for new treaties affecting the canal that would cede back to that country full sovereignty over the Canal Zone. As to that, I can think of no greater disaster for the continued efficient maintenance and operation of the Panama Canal or to Panama itself. It would be far better for Panama if the United States stayed on the Isthmus in perpetuity, for our presence there is the only guaranty for its continued independence.

It is pertinent to observe that the United States would never have undertaken to construct the Panama Canal except under conditions of complete and perpetual control. Moreover, long experience on the Isthmus shows that the present canal could not have been built nor subsequently maintained and operated with requisite efficiency with less authority than our government has exercised under the 1903 Treaty. This is in no sense imperialism but plain common sense, for our responsibilities require adequate authority.

As to the original decision of our government for the high-level lake-lock plan, the wisdom of it has been completely established. It was not a fly-by-night action by irresponsible and incompetent officials or a political compromise as claimed by some propagandists but a reasoned decision after the fullest consideration by some of the best engineers and ablest statemen that our country ever produced, after extensive debates in the Congress.

The principal arguments used by "sea-level" advocates during United States control have always been of hypothetical military character, "security" and "national defense"; not the actual problems of navigation and operations.

During the 1904–06 "battle of the levels", it was the alleged "vulnerability" of the high-level plan to naval gunfire, which was an important factor in causing the division of the Pacific locks into two sets separated by the intermediate level Miraflores Lake—the major error in the design of the Panama Canal. Parenthetically, I may add that the consolidation of the two sets of Pacific Locks were originally urged by Chief Engineer John F. Stevens in 1906 and later attempted by Colonel William L. Sibert but was not done because of public pressure in the United States for immediate action.

In 1939, it was the alleged danger of enemy bombing attacks that led to the hasty authorization of the Third Locks Project and its hazardous channel layout, and, as previously indicated, without adequate study of

the crucial navigational and operational features involved.

In 1945, it was the alleged greater "security" of the "sea-level" type against destruction by nuclear attack, which fallacious premise has been extensively exposed in the Congress.

In 1964, it was the alleged greater "vulnerability" of the high level plan to destruction, even by "two sticks of dynamite".

Thus, it is abundantly evident that advocates of a "sea-level' canal adjust their terminology and justifications to their needs for advancing their predetermined objective. They never mention the obvious facts that nothing can be constructed of indestructible proportions, that the greatest dangers in any type of canal in the entire Canal Zone are massive slides, that the critical slide area is in the high central mass, and that any canal, regardless of design, can be destroyed by nuclear attack. Nor do these advocates ever give the costs and complications involved in negotiating a new treaty with Panama to determine the specific conditions for constructing a "sea-level" undertaking in the Canal Zone, which project is not covered by existing treaty and would require a new one.

It is to be noted that "sea level" advocates ignore the fact that the design that they have in mind is not, in any sense, an open strait, such as the Strait of Magellan, but that tidal locks and many miles of lateral dams, diversion channels, and flood control structures on both sides of the ship channel, would be necessary. They also ignore these facts: (1) that a greatly deepened cut required by the so-called "sea-level" design would present a greater peril for nuclear attack than the existing canal and (2) that, as warned by the Board of Consultants, Isthmian Canal Studies, 1957–60, there would be "serious danger of a long interruption to traffic * * *" (Ho. Rept. No. 1960, 86th Cong. 2nd Sess., p. 5, para. 16). Such lack of forthrightness in a matter so grave, is indeed, incomprehensible and, in fact, constitutes a betrayal of our own and Western Hemispheric interests, including those of Panama itself.

In following the canal subject closely over a period of years, I have read extensively in the CONGRESSIONAL RECORD many of the thoughtful objectives addresses and statements of Representative DANIEL J. FLOOD of Pennsylvania, as well as the writings and utterances of distinguished and informed authors. In the quality of their documentation, clarity of expression and force of arguments, Congressman FLOOD's contributions on the canal question are unique in our history and should be studied by all who wish to understand the canal problem. As summarized by him in a statement to the House of Representatives on March 1, 1966, the key issues in the Isthmian question are obvious and simple.

First, the transcendent responsibility of our Government to safeguard the indispensable sovereign rights, power, and authority of the United States over the Canal Zone territory as granted under the 1903 Treaty.

Second, the subject of the major increase of capacity and operational improvement of the existing high-level lake-lock canal through modifying the Third Locks Project to provide a summit lake and anchorage at the Pacific end of the canal to correspond with the layout at Gatun, on which, as previously stated, some $75,000,000 of the taxpayers' money has been spent on lock site excavations only at Gatun and Miraflores. The major part of these excavations can be utilized under the proposed lake-lock plan.

Third, the matter of a new Panama Canal of so-called "sea-level" design to replace the present canal, which, in addition to other structures previously mentioned, requires tidal locks near the Pacific end of the canal where the tidal range has a maximum of 22 feet.

Fourth, the question of a new canal at another site in Panama or Colombia or Nicaragua.

Despite the enactment of the 1964 canal statute, three bills were introduced in the present Congress by Representatives ANDERSON of Tennessee, Bow of Ohio and FLOOD of Pennsylvania to create an independent and broadly-based Interoceanic Canals Commission. The Commission would be authorized and directed to make and conduct a comprehensive investigation and study of all problems involved or arising in connection with plans or proposals for:

An increase in the capacity and operational efficiency of the present Panama Canal through the adaptation of the Third Locks Project (53 Stat. 1409) to provide a summit-level terminal lake anchorage in the Pacific end of the canal to correspond with that in the Atlantic end, or by other modification or design of the existing facilities;

The construction of a new Panama Canal of sea-level design, or any modification thereof;

The construction and ownership, by the United States, of another canal or canals connecting the Atlantic and Pacific Oceans.

You will note that these bills include consideration of the major improvement of the present Panama Canal through modification of the Third Lock Project. This is not included in the 1964 statute which only refers to a "sea-level" canal to meet future requirements. The enactment of these bills, to include consideration of increasing the capacity and efficiency of the present canal, should be included in the full and complete investigation and study of canal problems. The increase of capacity and operational improvement of the less expensive and functionally superior high-level lake-lock canal to meet the basic requirements mentioned in the statute cannot be overlooked in any inquiry that purports to be "full and complete." Moreover, it should be independent.

The high-level lake-lock type of modernization, when considered from all angles, offers the best solution. Besides it could pay its way while the necessary improvements are made. In contrast, a "sea-level" tidal lock canal must be completed to full dimensions at one and its enormous construction cost would be a substantial addition to the national debt for a very long time, to which must be added the diplomatic costs for a new treaty.

Indeed, meeting the canal problem by the major improvement of the existing lock-type canal would inure to the very great advantage of Panama by keeping the canal on the Isthmus preventing the destruction of Panamanian economy, and insuring the continued independence of Panama itself.

My uncle and his top level associates in building the Panama Canal were not men moved by sentiment in making crucial decisions but tough-minded realists. They, like those who follow the sea, had a great respect for the powerful forces of nature, so often exhibited at Panama in the form of massive slides. Were they here today, they would not be influenced by any sentimental feeling evoked by saving their own work but only by the intrinsic realities of the situation that they so well understood. I have every reason to believe from many conversations with him that they would favor the lake-lock plan that I have discussed as the proper solution and would oppose the resurrected idea of a so-called "sea-level" canal, which would require an unprecedented expenditure of the taxpayers' money and open a veritable box of Pandora of difficulties of every character. I, therefore, believe that the wisest and best solution is to keep the present canal and enlarge its capacity and improve its operations to meet future needs of shipping by means of the indicated high-level lake-lock design.

LEGAL AID FOR THE POOR

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Washington [Mr. MEEDS] 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 Arkansas?

There was no objection.

Mr. MEEDS. Mr. Speaker, the legal services program continues to win recognition as a vitally important and highly effective arm of the community action program. An article by James C. Millstone, appearing in the St. Louis Post-Dispatch on March 26, describes the outstanding work being done by legal services attorneys, and suggests the fundamental long-range significance of their efforts.

As I know many of my distinguished colleagues will wish to give close attention to the progress against poverty and injustice being made by OEO's legal services program, I ask unanimous consent that Mr. Millstone's article be included at this point in the RECORD.

LAWYERS GIVE AID TO POOR—IMPORTANT REFORMS IN THE LAW COULD HELP REDUCE NATION'S POVERTY

(By James C. Millstone)

WASHINGTON, March 25.—The distance from the poorhouse to the United States Supreme Court shrank perceptibly this week amid mounting evidence that the legal profession and the nation's paupers finally are beginning to find each other.

Government agencies like the Office of Economic Opportunity and private organizations like the NAACP Legal Defense and Education Fund are moving together to assert the legal rights of the poor.

Commentators regard the trend—labeled a "new wave" by the Harvard Law Review—as potentially significant from two standpoints: It promises important reforms in the law to assure justice for the poor and it could profoundly affect the national campaign to reduce poverty.

"What we want to do," says Earl Johnson Jr., director of OEO legal services program, "is to eliminate the laws and practices that make and keep people poor."

The movement promises to rock long-standing institutions and activities that traditionally have rested on the thesis that all the rights are on the side of the nonpoor.

Under most standard public housing practice, for example, a tenant may be put out of a project for no stated reason. In most welfare systems, an investigator may call at the home of a client at 3 a.m. to try to prove that a supposedly missing husband is still around. Most cities pay no attention to the soak-the-poor credit practices of sharp business operators.

The law looked the other way in the past. As Supreme Court Justice William J. Brennan Jr. put it in a recent talk, "our profession for too long presented the image of begrudging our professional talents to those who couldn't pay their way."

In the past two years, agencies offering legal help to the poor have increased their spending from $5,000,000 to $30,000,000 a year, but that still represents less than 1 per cent of the total funds spent for legal services of all kinds in the nation. The poor, it should be noted, make up 25 to 30 per cent of the population.

A case argued in the Supreme Court on Tuesday was a promising symbol of the new trend. It was brought by Mrs. Joyce C. Thorpe, a Negro mother of three, who was evicted from her public housing project

apartment in Durham, N.C., in August 1965. Mrs. Thorpe suspected that she was barred because she had helped found a tenant organization, but the city housing authority gave no reason for its action.

In her suit, Mrs. Thorpe insisted that the action violated her constitutional rights because it denied her a hearing, an opportunity to refute any complaints against her and the benefits of the federal program for low-income families.

Her attorney, James M. Nabrit III of New York, told the nine justices: "This is the first Supreme Court case in the 30 years this country has had public housing in which tenants have been in a position to assert their rights. That, your honors, is because public housing tenants have no money."

The reason Mrs. Thorpe was able to bring the case this far was that it was taken over by the Legal Defense Fund, an organization founded in 1939 to develop legal precedents in the field of civil rights. Some months ago, the fund decided to embark on a similar program for the poor, and when the Ford Foundation gave the fund $1,000,000 last November, the group was able to establish the National Office for the Rights of the Indigent.

The new office has access to about 200 attorneys across the nation. It now is processing about 20 cases aimed at setting precedents in poverty law. Mrs. Thorpe's is the first to reach the Supreme Court.

The potential in the new trend can be seen in the possibilities in the Thorpe case. A decision for the Durham woman would invalidate low-rent project leases all over the nation and require new rules and regulations offering greater security to the 2,300,000 Americans living in such projects.

Other major cases at lower court levels being handled by the fund include:

(1) A test of the constitutionality of the money bail system, on the ground that it discriminates against the poor.

(2) A challenge to the "substitute parent" rule in many states which cuts off welfare benefits to a woman with an absentee husband if she forms a relationship with another man, on the ground that such action usually does not consider whether the new man contributes to the support of the woman and her children.

(3) Efforts to prevent housing authorities from evicting a tenant for having an illegitimate child.

(4) A challenge to a new Wisconsin garnishment law which permits a creditor to garnishee 50 percent of an employee's wages without notice to the employee.

The war on poverty's Legal Services Program is turning more and more toward the area of law reform. Charles Edson, former St. Louis attorney who now is chief of operations for the program, explained that the new emphasis is the result of the tremendous caseload volume that has greeted neighborhood law offices opened under OEO auspices.

"Our neighborhood lawyers are being swamped with cases," Edson said. "We feel that one big way to reduce the load is to get a test case ruling to establish a broad legal principle which would then apply to many of the individual cases that come to us."

As an example, Edson cited a District of Columbia case in which a married couple bought an automobile on credit and paid off $1600 of the $2228 cost when the husband lost his job and fell two weeks behind on the payments. The finance company repossessed and resold the car, then sued the couple for the difference allegedly due between the first and second sales, plus charges for repairs, storage and repossession.

The D.C. Legal Services Agency won the case and with it a court decree so broad as to forbid such repossession and sales transactions altogether. Edson estimated that poor people in Washington will save hundreds of thousands of dollars in future years because of the ruling.

Earl Johnson, director of the Legal Services Program, was so impressed with the potential of the law reform effort that he has decided to make that the program's primary goal.

"Through this technique," he said, "legal services programs can accomplish more for the poor with less expenditure of time and money than in any other way."

Much of the litigation in the test-case area has occurred in the field of landlord-tenant law. Legal Services has represented a tenant evicted from a slum apartment because she told authorities of the landlord's failure to correct housing code violations. Another case challenges the legality of a public housing authority denying admission to an otherwise qualified applicant on the basis of an arrest record.

A suit filed by antipoverty lawyers against welfare agencies here seeks to enjoin welfare investigators from unreasonable searches and seizures, prying questions about sexual life and criminal activity and other forms of harassing investigatory tactics in dealing with welfare recipients.

A New York unit is suing for the right to have a lawyer present during interviews between caseworkers and welfare recipients. In Syracuse, antipoverty lawyers are trying to force the school board to provide facilities for emotionally disturbed children of the poor. The St. Louis unit is seeking to alter Missouri law to require more adequate notice of eviction than is presently required.

In Salt Lake City, antipoverty lawyers are attacking the constitutionality of Utah's rule requiring one-year residency for welfare eligibility.

The connection between legal rights and poverty may seem tenuous in some cases. Nabrit, Mrs. Thorpe's lawyer, spelled it out for the Supreme Court in his argument.

"The only people living in public housing," he said, "are those who cannot afford better. For them, it is the only means of having decent, safe, sanitary housing. Arbitrary eviction is to remit them to the slums. That action can be of the greatest consequence in the life of a poor family."

ANTIPOVERTY BILL

Mr. PRYOR. 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 Arkansas?

There was no objection.

Mr. PICKLE. Mr. Speaker, I join many of my colleagues today in the introduction of a new antipoverty bill, designed to amend the Economic Opportunity Act.

This is a problem of such scope that no perfect answer can be found quickly, and while we are searching for the optimum approach, I feel strongly that we should get behind the type of investment we have made so much progress with already.

If the Members desire to change the administration plan, or to alter the amount of money involved, then it is a matter within the wisdom of the membership. Like most Congressmen, I have some reservations of the increased amount of money involved here, but what I hope to see is that we maintain a positive approach to the entire program, and continue the good work already started.

LOUIS DANZIG: MAN OF VISION

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. RODINO] 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 Arkansas?

There was no objection.

Mr. RODINO. Mr. Speaker, last evening I had the pleasure of attending the 36th annual banquet of the National Housing Conference, where I had the proud privilege of joining in tribute to my dear friend, Louis Danzig, executive director of the housing authority of the city of Newark, N.J.

Lou has long given unselfishly of himself, and has worked with devoted dedication in the cause of his fellow man. In so doing, he has brought honor to his city, and has earned the esteem and respect of all who know of his outstanding achievements.

I am delighted to add my warmest congratulations to him, and am pleased to include at this point the following resolutions of the membership of the National Housing Conference and the city of Newark, lauding this man of vision.

IN TRIBUTE TO LOUIS DANZIG, EXECUTIVE DIRECTOR, HOUSING AUTHORITY OF THE CITY OF NEWARK

There is an indispensable man! Members of the *National Housing Conference* pause in the deliberations of their 36th Annual Meeting to honor him.

For more than a decade, Louis Danzig, as Chairman of the Finance Committee, has succeeded in keeping *NHC* solvent. As a result, the *National Housing Conference* has been able to serve as catalyst for local and national, public and private agencies and groups. It is an innovator of public policies, a stimulator of action, and reporter on both. Lou Danzig has made it possible for *NHC* to continue as the rallying point for all Americans who fight for better housing, for renewed and vital cities and neighborhoods, and against poverty.

The *National Housing Conference* is grateful to Lou Danzig for leadership and assistance far beyond what could reasonably be asked of him. It honors him also for the renaissance he has engineered in his home City of Newark, where he has used the tools of low-rent housing, urban renewal and all of their related social services to bring hope where there was despair, and light where there was darkness to thousands of his fellow townsmen.

By honoring Louis Danzig, the *National Housing Conference* honors itself, and inscribes this message to him with gratitude and affection.

By Resolution of the Membership of the National Housing Conference, Washington, D.C., April Nine, Nineteen Hundred and Sixty-Seven.

RESOLUTION ADOPTED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK AT THEIR REGULAR MEETING HELD APRIL 5, 1967

Whereas, the National Housing Conference assembled at Washington, D.C., on April 10, 1967, recognizing the extraordinary contributions made in the causes of housing and urban renewal by Louis Danzig, Executive Director of the Newark Housing Authority, has selected him to be the recipient of honors; and

Whereas, by honoring him the City of Newark is likewise honored; and

Whereas, while devoting time and talents to the causes espoused by the National Housing Conference on a national level, Mr. Danzig never hesitated on a local level to champion what was good for housing, urban renewal, education, civil rights, labor, the city and all of its people; and

Whereas, he served the City of Newark with distinction, courage and unswerving loyalty, and his participation, counsel and leadership in the affairs of housing and urban renewal, has earned for him the appreciation and gratitude of everyone concerned: Now, therefore, be it

Resolved, That the Municipal Council of the City of Newark, New Jersey commends the National Housing Conference for its selection of Louis Danzig; and be it further

Resolved, That the Mayor and Municipal Council tender this resolution of congratulations with the hopes that it may be a source of some satisfaction to him to know of the high esteem in which he has been and will continue to be held by us; and be it further

Resolved, That a copy of this resolution be suitably inscribed and forwarded to Louis Danzig.

THE TEACHER CORPS—CLOSING THE GAP

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. RODINO] 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 Arkansas?

There was no objection.

Mr. RODINO. Mr. Speaker, I rise in support of the Teacher Corps. Each school day, from September to June, school bells ring for more than 45 million American children.

Each child is beckoned with equal urgency to attend school, to prepare for the greater responsibilities of adulthood.

But the tragedy of our bountiful land today is that at least 5 million American children do not receive the educational opportunities to enable them to meet these responsibilities. This is the wasteful gap in educational opportunity that the Teacher Corps is designed to help bridge.

President Johnson describes the Teacher Corps as a plan to bring the best of our Nation's talent to its neediest schools. One could also describe it as a mighty national effort to liberate American children caught in a self-perpetuating cycle of poverty and ignorance.

These are the youngsters whose families earn less than enough to exist, according to the standards of our affluent society. Hence they live in city slums or rural areas where deprivation is chronic. The corps appears to me to be the right vehicle for extending and upgrading the quality of American education where it is most urgently needed.

As a nation, we are spending nearly $50 billion a year on education. The cost of the Teacher Corps—$17 million for fiscal 1967—is small indeed when you consider the far greater costs of neglect and the plague of social and economic ills spread by poverty and inadequate education.

There are benefits beyond calculation that accrue to our country when youngsters, who might have been cast aside, become, instead, valued and productive members of society.

The corps offers also an opportunity for spirited college graduates to enter the field of education. For 2 years they receive professional training—combining practice teaching with graduate study—that is supervised by experts capable of building incentive and promoting professional growth.

Each year the Nation's school systems are forced to function with 170,000 teachers less than we need to adequately educate our young. We cannot afford such a shortage.

The brunt of this deficiency is borne by the very schools we are trying to help. Schools of low-income areas cannot afford to hire enough good teachers. In turn, the students do not get the kind and quality of education they need. And without such education they do not get good, steady jobs. They remain poor, their children are poor, their schools remain poor, and so the cycle continues.

Mr. Speaker, the Teacher Corps is designed to meet this crisis in our educational system. It is a reasonable and sensible approach to a problem that we can no longer tolerate. I firmly hope that this Congress will have the foresight and wisdom to maintain and strengthen the Teacher Corps.

HEARINGS TO OPEN ON ALTERNATIVES TO CIA SUPPORT FOR PRIVATE OVERSEAS ACTIVITIES

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. FASCELL] 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 Arkansas?

There was no objection.

Mr. FASCELL. Mr. Speaker, I wish to announce that the Subcommittee on International Organizations and Movements of the Committee on Foreign Affairs will shortly begin holding hearings on legislation proposing to provide Federal support for certain private American overseas activities.

Specifically, the hearings will be directed to H.R. 7484 and related bills which were introduced recently by a bipartisan group of members of the Foreign Affairs Committee. Briefly, these bills provide for the establishment of an Institute of International Affairs to do openly what the CIA has been doing covertly in providing assistance to student and other groups.

We are, however, interested in other possible solutions to this continuing problem and would welcome any views and suggestions that our colleagues would like to offer on this point.

The hearings are scheduled to begin next week, Tuesday, April 18, with testimony from Members of Congress.

Private organizations and the executive branch will be invited to testify at a later date.

CHILD WELFARE AND ITS PROBLEMS

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. BURKE] 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 Arkansas?

There was no objection.

Mr. BURKE of Massachusetts. Mr. Speaker, may I bring to the attention of the Members of the House testimony presented today before the House Ways and Means Committee by Joseph H. Reid, executive director of the Child Welfare League of America on the subject of "Child Welfare and Its Problems," as it confronts the American people. I endorse and concur on Mr. Reid's statement and its conclusions:

JOSEPH H. REID'S TESTIMONY BEFORE THE HOUSE WAYS AND MEANS COMMITTEE ON H.R. 5710, APRIL 6, 1967

INTRODUCTION

My name is Joseph H. Reid. I am the Executive Director of the Child Welfare League of America at 44 East 23rd Street, New York City. Established in 1920, the League is the national voluntary accrediting organization for child welfare agencies in the United States. It currently has 286 child welfare agencies in membership as well as 51 associate agencies. Represented in this group are voluntary agencies of all religious groups as well as non-sectarian public and private agencies. The League's prime functions are research, consultation services to local agencies and communities, standard setting, and child welfare publications.

I am authorized to speak on H.R. 5710 and related legislation by the Board of Directors of the Child Welfare League of America. The Honorable Elmer Andersen, the former Governor of Minnesota, who is the President of the Child Welfare League of America, had planned to testify for the League, but, for reasons beyond his control, he is unable to be in Washington today. Governor Andersen has therefore asked me to present his testimony on the League's behalf.

Although my statement does not necessarily represent the views of all our member agencies since they have not yet had the opportunity to read and approve this statement, in general, the statement is consistent with the views of the great majority of our members. We know there is no disagreement with the principle that there should be Federal financing on a matching basis of state costs for all public child welfare programs. Many agencies have already notified their own Representatives and Senators and this Committee of their views on H.R. 5710, introduced by Mr. Mills, and on H.R. 1977, introduced by Mr. Burke.

We are speaking on behalf of all the children in the United States living in hazardous circumstances in their own homes and those who have already lost their homes. This includes the more than 300,000 children already living in institutions and foster homes. Some are orphans, most are orphans of the living. We are also asking for consideration for the 100,000 children for whom each year adoptive homes must be found and for the unnumbered thousands of children who are neglected or abused by their own families.

The League is hopeful that Congress will

give the same consideration to these sorely disadvantaged children that it already has to the aged, the disabled, the blind, and the financially dependent. Unfortunately, the Federal government has not seen fit in the past to treat these children equally. It has primarily left their care to the states and local communities. In fact, dependent, neglected children are the only major disadvantaged group for which the Federal government has not taken an equal share of responsibility with the states. They have no lobby, no vote; they cannot speak in their own behalf. No Administration, past or present, has seen fit to advocate that they be placed on an equal basis with other disadvantaged people. Their hope is in strong Congressional concern and action to remedy the gross inequity in previous Social Security legislation. The fact that so many members in this House, of both parties, have expressed their concern about such legislation, bolsters this hope.

The Child Welfare League is vitally concerned about all legislation which affects the lives of children, and there are therefore sections of H.R. 5710, notably those dealing with public assistance amendments, on which we will wish to comment, in addition to the child welfare services amendments in Sections 235, 236 and 237 of Title II. Our oral testimony, however, will concentrate on the child welfare amendments.

NEED FOR FEDERAL ASSISTANCE ON MATCHING BASIS FOR CHILD WELFARE SERVICES

Basically, the League strongly favors legislation which will provide Federal assistance on a matching basis to the states for comprehensive child welfare programs. Such legislation is best exemplified by H.R. 1977, first introduced in the 89th Congress by the late Congressman Fogarty and carried forward in this Congress by Congressman Burke who introduced the measure on the day following the unfortunate loss of Mr. Fogarty. Co-sponsors to H.R. 1977 include Congressmen Gilbert, Shriver, O'Neill, Farbstein, Edwards, Friedel, Byrne, Murphy, Boland, St. Onge, Macdonald, Giaimo, Fascell, Matsunaga, Nix, Halpern, Eilberg, Fulton, and Senator Pell.

H.R. 1977 is consistent with the recommendations submitted to the 85th Congress by the 1959 Advisory Council on Child Welfare Services appointed by Secretary Arthur Flemming and with the recommendations of the 1966 Public Welfare Advisory Council which was established by Congress under the 1962 Public Welfare Amendments. We believe legislation like H.R. 1977 is essential if the states are to fulfill the mandate placed upon them by Congress in the 1962 Public Welfare Amendments. The Child Welfare League wholeheartedly supported the 1962 Amendments in hearings before this Committee and believes that the Congress deserves congratulations for their passage. That bill was a major step forward in the public welfare field.

EFFECT OF 1962 PUBLIC WELFARE AMENDMENTS ON CHILD WELFARE SERVICES IN THE STATES

The 1962 Public Welfare Amendments contained a new definition of child welfare services which is now Section 528 of the Social Security Act as follows:

". . . public social services which supplement, or substitute for, parental care and supervision for the purpose of 1) preventing or remedying, or assisting in the solution of problems which may result in the neglect, abuse, exploitation or delinquency of children: 2) protecting and caring for homeless, dependent or neglected children; 3) protecting and promoting the welfare of working mothers; and 4) otherwise protecting and promoting the welfare of children, including the strengthening of their own homes where possible or, where needed, the provision of adequate care of children away from their own homes in foster family homes or day care or other child care facilities."

In addition, Congress mandated that these comprehensive child welfare services are to be provided in all political subdivisions of the states by 1975 and that they are to be "for all children in need thereof." The services to be provided, as indicated by the definition, must be comprehensive in nature, directed toward strengthening the child's own home where possible, or when this is not possible, providing a variety of substitute living situations to meet the individual needs of children living away from their own families.

In writing this legislation, Congress followed all the recommendations of the 1959 Report of the Advisory Council on Child Welfare Services, *except* for the vital provisions which would have provided the financial wherewithal to carry out the legislative mandate to the states, namely, matching grants for child welfare services.

Between 1962 and 1965, total expenditures for child welfare services increased by over $106 million. The non-Federal share of this increase was $90 million more in 1965 than it was in 1962. Federal funds for these purposes, however, increased only $16 million from 1962 to 1965. In 1965, state and local funds for child welfare services totaled $335 million. Federal funds added only $34 million to this amount. Over 50 percent of the total spent for child welfare services came from state funds, 40 percent from county funds, and only 10 percent of the total came from Federal funds.

Meantime, the total child population has been increasing. There were three million more children under 18 in 1965 than there were in 1962. By 1970, it is anticipated that there will be a total of 75 million children in the United States under 18.

The increase of children receiving child welfare services has also risen accordingly. The average increase was 5.5 percent per year until 1965 when it increased by seven percent. In 1965, 87 children per 10,000 children in the population were served by public and voluntary child welfare agencies, compared with 83 children per 10,000 in 1964. Almost 700,000 children were served by public and voluntary child welfare agencies in one day in 1965.

Although states have made some progress in expanding child welfare services since 1962, it will be impossible for them to meet the 1975 goal unless the inequities of Federal financing of child welfare services are remedied now. Federal matching funds for these purposes should be available on the same basis as they now are for welfare programs which benefit other disadvantaged groups where there is Federal matching on a variable basis at a rate of at least 50 percent.

Unfortunately, the 1962 Public Welfare Amendments made it more difficult to provide services for children. Child welfare services have been handicapped in obtaining personnel since 1962 because budget bureaus and state legislators are aware that state expenditures for public assistance services personnel will result in additional Federal dollars, whereas expenditures for child welfare personnel will not.

Typical is the comment of the Georgia Director of the Division for Children and Youth:

"No matter how much the State invests in these child service programs, however, the Federal allocation remains practically the same." [Georgia, as a matter of fact, has increased its state funds tenfold over the last four years for child welfare services, from $240,000 in 1962 to $2,400,000 in 1966.] "This places the burden almost totally on state and local governments to finance badly needed help for the growing number of disturbed youngsters in our booming child populations. . . . In the public assistance programs the percentage of federal dollars exceeds 70 percent. Programs such as vocational rehabilitation bring in matching federal dollars for every state dollar invested. The State Budget Bureau invariably notes that additional state funds devoted to child welfare services do not result in an increment in federal funds. This places such services in a very poor position when competing for favorable attention from state legislatures."

FEDERAL FINANCING OF CHILD WELFARE PERSONNEL AND TRAINING—H.R. 5710, TITLE II, SECTION 235 AND H.R. 1977

Child welfare personnel is the basic necessity for sound child welfare services, and state appropriations are not sufficient to meet the need for child welfare workers. The Child Welfare League, therefore, as a first priority, endorses legislation to provide Federal matching at 75 percent for child welfare services personnel and training in a manner which will place the financing of child welfare services on a parity with other state welfare services personnel. We believe that Section 235, Title II of H.R. 5710 is a step in this direction, but does not go far enough because it still leaves child welfare in a poor position vis-a-vis service personnel in other welfare programs. The 75 percent rate of reimbursement for *additional* state personnel and training expenditures is not the same as 75 percent rate of reimbursement of state personnel and training expenditures, even with a maintenance of effort provision, such as the one in the Burke bill (H.R. 1977, page 31, lines 22–25; page 4, lines 1–3). We would therefore urge this Committee to broaden the language of Section 235 of H.R. 5710 in order to eliminate the present discrimination by matching all state and local expenditures for personnel on the same basis as public assistance services personnel.

