lowered, the entire economy shudders for both psychological as well as economic reasons. Psychologically, the climate for growth comes under storm clouds when it appears that people are not going to buy new cars to the extent that they have. Economically, the auto industry creates a need for so many different products from such a wide range of industries that no major industry can completely escape the consequences of a downturn in automotive production or sales. These industries include: gasoline and petroleum products, rubber, textiles, steel, electronics, plastics, and many others.

There has been some justifiable concern in recent months at the prospects for the automotive industry in the near future. Consequently, everyone will take satisfaction at the announcement by two major auto producers yesterday that they intend to step up their output. The American Motors Corp., according to press reports, plans to double the production of its smaller cars from 1,200 per week to 2,400 per week. It will decrease production of its larger cars, but the overall effect will be an increase in both production and new jobs.

The Chrysler Corp., at the same time, has announced that it will increase its April production by 7,000 units. This decision, according to newspaper reports, was based, in part, on Chrysler sales reports for the period April 1 to April 10.

These two items of news, coming at this time, will give a shot in the arm to carmakers, and to the thousands of companies across the Nation whose business prospects are linked to the viability of the auto industry.

# HOUSE OF REPRESENTATIVES

## WEDNESDAY, APRIL 19, 1967

The House met at 12 o'clock noon.

Rabbi Gershon B. Chertoff, Temple Bnai Israel, Elizabeth, N.J., offered the following prayer:

Almighty God and Lawgiver: We thank Thee that the Founding Fathers of these United States made our Government one of laws and not of men; of laws designed to set men free—to think for themselves, govern themselves, pursue happiness for themselves, and so become themselves. The laws of our polity were to reflect our commitment to the divine law of justice and equity.

Wherefore we appeal to Thee to kindle a legal conscience in the heart of the Nation. Persuade us of the supremacy of the law as embodied in the Constitution, its authorized interpretations, and the enactments made under its provisions.

May all of us, from the greatest to the smallest, live in the faith that there is no hope for us to live outside the law if we cannot live within it.

For the law is our life and the length of our days. Amen.

### THE JOURNAL

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

### IS OUR NATION AFRAID TO DEAL WITH TROUBLEMAKERS?

Mr. SIKES. 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. SIKES. Mr. Speaker, many of us have wondered why the authorities seem so unwilling to interfere with demonstrations and demonstrators. We have a right to expect the laws of this country to be respected and its traditions upheld. The burning of the American flag and of draft cards offends every patriotic American. Surely this requires action by the authorities. Statements that are being made by the leaders of present-day peace demonstrations are treasonable and their actions must be classed as a conspiracy against the United States.

Is our Nation afraid to deal with troublemakers?

Are our Nation's leaders not aroused?

I have waited for days but I hear no protests from them. I see no action to deal with such. Will it be different when the same radical groups come to Washington to take over our Nation?

### BACKING PRESIDENT JOHNSON IN VIETNAM

Mr. BROOKS. 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. BROOKS. Mr. Speaker, last weekend a vocal minority in this country did some marching, some speaking, and some flag burning. Their objective was publicity. And I suppose they achieved their purpose. But what kind of publicity?

I think most Americans are sympathetic with their overall objective—peace in Vietnam. There is no debate over this goal.

But few responsible citizens endorse their view that American forces should pull out of Vietnam or that our bombing should cease in the north. The reason is obvious: We are determined to uphold our commitment to the people of South Vietnam until a peaceful and honorable settlement of the conflict can be achieved.

And we will persist in bombing military and strategic targets in the north until Hanoi ceases its infiltration of men and materials to the south.

Our President has repeatedly stated America's intention to work ceaselessly to bring peace to Vietnam. But those who appeal to emotions, who preach hatred and demagoguery to promote their views, do a grave disservice not only to their own cause, but to the policy objectives of their country.

I think we pay too much attention to these irresponsible elements. The draft-card burners get the headlines, but little is said about the solid citizens who endorse their Government's policies. Yet, the fact is that for each "peacenik" who marches, there are 50 Americans who march with their President.

Let us not be misled by well-organized "spontaneous" demonstrations. For their efforts are really drowned out by quiet Americans who are ready and willing to do what is necessary to support their country in a time of need.

Let us give these citizens some recognition. For example, a fine and patriotic group in Beaumont, Tex.—the Pipe Fitters Local 195—this week warmly endorsed the President's policies in Vietnam. In fact, these men felt so strongly about it that they sent President Johnson a telegram assuring him of their support.

The President has received many such telegrams. And I believe the time has come to tell this side of the story publicly.

I wish to share the contents of this message with my colleagues and with my fellow Americans, and I insert it into the RECORD.

APRIL 14, 1967.

Hon. LYNDON B. JOHNSON,
*President of the United States,*
*White House, Washington, D.C.:*

On April 13, 1967, at the regular membership meeting of Pipe Fitters Local Union No. 195 of the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, the officers and members of local 195 instructed me to send a telegram to you stating that the officers and members of local 195 are unanimous in voicing their support of you and your policy in Vietnam, and the members of this local union are against communism in any place or form. We pledge our help to you and our fighting men in Vietnam in any way that we can.

Respectfully,

L. L. "NICK" MORRISON,
*Business Manager,*
*Pipe Fitters Local No. 195.*

### THE CAPITOL

Mr. OLSEN. 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 Montana?

There was no objection.

Mr. OLSEN. Mr. Speaker, I am more and more exercised over the criticism which is being made of our Architect of the Capitol and of the staff and members of that organization, which takes such good care of us in this House and in our offices.

Recently I read an article in the Atlantic Monthly, in which the author describes what he calls "Capitol Hill's Ugliness."

I have prepared an elaborate statement refuting all of the comments of that author.

I wish to say that I am going to ask all Members of the House to really take inventory as to whether the Capitol of the United States ought to be a museum, whether it ought to be some kind of a library for people to browse in, or whether it is an active institution, whether it is really a functioning place, and whether we should do something about making it a better functioning place.

There are many, many shortcomings to the Capitol Building about which we should be thinking. We should not be thinking of it being a museum of lasting appearance to the American people. This Capitol Building has been changed many times.

I believe we can keep the outside appearance, as was done with the revision of the east front. We can keep the appearance of the Capitol Building but we can make it a functional building, as it ought to be.

Also, I believe we ought to be defending the quality of the Rayburn Building. We ought to be defending the fact that we are doing something about the quality of the Cannon Building. We ought to be anticipating doing something about the quality of service we get from the Longworth Building.

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

Mr. OLSEN. I yield to the distinguished majority leader.

Mr. ALBERT. The gentleman has made a real contribution on a matter which is probably misunderstood by many people, and I commend him for his statement.

Mr. OLSEN. I thank the gentleman very much.

Mr. Speaker, this is a rather lengthy dissertation on the article in the Atlantic Monthly. Therefore, I ask unanimous consent that it may be printed in the body of the RECORD.

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

There was no objection.

The material is as follows:

COMMENTS ON ARTICLE: "CAPITOL HILL'S UGLINESS CLUB" APPEARING IN THE ATLANTIC MONTHLY, FEBRUARY 1967

(By Hunter Lewis)

COMMENT

The editorial note explains that Mr. Lewis is a history major at Harvard College, and that his authorship was inspired by curiosity. The latter is easy to believe. But his being a history major—that one is hard to swallow. How could a student of history do such a pitiable research job on his subject, show such disregard for the element of truth, and malign so many public servants and professional men! This student should show more aptitude for the school of journalism with a major in fiction.

*Press statement*

Architecture on the Hill has become something of a national scandal during the past ten years—enough of an aesthetic outrage to bring down the fulminations of the New York "Times" and the Washington "Post" on the philistine indifference of Congress. Since 1958 both newspapers have publicized the granite imbecilities . . .

COMMENT

All such epithets are merely irresponsible repetitions of malicious statements in other periodicals where self-styled critics have chosen to attack the architecture because it is not of the contemporary style. They ignore the mandate governing the work on-the-Hill, viz., that it shall be in keeping with the Federal Architecture of the Capitol. For the most part, all the buildings but one are marble not granite.

*Press statement*

The New Senate Office Building, the extension of the east front of the Capitol, and the cavernous Rayburn Building share a uniform banality of design . . .