Under the language of Section 235, Title II of H.R. 5710, we believe it should be made clear that the language, "services provided by the staff of the state public welfare agency or by the local agency participating in the administration of the plan in the political subdivision," is meant to include such auxiliary staff as homemakers and child care staff in day care centers and public institutions, as well as the child welfare workers employed by the state or local public welfare agency.

Child welfare workers are in short supply and therefore their training is an essential component of a sound program. We endorse and support the inclusion of training costs in Section 235 of H.R. 5710 and note that it is also a provision of H.R. 1977, the Burke bill (page 7, lines 17–25).

NEED FOR CHILD WELFARE WORKERS

Child welfare workers are particularly needed because they are the persons who help families cope with problems so that children are able to remain in their own homes whenever possible. By counseling with families, child welfare workers can often prevent or remedy the neglect and abuse of children so that the situation does not deteriorate to the point where the child must be removed from the custody of his parents.

In Massachusetts there is a statewide Society for the Prevention of Cruelty to Children, the largest and best financed private agency of its type in the country, which has been a leader in providing protective services for children. This Society supports greatly expanded public child welfare services. In endorsing H.R. 1977, the Society's Central Legislative Committee and its General Secretary state that:

"H.R. 1977 would materially increase our public department's ability to provide necessary services to children in their own homes that are totally lacking here in Massachusetts. Children's protective services provided by the agency which I administer can

only but partially cover the volume of services needed if children are to be given a chance to remain in their own homes with their parents who desperately need help from skilled case work personnel.

"The funds for training an additional case work staff as well as the funds for directing child service programs including day care, homemaker and children's protective services are urgently needed if we are to stem the tide of children who are needlessly placed out of their own homes because these services have not been available to their parents."

The development of public agency protective services is supported by almost all private child welfare agencies, of which the Massachusetts SPCC is but one example.

Child welfare workers can also help families to find and use the auxiliary social services which will make it possible for the child to remain at home. For example, when a mother is out of the home because of illness or otherwise unable to do all the necessary child and home care tasks, homemaker services can help provide the substitute care necessary to keep the child at home and prevent costly foster placement. Day care services, which help care for the child of a mother who must work or is otherwise overburdened, also help keep the child with his own family.

Adoption services, including services to unwed mothers, are another vital function performed by child welfare workers. In a nationwide study made of children in foster care by the Child Welfare League of America,* it was found that 40 percent of these children should have been placed for adoption instead of in foster care. Although foster care is regarded as a temporary placement, this study also revealed the likelihood that a child remaining in care longer than 18 months was likely to remain in foster homes for the rest of his childhood. Adoption is, therefore, a far better solution for children in need of permanent families of their own, and it is also a far more economical solution for the community which otherwise would have to support the children in foster care until they reached adulthood. Today, there are many of these children in need of permanent families of their own who are now in "temporary" foster care at public expense merely because communities lack the funds for adoption workers to expedite adoption placements. Meanwhile, for the same reason, many couples continue to wait for children to adopt.

Other children would not remain in foster care over such protracted periods if workers were available to counsel with the child's parents to help make it possible for the children to return to their own homes. Too many children remain too long in foster care instead of being returned to their own homes. The foster care study clearly indicated that social agencies staffed with untrained workers with high caseloads produce large numbers of children who are unnecessarily in foster care. The economy of low caseloads and well trained social workers has long been established. A large northeastern institution found that three years after employment of trained caseworkers, its population was halved and the average length of stay reduced by two-thirds. One midwestern county replaced untrained welfare workers with trained social workers. In two years, the number of children whom the county supported in foster care was reduced from 520 to 314. Forty-one thousand dollars a year more was spent in salary, but $240,000 a year was saved in foster care costs.

Whatever can be done to bolster a child's own home so that he can be nurtured by his own family is a first essential in a sound child welfare program. To prevent even the necessity of placement away from home and to help return them home as quickly as possible if temporary placement has been necessary, is the desirable goal. Both these essential tasks require additional child welfare personnel in every State. One-third of the counties in the United States still lack even one child welfare worker, and no state has sufficient child welfare personnel to take care of the children already in need of service. By 1975, 16,000 more child welfare workers will be needed if the states are to meet the mandate of the 1962 Public Welfare Amendments.

INADEQUACY OF PRESENT FOSTER CARE SERVICES

All children have a right to a home of their own with parents who love and can care for them. When neglect, abandonment, death or mental illness forces a home's break-up, however, foster parents can provide a substitute family life which enables the child to remain in the community. Foster care is, therefore, necessary and helpful for many children, particularly on a temporary basis. And, despite the best social services, there will always be a group of children for whom foster care will be a necessity. Where a child's home on a permanent basis is not possible for him, even with all possible welfare services, there are two alternatives. One is adoption which is a permanent legal transfer to a permanent home of his own. But where that is not possible, a secure long-term home with a loving, sympathetic foster family is the next best solution. Unfortunately, many children in foster care today are not likely to reach either of these preferred situations.

Foster care services in the states are inadequate and need strengthening. There are children in need of foster care who cannot be placed either because enough foster family homes cannot be found for them, or because the state limits the amount of money and number of foster care placements which can be made. There is a shortage of foster homes in many counties because foster care board rates paid to foster families do not realistically meet the expenses of caring for the children. Some children, therefore, are left permanently in custodial institutions or in dangerous home situations for the lack of foster homes. All this is not only harmful to the sound development of these children, but, in addition, is expensive to the communities both in the short and the long run.

In Kentucky, for example, where the number of foster family placements are limited, figures show that, unlike most other states, there are more children in institutional placements than there are in foster family care. The trend throughout the country has been markedly in the other direction.

Institutional foster care is a necessary part of the child welfare picture, however, and should be included in any comprehensive child welfare program. Some children maintain such fierce loyalties to their own parents that they cannot accept substitute foster parents. Others are so emotionally disturbed that they cannot tolerate or be tolerated by a foster family. A few, cruelly mistreated by adults, need a period of emotional convalescence before they are brave enough to try a new child-parent relationship. Some adolescents, battling to establish their independence from parents, rebel against foster parents just as they would against their own. For this group of youngsters a good institution offers the best temporary solution. It must be not merely a place of custody providing a roof, clothing and three meals a day, but a dynamic center which helps a child move forward to a more normal role in family and community life. Eighty-five percent of all institutional care for dependent and neglected children is now provided by private agencies. Most of these agencies are sorely pressed to obtain funds to maintain their operations on their present basis, let alone improve services to give these troubled children the kind of specialized care they need.

NEED FOR FEDERAL ASSISTANCE IN FINANCING FOSTER CARE—H.R. 1977 AND H.R. 3969

Federal assistance in financing foster care costs is not included in H.R. 5710. It would, however, be included under the provision of H.R. 1977 which would provide for Federal matching on a variable basis, to the states for all child welfare costs. This financing would help the states and localities in carrying the heavy burden of foster care costs which they now bear. At present, Federal funds represent only 2 percent of the national expenditure for foster care. These costs are often carried by the counties which are ill-equipped to meet this burden since county income derives primarily from real estate taxes. As a result, children are not getting adequate foster care, with future prospects even dimmer unless Federal aid becomes available.

The King bill, H.R. 3969, which has been referred to this Committee, would also provide for Federal matching of foster care costs in the states. The provisions of the King bill, in conjunction with the provision for 75 percent matching for personnel and training costs in Sec. 235, Title II of H.R. 5710, would help insure that adequate foster care facilities would be available for children truly in need of placement. This combination would provide the social services personnel necessary to insure that the children who could remain in thier own homes would be able to do so and would not be placed in foster care merely because these services were not available.

The King bill also includes provision for Federal matching for personnel involved in the foster care program. Even when children are necessarily in foster care, child welfare personnel are needed both to assess and place the children in foster homes wisely, and to help foster families work out the problems which arise in foster care placements. Moving from one foster family to another contributes to a child's instability. Studies reveal that this happens far too often. Skillful child welfare workers would help cut down on this harmful process by more careful selection of the foster home and by casework counseling to help the child and his foster family work out any problems which arise. The overall personnel provision of Sec. 235 of H.R. 5710 if properly broadened would incorporate this provision of the King bill.

The Child Welfare League of America supports the King bill as a supplement to the personnel provisions in H.R. 5710, but would suggest that the limits set by H.R. 3969 on the reimbursements for each foster care case should be removed from its provisions.

The Burke bill, H.R. 1977, on the other hand, includes provisions both for the 75 percent matching of personnel and training costs and the matching of other child welfare costs, including foster care. H.R. 1977 would, in our minds, be the ideal solution to this dual problem of providing necessary care both in and out of a child's own family, depending upon the individual needs of each particular child's situation. This legislation wisely gives each state the flexibility to adapt its child welfare programs to the needs of the children in the state, instead of adapting the state pattern of child welfare services to the source of Federal funds.

H.R. 5710—TITLE II, SEC. 236

At present, children in need of welfare services are neglected not only by their families, but also by the Federal government when it does not provide assistance to the states to help the children on the same basis as it helps other disadvantaged groups. Although Section 236 of Title II of H.R. 5710 would remove the authorization ceilings from child welfare grants after June 30, 1968, this would be no guarantee that state funds

*Henry S. Maas and Richard E. Engler, *Children in Need of Parents*, Columbia University Press, New York, 1959.

would be adequately matched despite the provisions of Section 235. It would be more equitable in our view to determine the extent of Federal expenditure by the extent of the need in the states, as is the procedure under the public assistance titles of the Social Security Act. Since state patterns of need vary, we believe this is a sound tax sharing device, giving states the flexibility to use Federal funds in accord with their own needs, but consistent with general standards of sound child welfare practice.

MAINTENANCE OF STATE EFFORT

We believe that legislation providing for Federal sharing of child welfare costs in the states should provide for the maintenance of state effort so that Federal funds will be used to supplement rather than substitute for state funds. We believe that the provision in the bill, H.R. 1977, does this wisely, whereas, the provision of H.R. 5710 would require the expenditure of *additional* state funds before any Federal reimbursements were possible. As we have pointed out before, this provision creates an inequity between child welfare financing and other welfare programs.

NEED FOR UNIVERSAL AVAILABILITY OF CHILD WELFARE SERVICES

Since all children may at some time in their lives need care or child welfare services, there must be a universal availability of such services throughout the country and available to all children. Children's problems are not limited by economic, geographic, or ethnic considerations. Help is needed urgently and immediately whenever and wherever a child's care is endangered. Parents may die, become ill, or for other reasons be unable to fulfill their parental functions. Today's modern families are no longer surrounded by the large bolstering family groups of aunts, uncles, cousins and other relatives of yesteryear. When parents are unable to care properly for a child, regardless of their economic circumstances, they may, therefore, need the help of community social services to provide substitute care for their children. For these reasons, it is essential that child welfare services be available throughout the states and available to all children regardless of race, creed, or financial circumstances. Where families can afford to pay for all or part of the cost of such care, states may, and do, make provision for payment of fees in appropriate circumstances.

COOPERATION OF PUBLIC AND PRIVATE SECTORS OF CHILD WELFARE

Both the Burke bill and the King bill provide for cooperative efforts on the part of the public and voluntary sectors of child welfare services. This would insure that child welfare services would be available to all and would permit the purchase of service from properly authorized non-profit agencies on a case by case basis. This would make possible a wider choice of agencies available to serve the specialized needs of children. Current practice permits the states to determine whether they wish to purchase care from non-profit agencies. This includes such services as day care, foster home care, and institutional foster care, including maternity home services, as well as homemakers.

The language of the Burke bill contemplates the continuing authorization of this practice, permitting the states to purchase child welfare services from non-profit agencies. If the provisions of the Burke bill are incorporated in the Social Security Amendments of 1967—as we believe they should be—we would urge that language be included to permit purchase of all child welfare services from non-profit agencies on a case by case basis if the states desire to do so. This should include the present language of Section 523(a)(2) of the Social Security Act pertaining to the use of the facilities and experience of voluntary agencies.

H.R. 5710, TITLE II, SEC. 237

Section 237, Title II, of H.R. 5710 includes a broadening of Section 526 of the Social Security Act with respect to demonstration and research grants. We endorse this change which will permit widespread use of research findings in demonstrating improved child welfare services in the states. We believe that the policy should be continued which would leave to the states the determination of use of demonstration and research funds for experiments in public or voluntary agencies.

RECOMMENDATION TO BROADEN TITLE II, PART 3

The proposed Child Welfare Services Amendments of H.R. 5710 represent a forward step toward helping the states to reach the goals set by Congress for adequate child welfare programs. The Child Welfare League of America, however, urges that they be broadened along the lines of H.R. 1977 to permit more adequate Federal assistance to the states in meeting the costs of child welfare personnel and other necessary child welfare services.

Too frequently in the past, in our view, children have been overlooked because social legislation of seemingly greater importance benefitting more people have taken precedence and priority. At this time, we hope that the Congress will give all children, whether homeless or neglected in their own homes, an equal share at the table of opportunity for a productive life.

H.R. 5710—PUBLIC ASSISTANCE AMENDMENTS

The League endorses Sections 201, 202 and 208 of Title II of H.R. 5710 with regard to public assistance.

We wish particularly to stress the basic importance of Section 202 which would require states to meet the financial needs of families with children, as determined by the state's own budgeting standard of minimum need established on January 1, 1967 and provides for an annual review of the standard to take into account changes in living costs. The best social services in the world cannot help feed the hungry or provide them with the other necessities of life. Living in constant poverty is not the way to promote the healthy physical or emotional growth of the next generation on which this country must depend.

Section 208, which would make permanent the temporary amendments of 1962, is also of prime importance. We believe, however, that the provision relating to assistance for children in need because of unemployment of a parent (AFDC–U) is so important that it should be a mandatory as well as a permanent provision of Title IV of the Social Security Act. We are shocked that only 22 states have included provision for this type of assistance since 1962. We believe it unsound and unwise to continue any welfare practice which actually encourages the break-up of families. We therefore urge that the states be required to provide assistance to families with children with an unemployed parent, as a basic part of the AFDC program.

We also support the principle of Section 201 which would permit dependent children over 18 and their relatives under the AFDC program, to keep part of their earned income without deductions from assistance payments. We believe however, that the allowable amounts of earned income which may be kept should be consistent with the amount allowed under the work training provisions of H.R. 5710 and under similar provisions of the Economic Opportunity Act.

SOCIAL WORK MANPOWER AND TRAINING—H.R. 5710, TITLE IV, SEC. 401

We also endorse the social work manpower and training provision in Title IV, Section 401 of H.R. 5710 which would complement the training provision of Sec. 235 of the Child Welfare Services Amendments. If institutions of higher learning are to be enabled to provide education and training for the additional social work manpower necessary to implement the Social Security Amendments of 1967, it is essential that they have financial help to do so. For this reason, we wish to emphasize our support of Section 401 of H.R. 5710.

SOCIAL SECURITY ACT—TITLE XIX

As to Title XIX, we point out the vital importance of this new program to children and to expectant mothers. Infant mortality rates reflect the socio-economic status of their mothers, as do the figures on the use of health and dental services. The lack of health care is most acute among persons of low income groups. For these reasons we believe the states should be permitted to continue to develop programs under the terms of this new legislation without any modification at the present time. It is premature to modify Title XIX in any basic respect until the states have had further experience with these programs. We would urge particularly that there be nothing in any provision which would restrict the elegibility for Title XIX benefits for children in low income families who could not otherwise afford health care. Children should continue to receive the same care as the other groups now covered under Title XIX. We also urge you not to adopt the proposed change in Sec. 220 of H.R. 5710 which would limit eligibility for Title XIX benefits to an income standard no higher than one and one half times that for public assistance, but urge that the definition of medical indigency be left to state determination as is done under Medical Assistance for the Aged.

We wish to thank the Chairman and members of the Committee for their courtesy in giving us the opportunity to appear and present the League's views.

SUMMARY AND RECOMMENDATIONS OF THE CHILD WELFARE LEAGUE OF AMERICA

There is need for Federal assistance on a matching basis to the states for comprehensive child welfare programs. In the 1962 Public Welfare Amendments, Congress mandated the provision of comprehensive child welfare services throughout the states by 1975, but did not provide matching funds for this necessary expansion. The states and localities presently carry 90% of the financial burden of providing services and care for children. Although the states have increased their expenditures for these purposes, child welfare programs are still inadequate to meet the needs of children, and the states will not be able to meet the 1975 goal without additional Federal participation. Children in need of help are particularly disadvantaged because the Federal Government grants matching funds for other state welfare programs at rates of 50% or more but does not make this contribution to child welfare programs. Although H.R. 5710 takes a step in this direction, it does not correct the present inequities. The League therefore hopes that the Child Welfare Services Amendments of H.R. 5710 will be broadened along the lines of H.R. 1977 in order to provide necessary services and care for children.

Child welfare personnel is the basic essential for any child welfare program. A first priority, therefore, is to provide Federal matching at 75% for child welfare services personnel and training in a manner which would put the financing of such services on a parity with other public welfare programs. Sec. 235 of H.R. 5710 should therefore be broadened to eliminate the current inequities by matching full personnel and training costs.

For children requiring care away from their own homes, there is a need for adoptive services, foster homes and good institutional care which are now not adequate either qualitatively or quantitatively because of insufficient funds. H.R. 1977 would help by providing matching funds for all such child

welfare costs in addition to personnel. H.R. 3969 would provide matching funds for foster care costs. The League supports H.R. 1977 as the best solution to meeting children's needs and would also support H.R. 3969 as a supplement to a broadened personnel provision in Sec. 235 of H.R. 5710.

The League supports Sec. 236 of H.R. 5710 which would remove the authorization ceilings, but would prefer to see financing of child welfare services on a matching basis. It also approves Sec. 237 which broadens legislative language with respect to demonstration and research grants. The League supports the maintenance of state effort so that Federal funds supplement rather than substitute for state funds. The League stresses the need for universal availability of child welfare services and urges that full use be made of both the public and private sectors of child welfare.

The League endorses the social work manpower and training grants in Sec. 401 to institutions of higher learning.

Under the Public Assistance Amendments, the League supports Sec. 202 requiring states to meet full financial need, and Sec. 208, but urges that AFDC–U be made mandatory. We also support the principle of Sec. 201 permitting earning exemptions.

The League urges that no changes be made in Title XIX of the Social Security Act that would restrict eligibility for benefits for children and opposes Sec. 220 of H.R. 5710, urging instead that the definition of medical indigency be determined by the states.

FEDERAL COURT FACILITIES FOR NASSAU AND SUFFOLK

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. WOLFF] 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 Arkansas?

There was no objection.

Mr. WOLFF. Mr. Speaker, the need for convenient Federal court facilities for the two Long Island counties of Nassau and Suffolk has reached a point where we cannot deny this to them any longer. This need has been increasing at an incredible rate; in fact, the need of these facilities has been increasing as rapidly as the populations of these two counties.

The need for convenient Federal court facilities is apparent from studies of population, geography, and caseload. Under present population estimates, the people of Nassau and Suffolk represent 32.4 percent of the total and by the 1980's this is expected to rise to almost 40 percent, or 2,985,000 of the 7,720,000 residents of the district.

Geographically, the need is also apparent. Brooklyn is in the extreme western corner of the eastern district, forcing litigants, witnesses, jurymen, and attorneys to travel 30 miles from Mineola, 50 from Huntington, 82 from Riverhead, and 129 from Montauk. The existence of facilities at other spots on Long Island would eliminate the hours of valuable time wasted in transit to the present court.

Finally, this Federal judicial district, composed of Kings, Queens, Richmond, Nassau, and Suffolk Counties, is one of the busiest in the United States, being exceeded by only four districts in criminal cases and by only seven of the 88 Federal districts in civil cases. Although no precise, long-term studies have been completed as yet on the percentage of those cases which arose in Nassau and Suffolk, preliminary results show that in over 37 percent of the civil cases docketed during a 3-month period in 1966–67, venue could properly have been in Nassau or Suffolk. Caseload weight, therefore, also demands expanded facilities.

In order to alleviate these problems, I have introduced today a bill which would provide additional Federal court facilities for Nassau and Suffolk Counties by authorizing the Federal District Court for the Eastern District of New York to hold its sessions in Mineola and Riverhead, as well as in Brooklyn, the only present site. The existence of facilities at these two county seats would solve these problems by better serving the residents of these counties, and by reducing the long calendars in the Brooklyn court, and by eliminating the hours of valuable time wasted in transit. In terms of population, industry, schools, transportation facilities, and almost every other barometer of social, economic, and political growth, Nassau and Suffolk represent one of the largest and most rapidly growing suburban complexes in the country. The citizens of those two counties have long been entitled to these new Federal court facilities, and the time for action to alleviate this problem, in order to provide the most effective and efficient Federal judicial service to these areas, is now.

THE POST OFFICE AS A NONPROFIT GOVERNMENT CORPORATION

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Arizona [Mr. UDALL] 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 Arkansas?

There was no objection.

Mr. UDALL. Mr. Speaker, last Monday on the floor of the House I commended Postmaster General O'Brien for his bold and forthright plan to convert the Post Office into a nonprofit Government corporation. I said then, and I repeat now, I see a great deal of merit in the Postmaster General's proposal and I believe it should be given careful study and serious consideration.

We all know about bad mail service, and there is no need to arouse our tempers again by reciting it now. The President put the matter in historical perspective in his message to us last Thursday when he told of the development of our present postal system. Our postal system is something which has grown like Topsy and finds itself attired in a patched-up garb of another era.

The Nation's press now has had an opportunity to react to Mr. O'Brien's recommendation. Seldom has such a potentially controversial proposal made by a Government executive met with such warm and enthusiastic response. Almost without exception, editorials on Mr. O'Brien's plan have either endorsed it outright or said that it deserves thorough study and evaluation. Without objection I shall insert in the RECORD at this point a cross section of these editorials from newspapers throughout the Nation:

[From the Washington Post, April 8, 1967]

UNQUIET POSTAL CRISIS

Congress can reduce the postal deficit by enacting the rate increases requested by President Johnson. But the crisis of the postal system cannot be resolved by merely increasing its revenues. Radical reforms are required to secure more efficient postal service, and Postmaster Lawrence F. O'Brien pointed the way with his bold proposal for transferring the Post Office to a nonprofit corporation.

The trouble with the postal system is that managerial control is vested in pressure groups—the postal unions, the second-class mailers and the patronage-hungry politicos—rather than in the man designated by Congress to manage the system. Mr. O'Brien has no effective control over the rates charged for the different classes of service, the hiring of employes, the choice of transport facilities or the introduction of labor-saving machinery and procedures. His "area of no control," as he remarked in his witty speech to the magazine publishers and editors, "is almost unlimited."

Mr. O'Brien's nonprofit corporation would be controlled by directors who are appointed by the President with the approval of Congress. Management would be vested in an executive appointed by the directors. And it would be free, within a mandate to cover certain portions of service costs, to vary rates. Wage scales, employe incentives, and collective bargaining procedures would be on the same basis as in private industry.

Given the political power of the vested interests, Mr. O'Brien's proposals will doubtless encounter stiff opposition in the Congress. But a fight for a nonprofit postal corporation ought nonetheless to be waged by the Administration. Even if it lacks at first some of the authority necessary to exercise managerial control, the very establishment of a nonprofit corporation would be a forward step in modernizing the postal system.

[From the Wall Street Journal, Apr. 6, 1967]

SPECIAL DELIVERY FROM MR. O'BRIEN

When a member of the President's Cabinet suggests that his department ought to be run more like business and less like government, that's news. So Postmaster General O'Brien has made news by proposing that the Post Office Department be turned into a nonprofit Federal corporation.

Under Mr. O'Brien's proposal the Post Office would no longer be represented in the Cabinet. The President would name a board of directors who would appoint a professional executive to run the service, with broad authority under a mandate from Congress.

Now whether or not that would be the best solution to the postal system's problems, hardly anybody can argue very persuasively that the present system can long endure. For as Mr. O'Brien says, although he is responsible for the direction and all activities of his department, the Postmaster General's "area of 'no control' is almost unlimited."

He has, for instance, no control over postal system work loads, the rates it can charge, its salary schedules and its physical facilities. For permission to act in most of these areas he must go hat in hand to Congress. Any business whose manager had to wait upon the pleasure of a committee of, all told, 535 politically-motivated members probably would not be run much better than is the Post Office Department.

Indeed, considering that over about a century and a half the department has been expanded, in effect, chiefly by means of a series of legislative patches and lengths of administrative baling wire, it may be a wonder that the system works as well as it does.

However, when some postal officials con-

cede that the pre-Christmas paralysis which hit the mails in Chicago could occur in a number of other cities at any time, obviously the stage at which the department further can be patched is past. And Mr. O'Brien rightly concludes that what is needed is a "bold, fresh approach."

The big obstacle, of course, is Congress, which figures it gets a lot of political mileage from picking postmasters and playing with postal pay. Before the lawmakers ignore Mr. O'Brien's special delivery message of frustration, though, they might ask themselves how many votes they will win by allowing the mail service to collapse.

[From the Christian Science Monitor, Apr. 6, 1967]

HOPE FOR THE POST OFFICE

(By Erwin D. Canham)

Conservatives have long urged that the United States Post Office be run by private enterprise. Now comes Postmaster General Lawrence F. O'Brien to propose that it be operated along business lines by a public corporation.

The proposal is bold. As everybody says, it will require very careful study. But there is one reason why it might work today when it might not have worked two decades ago.

In recent years, the United States has learned a great deal about "systems management"—about the operation of very large-scale enterprises, whether in the public area like the National Aeronautics and Space Administration or the private area like the aerospace industry or the automotive industry. Indeed, systems management is one of the great breakthroughs of the computer age. It is already transforming many elements in the American economy.

FEDERAL "JUNGLE"

The Post Office would seem to cry out for this kind of administrative reform. It is, as Mr. O'Brien said, "a jungle of legislation and custom" which hampers efficiency and responsible modernization at every hand.

Under the O'Brien proposal, the public corporation would have a board of directors appointed by the President and confirmed by Congress. It would be managed by a professional executive appointed by the board. Hiring policies, wages, and working conditions would be set by normal collective bargaining, just as in private business.

The postal unions would no longer lobby wages and other changes through Congress. Operating funds would be raised by bond issues. If subsidies were found to be in the public interest they could be legislated by Congress or—I should think preferably—subsidies for limited public services could come out of total earnings if Congress decides certain functions should be carried on at less than cost in the general interest.

DEDICATED MEN

Hopefully the increased efficiency of the total operation would be so beneficial that financial burdens would be greatly lessened. There is no reason why costs should not come down even while wages and public benefits went up. This has been the broad experience in the nearest parallels; the operation of the telephone system or the electrical and gas utilities.

The board of directors, appointed by the President and Congress and yet not directly controlled on an administrative basis by them, could work out the vast changes necessary in the ancient system. The Post Office, from the Postmaster-General at the top down through the postmasters in cities and towns and the mail carriers on the street, has had its large share of dedicated and enterprising men. Valiant efforts have been made to introduce reforms. Valiant officials today try to do their best. But they are handcuffed by the system.

The device of a public corporation has proved effective in recent American experience. The successes of the Atomic Energy Commission speak for themselves. NASA has done a tremendous job. The TVA is an ongoing, long-vindicated operation, although unlike the other parallels it competes directly with private utilities while enjoying major tax and borrowing advantages.

CONSULTATIVE EXPERIENCE

The proposed post office corporation, like the Atomic Energy Commission and NASA, might well contract out some of its functions to private enterprise. It would need the best consultative experience of the systems managers to install and operate its reforms. The transitional stages would be extraordinarily difficult. How would the deadwood be phased out?

These and many other problems would require massive and wise study. Regeneration would not take place overnight. Career workers would certainly have to be treated with consideration. It is interesting that J. Edward Day, the lawyer and former insurance executive who was President Kennedy's first Postmaster General, opposes the idea. The postal unions express grave reserve.

But Mr. O'Brien's courageous idea should not gather dust. The men who know most about operating great systems should advise the Congress on what could be done. It has tremendous possibilities.

[From the Providence (R.I.) Journal, Apr. 6, 1967]

POST OFFICE REFORM

Postmaster General Lawrence F. O'Brien has proposed the most drastic change in the postal system since President Andrew Jackson, in 1829, took the system under the presidential wing by giving the postmaster general a chair in the Cabinet.

Ever since that date, the postal system has been deeply embedding in politics. The top job in the department often has been handed out as a plum to the presidential campaign manager. Many of the choicer postmasterships in the past also have been handed out as plums to deserving campaign workers. Virtually every detail of the postal operation, down to the price of a stamp and the pay for the letter carrier, has been subject to political pulling and hauling in Congress.

Mr. O'Brien so far has offered only a sketchy outline of his drastic reform proposal. The outline suggests, however, that he favors cutting the postal department away from its political ties. He would give the department more independence, more elbow room, and more freedom to conduct its affairs without having to run to Congress for permission every time it wanted to replace a worn-out lobby counter.

This objective could be achieved, Mr. O'Brien says, by removing the Post Office Department from its Cabinet-level status and setting it apart as a nonprofit government corporation. A board of directors would be appointed by the President and confirmed by Congress. The directors then would hire a professional executive to run the system.

Congress still could lay out some general ground rules. It could, for example, decide which categories of mail it wished to subsidize and what proportion of the costs should be met from rates. But beyond that, the new corporation presumably would have a free hand to adjust postage rates and to control both its income and outgo.

Under the existing system, the Post Office Department keeps none of its revenue. Every penny it takes in is handed over to the Treasury. Then, each year, the department is compelled to go before Congress, hat in hand, and request an appropriation sufficient to meet its anticipated costs for the coming year.

Under the proposed system, the corporation probably would keep its revenues, plus the congressional subsidies, and use this money to continue its operations.

One would expect to hear a chorus of protest from Congress over this proposal. After all, a department that employs 700,000 persons, that operates on an annual budget exceeding six billion dollars, and has been a political plaything of Congress for more than a century could hardly be withdrawn from the congressional grasp without offending some sensibilities.

But, strangely, the initial reaction to Mr. O'Brien's proposal is quite favorable. Sen. A. S. Mike Monroney, D-Okla, chairman of the Senate post office committee, calls it "very interesting and exciting." Rep. Morris Udall, D-Ariz, praised Mr. O'Brien for his "courage and vision." Rep. H. R. Gross, R-Iowa, has indicated his support for the reform.

Perhaps the size of the postal deficit (about 1.2 billion dollars this year), the enormous volume of mail (more mail is handled in this country than in all the other countries of the world combined), and the vast complexities of the system at last have persuaded the members of Congress that politics and the postal system don't produce a favorable combination and that the time has come for a drastic reform.

[From the Courier-Journal, Apr. 5, 1967]

DRASTIC CHANGE IS IMPERATIVE IN OUR CREAKING POSTAL SYSTEM

Postmaster General Lawrence F. O'Brien believes that only a drastic transformation of the postal service can save it from imminent disaster, and there is impressive evidence that he is right. He is so concerned that he proposed the abolition of his job and the creation of a nonprofit, government corporation to run the postal service.

How serious is the situation? Well, the postal deficit is soaring and service is deteriorating, and in the past two years mail volume has risen at almost double the normal 3 per cent annual rate. Last October, an avalanche of mail in Chicago overwhelmed the largest post-office building in the world and showed that the U.S. postal system can indeed break down.

Last year, one of Mr. O'Brien's deputies admitted to a congressional committee that service today is worse than it was in 1956. Mr. O'Brien has launched a program of automation in the postal service, but it has not made much headway so far, and mechanization alone will not be enough.

A HYBRID CREATURE

The whole system is an invitation to inefficiency. The postal service is a hybrid creature of the executive and legislative branches. The Postmaster General is ostensibly the boss, but Congress sets the postal rates; Congress governs the size of the work force and sets pay scales; individual congressmen have a big say in the selection of postmasters.

Morale is so low among many postal service employes, because pay is low and the opportunities for advancement very limited. At present, the Post Office work force is cut up into 24,400 different bargaining units, and when union negotiators fail to get what they want from the management of the Post Office they can go over the department's head to Congress.

Despite all the talk over the past decade about modernizing postal service operations the work of handling the mail, according to *Fortune* magazine, "is being performed today with much the same facilities that existed before World War II, when only one-third as much mail was processed." A measure of how far automation has to go can be found in the fact that 31 per cent of the Post Office's current budget of $6.3 billion goes to pay workers, many of whom still sort mail by hand before pigeonhole cases at the rate of about 30 pieces a minute.

A flood of "junk" mail in the third-class category has created a problem for the postal service and is increasingly a source of irritation for its recipients.

Mr. O'Brien's bold plan for reshaping the Post Office has much to recommend it. Operating as a non-profit corporation, with directors appointed by the President, it could issue bonds to get money for new post offices and other facilities which are sorely needed. It also could control more of its operations by setting rates on the percentage of cost-coverage for various classes of mail. And the postal service could free itself of the maze of regulations that now encumber it.

But only a miracle, or a tidal wave of public support, can put it over. Congress, or at least the four Congressional committees that make most of the important decisions affecting the postal service, are almost certain to oppose the plan. The postal unions already have made known their lack of enthusiasm for it. But change is imperative if the largest postal system in the world is to continue functioning at a passable level of efficiency.

[From the Battle Creek (Mich.) Enquirer & News, Apr. 5, 1967]

POSTAL SERVICE IS RIPE FOR MODERN EFFICIENCY

Postmaster General Lawrence F. O'Brien has put forward an idea worth consideration—to turn the Post Office Department into a public non-profit corporation run by its own board of directors and a professional executive.

The proposal, originated by a task force of business experts, could do much to "take the post office out of politics"—a demand frequently heard ever since Benjamin Franklin was appointed the first postmaster general in 1775.

There would be no cabinet position for a postmaster general who, by tradition and practice, usually serves as an administration's chief politician.

Efficient management and rapid transit of the mails are impossible under the present system. The department has responsibility for running a vast, complicated operation with no control over the volume it handles, the revenue it gets or the wages it pays.

The volume runs to some 80 billion pieces of mail a year, much of it handled at a loss on a cost-fee ratio as high as 34 to 1. Postal rates are set by Congress, which restricts the department in the use of efficient equipment and transportation and whose members add to the loss by their uninhibited use of their franking privilege. Much of the free government mail which the department must deliver is designed to make agencies and congressmen look good, but its effect is to make the department look bad.

Presumably the non-profit corporation would also operate on a non-deficit basis. Franked mail would be charged to its sources, for a needed realistic allocation of costs.

One issue that has never been decided needs to be settled, and the proposed reorganization might well work to that end. This is the matter of how much the postal system should be operated as a public operation and how much as a self-supporting paid service.

A 1958 law calls for postal income to equal operating costs, minus specified services to be paid out of taxes, but Congress, which passed the law, has ignored it. In one year, for instance, Congress raised rates $900 million to wipe out a deficit—but then raised wages $1.2 billion, increasing the deficit. A repeat performance appears to be shaping up this year.

This is a good time for Congress to take a thorough look at the plan which Mr. O'Brien has suggested, to see if at long last the postal system might not now be modernized to current standards of efficient operation and use of the time and labor saving techniques which are available for mail handling and transportation.

[From the Tucson Daily Citizen, Apr. 7, 1967]

POSTAL PLAN MAKES SENSE

Postmaster General Lawrence F. O'Brien called Monday for the abolishment of his department as a cabinet agency. He would replace it with a nonprofit government corporation to handle the mails.

Mr. O'Brien's proposal brought words of encouragement from some Congressional leaders including Arizona's Morris K. Udall, a member of the House Post Office Committee.

President Johnson chose to ignore the words of the man he appointed to the cabinet in 1965. Wednesday, the President formally asked Congress to raise postal rates effective July 1.

The President's request does not solve two of the department's major problems: an accelerating deficit ($1.2 billion by 1968) and an increasing inability to handle the volume of mail (83.4 billion pieces by 1968).

Mr. O'Brien recognizes that these problems cannot be solved by more revenue. He proposes to solve them by taking the department out of politics, thereby increasing its efficiency. He proposes a nonprofit government corporation run by a board of directors appointed by the President and confirmed by Congress. A career executive would run the department. The agency would be empowered to finance necessary facilities by issuing bonds.

The present postal system is antiquated. It is inefficient. Its facilities are tied to pork barrel legislation rather than need. For instance, funds for needed facilities in 10 major cities including Tucson, St. Louis, Atlanta and Syracuse, have been cut from next year's budget.

Under Mr. O'Brien's plan, facilities could be constructed and paid for by bond issues as needed.

It is interesting to note that the post office, in Mr. O'Brien's words, borders on the edge of catastrophe and operates at a deficit of $1 billion annually. In comparison, American Tel & Tel, a private enterprise with a profit motive, blankets the nation in another field of communications. Last year, AT & T had a net profit of nearly $2 billion after taxes.

As a nonprofit, government operation, the post office cannot achieve the efficiency of private enterprise. But certainly it was never intended to be a model of inefficiency either.

Mr. O'Brien's plan should not be ignored. It deserves further study. He should be commended for a plan which would take the post office out of politics and even take himself out of the cabinet.

THE CONSTRUCTIVE INTERACTION BETWEEN THE SMALL BUSINESS ADMINISTRATION AND THE COMMUNITY

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. DAWSON] 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 Arkansas?

There was no objection.

Mr. DAWSON. Mr. Speaker, the Johnson administration has long been a strong proponent of programs for social justice. The President has encouraged the cooperation of Government with private industry to upgrade the economic and social role of Negroes and other minority groups in our society.

Mr. Speaker, I would like to cite an example of an energetic young businessman in my Chicago congressional district who is witness of the constructive interaction between the Small Business Administration and the community.

Mr. Charles Hobson is a 29-year-old Negro who has been involved in the shoe business since he was 13. He has been a stock boy, salesman, manager, and now owner of a shoe store.

He and his wife faced what seemed to be impossible odds 1 year ago when they thought of opening their shoe store on East 47th Street. The store would be one of 20 retailing shoes on that street.

Hobson's pre-med and philosophy majors in college would be of little help in the practical side of running a business.

As early as 1963, Hobson was planning for the future and took advantage of a series of workshops on business management cosponsored by the Small Business Administration's Chicago office and the First Congressional District Business and Professional Men's Club.

Hobson continued his career as a merchandiser waiting for the opportune moment to strike out on his own. That finally came with the passage of the administration's Economic Opportunity Act of 1964.

On March 15, 1967, President Johnson said of the act:

> New programs had to begin in our cities and rural communities, in small towns and in migrant labor camps. America had to pull the drowning man out of the water and talk about it later.

The Small Business Administration was able to finance Hobson despite his lack of equity capital. He was granted a loan of $25,000 to be repaid in 12 years at $243 per month.

Hobson is the first Negro handling brand-name shoes on Chicago's 47th Street. Business is flourishing. The store deals in quality merchandise and has achieved a gross sales of $85,000. Hobson now enjoys a 25-percent higher net income than before he opened his own business. He employs one salesman full time and one part-time high school student. His wife and brother help out occasionally. He hopes to establish other stores.

Hobson has been a source of encouragement to the Negro community. Several potential businessmen are asking the Small Business Administration for more information on how to start a business with an economic opportunity loan.

The Small Business Administration's economic opportunity loan program will help provide the ambitious, bright Charles Hobsons of this country sufficient backing to realize their dreams and aspirations.

The Chicago regional office of the Small Business Administration will answer the questions future Charles Hobsons will ask in a new series of courses which will be underway April 3 for 10 weeks.

GREENSBORO, N.C.

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. KORNEGAY]

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 Arkansas?

There was no objection.

Mr. KORNEGAY. Mr. Speaker, Look magazine, in its April 18 issue, will confirm what those of us who live in and love Greensboro, N.C., have known for years. For, in its publication of next Tuesday, Greensboro will be designated 1 of 11 members of Look's team of All America Cities.

This recognition of Greensboro's all American-ness makes our proud claim official. The work of many individuals and many groups, particularly the junior and senior chambers of commerce, is responsible for this noteworthy recognition by a national publication. But, the recognition surely would not have come but for the daily contributions of many of Greensboro's 140,000 citizens.

Not very long ago, the Piedmont Triad, of North Carolina, was designated as a common standard metropolitan statistical area. The Piedmont Triad, which has become a bustling triopolis as a result of the merging of the social, cultural, and economic interests of its three primary municipalities, Greensboro, High Point, and Winston-Salem, is the 59th largest market area in the United States.

The selection of Greensboro as an All America City completes the honorary degree of the triad, for Winston-Salem and High Point have already achieved this distinction. Thus, the triad itself becomes all American.

Those of us who have the privilege and the pleasure to live in our All America City of Greensboro are proud of the honor we have received. Personally, I think I am even more proud of the way this honor has been received by the leaders and the citizenry of our community. We have accepted this new honor as a challenge, a challenge to even greater achievements and accomplishments.

As a blueprint to other communities who seek All America selection, I would like to include in the RECORD a presentation which advanced Greensboro's case for inclusion on the All America honor roll. The following is the case of Greensboro, "A City Which Responds to Challenge":

[From Greensboro Business, Mar. 23, 1967]

A CITY WHICH RESPONDS TO CHALLENGE

(On November 14, 1966, Greensboro Chamber President Thomas I. Storrs headed a Greenboro delegation to Boston to make a special presentation on Greensboro. The presentation? Greensboro's bid for All-America designation to the Awards Jury of the National Municipal League and *Look Magazine*, sponsors of the All-America City competition. Storrs presented Greensboro's case before the 12-member panel of judges which was charged with the responsibility to select 11 All-America cities from the 22 finalists. The text of Storrs' oral presentation follows.)

I am Thomas Storrs, President of The Greensboro Chamber of Commerce.

Greensboro, North Carolina, is a city which responds to challenge with accomplishment. Follow with me, if you will, the record of one such challenge.

One Saturday night in March 1962, parents throughout the city were brought face to face with a problem of which few were aware. Five hundred of their children attended a dance sponsored by a teenage girl's social club. The unchaperoned event progressed into disorder, the police were called, and eight youngsters were arrested on liquor charges.

A nineteen-member committee was at work 15 days later to meet the challenge of directing youth activities into constructive channels. Its labor led to the organization of the Greensboro Youth Council on Civic Affairs, presently made up of 62 high school students and 9 adults with a full-time staff director.

This council is now the recognized voice of Greensboro youth. Its opinions carry a great deal of weight in youth circles and the adult community, just as membership carries prestige. The youth council has established a youth jury to advise our courts on teen-age offenders, a school beautification contest, a program to help young people abstain from drinking alcoholic beverages, a teen-age employment service, a youth leadership workshop, and more than two dozen other projects.

This youth council received national recognition as a result of its mustering of community effort. It has become a model for other areas in distress.

Perhaps more important is the fact that the youth council reflects quite vividly the wide range of human resources available in Greensboro and the facility with which they can be mobilized to meet a specific challenge.

Look with me at Greensboro as a place to work and live.

We are a city of 140,000 in a mushrooming area which includes more than one million residents within less than 50 miles. We are the headquarters of three of the largest industrial concerns in the nation, a major divisional headquarters of a fourth. Other large corporations have important manufacturing and distributing facilities in our city. We are the home of one of the nation's largest life insurance companies, and of several smaller but important ones.

We have four colleges and a major campus of the consolidated University of North Carolina.

In Greensboro, it is "in" for a corporate executive or college professor to work for the community. This reservoir of talent has produced strong responses to the challenges of recent times.

Let me briefly survey recent events in just those terms.

The United Fund had a disturbing history of failures to meet its goals. It became difficult even to recruit campaign workers. In 1963, community leadership accepted responsibility for pre-campaign sales efforts, and teams of businessmen called on their competitors, customers and suppliers to sell the United Fund. The goal was reached, and this selling process became a part of each year's campaign. Greensboro now consistently raises the highest percapita contribution to the United Fund of any city in North Carolina—a total in excess of $1 million for the past two years.

In the field of race relations Greensboro has had its share of challenges. It was the scene of the nation's first "sit-in" efforts for the integration of eating facilities. It was also the scene of mass demonstrations in 1963 which brought paralysis to our downtown night after night. A human relations commission was established that year and has functioned effectively in providing communications and the community effort needed for these problems. Through the direct efforts of this commission our city opened nearly all public accommodations and job opportunities *prior* to the Civil Rights Act of 1964.

In its cultural and recreational life, Greensboro borrows heavily from its educational institutions. The Greensboro Symphony, formed by the joint efforts of the University and the community, followed the Greensboro pattern of difficulties, involvement of city leadership, and success. The current season completely sold out a 2,500-seat auditorium before the first performance.

A recently formed Community Arts Council is now well on its way toward a unified fund-raising effort.

The community has been consistently responsive to the money needs of its educational institutions. Just last month a foundation was established to channel a flow of private funds into the University of North Carolina at Greensboro. The impetus for this foundation, it should be emphasized, came from the community as an *offer* of assistance rather than from the University as a request.

Greensboro is quite proud of its annual golf tournament, The Greater Greensboro Open. It is the richest tournament on the PGA winter tour and one of the richest in the world—with a purse of $125,000. But it wasn't always that way.

Just five years ago, with a purse of only $35,000, the tournament was in danger of being squeezed off the PGA schedule. Our Jaycees, who had sponsored the tournament since 1938, needed help. They got it from a community grateful for such an outstanding sports event. Business and civic leaders threw their weight behind a campaign for the sale of $100 sponsor tickets. Last year, more than 600 were sold to form the nucleus of the funds needed to underwrite the tournament.

Economic challenges are not lacking in Greensboro. Let me speak of two of them.

History and the business structure of our community have led to a number of outlying office buildings and shopping centers. The resulting decay in the center of the city brought forth a recent effort by downtown businessmen, first, for a survey and development plan for the downtown, and second, for the implementation of this plan. Traffic patterns have been drastically revised, streets widened, arterial flows established, and property owners are responding with improvements. There is a new 16-story office building downtown. Bids were opened today for a $1,250,000 parking facility financed by downtown property owners, and the city and county governments are working on a $10,000,000 complex of joint office buildings presently under design across the Charles River in the offices of Eduardo Catalano. Raising the money will provide another challenge!

Industrial development in the city and its environs reached a virtual standstill several years ago as suitable sites became scarce. Businessmen concerned with the growth of the city prevailed upon city and county governments to agree on the extension of city utilities into the county. The result has been a $50 million growth in the basic productive facilities of Greensboro.

Closely allied to these developments was a city bond issue. Again the familiar problem-challenge-response sequence. A $14 million bond offering in 1963 for streets and an expanded water supply was defeated. The city government was shaken to learn that the public would not underwrite absolutely necessary improvements. Equally shaken were the non-government leaders of the community who foresaw a city strangled by inadequate streets and limited in growth by its water supply. Two years later a $19 million bond issue was offered, accompanied by a citizens' campaign of more than 100 speeches, 20,000 telephone calls, 38,000 pamphlets delivered to voters, and advertising that blanketed the city. The result was a record turnout for an off-year election, and the issue won by a 4 to 1 margin.

If there is one aspect of our city's life that best tells the story of community performance, then I think it would have to be our Jaycees, 450 members strong.

Last year the Greensboro Jaycee Chapter was proclaimed No. 1 in the United States. It then outdid that honor by becoming the

first U.S. chapter to be named No. 1 in the world.

These young men have learned valuable lessons in leadership and community responsibility. And, in all honesty, I must admit that they have frequently given their elders lessons in these same fields.

This is a less-than-unbiased presentation of the facts concerning Greensboro. Now, let me shift to an objective appraisal of our city by one of our many newcomers. Last September a new corporate citizen came to Greensboro. We now have the international headquarters of Gilbert and Barker, Inc. (Gilbarco), a world-wide subsidiary of the Standard Oil Company of New Jeresey. The firm manufactures fuel handling equipment. It has an annual wage bill in Greensboro of more than $4 million.

This company moved to Greensboro only after a thorough search of alternative locations. It had no sentimental ties to Greensboro. It was not drawn there by tax exemptions or gifts of land.

The president of the company is Mr. Sidney Low. Let me ask him a question and give you his taped reply. "Mr Low, why did Gilbarco select Greensboro?"

(From the tape) *"Gilbert & Barker is an engineering-oriented company which is also concerned with the welfare of its people. We applied engineering techniques of analysis to the business and human factors involved in relocating our company. In effect, we fed into the computer all the factors which we could evaluate that would bear on the business performance of our firm and the living conditions of its people. The answer was Greensboro, North Carolina."*

Thank you, Mr. Low.

Thank you, ladies and gentlemen.

Mr. Speaker, as an example of the new challenge that confronts those of us in Greensboro, we might consider the challenging words of a Greensboro High School student, writing an editorial column for the Greensboro Record of April 4. Bill Buckley of Grimsley High School says, in his editorial:

ALL AMERICA—YEAH!

(By Bill Buckley, Grimsley High)

Last week Greensboro was chosen as one of the 11 All-America cities. Hurrah! This name is not the end of it. We now have a great deal to do. Why was Greensboro chosen as one of the 11? Because we have shown to ourselves and other people that we have a truly wonderful city . . . or do we? Look around you for a moment. Do you see any signs of "unall-Americanism?" If you do, we should try to do something about it. What are some things that need attention?

Have we cleared the city of all poverty-stricken areas? Certainly not. While it's true we've done a lot about it, we haven't completely remedied the problem.

Have we eliminated crimes and other unpatriotic gestures that cause the downfall of many cities? No. We still have thefts and an occasional murder, but we have improved the problem. We still need to do a great deal about the crime rate.

We have a multitude of wonderful people in Greensboro; maybe you're one of them. We have talented citizens who really deserve to be a part of Greensboro's glory. In short, we have many all-America people. Still, no matter how much we try, we continue to have some rotten apples that insist on slinging mud on our title. We have brought many people over from this rotten side but there are some bad ones still around. We need to work on this also.

Don't get the idea that just because Greensboro is "All-America," it's perfect.

We weren't chosen All-America because we're perfect, but because we have made a great amount of progress. Now we have to make more progress on our ever-growing poverty situation, our crime rate and our "rotten apples." How can you help? The next time the Jaycees or some other organization asks for your cooperation, respond willingly. If you do, you will be doing your part in keeping Greensboro "All-America."

NATIONAL SAFETY COUNCIL AWARD OF HONOR

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. KORNEGAY] 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 Arkansas?

There was no objection.

Mr. KORNEGAY. Mr. Speaker, I was recently notified that a constituent firm in Greensboro, N.C., my hometown, had been awarded the highest honor that can be received from the National Safety Council.

Thompson-Arthur Paving Co. is an outstanding member of North Carolina's business and industrial community and has achieved an enviable record in the field of industrial safety. The company, its officers and its entire personnel force are deserving of commendation for having compiled such a safety record.

At this point, I would like to insert in the RECORD a copy of a news article which points up the great achievement of Thompson-Arthur in the safety field. The article follows:

THOMPSON-ARTHUR PAVING CO. RECEIVES NATIONAL SAFETY COUNCIL AWARD OF HONOR

The Thompson-Arthur Paving Company of Greensboro, North Carolina has been awarded the highest honor that can be received from the National Safety Council for an outstanding safety record in 1966.

This award is the Award of Honor, which is presented to companies which make excellent records in preventing accidents. This is the seventh consecutive year that the firm has been recognized by the National Safety Council for their accident prevention program.

The Thompson-Arthur award was on the basis of its record in 1966 when its accident frequency rate was 1.96 for each million manhours of work and the severity rate was 51 days of time lost for each million manhours.

For the entire highway construction industry in the Nation, the average for the three years prior to 1966 was 28.82 accident frequency rate and a severity rate of 3668. According to statistics of the National Safety Council, the 1966 Thompson-Arthur performance records was 87 percent better than par for the whole industry in frequency of accidents and 97 percent better in severity rate.

The company employs from five to six hundred men in North Carolina and Virginia. It has offices in Greensboro and High Point, North Carolina and Danville and Martinsville, Virginia.

LAUDING APPOINTMENT OF THE HONORABLE VICENTE T. XIMENEZ TO THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. WHITE] 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 Arkansas?

There was no objection.

Mr. WHITE. Mr. Speaker, I am sure I speak the sentiments of many thousands of my constitutents in praising the action of President Johnson in naming the Honorable Vicente T. Ximenez to the Equal Employment Opportunity Commission.

Last January 16, when I introduced my bill, H.R. 2426, to increase the Commission from five to seven members, I pointed out to the House that the objectives of the Civil Rights Act of 1964 could not be fully achieved until there was better representation on the Commission for the millions of United States citizens of Mexican descent.

In the course of my remarks I noted:

These Americans seek and deserve the opportunity to fully participate in the work and advancement of our nation. Their dedication to American ideals has been demonstrated again and again. . . . It is well known that the rolls of honor of those killed in military action and those wounded in service to their country have a high percentage of Americans of Mexican descent. Eleven Congressional Medals of Honor for World War II, and six for the Korean War were awarded to citizens of Mexican descent.

Just last week, this impressive roll of honor was lengthened with the award of the Medal of Honor to Daniel Fernandez, of Los Lunas, N. Mex., who gave his life for his country and his fellow soldiers when he threw himself on a grenade to save the lives of others.

Thus, the war in Vietnam continues to record the deeds of heroism by this group of our citizens, and I want to here express the appreciation of my constituents for the appointment of the Honorable Vicente T. Ximenez to the governmental body responsible for aiding their efforts toward equal economic opportunities.

Mr. Ximenez is a native of my home State, and for the past 17 years has been a resident of our neighbor State, New Mexico. He is a trained economist, an able teacher, and a skilled diplomat. As one of the founders and a past national president of the American GI Forum, he has worked hard to promote the successful adjustment of young veterans of Latin-American descent to successful civilian life. I know his efforts as a member of the Equal Employment Opportunity Commission will serve to bring about the objectives for which that Commission was created.

THE PUBLIC TELEVISION ACT OF 1967

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. PEPPER] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. PEPPER. Mr. Speaker, today I was the first witness before the Senate Commerce Committee, regarding the Public Television Act of 1967. Since my constituents as well as legislators and

educators are strongly supporting this legislation and since a very few have voiced opposition, I would at this time like to offer my testimony before that committee in order that my colleagues and all who read this RECORD may understand the true facts about this bill and the need for its passage:

H.R. 6845: THE PUBLIC TELEVISION ACT OF 1967

(Statement of the Honorable CLAUDE PEPPER, before the Subcommittee on Communications of the Senate Commerce Committee)

Mr. PEPPER. Mr. Chairman, members of the Committee: I thank you very warmly for the privilege of appearing here this morning in support of this legislation.

I highly commend the able Chairman upon his very complete, comprehensive and penetrating statement upon this subject. I believe these hearings are going to be of immediate and of immeasurable significance to the people of this country. And he is highly qualified to take the leadership in this great opportunity that is offered to our economy.

I think all of us would like to say a kind word, and one of recognition and gratitude for a lady who is a member of the Federal Communications Commission, as the able Chairman referred to, by long and valued and gallant fight, not always an easy one, who made possible the reservation of this television channel, opposed by many competing commercial interests who wanted to make commercial use of it.

Fred Ahenna, as some of us remember, fought valiantly and successfully in making this channel possible for educational television.

Mr. Chairman, I very warmly welcome this opportunity to appear here today in support of S. 1160 and of my bill, H.R. 6845. I commend the able Chairman of the full Committee for his sponsorship of S. 1160.

As a former teacher and one who has always been vitally interested in education, I have long recognized the growing contributions of communications to the field of learning. The jet speed of our technological revolution, especially in the area of communications, has arrived faster than our reflections can handle. Many of our Nation's school children are living in an electronic environment only to enter a classroom which might be operating on the postulates of the past. The conflict between the dynamic world of technological advances and the somber world of traditional approaches to learning is upsetting for both the student and the schools. What is needed is an immediate desire on the part of educators to yield to change and focus their reflections on the exciting media of the future, particularly educational television and radio.

The medium of television is so new and yet has already been criticized for not living up to its potential. Quite recently an entirely new jargon has appeared in the world of television: public television as contrasted with educational television so that the public won't regard the medium as being too highbrow; instructional television as distinct from educational television to single out the advantages of televison for classroom use; satellite television and its immediate application for international communications; and quality television to distinguish it from the mass programming which focuses on the size of its audience. But the greatest plea for excellence in educational television came from President Johnson himself in his message to the 90th Congress when he said, "We should insist that the public interest be fully served through the public's airwaves."

A multitude of things have happened since 1900 and many of them have resulted in our new technology. Today, television and radio enter a child's life at such an early stage that he is often planted in front of a TV set or hears a playing radio when he is still in diapers. Children will listen to radio and watch television, but the majority of the programs offered to them are merely a device to keep them quiet rather than stimulate their curiosity and learning. When introducing this bill, I proposed that a Corporation for Public Television be established to provide support to noncommercial television and help local stations improve their proficiency.

I strongly endorsed the President's recommendations and I am proud to say that I was one of the first House members, so far, to introduce a similar bill.

The subject of educational television is not new to me since I introduced two bills to finance educational television prior to the President's recommendation. I sincerely hope that an Educational Television Act will be passed in this session of Congress and intend to press for hearings on this subject on the House side of the Congress. I commend this Committee for taking the initiative in conducting these hearings, and I am sure our able Chairman, Mr. Staggers, will shortly follow your leadership and will shortly have hearings on this vital subject.

Although the word "radio" has been omitted from the title of the bill, the medium of radio was not forgotten in the language of the bill. It has been demonstrated that educational radio can make an important contribution in developing the potentiality of man. Because of its accessibility and portable nature, radio can reach out to all Americans everywhere and can reap from all the advances made in instant communications. Recently Jack Gould, the television and radio critic of the *New York Times*, wrote that "National education radio at present is farther ahead in tapping the rewards of international broadcasting than any other American TV service." In stating my interest in educational radio, I hope that I have conveyed not a downgrading of educational TV but an uplifting of educational radio. This distinguished radio critic was recently at guest at our state university and made a very interesting statement on our public educational television communication facilities.

To emphasize the importance that my own state of Florida places in educational radio, there are now seven operating educational radio stations in Florida and the Board of Regents is now considering a plan to establish an educational radio station at each of its 26 junior college campuses, and hopes to establish a live, interconnected statewide educational radio network. The state has already asked the Federal Communications Commission to reserve noncommercial channels in each of the 26 cities involved. Such a system would, obviously, have a large variety of uses—in school training, at-home training, cultural enrichment and many other uses.

Mr. Chairman, I will not go into details regarding the provisions of this bill; however, I would like to briefly outline the provisions of this bill:

1. An increase in Federal funds for construction of educational radio and television facilities to $10.5 million for fiscal year 1968. This would be more than triple the 1967 appropriation for aid to educational television.

2. Creation of a Corporation for Public Television which would channel public and private funds to noncommercial radio and television stations for facilities and program development.

3. $9 million in fiscal 1968 for initial funding of the Corporation for Public Television. This would extend the program of Federal assistance under the Educational Television Facilities Act of 1962 which expires on June 30th of this year.

I, as well as many of my colleagues in both Houses, have recently been deluged by mail in opposition to this legislation and specify to that of the creation of the Public Television Corporation. Most of this correspondence has called this bill a "Hitler-type propaganda ministry." In other words, they have said that by the passage of such a bill, "The people of this country have lost the last vestige of freedom."

Mr. Chairman, this could not be farther from the truth. These people, whom I am sure have good intentions, have not had an opportunity to read this bill. Because of these statements and accusations, I feel it necessary that we give some detail of the provisions which relate to the Federal Government's participation in this program.

The proposed corporation for Public Television is quite specifically prohibited from any "take-over" of program control on the nation's educational stations. The able Chairman has made that clear. President Johnson's education message to the Congress states that "noncommercial television and radio in America, even though supported by Federal funds, must be absolutely free from any Federal Government interference over programming." Again a statement the able Chairman emphasized. The proposed Public Television Act made this charge specific (see page 14, Subsection D of H.R. 6845) that the corporation "carry out its purposes and functions and engage in activities in ways that will most effectively assure the maximum freedom of the noncommercial educational TV or radio broadcast systems and local stations from interference with or control of program contents or other activities."