COMMENT

If this were true, the author is then condemning the original design of the Capitol inasmuch as the extended east front is a faithful reproduction of the original work. Even the opponents of this project have claimed the design of the Capitol to be one of the great examples of World Architecture. Although the AIA was opposed to the Extension of the East Front, its current Task Force on the West Front of the Capitol feel "the east front has been more or less successfully added to. . . ."

*Press statement*

The Rayburn Building has even been introduced into the classrooms of the Harvard School of Design as a notable example of contemporary architectural blundering . . .

COMMENT

The old Christian motto—Let he who is without sin cast the first stone. Harvard should first look in its own backyard for "contemporary architectural blundering."

*Press statement*

Its corrupt classic facade faithfully reproduces a variety of detailed ornamentation which fell out of favor among fashionable architectural circles a half century ago . . .

COMMENT

Here is the real reason for all the opposition. This type of architecture "fell out of favor among fashionable architectural circles a half century ago." In other words, this "corrupt" thinking says the new fashion makers are right and a classic design, even near the Capitol, is wrong. This is nonsense.

*Press statement*

The story of the building's construction has by now passed into Washington legend. Work on "that thing on the Hill" was first begun with the ostensible purpose of providing space for cramped congressional offices. Matthew H. McCloskey, a well-known Democratic fund raiser from Philadelphia, was chosen as contractor; the initial estimate varied from $40 million to $65 million. The final product, produced at a cost of $122 million . . .

COMMENT

The preliminary estimate of cost of the building submitted by the Associate Architects in 1956 was in the amount fo $64,000,000. The final cost of construction of the building was $71,500,000—*not* $122 million. The McCloskey firm was not "chosen" for the construction work; it was the lowest bidder under open competitive bid procedures, the job having been publicly advertised throughout the United States in newspapers and trade journals.

*Press statement*

The final product . . . provided only 15 percent of its total floor space for offices, and congressmen currently occupying the building are housed at a total construction cost of approximately $721,000 apiece . . .

COMMENT

The $721,000 figure is concocted by dividing 169 Members' suites into $122,000,000—which is *not* the cost of the building. The $122,000,000 includes remodeling in the Cannon and the Longworth Buildings, the purchase of 6 squares of land *not* used for the Rayburn Building, a subway to the Capitol, pedestrian tunnels to the Longworth and the Cannon Buildings, construction of two underground garages south of the Longworth and the Rayburn Buildings, and other items.

No allowance is made in the $721,000 for the above items which are *not* part of the cost of the Rayburn Building, nor for the committee space in the building accommodating 300 Members of the House on committee work, their committee staffs, witnesses, the press, and approximately 2,250 members of the public. No allowance is made for the numerous other accommodations in the building, *everything* being charged to the 169 Congressional Suites.

In 1963, a study was made of the average cost of each Member's Congressional Office Suite in the Rayburn Building. Using only the actual construction cost, and including a prorata share for such necessary items as foundations, stairs, elevators, lobbies, corridors, halls, subway terminal, mechanical and electrical equipment rooms, toilets and locker rooms and maintenance shops, the figure was $145,654 per Member's suite. Add the estimated cost of architectural and engineering fees, administration, supervision and inspection and other such miscellaneous items (excluding land and furnishings), the cost would rise to $162,680 per suite. If the cost of furniture and furnishings is added, the cost moves up to $171,680 per suite.

*Press statement*

. . . 1960 at his behest, the historic sandstone east front, which the neoclassical genius Benjamin Latrobe had conceived and Charles Bulfinch completed. . . .

COMMENT

Latrobe did not conceive the east front, the design was that of Dr. William Thornton, a portion of whose design was executed under Latrobe's supervision.

*Press statement*

. . . was extended thirty-six feet . . .

COMMENT

The east front was extended 32½ feet.

*Press statement*

Nevertheless, the views of Sam Rayburn and the congressional commission which he headed prevailed over the objections of the most qualified architectural opinion available . . .

COMMENT

The Associate Architects engaged on this project were as qualified, or more so, than any of their architectural detractors.

*Press statement*

The most powerful adversary of "Architect" Stewart's plans, the late President Kennedy, is now sanctimoniously quoted out of context by George Stewart himself . . .

COMMENT

The late President Kennedy was a United States Senator at the time of the key vote in the Senate on the Extension of the East Front. He voted *in favor* of the project (see CONGRESSIONAL RECORD, vol. 104, pt. 14, p. 17590). He did this by voting against S. 2883 which would have blocked the extension. The next day, the Architect of the Capitol was ordered to proceed with the extension.