The corporation is further forbidden from any political activity and no political test can be used in selection of its staff or its board members. The corporation is insulated in other ways from political interference. Its board members are chosen by the President and are confirmed by the Senate and both, of course, are elected by the people. Furthermore, the corporation is forbidden from being the originator and operator of any broadcasting itself. It "may not own or operate any TV or radio broadcast stations, system, or network, or interconnection or program production facility" (see page 16, Section 3 of H.R. 6845).

Most significant of the means to prevent any "take-over" is that each local TV station is itself a complete locally-controlled entity. Stations are licensed to universities, school systems and educational organizations, themselves responsible to local legislatures or citizens boards. Their charters and their Federal Communications Commission licenses forbid Federal program censorship of any sort. (Communications Act, Sec. 326.)

At last, the dreams of the great medium of educational television have been realized. I hope these dreams can become a reality, the kind of reality that can use communications to erase ignorance. Educational television and radio has a great message to offer its audience, the message of learning and hope.

Mr. Chairman, I would like to add that I think this is one of the most meaningful opportunities ever offered to the American people for the use of this technological model in the education of their children and in the education of the people generally.

I was at Harvard Law School before I ever lived in a city where there was an art museum or where there was a gallery or where there was an opportunity to see or hear good music. Today there is no excuse for the most remotely resident American not to have an opportunity to enjoy the best cultural influences and activities and performances in all the world by the use of the satellites as well as these television facilities. Children in a country school should be able to take a visit to the farthest art galleries of the world, and come to know the masters and works of art as they come

to know the common things that they study in their books, by the medium of this marvel of communications.

The school, of course, with one teacher, an able teacher, can teach thousands—even millions—for that matter. And now I heard on the radio the other day in my car, while a program is being broadcast, they can call in information through these marvelous communications centers. You can almost have instantaneous communication between one teacher and all these students that are seeing and observing the television on the screens, and over the sound devices in the several schoolrooms and classrooms of the country.

This is another way that is also bringing to the public the libraries, the great libraries. Every person doesn't have the same incentive to go to a public library, to open a good book, learn and study from it, derive pleasure from it. It is much easier just to turn a knob on his television set in his living room and see and hear the context of the things that he could see and hear in the great libraries of the country.

In other words, the knowledge, the culture, the learning, the magnificent accomplishments of the cultural past come to a man's living room or to a boy's or girl's classroom by the medium of this marvel of communication.

This thing about competition with the commercial system—instead of causing the commercial system to discontinue their public program, you may be sure they want everybody to look in on their TV for educational TV. They are not going to expect their listening audience and their looking audience to be attracted only by their commercials. They have to have something to excite the interest of people, to make them turn the knob to their channel, to turn it entirely to their channel. And it will stimulate them. I don't want to take away the profit motive. They have got to make a profit or they can't operate. We want to stimulate them. But it is just like Social Security and private insurance. A lot of people thought when Social Security came, it would destroy the private insurance companies of the nation. It stimulated them.

In the days when I had the pleasure of being a member of this great body, they talked of giving assistance to heart and cancer research. A lot of conscientious and misguided people said, "You will destroy the American Cancer Society and the American Heart Association; you will destroy private incentive if the Federal Government is going to aid them." It stimulated the private contributions.

This will stimulate it. But it will stimulate not only larger contributions to the public interest, but of improved quality in private commercial programing.

Mr. Chairman, your able Committee is engaged in great work. I thank you for the privilege of appearing.

Senator PASTORE. Thank you for a very splendid statement. I think you set the drama of this hearing.

Are there any questions of the Congressman?

Senator COTTON. No. I join and commend the Chairman in his remarks.

Mr. PEPPER. Thank you very much.

Senator HARTKE. No, Mr. Chairman; however I want to commend my able colleague for his fine statement.

Mr. PEPPER. Thank you, Senator, and thank you, Mr. Chairman.

SUPPORT OF H.R. 7242, FOR INCLUSION OF FLIGHT TRAINING, ON-THE-JOB TRAINING, AND PAYMENT FOR RECORD EXPENSE

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. PEPPER] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. PEPPER. Mr. Speaker, I rise to support H.R. 7242, introduced by me on March 15. Last year this body made the momentous decision to extend to Vietnam veterans the educational assistance provided veterans of World War II and the Korean war. The preamble of the 1966 GI bill very aptly sets forth that noble purpose.

> The Congress of the United States hereby declares that the education program created by this chapter is for the purpose of . . . extending the benefits of a higher education to qualified and deserving young persons who might not otherwise be able to afford such an education, providing vocational readjustment and restoring lost educational opportunities to those service men and women whose careers have been interrupted . . . by reason of active duty after January 31, 1955, and aiding such persons in attaining the vocational and educational status which they might normally have aspired to . . . had they not served their country.

Correspondence from all parts of the country, however, indicate the surprise and disappointment of many veterans that two important areas of education included in 1944 and 1953 bills are, in spite of this expression of such generous intention, excluded from the 1966 GI bill. When I am asked why the Vietnam Veterans Educational Assistance Act excludes on-the-job and flight training I have no answer. Therefore, I have introduced H.R. 7242 to restore assistance paid veterans for these two important areas of training.

H.R. 7242 also restores provision for payment to educational institutions of $1 monthly for each veteran enrolled to defray the expense of submitting the required reports and certificates.

These provisions are contained in Senate bill 9, which is sponsored by over half the Members of the Senate. The veterans bill which passed the Senate in 1965 also contained them.

Flight training was eliminated from final enactment in 1966 because it was thought that such training under the Korean GI bill was used for avocational purposes. I believe that the widespread popular concern over its elimination definitely indicates demand for such training. The aviation industry is training for occupational purposes. Regulations limiting flight training to vocational ends can be adequately formulated just as they have for other areas of training. The aviation industry is, needless to say, a greatly expanding one; from the great increase in construction and enlargement of municipal airports to development of supersonic aircraft. If the present rate continues, the airlines will have to cope with a shortage of 12,000 pilots in 1970. Why then should one of the most extensive educational acts of our Nation's history exclude preparation for an industry upon which our Nation is increasingly dependent?

H.R. 7242 would provide that veterans in flight training receive assistance at the rate of 75 percent of the established charge of the flight school. If the veteran's program of education consists of other education or training, this assistance will be in addition to assistance for the other courses. If his program consists only of flight training, he would receive no other educational assistance.

Another conspicuous shortcoming of the 1966 GI bill is that it excludes assistance for on-the-job training. Previous GI benefit legislation included such training. Right now our Government is heavily financing and calling upon its citizens to fervently support programs for increasing manpower skills. The wide-ranging Job Corps program is one of our most ambitious social experiments. Over 100 Members of Congress have sponsored a plan for tax credits for employers who provide training programs which meet the requirements of the Human Investment Act. Amid the expanding and enthusiastic development of this area of manpower training and retraining, again I ask: Does it make sense that we exclude this vital area from the 1966 legislation for educational development which is among the most far reaching and momentous of all time? At the same moment we ask our citizenry to undergo sacrifices for the very type of training program which we exclude.

With the introduction of H.R. 7242 I propose that assistance for apprenticeship and on-the-job training be provided at the following rates: $80 per month for single veterans, $100 per month for veterans with one dependent, and $125 per month for veterans with two or more dependents. But no monthly rate would be paid which, when added to the veteran's pay for the work performed, would exceed $370. The State-approving agency would require among other standards, the following:

First. That there be reasonable certainty that the job for which the eligible veterans is to be trained will be available to him at the end of the training period;

Second. That the wages paid be equivalent to those customarily paid and the training period be not longer than that customarily required;

Third. That the training content of the course be adequate to qualify the veteran for appointment to the job for which he is trained;

Fourth. That the training establishment be provided with adequate space, equipment, material, and instructing personnel.

Finally, H.R. 7242 would restore, as I said, the provision that educational institutions receive $1 a month for each veteran enrolled to defray expense of submitting required reports and certificates. With the introduction of H.R. 14688 in the last Congress I attempted to secure provision for this payment in the 1966 final enactment.

My colleague from Wisconsin, Representative LAIRD, has introduced a more extensive bill which includes these three proposals. Indeed, I am heartened by the broad and bipartisan support of which Mr. LAIRD's bill is an example. Just as in the Senate, the proposals for inclusion of flight training, on-the-job

training, and payment for monthly record expenses are not confined to any one party, nor to any one section of the Nation.

NATIONAL CEMETERY LEGISLATION

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. ST GERMAIN] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. ST GERMAIN. Mr. Speaker, I have been informed by the chairman of the Committee on Interior and Insular Affairs, the gentleman from Colorado [Mr. ASPINALL], that due to a resolution introduced by Mr. TEAGUE of Texas, amending the Rules of the House in order to transfer jurisdiction over military and national cemeteries from the Committee on Interior and Insular Affairs to the Committee on Veterans' Affairs, Mr. ASPINALL's committee plans no action on any national cemetery legislation until this matter of jurisdiction is settled.

In checking with the Committee on Rules, to which Mr. TEAGUE of Texas' resolution has been referred, I have learned that they also have scheduled no action on this legislation.

In view of this checkmate, I would at this time, like to urge all my colleagues interested in establishing new national cemeteries and expanding existing national cemeteries, to join me in a concerted effort to persuade the Rules Committee to act on Mr. TEAGUE of Texas' legislation so that legislative action to gain more burial space for our departed, honored veterans can be taken in this Congress.

In all of New England, which has almost 1½ million veterans, there is no national cemetery, while in the South Atlantic region, which has a little over 2½ million veterans, there are 24 national cemeteries or one cemetery for every 124,000 veterans. Because of this glaring inequity and the great contributions made by the veterans from Rhode Island, I introduced a bill in the 89th Congress and again in the 90th Congress for the establishment of a national cemetery in Rhode Island.

However, the inequity is not limited to New England and, because of this, many bills have been introduced calling for the establishment and expansion of national cemeteries in other parts of the Nation.

At hearings held in the 89th Congress, many of my colleagues and I voiced our dissatisfaction with the existing policy on our national cemeteries which fails to meet the growing needs of more burial spaces in addition to being a highly inequitable policy. Yet, no remedial action was taken in the 89th Congress and, if we fail to get the Rules Committee to take action on Mr. TEAGUE of Texas' resolution, another Congress will pass without necessary action being taken on this matter.

I have no intention of allowing this to happen and will, therefore, make every effort to gain prompt action on this matter during this Congress. I hope that other Members share my feelings on this and will join me in making their views known to the House Rules Committee.

URGE EDUCATIONAL EXEMPTION OF $600

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. FUQUA] may extend his remraks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. FUQUA. Mr. Speaker, I have introduced a measure today which would provide for an additional $600 exemption for those taxpayers having college students dependents.

This measure is prompted by two basic factors.

First of all, the cost of attending college is rising all over this Nation. I am informed that the average full-time student at public 4-year institutions must pay some $1,011 per year, with those attending private institutions paying an average of $2,014.

Obviously, this is a pretty heavy financial load to bear, particularly when there are other children in the family either in high school or also in college.

Secondly, this is a time when we need all of the brainpower this Nation can produce. It makes good business sense, for every college graduate will return in taxes, several times the amount of the noncollege graduate.

I feel that this bill will provide much needed relief in the very area where it is needed, for the person who is paying the costs that allows a student to attend college.

It is fair and equitable.

My bill would allow the parents or the guardians of a student to claim the exemption. It would allow the student to claim the exemption, if this were in his or her best interest.

The cost of a college education is going to increase. It is going to be an ever-increasing burden on those who must bear the cost.

It would seem to me that this is one of the best ways to give these families some assistance in meeting this responsibility. While it will cost the Federal Government in the short analysis, it will more than repay itself when these college graduates enter the business and professional world.

I sincerely hope the committee to which it is referred will quickly and favorably consider this legislation. Its passage, I feel, is in the best interest of this Nation.

UNLOCKING EARLY LEARNING'S SECRETS

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. PUCINSKI] 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 Arkansas?

There was no objection.

Mr. PUCINSKI. Mr. Speaker, as a longtime proponent of early education for the young, I was delighted to read Life magazine's recent story regarding the enormous potential of the brainpower resources in even our very youngest children.

It has been obvious for some time that a complete revitalization of our educational techniques and our outmoded educational system must take place so that we may benefit from the harvest of intellectual curiosity which waits only to be stimulated into productive thought and action.

Mr. Speaker, it is a pleasure to call my colleagues' attention to the efforts being made by some of our more perceptive educators and scientists in this field of educating the very young child. This timely article follows:

UNLOCKING EARLY LEARNING'S SECRETS

A tiny baby follows a pattern of blinking lights in a sequence she has seen before—and memorized. She is far too young to sit up but, as her memorizing shows, not too young to begin the learning process. This astonishing discovery is one of many made by an army of educators and child study experts across the nation who are probing, poking and cajoling infants and toddlers—and in the process becoming convinced that a child's capacity to learn has scarcely been tapped by traditional methods of education. It has been found, for example, that 4-year-olds can be taught algebra and to spell complex words. The results of some studies are already being applied to help preschool programs like Operation Head Start overcome the learning gap that disadvantaged children face. Seventy U.S. cities have now embarked on preschool programs, half of them begun within the last two years. These have proved so valuable that the influential National Education Association's policies commission has made a revolutionary proposal: a formal program of education for all children should begin at age 4. As this ambitious idea gathers momentum among educators, psychologists expect their research to lead them to an even more ambitious goal—unlocking the mysteries of the learning process itself.

Until very recently, most child psychologists believed that children inherited a fixed intelligence, and in their early years developed at a fixed rate governed by their age. The value of learning experiences in the preschool years was usually belittled, or considered psychologically dangerous. Today the experts realize that neither physical nor mental development is so predictable: one researcher, for instance, discovered an orphanage in Teheran where children were unable to sit up at the age of 2, or to walk at the age of 4, simply because no one had taken the time or trouble to teach them how.

In the U.S., Harvard's Burton White (left) and Jerome Kagan have learned that training and attention can produce dramatic differences in children's rate of mental development. A child's personality develops so early that White and Kagan hope soon to be able to predict in a child as young as eight months traits that will lead him to become impulsive or reflective, aggressive or apprehensive, introverted or extroverted.

In the long-standing debate over inherited *vs.* acquired abilities, White and many of his colleagues now stress environment as the key to learning ability, and see a great field for development of toys and games that teach. "The baby is a novelty-digesting machine that devours change," Kagan says. "Push-

ing him to new experiences keeps him moving." The trick is to develop the environment for creative, enjoyable learning in his preschool years, without pushing the new techniques so hard that they become a fad—and cause both parents and children, in their anxiety for self-improvement, to lose all the pleasure in learning.

By the time a child reaches the age of 4, psychologists claim they can effectively measure the consequences of his background—and their findings are alarming. Children raised in the barren surroundings of poverty are already so far behind middle-class children raised with books and music and articulate parent that they may never catch up. One study measured the potential I.Q. gap caused by a slum environment alone as 20 points. For such children, school may never be anything more than a bewildering, humiliating nightmare. Early learning specialists are by no means agreed on what to do about the problem. One direct and widely approved technique is that employed by Dr. Glen Nimnicht at his New Nursery School in Greeley, Colo. To overcome the deprivations of culture or language encountered by Spanish-American and migrant children, he works in a "responsive environment" classroom. Here a child learns to develop his senses and skills—and through these methods his self-esteem—with teaching toys such as telephones and typewriters and with puzzle games where he can discover new things for himself at his own pace. Variations on this "discovery technique" are used in many Head Start classes to help children fill their learning void before formal schooling begins.

Such easygoing benevolence rankles Siegfried Engelmann, who with Dr. Carl Bereiter operates a no-nonsense pre-school at the University of Illinois. Bereiter and Engelmann, the latter a former advertising man and author of *Give Your Child a Superior Mind,* horrify most of their colleagues with their hard-nosed approach. "Discovery-oriented learning is phony learning," scoffs Engelmann. "One child is learning and five aren't. Our system is more rigid and structured. The kids are hollered at and praised." His group of children, largely Negro and virtually inarticulate when they begin classes, are drilled relentlessly in math and language. Their teachers demand responses in unison, accept no excuses, require complete sentences each time a question is asked or answered. "It's precise training; practice, not theory," says Bereiter. The results are pretty impressive. By the end of a year his preschoolers know factoring, can deal with negative numbers and simple algebra. Their I.Q.s rise an average of 15 points. It is still too early, however, to tell how long the effects of this high-pressure learning will last.

Scientific interest in the learning process is as old as psychology itself. For almost half a century, Swiss Theorist Jean Piaget has been studying learning sequences in children. A whole generation of U.S. parents dutifully tried to raise their children according to the now largely discredited theories of Gesell and Ilg, who based their development timetables on inflexible norms. The current ferment really began with a 1960 conference at which Jerome Bruner, director of Harvard's Center for Cognitive Studies, proclaimed, "The foundations of any subject can be taught to anybody at any age in some form."

Much of the research that has been carried on since has been masked in almost impenetrable jargon—to an early learning expert a nipple can become an "optimal intra-oral stimulus," and a man describing "the open-ended sequence relationship between stimulation and creativity" can turn out to be talking about how a child handles building blocks.

Conflicting ideas produced at different child study centers are keeping the field in healthy agitation. But new insights have already produced new and useful techniques. At Berkeley, Dr. Arthur Jensen has devised a more objective I.Q. test which makes it possible to spot promising but undeveloped children from deprived backgrounds who otherwise might be overlooked.

At the University of Chicago's Urban Child Study Center, psychologists are learning how lower-class mothers can stifle their children's chances in school, not only by their own lack of education but by an attitude which says, "Go to school, shut up and stay out of trouble." Head Start has made real break throughs by involving mothers in the education process, so they can see the opportunities available to their children. "Most middle-class kids are treated like a new hi-fi set," observes Harvard's Jerome Kagan. "They're worked on. 'Let's make him a prince' is the idea. But the lower-class kid is like a pet cat—a thing just to have around—unworked."

Though the National Education Association is serious in proposing that universal schooling begin at 4, it will be years before such a goal is reached. The introduction of five million more pupils and complex new teaching techniques into the nation's already overburdened school systems would be more than most communities could now handle—either in terms of money, trained staff or the required low pupil-to-teacher ratio. Until the experts themselves learn more about the mechanism of the learning process, this may not be altogether a bad thing. Many of them feel that middle-class children get too much prodding already, and that intensified schooling might produce more psychological problems than it would cure. "Learning is a social thing," says Dr. Kagan. "Attention, affection and rewards make for a good learning climate. But today everyone is told 'Go to school and be smart—learn the graphs and get the rewards for it in later life. . . .'" His colleague Burton White adds: "It's important to know the timing. Do we want a kid who can read at three and be a viper at the age of 10?"

Since play and learning are all one and the same to a small child, "school readiness" is largely a function of his previous specific learning experience. A professor's child can be just as disadvantaged as the poorest slum child if no one takes an interest in him. A poor child can get a rich variety of knowledge if his parents have the time, know-how and concern to teach him. Everything the early learning studies have uncovered points up an old truth. "It's the psychological environment that counts," as Berkeley's Jensen puts it. "It's what the parent does with the child."

THE PRESIDENT'S SUCCESS IN HELPING THE VIETNAMESE TO HELP THEMSELVES

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. PUCINSKI] 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 Arkansas?

There was no objection.

Mr. PUCINSKI. Mr. Speaker, President Johnson calls it "the other war" in Vietnam. He has described this "other war" as a battle for the hearts and minds of the Vietnamese people, who have known more than 20 years of war and suffering.

What is this other war? And how successful is it?

To answer these questions, the Chicago Tribune asked its veteran roving correspondent Chesly Manly to tour Vietnam and investigate the impact of the pacification program on the lives of the people. Manly toured Vietnam for 10 weeks.

Some of his findings: 572,000 refugees have been resettled; 341,000 have been returned to their own villages, now liberated from Vietcong control; more than 20,000 Vietcong defected to the government side in 1966; the rate so far this year is almost twice as high; the Government controls all major population centers and 10,000 of 13,000 village hamlets. And everywhere the people are organizing for self-help and community action programs.

It is clear from Mr. Manly's articles that the United States and the Government of South Vietnam are helping to create a new era of progress for that war-weary nation.

Under unanimous consent I place Mr. Manly's articles in the RECORD at this point:

[From the Chicago Tribune, Mar. 27, 1967]

SOUTH VIETNAMESE MAKING GIANT STRIDES IN PACIFYING TASK

(By Chesly Manly)

SAIGON, VIETNAM, March 26.—The Vietnamese are making progress for the first time in the task of pacification and reconstruction of the rural hamlets of this country. They call it revolutionary development.

President Johnson calls it the "other war." He defines it as a war for the "hearts and minds of the people." The Communists, however, long since have alienated the hearts and minds of the people, as they frankly admit in secret party reports and directives, many of which have been captured.

A total of 1,755,000 Vietnamese have voted with their feet against the communist terror by fleeing to government controlled areas. Of these refugees, 572,000 have been resettled, 341,000 have been returned to their own villages, now liberated from Viet Cong control, and 842,000 are still in temporary shelters, awaiting resettlement or return to their own villages.

More than 80 per cent of the registered voters of this country indicated their support of the government by going to the polls in the national assembly elections last September, despite communist threats of violent reprisals and many actual armed attacks on the polling places.

PACIFICATION A MAJOR PHASE OF WAR

Pacification of the rural areas is no *other war* but it is a major phase of *the* war in Viet Nam. This is so because the war will not be won, no matter how many Viet Cong and North Vietnamese main force combat units are destroyed or driven out, until the local guerrillas are killed or captured or induced to give up the struggle.

There are increasing indications that the local guerrillas would soon give up the struggle if they could be deprived of North Viet Nam's support, which sustains whatever hopes they still have of winning the war. More than 20,000 Viet Cong defected to the government side in 1966, and the rate so far this year is almost twice as high.

The government's *chieu hoi* [open arms] program brought in 1,108 V. C. defectors in the week ending Feb. 25 and 1,168 in the week ending March 4, both new seven-day records. Many of the defectors turn in their weapons. In the delta province of An Giang, four V. C. brought in their political commissar, tied by his hands and feet to a shoulder pole, like a pig being carried to market.

Essentially the government's reconstruction program consists of nation-building, from the hamlet up. The first task, however,

is pacification—eradication of the invisible V. C. infrastructure. The people help the government in this task by identifying the V. C. and the government helps the people with all sorts of economic and social development projects.

Pacification is a task which must be performed mainly by the Vietnamese themselves. The United States could not pacify the whole country without occupying it for years with perhaps a million men or more. This would destroy the initiative and responsibility of the people as well as any hope of building a viable nation.

PREVIOUS PROGRAMS FAILED IN HAMLETS

All previous efforts of this kind, beginning with the Ngo Dinh Diem government's "strategic hamlet" program, have failed for the same reason—lack of regional security. Communist main force units were driven out in major offensive thrusts by the Vietnamese army, but they always returned when the government forces moved to another region.

Meanwhile the V. C. infrastructure remained intact, terrorizing the people and disrupting efforts by the government to establish its authority. Village and hamlet chiefs and other community leaders were assassinated as examples of what would happen to government collaborators. Families were told that their children would be disembowelled or decapitated.

Yet all this time the fiction was maintained in reports throughout the world that the Vietnamese masses were neutral or indifferent in the struggle against communism and had to be won over to the government side before there could be any hope of military success. Actually military success had to come first, not to win the people over to the government side but to make it possible to begin the task of nation-building.

At last it has been recognized officially by American and Vietnamese authorities that pacification and meaningful social development cannot begin until the people are assured of protection from major armed attacks. This protection is provided by United States and allied forces in their "tactical areas of responsibility" and in continually expanding areas of operations by the 10 divisions and other units of the Vietnamese regular army.

There are 12 battalions in each Vietnamese division. Five battalions of each division, 50 in all, are receiving special R. D. [revolutionary development] training. They will be responsible for regional security, as well as local civic action work, in their respective areas. Vietnamese regional forces, organized in companies and controlled by the province chiefs, also will be responsible for the protection of groups of hamlets undergoing reconstruction.

Vietnamese and American officials estimate that only about 1½ million of South Viet Nam's 16 million people live in hamlets that are completely controlled by the V. C. They estimate, however, that about 2½ million others live in contested areas that are still too insecure for meaningful R. D. efforts.

The government controls all the major population centers, including the autonomous cities of Saigon, Hue, Da Nang, Cam Ranh Bay, Da Lat, and Vung Tau. There are 13,984 rural hamlets, of which the government controls 10,017. The other 3,967 are either controled by the V. C. or are subject to continuous V. C. depredations.

About 75 per cent of the rural hamlets now controlled by the government at one time or another have been under varying degrees of V. C. control and most of them still have to be pacified. Most of the hamlets that have never been controlled by the V. C. are considered pacified, but they require social development in varying degrees.

The government's new R. D. program, launched last year and upgraded this year, was conceived by the Vietnamese themselves and they are running it.

The United States, however, is paying for it and supporting it energetically with advice and technical assistance and civic action work by every American military unit in Viet Nam and by an army of 1,900 civilian employees of the embassy, the agency for international development, the joint United States public affairs office, the central intelligence agency, and other activities. All are under the direction of a new authority called OCO [office of civilian operations].

The Vietnamese intend to spend almost 6 billion plasters [about 50 million dollars] on R. D. this year. This money comes from counterpart funds generated by American economic aid. In addition, the United States provides equipment and materials of various kinds for local public works and self-help projects.

American economic aid to Viet Nam, including rice and other agricultural products, now totals about 700 million dollars a year. Never in history has any country done so much for the people of another as the United States is doing for Viet Nam. Many Americans wonder whether we are not doing too much, but the cost of all this aid is small compared with the cost of the war.

WORLD IS WATCHING

Moreover, both the United States and the Communists have decided to make Viet Nam a supreme test in the global struggle between freedom and communism, and the whole world is watching to see what happens here. Not only the Communists but also the French and anti-Americans in other countries, as well as thousands of intellectual saboteurs in the United States, appear to be obsessed by a morbid longing for the United States to fail in Viet Nam.

But all Americans in Viet Nam, military and civilian, are optimistic, and their confidence of success appears justified by the dedication and zeal with which the Vietnamese government has undertaken the task of nation-building, with the evident support of the people.

Maj. Gen. Nguyen Duc Thang, the R. D. minister, is regarded by American officials as one of the ablest men in the government. Many province chiefs also have won the admiration of Americans who work with them for their vigorous administration of R. D. programs.

NAME DEDICATED MEN

The 43 province chiefs, who represent the central government, have far more authority in their provinces than an American governor has in his state. In former years most of them were corrupt and as aloof from the people as viceroys, but the present government has appointed many dedicated young army officers who actually live on their military pay, so far as knowledgeable Americans can determine.

A major objective of the R. D. program is to unite the people and foster patriotic nationalism. The people are urged, to consider themselves Vietnamese, whether they are Buddhist, Catholic, Cao Dai, Hoa, Hao, or merely ancestor cultists, Tonkinese, Annamites, or southerners, Chinese or Montagnards.

Progress in this campaign is indicated by the friendly reception accorded to Premier Nguyen Cao Ky, Gen Thang, and other representatives of the central government on their travels around the country. Even the Montagnards of the central highlands, who once were called moi [savages] by the Vietnamese and were attracted in great numbers only three years ago by the so-called FULRO revolutionary movement, instigated by the Communists, have been won over to the government side. About half of the 800,000 Montagnards are refugees from the communist terror.

Recently Gen. Vinh Loc, Vietnamese II corps commander, appointed a Montagnard officer as chief of Pleiku province, a truly revolutionary event.

The term "revolutionary development" may seem a little strange for the social reconstruction program of a government that is at war against communism. Premier Ky used the Vietnamese term *xay dung* which literally means construction. Ky himself translated it into English, however, as revolutionary development, and that term has stuck.

Actually the program does call for a social revolution, to build a nation with human resources that have been corrupted and depleted by 75 years of rotten French colonialism, more than 20 years of war, and 10 years of systematic genocide by the Communists.

[From the Chicago Tribune, Mar. 28, 1967]

PACIFY, REBUILD: VIETS' FORMULA WORKS WONDERS

(By Chesly Manly)

SAIGON, VIETNAM, March 27.—The South Viet Nam government has 31,000 revolutionary development specialists in rural hamlets, working with the people on pacification and social reconstruction.

The R. D.'s mission is to eradicate the invisible Viet Cong infrastructure, arm and train the people for self-defense, and improve their condition of life so they will be prepared and have a stronger incentive to do their part in rebuilding this war-torn nation.

A school for the training of R.D. teams, operated by the government at Vung Tau, has graduated three classes. Under its present schedule, a new class of 2,200 will complete the 12-week course every five weeks.

FIFTY-NINE GRADUATES IN EACH NEW TEAM

Most of the R.D. teams now in the field are nongraduates of the Vung Tau school but all have had experience in the work they are doing. New teams composed of graduates of Vung Tau have 59 members, but most of those now at work in the hamlets have only 35 to 50.

The new teams include three security squads of 11 men each, equipped with M–1 rifles or carbines, submachine guns, light machine guns, and Browning automatic rifles [BARs]. These squads are responsible not only for the hamlets' security but also for the training of so-called "combat youths" for defense against guerrilla attacks.

Most of these "combat youths" are boys under 16 or men over 40 or 45, for nearly all youths and men of military age are in the armed forces of either the government or the communist Viet Cong.

Most Vietnamese hamlets also have a popular force [militia] platoon or at least a squad for local defense. The R.D. security squads have additional civic action duties.

Like other members of the R.D. teams they are specialists in education, public health, agriculture, animal husbandry, political organization, intelligence and counterguerrilla operations, carpentry and rudimentary engineering skills for work on roads, bridges, irrigation dams, schools, market places, houses, wells, and pigsties, and other occupations useful for community improvement.

A team stays in a hamlet long enough to bring it up to the government's standards and then moves to another hamlet. This may take four or five months and it may take more than a year depending on conditions in the hamlet.

Maj. Gen. Nuygen Duc Thang, R. D. minister, has announced a goal of about 1,100 hamlets for 1967 and American officials regard this as realistic. The government now claims control of 10,017 of Viet Nam's 13,984 rural hamlets. Many of these already conform to the government's standards but most require pacification and reconstruction. All

the other 3,967 will have to be pacified and developed when they are brought under government control.

Gen. Thang has no timetable for the completion of this formidable task. Obviously it will take years, altho the pace will be accelerated as more teams complete their training at Vung Tau.

ALL VIETCONG WORKERS IDENTIFIED

Until this year the government had six criteria for a so-called ap tan sinh [new life hamlet]. These were:

1. A complete census has been taken and all members of the Viet Cong infrastructure have been identified.

2. Popular or para-military forces are trained and available for defense.

3. An integrated defense system is effective.

4. Hamlet grievances and aspirations have been expressed and economic and social development projects have been initiated.

5. The people have been organized for self-help and community improvement projects.

6. A local government, with a popularly elected hamlet chief, has been established.

This year the government adopted a new program with 11 criteria for a new life hamlet, now called ap doi moi instead of the old term that was derived from the Chinese. These criteria include the original six and five others, all in the area of social development.

It is recognized, however, that many of the hamlets will have to go thru preliminary development phases before they are ready for the 11-criteria program. One such type, called ap cung co [consolidation hamlet], formerly had a six-criteria status but has slipped back under Viet Cong control or influence and must be restored to the old minimum standards.

Another category consists of hamlets in the outer reaches of the government's authority, where pacification is about all that can be attempted in the first phase of the program.

An elaborate manual prepared by Gen. Thang prescribes 8 specific tasks that must be performed to meet the government's 11 criteria for a new life hamlet. Some of these guidelines reveal far more political idealism and enlightened concern for the welfare of the people than is usually ascribed to the military government of Viet Nam by American and other foreign correspondents here.

ELIMINATION OF CORRUPTION

As literally translated, the instructions call for the "annihilation of wicked dignitaries" and the "elimination of corruption, tyranny and oppression by influential persons or their relatives."

There is a strange similarity in language between this condemnation of "wicked dignitaries" and communist North Viet Nam's campaign against "cruel notables" in the mid-1950s. Gen. Thang's intent, however, has nothing to do with doctrinaire class warfare as waged by the Communists. There is no call for "people's courts" to condemn the "wicked dignitaries" to death; only their power and influence will be destroyed.

Obviously Thang refers to the so-called hereditary local mandarins particularly landlords and merchants who rob the farmers by demanding exorbitant rents and interest charges and paying less for their rice than it is worth.

In North Viet Nam land owners as a class were dispossessed and many thousands (estimates ran up to 150,000) were executed. Nhan Van, a Hanoi communist magazine, admitted (Nov. 5, 1956) that "people were arrested, jailed, interrogated, and cruelly tortured; people were executed or shot on the spot and their property confiscated; innocent children of parents wrongly classified as landlords were starved to death."

In South Viet Nam respect for private enterprise and land ownership is emphasized in both the R. D. and the land reform programs. One of the first tasks of an R. D. team is to survey the land and determine how much is available for distribution to the farmers.

One example of which the R. D. administrators are particularly proud is Huynh Ngoc Xuong, of Hue Duc hamlet, An Giang province. Xuong would be dispossessed as a reactionary or a "cruel notable" if he lived in North Viet Nam. He had been a small merchant, but in 1957, after a series of misfortunes, he became a tenant farmer. When the land reform program reached his hamlet in 1964 he had been a tenant farmer seven years and was eligible, according to the government formula, to purchase 14 hectares (34.5 acres) on credit.

Xuong diversified and rotated his crops, used fertilizer and improved seeds. Now he has two full-time tenant farmers, hires five extra workers during the harvest season, owns a tractor and pays a driver to do the plowing.

Xuong's daughter, Huyhn Thi Ba, owns and operates a prosperous small business, retailing cloth and making clothes to order, in Hoa Long hamlet, 18 miles east of her father's farm.

The former Diem government inherited from the French colonial regime a land system in which 40 per cent of the rice land was owned by 2,500 individuals, including many large French owners.

Rents were as high as 50 per cent of the harvest and the tenants had no tenure. The Diem government established a tenure system, put a limit of 25 per cent on rent rates, and expropriated all privately owned rice land in excess of 100 hectares [247 acres] per family.

SOLD ON CREDIT

A total of 462,000 hectares, 20 per cent of all the privately owned rice land in South Viet Nam, was expropriated and 248,000 hectares was subsequently sold to 115,000 farmers on a six-year payment basis, with provisional titles.

The present government has extended the payment period to 12 years and is exchanging permanent titles for the provisional certificates without awaiting final payment. The government is distributing the remaining expropriated land as rapidly as it can, but it is a slow process because of war conditions and the chaotic state of Viet Nam's land records.

Completion of the land transfer program will not greatly reduce the number of tenant farmers in this country because most rent from landlords who own much less than 100 hectares. The landlord-tenant relationship has been greatly improved, however, by the land reform.

LEASED TO VILLAGERS

The program does not affect communal land, estimated at 440,000 hectares, not all of which is suitable for rice cultivation. This land is held in trust by the villages and leased to local residents only, generally on a competitive bidding basis, altho the welfare of poor families is supposed to be a consideration as well as village revenue.

Communal land ownership by the villages is an ancient tradition and the Vietnamese are not disposed to abandon it.

Land reform is no great problem in this country. There is no serious population pressure on the land. About one hectare of rice land is all that the average family can manage on the central coastal plains, where there are three harvests a year.

In the southern delta the average family cultivates about two hectares, but in most of the delta only one crop a year is possible. In the dry season there is too much salinity in the rivers and canals. These are flushed out by fresh water when the rains come and the farmers get in a rice crop.

BEGAN VAST SETTLEMENT

The Diem government began a promising land settlement program in the vast central mountain plateau, where at least 1.5 million hectares of cultivatable land lies idle in the public domain. This land is especially suitable for the cultivation of kenaf and ramie both valuable fibers.

In 1960 the average yield of each fiber was about one metric ton per hectare, worth $200 for the kenaf and more than $600 for the ramie. The central highlands settlement program was disrupted by communist aggression from North Viet Nam.

There are many thousands of hectares of second-growth jungle land in this country that can be cleared and cultivated with the use of fertilizer and water from wells.

ON RECLAIMED LAND

Thousands of refugees from the communist terror have been resettled in new hamlets on land thus reclaimed from the jungle and this program is continuing.

Some new hamlets have been established for Viet Cong defectors brought in by the government's chieu hoi [open arms] program, altho reintegration of the reformed guerrillas in their own villages is considered a better practice.

The hoi chanh [defectors] are now coming in at a rate of 3,000 a month and the total to date is about 50,000. Each hoi chanh is given enough money for food while undergoing rehabilitation for 45 days in a government center.

Then he receives enough land for a home lot and subsistence farming and 10,000 piasters [$85], plus cement and roofing material, for a house, which he and his friends build. The United States pays for this program.

The hoi chanh are accepted in the army if they volunteer. Other volunteers are organized into armed propaganda or proselyting teams for work in contested areas. They are good at this work, for they know who the VC are; and, as one American officer said, "they have an incentive not to get caught."

The marines, who are the great innovators in pacification, hire hoi chanh at the company level and call them Kit Carson scouts. This practice, reminiscent of the American Indian wars, would seem to be an obvious thing to do, but it took the marines to think of it.

Some R. D. teams also use hoi chanh in their hamlet pacification work. One such volunteer remarked to the district chief that a young woman in the hamlet was exceptionally beautiful. The district chief, an army captain, said the young woman happened to be the wife of the district VC leader.

He told the hoi chanh that he could marry the woman if her husband did not return in six months. The hoi chanh saw to it that the word got around, and just before the deadline the VC leader gave himself up.

[From the Chicago Tribune, Mar. 29, 1967]

EFFORTS OF VIET REDEVELOPMENT TEAMS EVIDENT

(By Chesly Manly)

NHA TRANG, VIET NAM, March 28.—Khanh Hoa province is a good place to compare hamlets before and after treatment by the Vietnamese government's revolutionary development [R.D.] teams.

Luong Son hamlet, nine miles north of Nha Trang, the provincial capital, was controlled by Viet Cong until it was taken over by an R.D. team in February, 1966. The team left last Aug. 31, and Luong Son was designated 1966 hamlet of the year by Maj. Gen. Nguyen Duc Thang, Viet Nam's R.D. minister.

Another R.D. team took over Phu Huu, 12 miles northwest of Nha Trang, on Jan. 15 and distinguished itself on Feb. 17 when the hamlet was attacked by 200 Viet Cong. The hamlet defenders, outnumbered more than 2 to 1, drove off the V.C., killing 4 and wounding 11, and their own casualties were 3 dead and 5 wounded.

This reporter, accompanied by Maj. Le Khanh, the province chief, and Jim Smith, United States province representative, visited

both hamlets for a before-and-after comparison and a demonstration of what this R.D. business is all about at the level of the rice fields, the classrooms, the market places, the maternity-dispensary-drug stations, and the pig sties.

PROVINCE CHIEF IS EXCEPTIONAL

Khanh Hoa province may be typical of the 43 in South Viet Nam in respect to the pacification and other problems but its province chief and American representative are exceptional. Maj. Le Khanh, 34, the province chief, is a slim, wiry, extremely energetic little man who is known and obviously adored by the villagers. He is a former chief of the American-trained Vietnamese special forces and a brother of Lt. Gen. Le Nguyen Khang, 3d corps commander [Khanh Hoa is in the 2d corps] but he prefers not to mention that.

He has fired members of his staff and officials of the Nha Trang city administration for corruption, run the prostitutes out of Nha Trang, where Lt. Gen. Stanley R. Larsen's 1st field force has its headquarters, closed the gambling houses, and—American sources report—rejected an offer of $8,500 from a group of Chinese who wanted to open a fair and do a little gambling on the side.

A BIG MAN FOR A BIG JOB

Jim Smith, 43, who calls the province chief "boss," is well over 6 feet tall and weighs more than 200 pounds. He retired as a major of infantry, a veteran of the first Ranger battalion, after 22 years in the army, with five Purple Hearts for wounds in World War II and Korea. He has been here 19 months and expects to stay two to four more years—"until the job is done."

Discussing the security problem before a big situation map, Smith derided reports about "the so-called V. C. infrastructure."

"We know from papers we've picked up that the province chief is No. 1 and I'm No. 2 on their list," he said. "I go everywhere in this province. If they have an infrastructure it is ineffective, or they would have killed me long ago."

The V. C. did shoot at him a year ago when he was cut off at a bridge from Phu Huu hamlet, where he had left his truck. Firing back, Smith eluded the V. C., swam across the river, and beat them to his vehicle.

Despite his contempt for the so-called infrastructure, he never goes anywhere without his M–16, altho he never stops his truck at a bridge to see whether the V. C. have mined it. On the way to Phu Huu he remarked that six of the culvert-type bridges we crossed had been blown up—three of them twice—in the last year by command-detonated mines while vehicles were crossing.

Only three days before, a truck loaded with Korean troops had been wrecked by a mine while crossing a bridge west of Nha Trang.

There may be no intrastructure in the province but Smith acknowledged that B–52 bombers came all the way from Guam, in late January, to blast the "supposed province headquarters of the V. C. in the mountains of Dien Khanh district, 18 miles west of Nha Trang, and that Korean troops in a follow-up attack captured half a ton of documents and "claimed a body count of 500."

CATCH VIETCONG MOVING UP

In February, he said, an American special forces team "caught a bunch of V. C. moving up for an attack on the Nha Trang air base and killed 26 of them." Two weeks later the V. C. attacked the air base with satchel charges, damaging several helicopters.

Smith said the V. C. have a major command headquarters in the southern part of Phu Yen province, north of Khanh Hoa, and that they roam in the mountainous areas of northern Khanh Hoa. He mentioned casually that one North Vietnamese regular army regiment, 18b, has been identified in this province. "Allegedly they were sent here to disrupt our program," he said. "They have not been successful and they won't be."

Finally, he pointed to the Hon Heo peninsula, which juts out into the South China sea, north of Nha Trang, and said the V.C. have controlled it since the Viet Minh war with the French. The peninsula is a jungle-covered ridge which is said to be honey-combed with tunnels. It has been bombed repeatedly and nobody lives on it except the V.C. It is supposed to be a major enemy supply base.

POINTS OUT FOE'S POSITION

The Korean 9th [White Horse] division has established headquarters at the base of the peninsula and this restricts enemy access to it by land, altho not by sampan and junk at night. Smith expressed hope that the Koreans will clear the V.C. out but he seemed doubtful.

On the way to Phu Huu he pointed out a Korean company position on a hilltop overlooking the hamlet, only 1,500 yards away, and said Korean troops did nothing whatever to assist the defenders when they were attacked by the V. C. on Feb. 17, altho the shooting went on for more than an hour and many mortar and recoilless rifle rounds were fired, as well as 8,000 rounds of small arms ammunition.

Smith said complaints were made and the deputy commander of the Korean division was sent to investigate.

Evidently a young and inexperienced company commander viewed the attack on the hamlet as a feint, intended to lure him into an ambush or away from his position, so it could be overrun, and not knowing what to do he did nothing. The more experienced Korean Capital [Tiger] division in the Qui Nhon area or the Korean marines in the 1st corps would have had ambushes out for the V. C.

Phu Huu was defended by the 37 members of the revolutionary development team, one popular forces platoon, about the same strength, and one 11-member intelligence squad assigned by the province chief. The defenders had put out small ambushes but they withdrew into the hamlet when two V. C. companies with about 200 men arrived.

The V. C. were finally stopped just inside the hamlet by a Browning automatic rifle, manned by two members of the R. D. team. Both were killed when a V. C. mortar round dropped in a coconut palm tree directly over their position. One intelligence squad member also was killed. Three V. C. bodies were found in front of the rifle and one of the wounded defenders, who was captured by the V. C. but later escaped, said one of the wounded V. C. died after the enemy withdrew from the hamlet.

SHOWS PROGRESS REPORT

One regional forces platoon, assigned by the province chief to strengthen the hamlet's defenses, arrived while we were there.

Nguyen Ngoc Phuoc, leader of the R. D. team, showed us a set of handwritten and illustrated reports on progress in the hamlet. One report listed the names of all 876 residents of the hamlet and gave detailed information about them, such as the number in each age group, religious affiliations, and education.

It contained the names of 20 V. C., as well as the names of all members of their families and pictures of their houses. The V. C. are absent, serving with enemy combat forces, and they do not constitute an infrastructure, or functioning control apparatus. Phu Huu is considered pacified; its security problem is external, not internal. The houses of the absent V. C. will be closely watched and members of the families will be questioned for information that might lead to their capture. Since the team arrived in January only one Phu Huu V. C. has defected and he is undergoing training in Nha Trang.

CONDUCT HAMLET TOUR

With a happy crowd following, Smith and the province chief conducted a tour of the hamlet, pointing out improvement projects on the program for this year. The rocky main road, 1,000 yards long, will be repaired with a rock foundation and a smooth, all-weather surface of laterite. The dingy meeting hall and one long-neglected two-room school will be repaired.

We visited a class in one modern school building, and the children, especially the little girls with gold rings in their pierced ears, lustily sang patriotic songs. The R. D. program emphasizes patriotic nationalism. Maj. Le Khanh said the children assemble at the high flag pole in front of the school each morning and recite the pledge of allegiance.

Phu Huu also will get a new market place, a maternity-dispensary-drug station, two canals, seven wells, 21 pig sties, two agricultural water pumps, five insecticide sprayers, and various other self-help projects this year. The United States provides materials and a little money for community projects. The workers are paid in bulgar [processed wheat] and cooking oil. Materials only are supplied for individual self-help projects.

SEVEN GET TWO PIGS EACH

Seven Phu Huu families will get two pigs each for breeding stock this year. Each family agrees to return one female of the first litter and help generate a perpetual motion distribution system. Cows and chickens will be distributed in some Khanh Hoa hamlets but not in Phu Huu this year. Improved rice seeds and fertilizers also are distributed and American technical experts are brought in to conduct training classes and demonstrations in agriculture and animal husbandry.

Luong Son, the 1966 hamlet of the year, has a population of 1,449. It is on the shore and most of the people depend on fishing or banana culture for a living, altho lively trading is conducted in the new waterfront market place.

About 150 fishing boats, many of them power-driven, were tied up at the beach, but not all of the owners live in Luong Son. There are 15 refugee families from the V. C.-dominated peninsula in Luong Son, all living in tin-roofed, bamboo-frame, mud-plastered houses built with materials from United States aid.

HAS NO ELECTRICITY

Luong Son gets its water from wells and it has no electricity, but the people seem happy. In fact, when the R. D. team was ready to leave last August their leaders said there was nothing else they wanted, and that's one reason why the hamlet was named No. 1.

There are 280 hamlets in this province, which has a total population of 338,000, including Nha Trang's 100,000 and about 19,000 refugees. Smith said 190 of the hamlets are pacified and already conform to the government's original six criteria for a new life hamlet. They are ready for further development as 11-criteria new life hamlets.

The province has 17 R. D. teams, which will work in 37 hamlets this year. Twenty-two of these, including Phu Huu, will be raised to 11-criteria status. Three formerly met the old six-point standard but have dropped back and must be redeveloped. Twelve are in contested areas and still have to be pacified.

SEES BIG POTENTIAL

Smith believes the province has a tremendous potential for economic development. He says it should export 2,500 tons of rice a month by 1968, as much as it now imports. One small dam built with American aid in the southern part of the province irrigates 840 hectares, enough rice land for as many families.

Smith wants to build a larger dam in the northwestern Khanh Duong district to supply electricity for several provinces and irrigate 3,000 hectares for vegetable cultivation. He says this mountainous area will rival Da Lat for vegetable production and had some of the world's finest grass, enough to support 50,000 cattle.

UNITED STATES BUILDING AIR STRIP

The United States is building a C–130 air strip in the district and Smith hopes that highway 21, leading to it from Ninh Hoa, north of Nha Trang, will be secured. The V. C. now collect road block "duties" on this highway. Smith hopes to settle 30,000 people from Nha Trang in Khanh Duong district when the V. C. are cleared out.

He hopes to persuade the Foremost Dairy company, which already operates in Vietnam, to come to Khanh Hoa province and he is seeking outside capital to develop the fishing industry here.

Some of the best seafood in the world, including wonderful crabs and lobsters and prawns as big as baby lobsters comes out of the South China sea. It would not be easy to find a better seafood dinner anywhere than crab meat and corn soup, broiled prawns with melted butter, lobster thermidor, french-fried potatoes, and a salad of local lettuce, tomatoes, and onions at Fregate's, a French-Vietnamese restaurant in Nha Trang.

PROPOSED REVISIONS TO THE SOCIAL SECURITY PROGRAM

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. BINGHAM] 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 Arkansas?

There was no objection.

Mr. BINGHAM. Mr. Speaker, last week I outlined to the Ways and Means Committee my views on various needed revisions of the social security laws and of the medicare program, as set forth in various bills I have submitted. As of possible interest to my colleagues and other readers of the RECORD, I include my testimony herewith:

I appreciate the opportunity to advise this Committee of my views on suggested amendments to the Social Security System. I am absolutely convinced that the present level of benefits is inadequate to meet the needs of those who now must rely on Social Security for economic survival. This is true both for retirement and survivors' benefits and the health insurance program.

It would serve no useful purpose for me to recapitulate the statistics which lead many of us to the conclusion that a dramatic acceleration of benefits is required. Others have recited these facts in great detail before this Committee. I would add only that the cost of living in a major city, such as New York, is much higher than it is in rural areas and in smaller communities. The national statistics tend to understate the intensity of the problems faced by the senior citizens whom I represent. For example, the National Consumer Price Index for "all items" for January, 1967 was 114.70. The corresponding figure for the Metropolitan New York area was 117.5. Moreover, the rate of increase is greater for New York City than for the rest of the nation. The New York City CPI figure rose by 5.3 between 1965 and Januray 1967 while the corresponding national figure is 4.8.

The raises necessary to keep benefits of those already retired at a decent level have, up to now, come exclusively from the Social Security Fund. This means that people currently employed must pay higher Social Security taxes to off-set the impact of increases in the cost of living on retirees. I think that, at a minimum, this expense should be paid out of general revenues.

GENERAL INCREASES IN SOCIAL SECURITY ARE NEEDED

I have co-sponsored two comprehensive proposals to increase monthly payments. The first (HR 264) would provide for an average increase of about 50% in benefits and would be partially financed by a contribution to the Social Security Fund out of general revenues of the United States. This is comparable to the federal contribution in the Medicare program. I think that we must use general revenues or face the prospect of perpetually inadequate benefits.

Recognizing that this bill is more ambitious than the times might make legislatively feasible, I have also submitted a bill which incorporates the President's proposals (HR 7354). This is far more modest and would yield increases designed basically to alleviate some of the grosser inadequacies in the existing benefit schedules and goes very little beyond regaining ground lost in the last decade by increases in the cost-of-living.

Both bills provide for automatic future increases in benefits as prices may rise in the future. I think that this automatic cost-of-living is very desirable. However, it will be scant help if the existing benefits are not made proportional to needs. I find it very disheartening—indeed intellectually dishonest—that some people tell senior citizens that an automatic cost-of-living formula would, without more, provide relief for the existing privations. If the benefits are now one-third below the minimum level needed for a decent standard of living then raising them exactly as much as the cost of living may rise in the future would simply perpetuate the disparity.

Needless to say, I support the most liberal increase in retirement and survivors' benefit levels that can be secured. Social Security should provide for retirees or survivors an adequate standards of living with some degree of dignity. The existing schedules fail to meet this standard and large increases are required not only to keep pace with rising living costs but to make up for deficiencies which have arisen over the years as the ratio of benefit levels to needs has deteriorated.

Having stated my support for the broad proposals designed to make major improvements in the Social Security program, I would like to expand my statement to explain two much narrower proposals which I have introduced.

EXTENDING BENEFITS TO DEPENDENT PARENTS OF RETIREES

In the field of Old Age and Survivors Insurance, I have drafted an amendment which would extend retirement protection to surviving parents of retirees (HR 4098). One of the marvels of modern medicine is the extension of life. A by-product of this phenomenon is that there are retirees under Social Security who have parents still living who are dependent on the retiree for their support. Nonetheless, existing law ignores this class of dependents. All other classes of family dependents, including step-children, are within the scope of the law.

The chances for retirees having surviving parents have gone up not only because of increasing life expectancy but also because those who work in covered employment who become totally and permanently disabled are entitled to benefits. Thus, for example, a 25 year old worker may be the sole support of his parents as well as his wife. Should he become totally and permanently disabled, only his wife would be included in calculating benefits under the present law. His parents are not considered.

I have checked with the actuaries at the Social Security Administration as to the costs of this program. After careful review, they concluded that the cost was so small that they characterized it as "negligible." In essence, what I propose here is to close an unanticipated gap in the system of retirement protections—a measure which would round out the program at insignificant cost.

EXTENDING MEDICARE TO PRESCRIPTION DRUGS

I turn now to a specific proposal I have with regard to Medicare improvements. In 1965, we adopted the historic Medicare Program in order to provide hospital and medical insurance for our older citizens. This Committee well knows the time, care, and devotion that went into securing enactment of Medicare, and that its passage was a major milestone in the history of American social welfare legislation.

For many millions of citizens over 65, Medicare means that the hard-earned savings of a lifetime will not vanish in a single medical catastrophe. Senior citizens need no longer fear that they will become a heavy economic and psychological burden upon their sons and daughters because of serious illness. Most significantly, our older citizens can maintain their own sense of dignity and independence without having to face welfare status.

Passage of Medicare established the fundamental minimal requirements for a medical insurance program, which would help to meet the needs of our elderly. But, as everyone fully recognized at the time, the bill was limited and would need additions and modifications as called for by our experience with the program.

One of the major gaps in the 1965 Amendment was the failure to extend coverage to the cost of prescribed drugs outside of a hospital or nursing home. Needless to say, the cost of drugs to an individual budgeting himself on a social security income can easily become prohibitive.

We have had experience with Medicare for over a year now. We know that it has been neither abused nor neglected. The necessary administrative machinery has begun to cope effectively with the complex problems involved in making this statute work. It is time now, as this Committee is carefully considering a major revision in all the Social Security laws, to fill in some of the serious gaps in Medicare. I urge the Committee to include provisions for covering prescription drug costs. Sick people need drugs as badly as they need hospital and nursing care or a doctor's attention. Usually, the need for drugs far outlasts the need for bed care and continued doctor's visits. Many chronic illnesses, from which many of those over 65 suffer, require extensive medication of one type or another. A very conservative estimate places the amounts expended each year on prescription drugs at $600 million.

A major stumbling block in working out the details of coverage of drugs has been the problem of determining "reasonable costs." There has long been a discrepancy between prices charged for the brand names of certain drugs and those which are merely prescribed by the generic or established name. I think that the amendment which I have introduced sets out a reasonable basis for reimbursing patients for their out-of-pocket expenses in purchasing prescription drugs prescribed by their physician.

This bill provides, under part B of the supplementary medical insurance portion of medicare, coverage for drugs in accordance with a schedule of allowances established by a formulary committee. In most instances, a drug is identical or substantially similar in effectiveness to the name brand and usually higher priced drug. For that reason, the schedule of drug allowances is based on the

cost of the lowest priced generic equivalent, of acceptable quality, plus a small percentage fee representing the pharmacists' distribution and handling costs.

The basic listing of drugs requiring prescription for which benefits may be given will be prepared by a high-level formulary committee composed of the Surgeon General of the United States, the Commissioner of the Food and Drug Administration, and the Director of the National Institutes of Health. The Formulary Committee would be aided by an advisory committee consisting of seven members. These members would be selected by the Secretary of Health, Education, and Welfare from national organizations concerned with pharmacy such as the Council on Drugs of the American Medical Association, American Public Health Association, American Society of Hospital Pharmacists, American Association of Colleges of Apothecaries, American Pharmaceutical Association, and the Pharmaceutical Manufacturers Associations.

The advisory group may recommend items for inclusion in the listing of allowable items by the Formulary Committee. Nonprescription drugs of a life-saving nature may also be included for coverage by the Committee. In determining the costs of "the lowest priced generic equivalent," the Committee would consult recognized pricing guides such as the "Red Book," and the "Blue Book," or it may use any other basis it deems appropriate in determining such generic prices for purposes of preparing its schedule of allowances.

The Formulary Committee may, from time to time, modify its schedule both in terms of items covered and allowances. It may also, by regulation, establish minimum and maximum prescription quantities and such other rules and regulations as it deems necessary to insure orderly, economical, and equitable provision of this benefit.

At least once a year, beneficiaries and physicians would receive a complete listing of the drugs for which a benefit is payable. Each drug would be listed, on a cross-indexed basis, by both generic and trade name with the allowance for each drug noted. Where a drug is available under more than one trade name, all alternative names would be listed. This procedure would permit older people to become acquainted with the different items covered and serve as a handy reference if patients wished to purchase prescriptions by established rather than trade name.

The patient would pay the pharmacist directly and then be reimbursed according to the amount allowed for that drug by the Formulary Committee. Only the $25 deductible requirement would be applicable to drug coverage, and the patient would not be subject to the 20 percent coinsurance provisions of part B.

This new benefit would be added to part B as of July 1, 1969. The additional premium necessary to pay for this benefit will total approximately $1 monthly per beneficiary, with the Federal Government paying 50 cents and the patient paying 50 cents.

There are several advantages to this approach, which I would like to emphasize. First—and of paramount importance—this legislation in no way interferes with a doctor's right to prescribe a drug by trade name if he wishes or with the patients' right to purchase such drugs by trade name if so prescribed. Both physician and patient retain full freedom regarding the version of the product prescribed. But if they wish to use the highest priced version of a drug, the Federal Government will only reimburse that patient to the extent of the reasonable cost—as determined by the formulary committee.

Second, in considering costs of the lowest priced established versions of drugs, the committee would only use the price of those established drugs of acceptable quality, thus guarding against acceptance of any unrealistically priced inferior products. Third, by widely distributing the committee's cross-listing of established and brand-name drugs, we will make sure that the patient can purchase the lower priced drug—if he wishes or the brand name—whichever his doctor has prescribed.

OUR OBLIGATION TO SENIOR CITIZENS

It is time that we fully honor our pledge to the elderly—to provide adequate financial protection against the uncertainties and hardships of ill health when the income-producing years have passed. I think this amendment to the Medicare program will help us accomplish that goal, and I urge this Committee to include it in the final bill it reports out to the House.

I certainly want also to go on record in support of other more general, liberalizing proposals to Medicare. I recognize that some of these are obviously so costly that selection must be made among them for priorities (e.g. eliminating the co-insurance, adding dental coverage, reducing the age for eligibility). None are without merit, and I would not deprecate the case to be made for any of them.

In conclusion let me say that as we improve and up-date benefit schedules for our senior citizens we not only improve the quality of their lives but also can remove many of them from welfare rolls. To the extent we accomplish this, we are really not adding to the net costs of government; we are merely paying out necessary sums from one account that would otherwise be paid from another. Pruning of the welfare rosters thus would do much for the self-respect of the recipients and would also eliminate a distortion in the picture of our manpower and economic situation. My appeal is based not only on social justice—though this would be sufficient—but on balanced social perspectives as well.

MODERNIZING THE FEDERAL ESTATE TAX CREDIT

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Oregon [Mr. ULLMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. ULLMAN. Mr. Speaker, today I am introducing a bill to amend the Internal Revenue Code to provide an increase in the amount for which a credit may be allowed against the Federal estate tax for estate taxes paid to States.

This legislation is the product of extensive research and recommendations by the Advisory Commission on Intergovernmental Relations, on which I am privileged to serve with the gentlewoman from New Jersey [Mrs. DWYER] and the gentleman from North Carolina [Mr. FOUNTAIN].

Many of my colleagues will recognize this bill as H.R. 323 of the 89th Congress, introduced in 1965 by our dear friend and former Congressman from the State of New York, Eugene J. Keogh.

There are few areas of tax law more universally condemned by tax lawyers and other tax practitioners than the present maelstrom of estate, inheritance, and other death taxes. Taxpayer compliance and tax administration are needlessly difficult; jurisdictional conflicts frequently arise; and State revenues from death taxes fluctuate wildly from year to year.

It is particularly appropriate that we consider improving this outmoded system at a time when various proposals to boost the financing of State and local governments are before the Congress. One important feature of my bill is to stabilize income from death taxes and encourage optimum use by State governments of this revenue source.