*Press statement*

Even the American Institute of Architects has been content to nurse its wounds and brood over its rebuff—at least until the Office of the Architect of the Capitol announced plans last year to extend the west front of the Capitol. That decision struck the AIA as the crowning infamy . . .

COMMENT

Yet in 1957, the A.I.A. advocated the extension of the West Front and even proposed a plan for so doing.

*Press statement*

Until the Senate Appropriations Committee scheduled hearings on the project, the details of Stewart's plans were closely guarded secret. Only gradually were the facts disclosed . . .

COMMENT

This is another false statement. As stated elsewhere herein, the Capitol Commission held a hearing on the morning of June 17, 1966, considered all plans, approved Scheme 2, and at the close of the meeting held a press conference and laid the plans, models, and reports open to the press. The story was headlined in local newspapers and received wide television and radio coverage.

*Press statement*

The sweeping Olmsted terraces, built at the end of the last century, were to be almost entirely obliterated . . .

COMMENT

This is not so. These terraces will be reconstructed substantially following the Olmsted design and detail. The principal change being the further separation of the stairways to relate them better to the building.

*Press statement*

By early summer of last year, building maintenance men counted twenty-one gashes running down the 105-foot facade . . .

COMMENT

Out of 34 bays in the west central part of the Capitol, 21 have vertical cracks for the full height of the wall. Over 1,000 stones have one of more cracks in them.

*Press statement*

Stewart has consistently claimed that simple restoration or repair of the existing wall is technically impossible because the brick interior arches would collapse if the temporary metal supports were removed . . .

COMMENT

There are no metal supports to our knowledge.

*Press statement*

The president of the AIA, Norris Ketchum, points to the successful renovation and reconstruction of a number of Wren churches, including St. Paul's in London, which featured the same system of arches and unjointed walls used on the west front.

COMMENT

The west front is full of jointed walls.

*Press statement*

But according to present plans, such patently nonessential facilities as restaurants, tourist orientation centers, "hideaway" congressional offices, and archival storage areas will occupy virtually all of the four-and-a-half-acre proposed expansion.

COMMENT

One has only to work and use the facilities in the Capitol to know that additional restaurant space is needed particularly on the House side. At present, there are practically no tourist orientation provisions for the millions of visitors to the Capitol annually. Also, lack of space needed for Committees and Subcommittees become more serious each year.

Contributing to the above, the following is an excerpt from an article in the December 1963 issue of the AIA Journal entitled Allied Arts; subtitled Poor Host; written by Wolf Von Eckardt:

"On all of Capitol Hill, for instance, there is hardly a place but the west steps for a visitor to sit down upon. Unless, of course, he gets a pass to relax in the House or Senate galleries, orders a book in the Library of Congress, or calls on his Congressman to rest his feet. At lunch time he might try for a cup of the famous bean soup in one of the Capitol restaurants—if he can squeeze in."

*Press statement*

As the AIA has stated in its most recent position paper: "Functionally nothing could be gained by creating additional space inside the west front. Without a complete reorganization of the interior, which is not proposed, this additional space would only add to the confusion that was compounded by the recent extension of the east front. If additional space is needed, it can be provided nearby with less cost and greater efficiency.

COMMENT

The views of the A.I.A. are not shared by those who use the space in the extended east front, and the proposed west front will relieve the congestion by the addition of another north-south corridor. Space needs cannot be satisfied elsewhere as the accommodations are needed in the Capitol close to the Chambers.

*Press statement*

Congressman Stratton says: . . . *My mind misses the element of competitive bidding which is an integral part of all federal construction outside the jurisdiction of the Architect of the Capitol* . . .

COMMENT

Up to the present, it has been considered unethical by the A.I.A. for architects as professionals to bid competitively for their services; other professionals, doctors, dentists, lawyers, do not compete price-wise to perform an operation or render other professional service.

*Press statement*

Stratton also agrees with Senator Monroney's opinion that the only architects who have determined that the restoration of the west front cannot be done other than by the four-and-a-half-acre extension of the front are architects that are employed to do the four-and-a-half acre extension . . .