Briefly, my bill replaces the present Federal estate tax credit for death taxes paid to States with a two-bracket credit. The two-step credit gives to the States a large part of the revenue produced by the lower tax brackets—up to $150,000 taxable estate—and reserves for the Federal Government the bulk of the revenue produced by larger estates.

The bill would stabilize State revenues because in the smaller States, wealthy decedents are relatively infrequent. Interstate distribution of revenue is improved because even the poorer States have some small estates. The Advisory Commission recommends the $150,000 dividing line to maximize the revenue potential for the States while not imparing the combined contribution these taxes provide for both State and Federal Treasuries.

The Federal budgetary impact of the tax law revisions encompassed by this legislation would be negligible for the first few years and would be spread over several years.

To insure that the revenues involved in an increase in the Federal tax credit would be conserved for the States, the Commission recommended that eligibility for the credit be limited to taxpayers in those States that have made corresponding adjustments in their tax laws.

Because many States would have to enact new legislation to take full advantage of the lower bracket revenue potential, I have provided that the date for State certification be prospectively set at January 1, 1971.

I recommend this legislation to Members of this House as a first step in modernizing the confusing and haphazard pattern of Federal credits for death taxes paid to States.

THANKS TO CELEBRITIES AND SERVICE GROUPS FOR ENTERTAINMENT AT ST. ALBANS NAVAL HOSPITAL

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. ADDABBO] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. ADDABBO. Mr. Speaker, I would like to commend the good-willed deeds done by television star Betsy Palmer, stage star Jackie Alloway, dancer Joey Heatherton, actress Celeste Holm, and other celebrities, who recently took time out from their busy schedules to come to St. Albans Naval Hospital in the Seventh Congressional District of New York, and visit with the wounded soldiers who have recently returned from South Vietnam. My thanks also to all other celebrities

and service groups who have from time to time participated in similar activities.

St. Albans Naval Hospital is in the Borough of Queens, operated by the Federal Government, serving the metropolitan vicinity of the New York-New Jersey-Connecticut area. At present, the hospital is filled to capacity with approximately 500 wounded men of the Armed Forces.

In the past 6 months, a program was instituted by the local Red Cross and the United Service Organization in the area to bring entertainers, celebrities, and others to the hospital to visit with the boys who have returned from Vietnam. The idea of having noted personalities tour the hospital wards and simply having them talk to the GI's at their bedsides individually, has proven to be successful in the fact that it has been a rewarding and gratifying experience for the celebrity involved and it has provided a tremendous lift and boost to the morale of a wounded GI whose parents and relatives may live in another area a couple of hundred miles away who are not easily accessible to visit with him.

The people I credited earlier should be commended for their benevolent aid and support. My remarks, however, should not only serve as a piece of information about this subject, but also, should act as an example to suggest that other programs of this type be established and activated locally in the other Government operated hospitals across the Nation.

Many of the men who have supported our U.S. commitments in South Vietnam through serving in the military fields now need our support and deserve it. Let something such as this just be another way in which our fine soldiers can be accorded some of the help, honor, and respect they should receive.

THE DILEMMA OF AMERICAN AGRICULTURE

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. TEAGUE] 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 Arkansas?

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, Mr. Coulter Hoppess, a distinguished attorney of Bryan, Tex., and a cattleman, has recently presented some observations on the dilemma confronting the agriculture economy which are most thought provoking. I believe his views would be of considerable interest to those of us in the Congress who are greatly concerned about the future economic well-being of agriculture. Mr. Hoppess' paper, which was presented to the Texas Extension Staff Conference on March 14, 1967, follows:

A PAPER PRESENTED TO THE TEXAS EXTENSION STAFF CONFERENCE, MARCH 14, 1967, COLLEGE STATION, TEX.

(By Coulter Hoppess, attorney, Bryan, Tex.)

Ladies and Gentlemen of the Extension Service, I have been invited to make this presentation by your Director, John Hutchison, whom I respect and admire. I am honored and challenged by this invitation.

I will make this presentation in such a way as to reveal my very deep present concern about agriculture as it exists in the United States today. My concern is related more to the individual producer than to agriculture as an industry, and it is probable that the Director has felt that this somewhat legalistic lay attitude may open certain avenues for your consideration.

I know that each of you shares my concern and there is much evidence that others in all stations are becoming increasingly concerned, and in some cases even alarmed. Our Governor, John Connally, has just asked the legislature to create the Texas Agricultural Development Board to correspond with our presently existing Industrial Commission and our Texas Water Development Board. An agricultural promotional and research write off bill, identified as HB 457, is now undergoing hearings at our State Capital.

In Washington there are numerous bills pending attacking various surface aspects of the dilemma. A recent personal visit to some of our Congressmen and Senators and their Agricultural Assistants has indicated that they are fully aware of the problem and are even more concerned than I.

It is my hope that this presentation will stimulate your thinking, and since much of the matter presented is conclusion, that you will test me and require that I sustain and defend the position that I have assumed.

Our first consideration will of necessity be whether or not this concern is justified. Let us examine some of the facts.

The economic health of any individual or group enterprize can be evaluated by its relative position of advantage or disadvantage to the overall competitive economy. By applying this criteria we observe the following:

1. Agriculture cannot purchase and own land at existing market prices for agricultural purposes.

In support of this, Dr. A. B. "Pat" Wooten says that land must now be appraised as a commodity and not in reference to its agricultural productivity. Texas A&M University, in its Department of Agricultural Economics, is teaching those studying agriculture that if they intend to devote their energies to agricultural production they will have to acquire the use of the necessary capital land on some basis other than ownership. (The above fact of failure to be able to acquire and control a necessary capital asset has far-reaching repercussions which we will note more fully later.)

2. Agriculture cannot purchase labor at the usual, going and customary rate in the competitive economy.

A very visible example of this is the fruit and vegetable portion of the industry in which wages cannot be afforded to attract American labor and as a consequence an overwhelming majority of the fruit and vegetable crop is harvested and packed by imported labor from Puerto Rico and Mexico, which is oriented and conditioned to a peonage-type existence.

3. Agriculture is finding increasing difficulty in obtaining credit for production.

Observation of numerous Production Credit Associations who aggressively seek agricultural production loans with complete knowledgeability as to the capabilities and problems of agriculture and with a sympathetic approach thereto, reveals that livestock loans can only be obtained when there are other sources of income available to support the necessities of the family, and that no labor or management costs will be charged to the operation.

Many agriculturists have been able to remain in production only by borrowing on their capital asset, land, and refinancing at intervals to take advantage of the rising land market which reflects itself in their ability to borrow on an increased appraisal.

4. Agriculture is suffering a significant loss of management personnel.

The removal of talented and ambitious young people from agricultural pursuits and habitation to industrial and agriculturally related industrial pursuits, as well as urban habitation, clearly demonstrates a critical loss of the essential ingredient which must be added to land in order to bring about production, and that ingredient is people. You as members of the Extension Service are certainly more keenly aware of the diminished prospects of your activities than probably anyone else.

If these things be true, then we must agree that the agricultural producer is more than bankrupt—at this particular moment he is in fact actually dissipating his capital resources in order to subsidize a favorable consumer market.

I would like to correct what I believe to be a very bad error in popular economic thinking as it relates to agriculture. The agricultural producer is not caught in a price-cost squeeze. At a time of unprecedented prosperity in this economy, and at a time of unequaled demand for agricultural products, the agriculturist finds himself completely dislocated within the economy. Cost-price squeeze can be cured by the application of good management techniques. The condition of the American agricultural producer today cannot be corrected by any technique of good management. I wish to make my point very clear. Times are not going to be any better for the agriculturist—they are going to be continuingly worse.

The statistical recitation of the continuing reduction of the producers' share of the consumers' food and fiber dollar is only a result of a disease, not a cause—the dislocation—the fundamental discrepancy—is the cause of the economic problem. This dislocation has been increasingly apparent since at least the year 1952.

In this consideration, if you now agree even partially, then it is fair to ask—What is the underlying factor in this dislocation?

It may be many things. Much circumstantial evidence is available pointing to a variety of signposts of interest. The March issue of *The Cattleman* magazine, published by the Texas and Southwestern Cattle Raisers Association, contains, beginning at Page 26, a most interesting report by Fred Bailey, Jr., entitled "Washington Roundup." I feel it will be constructive to read certain excerpts from this report.

"Touchiest subject around the U.S. Department of Agriculture these days is whether USDA is, in fact, still in the business of representing farmers. Or whether it's consumers who now pull the strings that make Freeman & Company jump.

"The answer to that question has a lot more pocketbook significance than a casual observer of the Washington scene might think. In the course of a year, policies and decisions by the far-flung farm agency can put hundreds of millions of dollars in farmers' pockets. Or take them out! It can make a big difference whose bread USDA is dedicated to buttering.

"At this point in time, two facts stand out:

"First, USDA is adamant in insisting that it has farmers' best financial interests at heart.

"And, second, most farmers don't believe it.

"Indeed, USDA 'credibility' with farmers is at a low ebb. At least half the nation's farmers and ranchers appear convinced Washington is bent on 'federalizing' agriculture. And the other half seem equally inconsistent that agriculture is being abandoned by Washington to the perils of the free market.

"But despite such divergent views, both

sides share a common belief that the basis for their mistreatment by Washington lies in having been 'sold out' to the interests of consumers."

Somewhat later in the article, Mr. Bailey makes the following statements:

"Valid or not, constant criticism and widespread anti-USDA attitudes are beginning to penetrate even the thick hide which every Secretary of Agriculture must develop early in his tenure.

"The criticism strikes a sore point to the extent, in particular, that it is at least partially undeserved. While this is not to say that Freeman's policies have always been right or in farmers' best interest, there are nonetheless facts which critics tend to overlook.

"For one, by no means are all decisions affecting farmers and ranchers made at or by the USDA. Many are on orders from the White House. And the White House, bluntly, has more political fires to tend than just farmers'. Moreover, what's best for farmers isn't always best for either the country or the politicians currently elected to run it."

Mr. Bailey's points are well taken, and it is perhaps enlightening that we consider the following points which underlie the fundamental reasons for the dislocation to which I previously referred.

1. National political expediency.

a. On the short-term basis the most beneficial thing for all the voters is to have an abundant supply of food at a minimum cost. The recent "Housewives Protest" on a national basis over a very small percentage rise in the cost of food is a clear-cut example of the sensitivity of the urban population to the supply and cost of food.

2. International political expediency.

a. Over the years we have committed ourselves to engage in international trade in order to bring about a fair and equitable world trade in which we can market our industrial products. Most of the emerging nations have only agricultural products to offer for export, and the attraction of the American market is still great enough to attract these products in great volume. Though these imports constitute only a fractional portion of American consumption, there is evidence to indicate that they are sufficient to control and depress the American price structure of agricultural products.

3. Inadequate marketing techniques by the producer appear to contribute very greatly to the dislocation of his product in the economy.

a. As an example of this, Extension Service programs and land-grant colleges have insisted now for more than 40 years that the producers' interest and the national interest would both be served by reducing unit production costs by increasing yield through application of scientific techniques. We now have reliable statistics that demonstrate that for each one percent increase in production in a particular commodity, a five percent decrease in price in that commodity has unfailingly occurred.

We have now reached a point in this consideration where it is appropriate that we now decide in our own minds whether or not the economic dislocation of the American agricultural producer constitutes a significant problem to the overall greater national interest. The upset, or shift, of a traditional pattern will generally cause us to react negatively, however, we should look at this particular matter objectively.

We can certainly conclude that the greatest good to the greatest number is to have an abundant supply of nutrition, distributed so broadly and at such prices that none among us will be hungry. If this can be accomplished by importing all, or a large portion of our supplies from world areas of low-value land and serf and peon labor, who is to say that it is bad. In this connection, I would point out that there are those among us, both in economics and in government, who believe very strongly and with great conviction that an industrializing economy cannot support or afford an agricultural segment on a competitive basis.

I have concluded that there are two compelling political reasons in evidence today that almost certainly prevent any significant relief in the dislocation of the American agriculturist. They are:

1. The immediate dramatic increase in the cost of food in the United States.

2. The immediate restriction on foreign trade and the international repercussions resulting therefrom.

We now enter the area of my advocacy. I am convinced that the long-term welfare of the United States and its citizenship demands that immediate steps be taken to offer the American agriculturist a fair and equitable opportunity to exist within the economy. I precisely oppose subsidy by government.

I support the above contention by the following conclusions which I hold to be self-evident at this time: A reliable, abundant supply of food can only be guaranteed to the American consumer by an economically strong and healthy agricultural producer.

Failing to preserve the independent Democratic agricultural capitalist, I am convinced we can anticipate the following alternatives:

1. Complete governmental socialization of agriculture.

Production such as exists in Russia.

2. Acquiring all significant agricultural supplies from others.

Comparable to the supply situation that exists in the English Islands.

3. The organization and socialization of the American agricultural producer.

The relative merits and demerits of the first two alternatives are rather obvious and well known to us. I think you will be interested if I elucidate to some extent on the third of the alternatives.

According to a study made by the Department of Agricultural Economics of Texas A&M University in the year 1966, 47 percent of the rural lands of Brazos County, Texas, are owned by non-resident owners. Though no study has been made of which I am aware, it is reliably estimated that 60 percent of the lands of Washington County, Texas, are owned by non-resident owners. This latter county is one of the finer agricultural counties of our State. This trend of increasing non-resident ownership holds true in almost every area of the United States. As mentioned before, our agricultural youth are being taught that in order to produce agriculture for a profit they must either inherit at no cost or rent at unrealistic rentals land to be used by them for agricultural purposes. Purely as a demonstration of the general acceptance of this approach, you will be interested in a quote from the March issue of *Farm Journal* on Page 11, entitled "Farm Business," we find the following:

"A fair way to rent pasture: Weigh cattle on and off, multiply pounds of gain times current selling price." "The landlord gets a third of the dollar gain."

Loss of the right to administer the basic resources of land by the occupant and user of the land returns us to a baronial system of land ownership and patronage resulting in serfdom and peonage for the "producer-worker."

We are rapidly drifting towards the dominance of the sharecropper. This has occurred previously in the United States with disastrous results. I have never heard or read any economist or sociologist who contended that sharecropping was anything but bad for both the land and people of this great Nation.

Let me pose you this—the young American agriculturist who views himself as his father and grandfather did—as a perfect definition of a Democratic capitalist at last realizes he has been betrayed by this system, and that he has been reduced to the same state here that his European ancestor immigrated to escape. And let us suppose further that he organizes himself and his fellows and thereby controls the supply and distribution of food in the power sense.

I assure you that if such occurs government edict will be academic. He who controls who will work and who will eat, controls all.

Is this the scare talk of an irresponsible fool? I wish that it were! Persons far more subtle and sophisticated than I have already fully identified and appreciated the possibilities that exist in these unfortunate circumstances so fraught with danger for our country.

PROF. SEYMOUR HARRIS DENOUNCES MARTIN'S REAPPOINTMENT

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. PATMAN] 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 Arkansas?

There was no objection.

Mr. PATMAN. Mr. Speaker, Seymour Harris, professor emeritus of political economy at Harvard University, has written a letter to the Washington Post of April 9, 1967, outlining his disappointment over the reappointment of William McChesney Martin, Jr., as Chairman of the Federal Reserve Board. I believe that Professor Harris has stated for the record the reasons why Martin was reappointed and the history of the Board's policies of tight money and high interest encouraged by Chairman Martin.

We all know the extensive campaign conducted by the banking community not only in this country but abroad to have Mr. Martin reappointed. Mr. Martin has conducted his own interesting campaign. He has reversed the Fed's tight-money policy of 1966 to a policy of ease so as to make it easy for President Johnson to reappoint him as Chairman of the Board. But it is not Mr. Martin alone who has corrected the Fed's disastrous tight money policy of 1966, but the changing complexion of the members of the Board of Governors who have been appointed by Presidents Kennedy and Johnson.

In the future I hope that Mr. Martin's insistent record of inflationary fears should be changed in order that the proper perspective of all sectors of the economy be considered. We want no more of the tight-money policies that ruled the day under the Eisenhower administration.

Following my remarks I will place in the RECORD Professor Harris' letter and an editorial in the Washington Post of April 10, 1967, emphasizing that the Federal Reserve should be given credit for correcting their grievous errors of 1966. This editorial describes the results expected from the reduction of the discount rate from 4½ to 4 percent and emphasizes that the Board of Governors has finally signaled the end of the historic tight money and high interest rates.

The letter and editorial follows:

[From the Washington Post, Apr. 9, 1967]

ON MARTIN'S REAPPOINTMENT

I regret the reappointment of Mr. Martin as Chairman of the Federal Reserve Board. This campaign to get Martin reappointed has been unique in its extent and coverage. Confronted with this kind of conspiracy of the conservative financial interests, the President, concerned over the dollar problem, must have found it very difficult not to reappoint Martin.

The last victory for Mr. Martin once more reflects his unusual talents. He spread far and wide the view that he had suddenly become an expansionist. He made sure that he received the credit for recent Federal Reserve policy of expansion—I mean since the debacle of the summer of 1966.

My view is that expansionist policy of recent months has been especially the product of three able new members—Mr. Mitchell, appointed by President Kennedy, and Messrs. Brimmer and Maisel, appointed by President Johnson.

It is well to consider Martin's contribution to monetary policy. His consistent record has been to be overimpressed by inflationary dangers and to sacrifice the domestic economy to *exaggerated* fears of the external value of the dollar. His record under Eisenhower was costly. He demanded independence but actually he gave President Eisenhower what he wanted: a restrictive monetary policy that stunted growth and pleased the President, who also was making political capital out of the exaggerated fears of inflation.

In the years 1961–67 Martin performed better than in the 1950's, the explanation being that once more he talked independence but actually largely followed the wishes of Presidents Kennedy and Johnson for an expansionist monetary policy. I say largely because, as you noted in the able editorial of March 15, he was not sufficiently expansionist at the outset; and he tended to overweigh the deficit of the balance of payments in determining how much money should be created.

But I would especially emphasize the point that in his only spectacular use of the independence theory—the rise of rates in December, 1965—he defied the President and abandoned the theory of a policy well-integrated with the Administration's policies.

Martin took credit for the hardening of rates in 1965–66. But he was not sure of himself. With the record rise of rates, he also gave the country a record expansion of money in the first half of 1966. Was this a dear- or a cheap-money policy? He lost control of the situation, with the unprecedented rise of rates.

It is no news that the country was close to a financial panic in the summer of 1966. The liberal treatment by the Reserve of the commercial banks under "Q" against the savings and loan associations over several years had contributed to the demoralization of the money markets.

It was the President who had to save the country from financial disaster. He reduced the pressure on the money market through withdrawals of Federal issues that were scheduled to be sold and asked for measures to reduce the excessive competition for money. Moreover, by providing a withdrawal of $9 billion through various measures earlier in 1966, the Executive had contributed to treating inflationary pressures, without at the same time creating chaos in the second half of 1966 by introducing a general tax rise on top of monetary restriction.

It was not until late in 1966 that genuine easing of the market occurred. In view of Martin's past record, one may well ask whether the easing would have occurred even by then if it had not been for the influence of three able new members of the Board. If the Board is more expansionist now than in the past, the explanation must lie in the make-up of the Board, not in the miraculous transformation of Mr. Martin from a lifetime contractionist to a 1967 expansionist.

At least we are fortunate in the addition of three able members of the Board who do not share Martin's excessive fears of expansionist policies. Martin and his school concentrate on the anti-inflationary policy of 1966; but they are silent on the $10 billion cost of that policy in 1966 estimated by the Council of Economic Advisers.

SEYMOUR E. HARRIS.

[From the Washington Post, Apr. 10, 1967]

DISCOUNT RATE SIGNAL

Changes in the Federal Reserve Bank's discount rate—the charge for lending reserves to the private, member banks of the System—are signals by which the monetary authorities communicate their intentions. By approving reductions in the discount rates, from 4½ to 4 per cent for 10 of the 12 Federal Reserve Banks, the Board of Governors signaled the commercial banks that their demand for additional reserves will be supplied on easier terms.

Signals and substance should not be confused. Member banks will not come to the Federal Reserve Banks to borrow at the discount rate unless the demand for loans by their customers is brisk. And the demand for business loans will not increase so long as the economy remains in its present state of growthless uncertainty. But the monetary authorities can help set the stage for a resumption of growth by liberally supplying the banks with reserves. They are adding to bank reserves by purchasing Government securities in the open market, and the trimming of the discount rates is a sign that the policy of ease will continue.

Since November monetary policy has shifted from severe restraint to a position of ease. The transition was speeded by the economic slowdown, which in turn was largely induced by the monetary restraint. Nonetheless the Federal Reserve authorities deserve credit for correcting their error with greater dispatch than in the past.

TRIBUTE TO JUDGE LEO B. BLESSING

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. HÉBERT] 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 Arkansas?

There was no objection.

Mr. HEBERT. Mr. Speaker, on the 19th day of this month, one of Louisiana's great jurists, the Honorable Leo B. Blessing, judge of the Juvenile Court of Orleans Parish, will be honored by the National Council on Crime and Delinquency when he receives its coveted "Scale of Justice" Award, at a tribute dinner in the Jung Hotel.

Judge Blessing occupies a high place in the hearts and minds of all of us who know him. My association with Judge Blessing has been both personal and professional and spans many years. Judge Blessing is a recipient of the F. Edward Hébert Award, made each year to the outstanding alumnus at Jesuit High School. As a fellow alumnus of Jesuit, it is understandable of my particular pleasure in the fact that Judge Blessing, among his many other honors, has been selected for this award.

Judge Blessing's primary concern is with people, knowing that only by helping the individual is it possible to benefit society itself. He has always recognized the institution of the American family as the basic ingredient to the successful development of the individual and the community, and the need to rehabilitate whenever possible the young people who are the victims of poor judgment or poor environment, or lack of parental supervision and advice. He backed legislation which not only contributed to their own welfare but to that of their families and society.

Judge Blessing has the unique combination of education and experience—as a social worker, a child welfare consultant, a Federal probation officer, and as a lawyer—which enables him to bring to Louisiana, and particularly, to Orleans Parish, a juvenile court, recognized as one of the Nation's most outstanding courts. He is considered an authority in the juvenile court movement, and whenever the National Council on Crime and Delinquency wants a judge who can most adequately explain the role of the juvenile court, it calls upon our own Judge Blessing. As a result, he has become greatly in demand everywhere as a living exponent of good juvenile court philosphy.

Judge Blessing is chairman of the Juvenile and Family Courts Section of the National Council on Crime and Delinquency's Advisory Council of Judges. This group of outstanding jurists, representing all levels of our judiciary, including Justice William J. Brennan, Jr., of the Supreme Court of the United States, has developed a series of manuals written by and for judges of criminal, juvenile, and family courts, including "Guides for Sentencing," "Guides for Juvenile Court Judges," and "Procedure and Evidence in the Juvenile Court."

He is being honored for his outstanding contribution to the development of our Nation's juvenile court system and for his leadership as chairman of the Juvenile and Family Courts Section of the Advisory Council of Judges. We of Louisiana, and particularly of Orleans Parish, are proud, indeed, that a judge in our midst has been selected for this honor.

Yes, Judge Blessing is, indeed, a great lawyer and a great jurist, but above all, he is a great humanitarian, a man of the big heart and the wise decision. He is a man of the firm resolve that the key to improved human behavior lies in human decisions for the right, and that in all things, divine guidance alone can enable man to attain a higher place in the esteem of his fellow men and his Creator.

This is the place Judge Blessing occupies today. In that high estate, I, together with New Orleans Attorney David L. Herman, general chairman of his tribute dinner, together with all of the people of the State of Louisiana, salute him, his faithful and beloved Nellanna.

Mr. Speaker, I am proud to pay this tribute to Judge Blessing in the House of Representatives, and to call to the attention of my colleagues the high regard in which he is held by the citizens of Orleans Parish and of Louisiana.

ADDRESS BY SECRETARY OF AGRICULTURE ORVILLE L. FREEMAN AND R. B. TOOTELL, GOVERNOR, FARM CREDIT ADMINISTRATION, AT THE FEDERAL LAND BANK 50TH ANNIVERSARY DINNER ON APRIL 3, 1967

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. BRADEMAS] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. BRADEMAS. Mr Speaker, at the Federal land bank 50th anniversary dinner on April 3, 1967, at the Statler Hilton Hotel in Washington, D.C., Secretary of Agriculture Orville L. Freeman and Mr. R. B. Tootell, Governor of the Farm Credit Administration, delivered addresses that are of significant importance to the American farmer as well as the American consumer.

The theme of the golden anniversary of the Federal land bank was "Providers of Plenty," a fitting tribute to the American farmer and his continuing record of abundant production.

I call to the attention of my colleagues the following speeches of Secretary Freeman and Mr. Tootell:

ADDRESS BY SECRETARY FREEMAN

I'm honored to be with you this evening to help celebrate the Golden Anniversary of this great farmer-owned lending institution.

The remarkable success of the Farm Credit System has put a new phrase into the lexicon of agriculture. The Federal Farm Loan Act that authorized establishment of the 12 Federal land banks half a century ago has become deservedly known as the "Magna Carta of American farm finance."

Governor Tootell has described how this Act gave farmers an economic lever in the previously off-limits machinery of banking and finance . . . and how the application of cooperative principles to farm finance produced striking results.

A farmer or a rancher borrowing from the Farm Credit System has an immediate vested interest in its successful operation, and a voice in his association's management and policy-making. The borrower's awareness that this was his *own* credit system has been a very vital factor in the success of the System.

The very fact that borrowers can own their own credit system takes the sting out of Victor Hugo's remark that "a creditor is worse than a master; for a master owns only your person, while a creditor owns your dignity and can belabor that."

And the proved success of the Farm Credit System gives lie to John Ruskin's observation that "Borrowers are nearly always ill spenders."

As a matter of fact, most of the old Puritan ethic prejudices against borrowing have been refuted on a hundred fronts in modern times . . . and though we don't have to subscribe to Artemus Ward's contention that we should all live happily within our means—even if it means borrowing to do it—I think we're all agreed that judicious borrowing has a rightful, proper, and worthwhile place in our economy. The need for credit will continue to expand as the family farm grows larger.

In the case of the Farm Credit System, the argument for the legitimacy and value of wise borrowing can be made on institutional as well as individual grounds, for traditionally the system has been intimately—and successfully—concerned with elevating American agriculture to ever greater levels of achievement.

PROVIDERS OF PLENTY

As you pause for your Golden Anniversary celebration, you have chosen to pay tribute to the American farmers as the "Providers of Plenty" . . . a most appropriate theme.

America's "Providers of Plenty" have wrought the greatest productive miracle of modern times and are the agricultural envy of the world.

Never before have so many eaten so much of the abundance produced by so few. Today, in a world where two-thirds of humanity have inadequate diets, it is fitting and timely that we take this occasion to pay homage to the American farmers, the greatest "Providers of Plenty" in the history of man.

Earlier today, you heard the President describe many of the benefits of abundance provided by the American farmer. You heard him tell how only 6 percent of this population provides 197 million Americans with the best diet in the history of the world.

You heard him describe how American farm production per man-hour has nearly doubled in the past ten years, how productivity per acre by our farms has increased 76 percent, and output per breeding animal has doubled in the short span of only four and a half decades. And how one hour's farm labor today produces five times more than it produced in 1921.

He may have told you, too, how agriculture has contributed significantly to export earnings. If the volume of farm exports continues to increase at an annual rate of 4 to 5 percent, farm exports could reach $10 billion or more a year by 1980.

And you heard the President describe how the American farmer is helping to meet this nation's humanitarian responsibilities . . . helping to feed 60 million Indians a year, and 100 million other hungry people abroad.

Never has the world seen such an outpouring of bounty from one nation to others . . . but even this has not yet overstrained the productive capacity of American agriculture.

We are *not* short of food in the United States. And we will not be food-short in the foreseeable future . . . thanks to the productive genius of our farmers—those denim-clad entrepreneurs ever on the lookout for better ways to grow crops and animals.

THE FARMER AS CONSUMER

In order to improve production, the American farmer has become a heavy investor in the tools of modern technology. And this brings me to another in the long list of agriculture's contributions to the economic health of this nation—the farmer's role as consumer.

It is the farmer's gross income that is spent on Main Street and proliferates throughout the entire economy . . . and last year gross farm income set an all-time record—$49.5 billion. This is 10 percent greater than in 1965 . . . *and 31 percent higher than it was in 1960.*

This means farmers had $11.6 billion more to spend last year than they had the first year of this decade. And spend it they did. Investment in farm machinery alone increased from $22.3 billion in 1960 to $27.5 billion last year.

During the same period, total farm debt increased from $24.9 billion to $41.6 billion . . . but farm assets increased even more—rising from $204 billion to $256 billion.

The Main Street boom has spread across the country, creating jobs and spendable income—and thus more jobs—wherever it is felt. Employment at John Deere and Co. has increased by 11,000 workers in the past five years, and from 1965 to 1966 it jumped 2,600. Another of the major implement firms, J. I. Case Co., not too long ago began construction of a new million-square foot tractor parts plant to meet the booming farm demand.

All of this has contributed significantly to the healthiest, most vigorous national economy we've ever had—an economy which has seen: the gross national product grow by $256 billion from the start of 1961 to the close of 1965 . . . personal income increase nearly $200 billion in the same period . . . factory worker wages climb by 21 percent . . . and corporate profits after taxes almost double.

THE FARMER IN OUR HISTORY

The farmer's contributions to the national economy and to the health and comfort and well-being of our citizens are as old as the nation itself . . . but in our brief history we've seen his own prestige and influence and prosperity chart a roller coaster course.

Ironically, the "Provider of Plenty's" own fortune has been linked—not to abundance—but to shortage. When demand outstripped production, the farmer gained in income and importance. When production outstripped demand, his income and influence declined.

Throughout World War II and the Korean conflict, the farmer produced to intense demand and reaped fair returns and grateful recognition. But the technological advances that enabled him to meet war-time demands betrayed him once the emergencies were over.

By the beginning of this decade, peacetime overproduction had stolen much of his earning power and robbed him of much of his prestige. By the close of the 1960–61 crop marketing season, we had a stockpile of 1.4 billion bushels of wheat and 85 million tons of feed grains—and net farm income had plummeted $2.4 billion in eight short years.

The outlook could scarcely have been gloomier.

A NEW ERA

But—in six short but eventful years—American agriculture turned the corner from pessimism to promise. Playing a key role in this turn-about were the five major farm bills passed in the last six years.

The first four put agriculture well on the road to higher income and surplus reduction. The fifth, the Food and Agriculture Act of 1965, enabled us to continue toward these goals . . . and provided the flexibility needed to produce to specific need and to facilitate supply-demand balance.

The surpluses of the Fifties are gone. By the end of January, the Commodity Credit Corporation investment in farm commodities was down to $4.37 billion, a reduction of $2.47 billion from the previous year, and about $4 billion less than the peak investment years of 1956 and 1959.

The market is freer of Government than it has been for 30 years, and nearer supply-demand balance than it has been for half a century. And now—for the first time in years—our farmers are being asked to grow *more* . . . instead of *less*.

This combination of surplus reduction, increased demand, farm production and marketing efficiency under the new programs, and Government price support and incentive payments brought the American farmer one of his best income years in 1966.

While total gross farm income was setting an all-time record last year, net farm income was climbing to $16.3 billion, the second highest in history. This was 40 percent greater than it was in 1960, and 15 percent higher than in 1965. Realized net income per farm also set an all-time record at $5,024 . . . 19 percent higher than the year before and 70 percent higher than in 1960!

THE CHALLENGES AHEAD

On the face of it, this should constitute a record of reassuring progress. But in-

stead there is much unrest, uneasiness and apprehension on the farm and throughout agriculture. No one is more aware of it than the Secretary of Agriculture. This being the case, it is timely I think for me to share with this audience of distinguished leaders in American agriculture, and through you to all our farmers, some of my thoughts and expectations and plans for the future.

There are tangible and intangible reasons for farmer concern today. Despite a 70 percent increase in net income per farm since 1960, the average farmer's income still lags a third behind that of nonfarm residents. Farmers averaged $1,731 per capita last year, while non-farmers averaged $2,618.

Then, too, farm production costs have risen . . . and farm prices have slumped some in recent months. The prices received by farmers were down 7 percent in March from a year ago, but the prices paid by farmers were up 3 percent in the same period.

We hope we've seen the low point for the year, and that prices will strengthen in the months to come. But the situation does point up the crucial need of convincing the consumer that farmers must have stronger farm prices . . . that this is justified as much by consumer self-interest as it is by fair play to the farmers. If prices aren't strengthened, the squeeze may cost us farmers, cost us production . . . and in the long run cost us much more for food in the future.

But there is an even deeper and more fundamental reason for today's farm unrest.

In this latter half of the 1960's, American agriculture has entered a new era where exploding technology is married with new public policy . . . where surpluses are gone . . . where farm income has climbed rapidly . . . where world demand promises to continue strong and the American farmer is in a position to compete aggressively for new markets.

This is ineed a new era, an era of substantial progress and promise. But in its newness, there is much that is strange . . . and strangeness causes anxiety and uncertainty.

In a single year—1966—the farmer saw his net income increase over $2 billion—or 15 percent. The farmer lives on a tidal wave of hope in an uncertain world, and the tidal wave of 1966 carried him further than he had gone in any one year of the past 20.

But now—to him, at least—the first months of 1967 with lower prices do not seem to be maintaining the economic thrust that will continue the gains of '66. To some, it appears that the farm economy has lost its forward thrust and is now receding from the income records it made.

I don't think we have lost our forward momentum but I do understand and share the anxiety of the moment.

Another reason for unrest is the change in philosophy and practice in some of our key commodity programs. The certainty of the old mandatory programs—inadequate as they were—is gone. They had one significant attribute—everyone knew that the market price would be at, and in practice it was usually below, the loan level. So, if you wanted to criticize market prices, you could take aim at the support level. But the producer could always depend on that relatively high fixed loan level. As we all know when controls were loosened, the high loan level programs for all practical purposes destroyed themselves as they built up the enormous costy surpluses of the 1950's. Nonetheless, under the old programs the farmer did know about where he would come out on price. He could depend on the loan level.

This is all changed now. The loan level in the *new era production payment programs* is geared to make today's farmer competitive in world markets without export subsidy—while additional direct payments are made to insure more adequate farm income. The loan rate on most commodities now is well below the market price.

This makes farmers more market-oriented . . . and more anxious. Take the market on wheat. It's jumping like the young people's coffee houses in my neighborhood. In the last six months, it has ranged from a high of $1.90 at the end of November to a low of $1.68 at the end of January. It raced back to $1.91 in March, and last Friday it dropped to $1.80.

That's enough to make anyone anxious. Unfortunately, anxiety sometimes translates into oversight.

Some farmers now write to me and demand that we increase the loan rate, apparently seeking to reinstate the old relationship where market prices seldom if ever exceeded the loan rate.

But they forget about direct payments—which for the 1966 crop—are bringing the average farm price for wheat to $2.14 a bushel, blend price. If anyone had predicted to me as late as 1965 that wheat farmers in the United States would get a blend price of $2.14 a bushel for the 1966 crop (while Canadian wheat farmers are estimated to be getting $1.60) I would have responded instantly—"Impossible!" Yet that is the situation today.

As a matter of fact, we now expect to see our wheat producers reap a record income from the 1967 crop because of record production, fair market prices and marketing certificates.

Yet some wheat farmers look at the $1.25 loan rate and write me worried letters.

This puts the Secretary of Agriculture in a very difficult position. How can he convince farmers that if they follow the course of action some are demanding—action based on our old traditional high support programs—they stand to lose millions of dollars in income?

This, I believe, is the *real* danger in this period of uncertainty and unrest, anxiety and uneasiness. It's all too easy to lose sight of the real promise of the new era. And if we lose sight of the reality of that promise and don't give our new programs a chance to work—the farmer can lose all he's gained in the past six years.

I appreciate the reasons for farmer uncertainty. I share it keenly. The programs of the new era—programs that insure more freedom and promise more income—are harder to administer, harder to explain, and harder to get agreement on. As I've said a number of times, with surpluses gone and the new programs in effect, we're in an entirely new ballgame . . . and it isn't easy.

The Secretary of Agriculture must make decisions on such things as acreage allotments, acreage diversion payments, and price support programs. And he must make these decisions in such a way as to assure *enough* production to meet our needs at home and around the world . . . but not so much as to adversely affect farm prices. On occasion I have described the Secretary of Agriculture as kind of a referee. It is his job to keep the teams of supply and demand on the playing field of the market. If he can do that it will be a fair contest and all will benefit. But if either supply or demand get out of bounds there will be chaos and everyone will suffer. It isn't easy to keep supply and demand in workable balance. Hence the uncertainty we all feel today as we try to adjust to this new era.

We harvest around 100 million acres (6 billion bushels) of feed grains a year. A 3-to-5 bushel variation per acre because of weather is not unusual. With such a variation, absolutely accurate estimates and perfect judgments every year are impossible.

Right now we face a serious drought threat in the Southwest. If rain doesn't come soon, wheat production will be sharply cut in a number of areas. Should that happen, our supply—though less than estimated—will still be comfortably adequate because we increased allotments an additional 15 percent last August.

But—if the rains come soon and plentifully, we can have a bumper crop of wheat. Then prices will be lower . . . (although I think well above the loan rate) and the Secretary of Agriculture will be accused by some of having depressed them on purpose. He's apt to be a hero or a bum, as I've said many times, depending upon whether it rains or shines.

What is true of wheat is true of feed grains. There's still time to alter this year's feed grain program to get more production. Many are urging that we do just that. But most of those doing the urging aren't really very much concerned about farm income. So here again, we've got to balance need against income for the farmer—most of which comes from the market—and try to make the right decision.

The Secretary of Agriculture as he administers these new programs is doing his very best to help farmers—to provide the marketing system with adequate supplies—but at the same time to avoid oversupplying available markets and depressing farm prices.

It is implicit in this new system that the trade and the farmers carry our food reserves. Government stocks are now held at a prudent minimum so market prices will not be depressed by the very existence of large stocks in Government hands.

This means the consumer will pay much of the cost of carrying the reserve that protects him and insures an adequate food supply. The alternative is having the Government lock up the reserves somewhere . . . in which case he also pays but as a taxpayer rather than a consumer.

We've got to have reasonable reserves to guard against a food shortage, but we also must pay the bill to hold them. We can pay it as taxpayers if the Government stores it. Or we can pay it as consumers if it's carried by farmers and the trade.

Under the new system, the market is being tested to see if it can and will carry the necessary reserves . . . and at the same time bring a fair return to the farmer.

I think it can. I think our producers can market their products skillfully and earn a fair reward in the confidence that: (1) In average crop years, the market will return them fair prices with minimal Government action. (It must be remembered, however, that even in such years Government purchases serve to bolster farm prices. Last year, for example, the Government, in effect, bought $1½ billion worth of farm products such as wheat and flour, rice, cotton, feed grains, fats and oils, livestock and poultry products and peanut butter for such programs as Food for Freedom, school lunch, school milk, and distribution to the needy.) (2) In years of large supply, the Government will increase its purchases to prevent depressing farm prices.

If—at the same time the Government is prudently using its buying powers—farmers join together in their cooperatives and farm organizations to develop new skills in marketing and new levels of cooperation, I'm sure we can continue the march we began in 1961 toward the goal of just and fair farm income.

As we consider our new era programs, and attempt to weigh their effectiveness, I think it's appropriate to consider the alternatives. Few things in this finite world of ours are perfect. What then are the alternatives to the *new era programs* which we have developed in the crucible of trial and error and political combat these last six years?

At one extreme we have the "no program at all" program. Only one of our major farm organizations advocates this. To me it is entirely unacceptable because it would cut farm income by a third. If that happens and

land values topple with farm prices, our total economy—farm and nonfarm—will be shaken to the core.

At the other end of the scale, we have the high, rigid price support program. This means rigid controls based on bushels, pounds, and acres. This would appear to be impracticable. There are two parts to the test of any farm program. It must be *passable* in the Congress . . . and it must be *workable*. Both the Congress and the farmers have rejected mandatory controls before and in my judgment would do so again.

So it appears to me that we are left with the present programs mandated by Congress in the Food and Agriculture Act of 1965 . . . and the question of whether we can make them work. The Congress has given us four years to do this. We owe it to the Congress and the program to give it a full, fair test, adjusting and improving as we go along.

After all, the first year of our *New Era Programs* set new records for farm income when both gross farm income and net per farm income reached all time highs.

This means we shouldn't hit the panic button every time the market price varies with the weather. We shouldn't write off a program that gave us a bumper income year just because prices are down a little right now. Let's withhold judgment. Let's wait to see if the good in the system outweighs the bad in the next four years.

I'm confident it will. I'm heartened by the progress we've made so far. I believe we can continue that progress—*if* we have confidence and determination, *if* we are courageous and prudent, *if* we do our job as well in the future as we have in the past, and *if*—as the youngsters say—we all keep our cool.

Thank you and good night.

A RECORD OF ACCOMPLISHMENT

(Address by R. B. Tootell, Governor, Farm Credit Administration)

Secretary Freeman, Dr. Harris, distinguished guests and my fellow Farm Creditors. I feel very privileged to have a part in this national observance, commemorating the 50th anniversary of the founding of the Federal land banks and what developed into the present complete Farm Credit system. This has special significance for me because almost precisely 33 years ago I started work for the Federal Land Bank of Spokane.

My assignment is to make a few remarks about the record of accomplishment of the land banks. I shall not just extol their success as business institutions, but rather emphasize their record of service to America's farmers, providers of plenty.

SPECIALIZED CREDIT FOR FARMERS

We are meeting here tonight because of the vision and persistence of certain farm leaders soon after the turn of this century. These men were aware of the growing need for credit in agriculture as the frontier disappeared, land prices rose, tenancy increased, and new items of farm equipment became available. For the most part, farmers had access only to credit institutions designed primarily to serve commerce and industry. In tight money periods, shortage of credit in rural areas was particularly acute. The greatest need at the time was for dependable long-term farm mortgage credit on reasonable terms. The typical farm mortgage for that period carried an interest rate of 8 or 10 percent. It was written for 5 years and, if renewed, usually called for a 5 percent commission.

The persisitence of these farm leaders paid off when in July 1916, Congress passed the Federal Farm Loan Act creating the 12 Federal land banks. Since making their first loan in April 1917, the land banks have made 2 million loans totaling $14 billion. Today the 12 banks have nearly 400,000 loans outstanding for an amount exceeding $5 billion. This is approximately 20 percent of all the farm mortgage business outstanding in the United States.

The Federal land banks served as a pattern for other parts of the cooperative Farm Credit system that Congress created later in response to the special needs of the times. Following the sharp agricultural depression of 1920–21, the 12 Federal intermediate credit banks were created to serve as banks of discount for agricultural credit corporations and certain other agricultural lenders. During the Great Depression the Congress in 1933 made provision for the production credit associations and for the 13 banks for cooperatives, as well as a new supervising agency, the Farm Credit Administration. This rounded out the system designed to render a complete, specialized lending service for United States farmers and their cooperatives.

Although the government initially capitalized these lending institutions, the Congress wisely provided that as farmers borrowed from them, they would invest in them and that the government capital would be retired. The Federal land banks have been completely farmer owned for 20 years. Other parts of the system are largely farmer owned as evidenced by the fact that less than 10 percent of the $1.8 billion net worth of the system is now represented by government capital. The system is highly decentralized with control largely with farmer elected boards of directors at the association and district bank level.

Loan funds for the Farm Credit banks come from sale of their own bonds to the investing public rather than from appropriations from Congress. Independent access to the money market is a basic strength of the system, and is the only way it can equate loan funds with the sound business needs of farmers.

Although the Congress created these banks and associations in times of emergency, it did not create them as emergency or gap-filling institutions. Rather it established them as permanent cooperative institutions—a part of the competitive, free enterprise system. They are comparable to farm supply cooperatives that make available necessary production inputs.

FIFTY YEARS OF ACCOMPLISHMENT

The greatest lasting contribution of the land banks, I am convinced, is the establishment of a mechanism by which farmers from all parts of the United States pool their collateral and market it efficiently. The land banks thus established a means for overcoming the traditional acute credit shortage in rural areas. Dependable credit for sound farm business undertakings became available for the first time.

The most spectacular service of the land banks was their refinancing of farm mortgages during the Great Depression, when tax delinquencies and farm foreclosures were rampant. In the three most active years of this program, 1933–36, the land banks received applications on nearly one-half of all the mortgaged farms in the United States. They made 760,000 loans totaling about $2 billion.

Innovations have been many. Pioneering of the long-term, amortized real estate loan and enlightened loan servicing policies have been some of the other outstanding contributions. Other successful lenders have adopted these innovations.

The Federal land banks and their sister institutions have made direct contributions by successfully lending farmers and their cooperatives nearly $87 billion in the last 50 years. I am convinced, however, that their indirect contributions have been even greater. Nearly every farmer in the country who has used credit since 1917 has benefitted by the presence of these specialized agricultural lending institutions that have a significant effect upon loan terms. The end result has been dependable credit suited to the needs of farmers. This has enabled the timely adoption of technical advances that made our farmers providers of plenty, and a real boon to consumers here and in foreign lands.

The availablity of dependable credit, suited to the needs of farmers, has been a very important factor in keeping control of farming in the hands of independent farmers. Only 17 percent of our farms today are tenant operated; and approximately 95 percent are still family farms in which the family has a substantial investment, makes the management decisions, and performs most of the labor.

I consider their part in keeping control of farming with independent farm families the outstanding accomplishment of the Federal land banks over the past 50 years. It is, in my judgment, their greatest challenge for the next 50 years.

CENTENNIAL OF CANADIAN CONFEDERATION

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. MCCORMACK] 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 Arkansas?

There was no objection.

Mr. MCCORMACK. Mr. Speaker, I include in my remarks a letter received from the Honorable Lucien Lamoureux, Speaker of the House of Commons, Chamber of Deputies, Ottawa, Ontario, Canada:

HOUSE OF COMMONS,
CHAMBRE DES COMMUNES, CANADA,
Ottawa, March 28, 1967.

Hon. JOHN W. MCCORMACK,
Speaker of the House of Representatives, Washington, D.C.

MY DEAR MR. SPEAKER: On March 22nd, just prior to our Easter adjournment, I had the great pleasure of informing my colleagues in the Canadian House of Commons of the unanimous adoption by the United States Congress of a Concurrent Resolution, extending congratulations on the occasion of the Centennial of Canadian Confederation. This thoughtful gesture, so characteristic of our good neighbor and closest friend, was received with warmth and gratitude by all Members of the House of Commons who have asked me, on their behalf, to write to you and, through your good offices, to express our deepest appreciation to all Members of the United States House of Representatives.

Also very much appreciated by our Members were the generous remarks made by our good friend, Congressman Neil Gallagher, in introducing the Resolution. His long association with the Canada-United States Interparliamentary Group has gained him the affection of the many Canadians who have had the privilege of meeting him and working with him during our annual visits. On the eve of the Tenth Meeting of the Canada-United States Interparliamentary Group, we are looking forward with much pleasure to welcoming Congressman Gallagher to Canada once again as a Co-Chairman of our sessions and expressing our thanks to him in person.

I am, my dear Mr. Speaker,

Sincerely yours,

LUCIEN LAMOUREUX.

THE 100TH ANNIVERSARY OF PARISH OF ST. MICHAEL'S, JERSEY CITY

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. DANIELS] may ex-

tend 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 Arkansas?

There was no objection.

Mr. DANIELS. Mr. Speaker, last Sunday I had the high honor and great personal pleasure to be in attendance at ceremonies commemorating the 100th anniversary of the Parish of St. Michael's in downtown Jersey City. A large crowd turned out for this festive occasion, consisting both of present members of the congregation and those who have physically left that part of Jersey City, known as "horseshoe" but who can never forget their childhood days in that wonderful old neighborhood.

One hundred years ago, Rev. Januarias DeConcilio, a curate at St. Mary's Church, was assigned as the first pastor of St. Michael's Church. Father—later Monsignor—DeConcilio was a native of Naples who had arrived on these shores in the year 1860 as a newly ordained priest. Prior to his service at St. Mary's, Jersey City, he was assigned as a curate in the city of Hoboken.

Monsignor DeConcilio died on March 22, 1898, and was succeeded by Rt. Rev. Msgr. John A. Sheppard, who served St. Michael's with great distinction until 1925. His pastorate was a time of great growth for St. Michael's—both in things temporal as well as spiritual. Physically a giant among men, Monsignor Sheppard warred upon intemperance among his flock and he was instrumental in forming the Newark Diocesan Union of Holy Name Societies and the Diocesan Council of Catholic Women. His death on January 18, 1925, in the 27th year of pastorate, was mourned by all with whom he came in contact during his long career in God's service.

Monsignor Sheppard was succeeded by the beloved Father Michael P. Corcoran, a kindly man whose memory is forever enshrined in the hearts and minds of a generation of students at St. Michael's School, who attended the parish school during his pastorate. His interest in education spurred him to found St. Michael's High School in 1925. Despite the fact that his pastorate spanned only 4 short years, few spiritual leaders made such an indelible impression upon their congregation and the legacy he left to his flock will always be a part of St. Michael's and the community.

Father Corcoran was succeeded by Rev. Dr. William A. Griffin, a distinguished scholar and professor of philosophy at Seton Hall University, and it was under his leadership that the schoolchildren of St. Michael's participated in the Dialogue Mass, some three decades before Vatican II.

Monsignor Griffin left St. Michael's to assume the faculty of the Immaculate Conception Seminary and was raised by Pope Pius XI to the title of Bishop of Auxiliary Bishop of the Newark Diocese and in May 1938 he left St. Michael's Parish.

Bishop Griffin's successor as pastor, was an old friend of St. Michael's, Father LeRoy McWilliams, who had already served the parish previously for two decades as a curate and for many years as principal of St. Michael's High School. A patron of education, he revitalized the parish schools and it was through his efforts with the cooperation of Mayor John V. Kenny, a lifelong parishioner of St. Michael's that the parish obtained a building on Bright and Florence Streets in Jersey City for a new gymnasium. At this time, the State board of education was threatening to refuse accreditation for the school unless gym facilities were provided. The timely intercession of Mayor Kenny made a site available and Father McWilliams was able to save the accreditation of St. Michael's.

In 1962, the people of St. Michael's were saddened to learn that after 44 years at the historic old parish, Father McWilliams had been transferred to a suburban pastorate, Our Lady Queen of Peace in North Arlington.

In June 1962, Father James Carey, a native of Newark, became the sixth pastor of St. Michael's and he has lived up to the fine old tradition established a century ago by Monsignor DeConcilio. He has been a faithful shepherd to his flock which now consists of persons whose ancestors came from many lands. He has labored mightily in the service of the large Spanish-speaking segment of his pastorate and the Intercultural Center he has set up at Ninth and Erie Streets has been well received by the Spanish descended members of his congregation.

Mr. Speaker, I would like to include at this point in the RECORD a tribute which was given to Father Carey in the April 7, 1967, edition of the Jersey Journal, a leading newspaper in northern New Jersey. The article follows:

As St. Michael's parish begins its second century of service to God and the community, it is only fitting that we ask God's blessing upon all who labor at St. Michael's for the greater glory of God.

UNITED STATES NEEDS PROGRAM TO EXTEND BORDERS INTO THE SEA

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. KARTH] may extend his remarks as this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. KARTH. Mr. Speaker, I read with interest comments made by my colleague, the Honorable PAUL ROGERS of Florida, calling for a national policy that would extend our national borders to the sea.

The occasion for Mr. ROGERS' remarks came at the launching of the U.S. Coast and Geodetic Survey ship *Oceanographer* on a world cruise. The cruise is intended to extend our knowledge of the seas of the world and bring back to us information that will better enable the United States to explore and exploit the riches of the deep.

Mr. ROGERS points out that at the same time we should formulate a national program to insure that the lands we develop under the seas in the future will be sovereign soil for the United States.

At this time I would like to include in the RECORD a copy of Mr. ROGERS' speech and a list of those who participated in the ceremony. Mr. ROGERS' speech follows:

ADDRESS BY CONGRESSMAN PAUL ROGERS AT THE SAILING OF THE RESEARCH VESSEL OCEANOGRAPHER, JACKSONVILLE, FLA., MARCH 31, 1967

Thank you. It is indeed an honor and a privilege to be here for this historic occasion.

I cannot help but think of the many parallels that this voyage has with other historic voyages down through the ages, those of men like Columbus, DeGama, Cabot, Balboa, Drake, Hudson, and Cook.

Each went down to the sea in ships. Some knew where they were going, some didn't. Some knew where they were when they got there and some didn't.

They were guided by the stars, by crude compasses and by intuition. Those were primitive times. Men had to be charged with adventure and devotion to dare tempt the fates in uncharted waters.

Indeed, Columbus thought the world round. But there is evidence that not all of his crew shared this feeling.

Even after his voyage this concept was not universally shared.

But then came a man named Magellan. He set out in 1519 and circumvented the earth in three years. We cannot fully realize the impact of this event now, when men can circle the earth faster than the speed of sound in a matter of hours, hundreds of miles above the surface of the earth.

We can only judge in part of the hardships of such a trip by the fact that Magellan lost his life, two of his three ships and all but 18 men on the Victoria, the only ship to survive the journey.

When the Oceanographer sails today, she is scheduled for a journey that will touch 11 nations and six of the seven continents. She carries aboard her the most sophisticated equipment available. She is the largest, most modern, and the most completely automated research ship built in the United States. Florida takes particular pride in the Oceanographer, as a Florida built ship. (Jacksonville Shipyards, Inc.)

But hers will not be a trip of survival. Hers is dedicated to the gathering of knowledge which will enable man to better understand the world around him and the world below him.

This information gleaned from the seas, from the earth under the seas, and from the atmosphere will be recorded automatically in most cases by a computer that monitors the ship's operations and at the same time, has a capacity to give forth 100,000 arithmetic calculations per second and store 16,384 function memory cores.

The ship's equipment also includes a newly developed marine type automatic picture transmission which enables the ship to receive signals direct from ESSA satellites as they pass overhead. This also reproduces a weather picture of the local areas as seen by the satellite.

This hookup between the Oceanographer and the satellite may well represent one of the milestones of the voyage. Using conventional methods now available, a ship far from land can be five to ten miles from its charted coordinates.

Using the satellite system, the margin of error can be cut to within hundreds of yards. Possibly within 100 yards.

The use this can play in the future of oceanography is exciting.

We are just beginnnig to map effectively, the bottom of the oceans. There exist, how-

ever, no accurate charts for more than 95 percent of the oceans.

But think for a second what the mapping of the oceanbottom will mean when men start placing oil wells out of sight of the mainland and down the slope of the continental shelf. The oil companies of the world are scrambling now to establish rights to rich fields around the world. And we are presently reaping millions of dollars from oil exploration.

We have established law that governs the rights of the state and federal domain. But we do not have the sophiscated maps which will be necessary in the future to stake out a claim where 100 yards could mean the difference between a big oil strike and a barrel of mud.

According to the law of the sea which came out of the Geneva Convention, the seas and subsoil belong to the adjacent nation which can actually occupy and recover the minerals and resources there.

If a nation—as our own—can sink wells, mine ore, or occupy lands 100 miles or more off shore, then that sea belongs to the nation. A positive program and plan must immediately be instituted by this government to extend the borders of this nation—seaward. Occupation of the oceans off our own borders will bring with it knowledge, riches, and development of the vast potentials existing in the oceans.

But we must be able to stake lawful claims. To insure that there will be no piracy because of inaccurate navigational and mapping systems, we must develop to its full potential, an accurate mapping operation of our sea borders. As it is perfected, it should be capable of fixing a precise location on the bottom of the sea from outer space.

Such a system would allow us to map the bottom for explorers and industry as well as we presently map our land by lot, block, and subdivision.

This may sound farfetched. But we all know that as the private sector of our economy discovers the potential of the ocean bottom, there is a greater need to insure industry that their rights will not be infringed upon by underwater pirates.

During her journey, the Oceanographer will have the most accurate readings of her position of any ship ever to circle the globe.

We can forecast that. We cannot, however, forecast the weather for the entire trip. One of the purposes of this trip is to study the effect of temperatures and currents on the inter-action of the sea with the atmosphere.

The results of this phase of the testing will help work we are now doing in a program designed to enable us to implement long-range weather forecasting. When we complete this study—if indeed we arrive at the point where we can discard the old bromide about nobody doing anything about the weather—then we will be able to see ocean voyages planned to escape storms.

And when we reach that day of long-range weather forecasting, we will see scientists accelerate their attack on the very inception of hurricanes, tornadoes, and typhoons. Hurricane damage alone caused annual damage of $140 million to the southern and eastern parts of the nation from 1940 to 1957.

Millions of dollars could be saved each year if farmers knew when best to plant and harvest, if contractors knew when to start projects and if areas like Florida knew what kind of season to expect because of long-range weather reports.

Each of the myriad of purposes that the Oceanographer has been charged with has a definite and relative bearing to the journey that man is taking now beneath the seas.

As she plows through the seas of the world fathering data, she will be amassing facts that one day will make it possible for us to live under the seas for prolonged periods.

These facts will eventually be worked into our plan of effectively using riches of the deep; to help feed the hungry of the world; to ease the population explosion; to understand that part of man's environment that has been lying unknown and untouched beneath the seas for centuries.

To the Captain, officers, and crew of the Oceanographer, a safe voyage and God Speed.

The following is a list of those who took part in the ceremonies launching the *Oceanographer:*

Invocation, Right Reverend Robert Parks.

Introduction of guests, Rear Adm. James C. Tison, Jr., Director, Coast and Geodetic Survey.

Remarks, Martin E. Kirwin, president, Jacksonville Shipyards, Inc.

Governor's proclamation, Hon. John J. Perry, Jr., chairman, Governor's Advisory Council on Marine Science and Technology.

President's message, Dr. J. Herbert Holloman, Acting Under Secretary of Commerce.

Principal address, Hon. PAUL G. ROGERS.

Remarks by commanding officer, Capt. A. Wardwell.

Remarks by expedition director, H. Arnold Karo, Vice Admiral, USESSA (Ret.).

Benediction, Right Reverend Robert Parks.

LIBERALIZING THE FEDERAL CREDIT FOR STATE DEATH TAXES

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. FOUNTAIN] 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 Arkansas?

There was no objection.

Mr. FOUNTAIN. Mr. Speaker, I have today introduced a bill—H.R. 8329—designed to increase State revenues and to improve Federal-State coordination in the inheritance and estate tax field so as to ease the burden of compliance for the taxpayer.

My bill would amend the Internal Revenue Code to provide an increase in the amount of credit against the Federal estate tax for estate taxes paid to States. The present credit provision was enacted by the Congress 41 years ago to safeguard the States' share of these revenues and to facilitate interstate tax uniformity. These objectives, however, have not been achieved. The inheritance and estate tax area is now characterized by tax overlapping and complexity, by a heavy compliance burden in time and money for the taxpayer, and by relatively high administrative costs. My bill would increase and stabilize State collections from this source and, at the same time, improve Federal-State coordination of taxation in this field.

The States would ultimately gain about $800 million a year from this legislation. North Carolina's share of the increased revenue, for example, would approximate $20 million annually.

My bill would also reduce the incredible variety of provisions in present State laws so troublesome to people with properties in more than one State and to tax attorneys, thereby easing the existing compliance burdens.

In order to give all States an equal start, the bill further provides that the date of the new tax credit would take effect in 3 years to allow for the enactment of the necessary State legislation.

Mr. Speaker, in these days when the Congress and the Nation are becoming increasingly aware of the growing revenue needs of our State and local governments, I think it most appropriate that we start by allowing the States a more equitable share of Federal estate tax collections—as was originally intended when the Federal Government entered this tax field. I hope that the Congress will give early consideration to this bill which is so important both to the States and to the unfortunate taxpayer who becomes the victim of the red-tape that now characterizes our death tax laws.

STOKELY CARMICHAEL

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Alabama [Mr. NICHOLS] is recognized for 5 minutes.

Mr. NICHOLS. Mr. Speaker, I feel very strongly that the Members of Congress and, in fact, this whole country should know what is going on on the college campuses of my State and other States. I have here an Associated Press story of a speech made in Birmingham by black power advocate Stokely Carmichael. Carmichael no longer goes under the guise of civil rights, but openly advocates the overthrow of the U.S. Government. What is civil about statements like "To hell with the laws of the United States," and "We're going to tear the cities up?"

My colleagues from Tennessee should be well aware of what speakers like Stokely Carmichael can do to promote violence. Students rioted in Nashville after two of Carmichael's lieutenants stirred them up with a speech similar to this one. The Tennessee Legislature has even passed a resolution calling for the deportation of Carmichael back to his native Trinidad.

Mr. Speaker, Alabamians have long known that people such as Carmichael were using the civil rights movement as a front for subversive activities, but until recently they remained behind the scenes. Now, they have come out into the open, and responsible Negro leaders no longer associate with them. Young Negro men of my State and other States are dying in Vietnam, yet many of the so called civil rights leaders play footsie with the Vietcong, and call for Negroes to refuse to serve in the Armed Forces.

It is time the people of this country woke up to what Stokely Carmichael and others in his movement are dedicated to. They are not dedicated to Americanism, Mr. Speaker, but rather seek to destroy the very freedoms they so loudly demand.

Mr. Speaker, I ask unanimous consent that this news story be inserted in the RECORD.

"TO HELL WITH U.S. LAWS": STOKELY CARMICHAEL

BIRMINGHAM—Stokely Carmichael said Tuesday that Negroes are not bound to obey laws legislated by white people.

"To hell with the laws of the United States," he shouted during a talk at Miles College.

The leader of the Student Non-violent Coordinating Committee called for removal of the school's predominantly white faculty.

"You are a bunch of parrots, saying back what it said to you in classes," he told the students.

"You don't even question why there aren't books about black people in your libraries . . . you can't read books about black men because Miles College is dominated by white people."

Carmichael criticized the students for not taking part in racial demonstrations.

"If you don't wake up, man, your brothers in the gettos are going to wake up with matches," he said.

A student asked what should be done when Negroes are mistreated.

"If a white man tries to walk over you, kill him," Carmichael answered. "One match and you can retaliate. Burn, baby, burn."

Carmichael said that as long as there is no peace for Negroes SNCC will advocate peace for no one. "We're going to tear the cities up," he said.

He said racism exists in this country because of power. Referring to Gov. Lurleen Wallace and former Birmingham Police Commissioner Eugene (Bull) Connor, Carmichael said:

"If you think Lurleen is sitting up there where she is because she has love for you, you're crazy.

"If you think Bull Connor turned water hoses on you because he loves you, you're crazy.

"The hunkies (whites) do it to you because they have power," he said. "We must develop power. That is, black power."

Carmichael mentioned that two Negro churches burned recently in Lowndes County.

"And one white church burned to the ground," he said. "Now, we're all going to have churches or there will be no churches at all."

It was in Lowndes that Carmichael organized the Black Panther Party last year.

Carmichael was invited to speak at Miles by the sophomore class.

He told the students it appeared that only freshmen and sophomores were concerned for freedom for Negroes. Juniors and seniors, he said, are thinking only of graduating.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GARMATZ (at the request of Mr. ALBERT), for today, on account of official business.

Mr. GUDE (at the request of Mr. GERALD R. FORD), on account of illness.

Mrs. MAY (at the request of Mr. GERALD R. FORD), for April 11, 1967, on account of illness.

Mr. ST. ONGE (at the request of Mr. ADDABBO), for an indefinite period on account of illness.

Mr. HÉBERT, for an indefinite period, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. HECHLER of West Virginia, for 30 minutes, on April 13.

(The following Members (at the request of Mr. WILLIAMS of Pennsylvania) to revise and extend their remarks and to include extraneous matter:)

Mr. BROWN of Ohio, for 20 minutes, today.

Mr. GOODELL, for 1 hour, today.

Mr. RAILSBACK, for 45 minutes, on April 17.

Mr. CAHILL, for 30 minutes, on April 12.

Mr. EDWARDS of Alabama, for 30 minutes, today.

Mr. CURTIS, for 1 hour, on April 13.

Mr. NICHOLS (at the request of Mr. PRYOR), for 5 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. WOLFF (at the request of Mr. PRYOR), 5 minutes, on April 12; 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. HORTON and to include extraneous matter.

(The following Members (at the request of Mr. WILLIAMS of Pennsylvania) and to include extraneous matter:)

Mr. FINO.

Mr. FULTON of Pennsylvania.

Mr. REINECKE.

Mr. COLLIER.

(The following Members (at the request of Mr. PRYOR) and to include extraneous matter:)

Mr. TENZER.

Mr. KEE in two instances.

Mr. MURPHY of New York.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 65. Joint resolution to extend the period for making no change of conditions under section 10 of the Railway Labor Act applicable in the current dispute between the railroad carriers represented by the National Railway Labor Conference and certain of their employees.

BILL PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on April 10, 1967 present to the President, for his approval, a bill of the House of the following title:

H.R. 2536. An act to terminate the Indian Claims Commission, and for other purposes.

ADJOURNMENT

Mr. PRYOR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 9 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 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:

629. A letter from the Comptroller General of the United States, transmitting a report of review of excess military assistance ammunition and weapons in Turkey, Department of Defense, Department of State, to the Committee on Government Operations.

630. A communication from the President of the United States, transmitting amendments to the budget for the District of Columbia for the fiscal year 1968 (H. Doc. No. 105); to the Committee on Appropriations and ordered to be printed.

631. A letter from the Secretary of Defense, transmitting the annual report of the Office of Civil Defense for fiscal year 1966, pursuant to the provisions of section 406 of the Federal Civil Defense Act of 1950; to the Committee on Armed Services.

632. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting a report on Department of Defense procurement from small and other business for July 1966–February 1967, pursuant to the provisions of section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

633. A letter from the Acting Secretary of State, transmitting a draft of proposed legislation to amend the District of Columbia Unemployment Compensation Act, as amended; to the Committee on the District of Columbia.

634. A letter from the Acting Secretary of State, transmitting the annual report on the activities of the Center for Cultural and Technical Interchange Between East and West, covering the period July 1, 1965 through June 30, 1966, pursuant to the provisions of Public Law 86–472; to the Committee on Foreign Affairs.

635. A letter from the Comptroller General of the United States, transmitting a report on audits of Government Services, Inc., and of its employee retirement and benefit trust fund and supplemental pension plan, year ended December 31, 1966; to the Committee on Government Operations.

636. A letter from the Comptroller General of the United States, transmitting a report of review of availability of selected stocks of the U.S. Army in Europe for requirements of other commands, Department of the Army; to the Committee on Government Operations.

637. A letter from the Executive Director, Federal Communications Commission, transmitting a report on backlog of pending applications and hearing cases as of February 28, 1967, pursuant to the provisions of section 5(e) of the Communications Act as amended by Public Law 82–554; to the Committee on Interstate and Foreign Commerce.

638. A letter from the Chairman, Federal Power Commission, transmitting a draft of proposed legislation to amend section 14 of the Natural Gas Act; to the Committee on Interstate and Foreign Commerce.

639. A letter from the Chairman, Federal Power Commission, transmitting a draft of proposed legislation to amend the Natural Gas Act to require a certificate of public convenience and necessity for the acquisition of a controlling interest, through the ownership of securities or in any other manner, of any person engaged in the transportation of natural gas, and for other purposes; to the Committee on Interstate and Foreign Commerce.

640. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to repeal the provisions of section 41 of the act of March 2, 1917, as amended, relating to the U.S. District Court for the District of Puerto Rico; to the Committee on the Judiciary.

641. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend, consolidate, and clarify certain criminal contempt statutes; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. House Joint Resolution 493. Joint resolution to extend the period for making no change of conditions under section 10 of the Railway Labor Act applicable in the current dispute between the railroad carriers represented by the National Railway Labor Conference and certain of their employees (Rept. No. 182). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 6424. A bill to establish the John Fitzgerald Kennedy National Historic Site in the Commonwealth of Massachusetts; with amendment (Rept. No. 183). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 6629. A bill to provide for the distribution of judgment funds among members of the Confederated Bands of the Ute Indian tribes (Rept. No. 184). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 7345. A bill to provide for the disposition of a judgment against the United States recovered by the Confederated Salish and Kootenai tribes of Indians of the Flathead Reservation in Montana (Rept. No. 185). Referred to the Committee of the Whole House on the State of the Union.

Mr. SISK: Committee on Rules. House Resolution 426. Resolution providing for the consideration of H.R. 743, a bill to amend the act of September 26, 1950, authorizing the Sacramento Valley irrigation canals, Central Valley project, California, in order to increase the capacity of certain project features for future irrigation of additional lands (Rept. No. 186). Referred to the House Calendar.

Mr. PHILBIN: Committee on Armed Services. H.R. 5786. A bill to authorize the disposal of nickel from the national stockpile (Rept. No. 187). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 7819. A bill to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing assistance for comprehensive educational planning, and by improving programs of education for the handicapped; to improve authority for assistance to schools in federally impacted areas and areas suffering a major disaster; and for other purposes; with amendment (Rept. No. 188). 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. HERLONG:

H.R. 8320. A bill to amend the Railway Labor Act, as amended, so as to prevent interference with essential transportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHLEY (by request):

H.R. 8321. A bill to reclassify certain positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ASPINALL:

H.R. 8322. A bill to provide for improved employee-management relations in the Federal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BERRY:

H.R. 8323. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. BLATNIK:

H.R. 8324. A bill to provide an improved charter for Economic Opportunity Act programs, to authorize funds for their continued operation, to expand summer camp opportunities for disadvantaged children, and for other purposes; to the Committee on Education and Labor.

By Mr. BROWN of California:

H.R. 8325. A bill to amend the act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; to the Committee on Interstate and Foreign Commerce.

H.R. 8326. A bill to amend title 38 of the United States Code in order to promote the care and treatment of veterans in State veterans' homes; to the Committee on Veterans' Affairs.

By Mr. COLLIER:

H.R. 8327. A bill to establish a National Council for the Handicapped, and to declare a national policy for the adjustment, education, rehabilitation, and employment of the handicapped, with emphasis upon development of the handicapped in a manner calculated to enable them to take their rightful place in society, and for other purposes; to the Committee on Education and Labor.

By Mr. FLOOD:

H.R. 8328. A bill to amend title II of the Social Security Act to provide disability insurance benefits thereunder for any individual who is blind and has at least six quarters of coverage, and for other purposes; to the Committee on Ways and Means.

By Mr. FOUNTAIN:

H.R. 8329. A bill to amend the Internal Revenue Code of 1954 to provide an increase in the amount for which a credit may be allowed against the Federal estate tax for estate taxes paid to States; to the Committee on Ways and Means.

By Mr. FUQUA:

H.R. 8330. A bill to amend the Internal Revenue Code of 1954 to provide an additional personal exemption for a taxpayer, spouse, or dependent who is a student; to the Committee on Ways and Means.

By Mr. GILBERT:

H.R. 8331. A bill to amend the tariff schedules of the United States with respect to the rate of duty on furniture parts made of nonmalleable cast iron; to the Committee on Ways and Means.

By Mr. GROVER:

H.R. 8332. A bill to prohibit desecration of the flag; to the Committee on the Judiciary.

By Mr. LANDRUM:

H.R. 8333. A bill to amend the Internal Revenue Code of 1954 with respect to the estate and gift tax treatment of employees' survivors annuities under State and local retirement systems; to the Committee on Ways and Means.

By Mr. McFALL:

H.R. 8334. A bill to provide an improved charter for Economic Opportunity Act programs, to authorize funds for their continued operation, to expand summer camp opportunities for disadvantaged children, and for other purposes; to the Committee on Education and Labor.

H.R. 8335. A bill to amend title II of the Social Security Act to provide disability insurance benefits thereunder for any individual who is blind and has at least six quarters of coverage, and for other purposes; to the Committee on Ways and Means.

H.R. 8336. A bill to allow credit or refund of gift tax erroneously paid by reason of treating nontaxable divisions of community property as gifts; to the Committee on Ways and Means.

By Mr. MADDEN:

H.R. 8337. A bill to reclassify certain positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MAHON:

H.R. 8338. A bill to create a new division for the western district of Texas, and for other purposes; to the Committee on the Judiciary.

By Mr. MORTON:

H.R. 8339. A bill to establish and develop the Chesapeake & Ohio Canal National Historical Park, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 8340. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. MURPHY of Illinois:

H.R. 8341. A bill to amend title II of the Social Security Act to permit States under Federal-State agreements, to provide for coverage for hospital insurance benefits for the aged for certain State and local employees whose services are not otherwise covered by the insurance system established by such title; to the Committee on Ways and Means.

By Mr. NELSEN:

H.R. 8342. A bill to provide appropriations for sharing of Federal taxes with States out of funds derived from a cutback in projected new expansion of grant-in-aid programs and as a substitute for portions of existing grant-in-aid expenditures and to amend the Internal Revenue Code of 1954 to permit individuals to claim a credit against Federal income tax; to the Committee on Ways and Means.

By Mr. NIX:

H.R. 8343. A bill to promote private U.S. participation in international organizations and movements, to provide for the establishment of an Institute of International Affairs, and for other purposes; to the Committee on Foreign Affairs.

By Mr. OTTINGER:

H.R. 8344. A bill to reclassify certain positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 8345. A bill to amend title II of the Social Security Act to provide disability insurance benefits thereunder for any individual who is blind and has at least six quarters of coverage, and for other purposes; to the Committee on Ways and Means.

By Mr. PRICE of Texas:

H.R. 8346. A bill to amend the Public Health Service Act to provide for the establishment of a National Eye Institute in the National Institutes of Health; to the Committee on Interstate and Foreign Commerce.

By Mr. REID of New York:

H.R. 8347. A bill to amend the Older Americans Act of 1965 so as to extend its provisions; to the Committee on Education and Labor.

By Mr. REUSS:

H.R. 8348. A bill to amend the act of October 4, 1961, relating to the acquisition of wetlands for conservation of migratory waterfowl, to extend for an additional 8

years the period during which funds may be appropriated under that act, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. RODINO:

H.R. 8349. A bill to amend the Older Americans Act of 1965 so as to extend its provisions; to the Committee on Education and Labor.

By Mr. THOMPSON of Georgia:

H.R. 8350. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. ULLMAN:

H.R. 8351. A bill to amend the Internal Revenue Code of 1954 to provide an increase in the amount for which a credit may be allowed against the Federal estate tax for estate taxes paid to States; to the Committee on Ways and Means.

By Mr. WAGGONNER:

H.R. 8352. A bill to regulate imports of milk and dairy products and for other purposes; to the Committee on Ways and Means.

By Mr. CHARLES H. WILSON:

H.R. 8353. A bill to amend section 8(b)(4) of the National Labor Relations Act, as amended, with respect to strikes at the sites of construction projects; to the Committee on Education and Labor.

By Mr. WINN:

H.R. 8354. A bill to amend title I of the Housing Act of 1949 to provide that the special rule for determining the acquisition price of property damaged by the subsidence of coal mines shall extend also to property damaged by subsidence of other mines; to the Committee on Banking and Currency.

By Mr. BELCHER:

H.R. 8355. A bill to name the authorized lock and dam No. 18 of the Verdigris River in Oklahoma and the lake created thereby for Newt Graham; to the Committee on Public Works.

By Mr. BINGHAM:

H.R. 8356. A bill to amend section 702 of the Housing and Urban Development Act of 1965 to permit grants after construction is commenced for basic water and sewer facilities which qualify for such grants but cannot receive them prior to construction because of the unavailability of funds; to the Committee on Banking and Currency.

H.R. 8357. A bill to amend the Housing and Urban Development Act of 1965 to increase from $200 million to $500 million the amount of the annual appropriations authorized thereunder for grants for basic water and sewer facilities; to the Committee on Banking and Currency.

H.R. 8358. A bill to reduce crime and improve criminal procedures in the District of Columbia; to the Committee on the District of Columbia.

By Mr. BYRNES of Wisconsin:

H.R. 8359. A bill to extend the period for filing certain manufacturers' claims for floor stocks refunds under section 209(b) of the Excise Tax Reduction Act of 1965; to the Committee on Ways and Means.

By Mr. COHELAN:

H.R. 8360. A bill to amend the Older Americans Act of 1965 so as to extend its provisions; to the Committee on Education and Labor.

By Mr. DONOHUE:

H.R. 8361. A bill to provide for the orderly marketing of articles imported into the United States, to establish a flexible basis for the adjustment by the U.S. economy to expanded trade, and to afford foreign supplying nations a fair share of the growth or change in the U.S. market; to the Committee on Ways and Means.

H.R. 8362. A bill to amend title V of the Social Security Act so as to extend and improve the Federal-State program of child welfare services; to the Committee on Ways and Means.

By Mr. FALLON:

H.R. 8363. A bill authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and other purposes; to the Committee on Public Works.

By Mr. WILLIAM D. FORD:

H.R. 8364. A bill to amend the joint resolution of March 24, 1937, to provide for the termination of the interest of the United States in certain real property in Allen Park, Mich.; to the Committee on Veterans' Affairs.

By Mr. HUNT:

H.R. 8365. A bill to amend the Agricultural Marketing Agreement Act of 1937; to the Committee on Agriculture.

H.R. 8366. A bill to give the President authority to alleviate or to remove the threat to navigation, safety, marine resources, or the coastal economy posed by certain releases of fluids or other substances carried in oceangoing vessels; to the Committee on Merchant Marine and Fisheries.

H.R. 8367. A bill to amend title 38 of the United States Code to increase to $30,000 the maximum servicemen's group life insurance which may be provided members of the uniformed services on active duty, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KUPFERMAN:

H.R. 8368. A bill to give the President authority to alleviate or to remove the threat to navigation, safety, marine resources, or the coastal economy posed by certain releases of fluids or other substances carried in oceangoing vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. MACHEN:

H.R. 8369. A bill to encourage exportation of agricultural commodities; to the Committee on Agriculture.

H.R. 8370. A bill to amend section 341 of the Immigration and Nationality Act to require the Attorney General to furnish a certificate of citizenship to a person holding certification of birth issued by the Secretary of State; to the Committee on the Judiciary.

H.R. 8371. A bill to amend the Civil Service Act of January 16, 1883, to eliminate the provisions of section 9 thereof concerning two or more members of a family in the competitive civil service; to the Committee on Post Office and Civil Service.

By Mr. MEEDS:

H.R. 8372. A bill to authorize the States of North Dakota, South Dakota, Montana, and Washington to use the income from certain lands for the construction of facilities for State charitable, education, penal and reformatory institutions; to the Committee on Interior and Insular Affairs.

By Mr. RARICK:

H.R. 8373. A bill to repeal the Civil Rights Act of 1964; to the Committee on the Judiciary.

H.R. 8374. A bill to repeal the Voting Rights Act of 1965; to the Committee on the Judiciary.

By Mr. RIVERS:

H.R. 8375. A bill to amend title 37, United States Code, to authorize a dislocation allowance under certain circumstances, certain reimbursements, transportation for dependents, and travel and transportation allowances under certain circumstances, and for other purposes; to the Committee on Armed Services.

By Mr. TENZER:

H.R. 8376. A bill to provide that the U.S. District Court for the Eastern District of New York shall be held at Brooklyn, N.Y., and Mineola, N.Y.; to the Committee on the Judiciary.

By Mr. WALKER:

H.R. 8377. A bill to declare and determine the policy by the Congress with respect to the primary authority of the several States to control, regulate, and manage fish and wildlife within their territorial boundaries; to confirm to the several States such primary authority and responsibility; to relinquish, disavow and disclaim any power of the United States with respect to the management, regulation, and control of fish and wildlife on lands owned by the United States and specifying the exceptions applicable thereto; to the Committee on Merchant Marine and Fisheries.

By Mr. WHITTEN:

H.R. 8378. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. WOLFF:

H.R. 8379. A bill to amend section 112 of title 28, United States Code, relating to the U.S. District Court for the Eastern District of New York; to the Committee on the Judiciary.

By Mr. CRAMER:

H.R. 8380. A bill to amend section 11 of the Federal Water Pollution Control Act relating to abatement of pollution from Federal installations; to the Committee on Public Works.

By Mrs. DWYER:

H.R. 8381. A bill to prohibit nepotism in employment in the legislative branch of the U.S. Government; to the Committee on House Administration.

By Mr. HAWKINS:

H.R. 8382. A bill to amend the Vocational Education Act of 1963; to the Committee on Education and Labor.

By Mr. HECHLER of West Virginia:

H.R. 8383. A bill to amend section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended, to authorize the Secretary of Agriculture to furnish financial assistance in carrying out plans for works of improvement for land conservation and utilization, and for other purposes; to the Committee on Agriculture.

By Mr. HUNT:

H.R. 8384. A bill to authorize the establishment of the Redwood National Park and Seashore and the King Range National Conservation Area in the State of California, to provide for the acquisition of Point Reyes National Seashore, and to provide economic assistance to local governmental bodies affected thereby; to the Committee on Interior and Insular Affairs.

By Mr. LUKENS:

H.R. 8385. A bill to amend the Internal Revenue Code of 1954 to increase, for 1968 and 1969, the personal income tax exemptions of a taxpayer from $600 to $800, and to provide that for taxable years beginning after 1969 such exemptions shall be $1,000; to the Committee on Ways and Means.

By Mr. MacGREGOR:

H.R. 8386. A bill to improve the statistics of the United States by providing for a census in the years 1968, 1975, and every 10 years thereafter; to the Committee on Post Office and Civil Service.

By Mr. WYATT:

H.R. 8387. A bill to amend the Internal Revenue Code of 1954 to encourage the construction of facilities to control water and air pollution by allowing a 25-percent tax credit or a 36-month amortization deduction (at the option of the taxpayer) for expenditures incurred in such construction, and to allow a 20-percent tax credit for the operating expenses of such facilities in lieu of a portion of the normal business expense deduction; to the Committee on Ways and Means.

By Mr. CUNNINGHAM:

H.R. 8388. A bill to provide assistance to students pursuing programs of higher education in the fields of law enforcement and of correctional treatment of law violators; to the Committee on Education and Labor.

By Mr. CHARLES H. WILSON:

H.R. 8389. A bill relating to taxation by States of the income of Members of Congress, members of their staffs, and certain officers of the United States; to the Committee on the Judiciary.

By Mr. COLLIER:

H.J. Res. 495. Joint resolution to authorize the President to proclaim the second Sunday in September of each year as Bataan Day; to the Committee on the Judiciary.

By Mr. RARICK:

H.J. Res. 496. Joint resolution to prevent the subversion of the United States and the American continents as proposed by the Communist Government of Cuba under Castro, and for other purposes; to the Committee on Foreign Affairs.

By Mr. WIDNALL:

H.J. Res. 497. Joint resolution to authorize and request the President of the United States to issue annually a proclamation designating the fourth full week in May as National Municipal Clerk Week in recognition of the outstanding service performed for the public by the municipal clerks of the United States; to the Committee on the Judiciary.

By Mr. BARRETT:

H.J. Res. 498. Joint resolution to establish a National Advisory Commission on Fire Prevention and Control; to the Committee on Banking and Currency.

By Mr. CUNNINGHAM:

H.J. Res. 499. Joint resolution creating a Joint Committee To Investigate Crime; to the Committee on Rules.

By Mr. PELLY:

H. Con. Res. 308. Concurrent resolution expressing the sense of the Congress with respect to extending the time fixed as the goal for accomplishing a manned flight to the moon and safe return; to the Committee on Science and Astronautics.

By Mr. WILLIS:

H. Con. Res. 309. Concurrent resolution authorizing the printing of additional copies of "World Communist Movement—Selective Chronology 1818–1957 Prepared by the Legislative Reference Service of the Library of Congress—Volume 4, 1954–1955," 89th Congress, first session; to the Committee on House Administration.

H. Con. Res. 310. Concurrent resolution authorizing the printing of additional copies of "Hearings on H.R. 12047, H.R. 14295, H.R. 16175, H.R. 14170, and H.R. 17194—Bills To Make Punishable Assistance to Enemies of the United States in Time of Undeclared War, Parts 1 and 2," 89th Congress, second session; to the Committee on House Administration.

By Mr. FRASER:

H. Res. 424. Resolution to establish a standing committee to be known as the Committee on Standards of Official Conduct, and for other purposes; to the Committee on Rules.

By Mr. RIVERS:

H. Res. 425. Resolution providing for the printing of "Balance of Strategic Weapons" as a House document; to the Committee on House Administration.

By Mr. FRASER:

H. Res. 427. Resolution to establish a Select Committee on Standards and Conduct in the House of Representatives; to the Committee on Rules.

By Mrs. DWYER:

H. Res. 428. Resolution directing the Committee on House Administration to file annually a report of audit of certain expenditures; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

133. By Mrs. HECKLER of Massachusetts: Memorial of the general court of Massachusetts respectfully urging the Congress of the United States to enact legislation increasing the maximum monthly payments to persons under the Federal Social Security Act to $200; to the Committee on Ways and Means.

134. By the SPEAKER: Memorial of the Legislature of the State of Arkansas, relative to permitting a deduction for State income tax paid from the amount of income tax due the Federal Government; to the Committee on Ways and Means.

135. Also, memorial of the Legislature of the State of Idaho, relative to the continuance of the headquarters of the Northern Idaho Indian Agency in the State of Idaho; to the Committee on Interior and Insular Affairs.

136. Also, memorial of the Legislature of the State of Nebraska, relative to the illumination of railroad cars; to the Committee on Interstate and Foreign Commerce.

137. Also, memorial of the Legislature of the State of Nevada, relative to the construction of a multipurpose building for the Stewart Indian School, near Carson City, Nev.; to the Committee on Interior and Insular Affairs.

138. Also, memorial of the Legislature of the State of Washington, relative to the extension of navigation on the Upper Columbia River; to the Committee on Public Works.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 8390. A bill for the relief of Konstantinos Kangles; to the Committee on the Judiciary.

By Mr. BELCHER:

H.R. 8391. A bill for the relief of Adel Lessert Bellmard, Clement Lessert, Josephine Gonvil Pappan, Julie Gonvil Pappan, Pelagie Gonvil Franceour de Aubri, Victore Gonvil Pappan, Marie Gonvil, Lafleche Gonvil, Louis Laventure, Elizabeth Carbonau Vertifelle, Pierre Carbonau, Louis Joncas, Basil Joncas, James Joncas, Elizabeth Datcherute, Joseph Butler, William Rodger, Joseph Cote, four children of Cicili Compare and Joseph James, or the heirs of any who may be deceased; to the Committee on the Judiciary.

By Mr. BELL:

H.R. 8392. A bill for the relief of Chai Chang Kim; to the Committee on the Judiciary.

By Mr. DADDARIO:

H.R. 8393. A bill for the relief of Mrs. Teresa Iesce; to the Committee on the Judiciary.

H.R. 8394. A bill for the relief of Gee Ping Yee; to the Committee on the Judiciary.

By Mr. DENT:

H.R. 8395. A bill for the relief of certain individuals; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 8396. A bill for the relief of Victoria Cohen; to the Committee on the Judiciary.

By Mr. FUQUA:

H.R. 8397. A bill for the relief of Dr. Roberto E. Parajon and Maria C. Florin Parajon, his wife; to the Committee on the Judiciary.

By Mr. HECHLER of West Virginia:

H.R. 8398. A bill for the relief of Dr. Osias M. Villaflor; to the Committee on the Judiciary.

By Mrs. HECKLER of Massachusetts:

H.R. 8399. A bill for the relief of Maria E. Egea and her daughter, Maria T. Egea; to the Committee on the Judiciary.

H.R. 8400. A bill for the relief of Sofia Buitrago; to the Committee on the Judiciary.

By Mr. KAZEN:

H.R. 8401. A bill for the relief of certain individuals employed by the Department of the Air Force at Kelly Air Force Base, Tex.; to the Committee on the Judiciary.

By Mr. KUPFERMAN:

H.R. 8402. A bill for the relief of Araceli F. O'Campo; to the Committee on the Judiciary.

By Mr. KUPFERMAN (by request):

H.R. 8403. A bill for the relief of Mervin H. S. Bennett; to the Committee on the Judiciary.

By Mr. MACGREGOR:

H.R. 8404. A bill to provide for the sale of certain mineral rights to William Sima and Thelma L. Sima, in Minnesota; to the Committee on Interior and Insular Affairs.

By Mr. MACHEN:

H.R. 8405. A bill for the relief of Alice E. Ford; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 8406. A bill for the relief of Jose Oliveira; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 8407. A bill for the relief of Dr. Raquel Maria Cruz-Flores; to the Committee on the Judiciary.

H.R. 8408. A bill for the relief of Dr. Juliet Hananian; to the Committee on the Judiciary.

By Mr. PUCINSKI:

H.R. 8409. A bill for the relief of Dr. Nader Afrooz; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 8410. A bill for the relief of Bernardita Dabuet Bencio; to the Committee on the Judiciary.

H.R. 8411. A bill for the relief of Mrs. Jeoung Sook Choe; to the Committee on the Judiciary.

H.R. 8412. A bill for the relief of Athanassios Djoganopoulos; to the Committee on the Judiciary.

By Mr. VAN DEERLIN:

H.R. 8413. A bill for the relief of Anna Klimek; to the Committee on the Judiciary.

By Mr. ADDABBO:

H.R. 8414. A bill for the relief of Rafael Ching also known as Tong Kit Chat; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

62. By Mr. SHRIVER: Petition of Citizens of Wichita, Kans., who are owners of restaurants, taverns, family recreation centers, snack shops, ice cream parlors, etc., protesting section 116 of H.R. 2512 in its present form; to the Committee on the Judiciary.

63. By the SPEAKER: Petition of Milwaukee Metropolitan NCO Advisory Council, Milwaukee, Wis., relative to the retirement of Reserves and National Guardsmen on the same basis as Regular forces on a pro rata basis; to the Committee on Armed Services.

64. A petition of Montgomery County Council, Rockville, Md., relative to the establishment of Chesapeake & Ohio Canal National Historical Park; to the Committee on Interior and Insular Affairs.

65. Also, petition of California State Board of Education, Sacramento, Calif., relative to action on appropriations for federally funded educational programs; to the Committee on Rules.