COMMENT

Then how does one explain that the overwhelming majority of the architects present at the convention of The American Institute of Architects in 1966 tabled a motion in opposition to the extension project? Further, no recognition is given in this article to the findings and recommendations in the exhaustive study made by the outstanding engineering firm, The Thompson and Lichtner Company, in 1964. This was a fresh study made by a firm with no previous connections, and no present connections, with the project. They recommended retaining the old walls as interior walls and as extension similar to the East Front Extension made 1958–62.

*Press statement*

The group of architects who so conspicuously command Mr. Stewart's admiration were first brought together as consultants for the east front extension plan. They are John Harbeson of Philadelphia, Gilmore Clarke, Alfred Easton Poor, and Albert Homer Swanke of New York, Jesse Shelton of Atlanta, Roscoe de Witt of Dallas, and Paul Thiry of Seattle . . .

COMMENT

The statement is inaccurate. The original group included Arthur Brown of San Francisco, Henry Shepley of Boston, Fred Hardison of Dallas, Alan Stanford of Atlanta, but did not include Paul Thiry. Mr. Thiry was only added relatively recently when the studies on the West Front Extension were authorized, as a replacement for Mr. Brown who had died in the meantime.

*Press statement*

Over the course of the past decade these individuals have found themselves so frequently employed together on the Hill that they have formed a firm in Washington to act as a clearinghouse for their various federal projects . . .

COMMENT

This statement is also false, in part, as Messrs. Harbeson, Clarke and Thiry have no such offices in Washington. The Washington office of DeWitt, Poor and Shelton began its existence for the same reasons other architectural firms maintain offices near the site of the work.

*Press statement*

Mr. Stewart justifies his reliance on a limited number of familiar aging architects by petulantly insisting that "architectural schools no longer teach the kind of classic federal design which is called for on the Hill. There are very few men with the training and experience for our kind of work." Spokesmen for the Harvard School of Design emphatically deny this claim; the AIA labels it "absolutely and completely fallacious." . . .

COMMENT

Mr. Stewart's statement has been used on more than one occasion by members of the faculty of some architectural schools, with the justification that the study of architectural history stifles the imaginative thinking of the student of contemporary architecture.

*Press statement*

At the meeting which initially approved the extension of the west front, both Vice President Humphrey and Gerald Ford were absent. Both later voted without the benefit of a full briefing . . .

COMMENT

This is a false statement. At the meeting where initial approval of a West Front Extension was approved by the Commission, both Vice President Humphrey and Congressman Ford were present. Approval at that time was for the Architect to request funds for the preparation of preliminary plans and estimates of cost for "the extension, in marble, of the west central front of the Capitol . . ." This was at public hearing of June 24, 1965, a transcript of which has been widely circulated. A meeting of the Commission was held June 17, 1966, in the Capitol, for the purpose of considering the preliminary plans, estimates and report of the architects. At this meeting, Scheme 2 (of three schemes developed) was approved by the Commission and the action was immediately announced and discussed fully at a news conference in the hearing room. At this meeting, the Vice President and Congressman Ford were absent; however, the plans had already been reviewed by Congressman Ford because he was unable to attend the hearing on the day the Commission met.

*Press statement*

This means that a congressman who expresses faith in the competence of the "Architect" may receive a variety of lesser favors—from the best office furniture at hand to a new coat of paint on the wall . . .

COMMENT

This statement is based on ignorance. For example, the Architect of the Capitol does not have jurisdiction over the furniture in the Capitol.

*Press statement*

To the surprise of almost everyone, Mr. Stewart simply chose to disregard the wording of the authorization. Initial drawings were completed at Mr. Stewart's bidding by the same group of architects responsible for the New Senate Office Building, the extension of the east front, and the plans for the extension of the west front. The designated committee of the American Institute of Architects was never even notified.

COMMENT

This is a grossly inaccurate statement. The law authorizing the Library of Congress-James Madison Memorial Project provided for direction of the Architect of the Capitol by three Congressional Commissions or Committees. These groups formed a Coordinating Committee among their members to deal directly with the Architect of the Capitol. The same law only required "consultation" with the American Institute of Architects.

The Architect of the Capitol requested direction from the Coordinating Committee on several matters, including (1) the selection of the design architects and (2) the scope and timing of the consultation with the AIA committee. The Coordinating Committee, not the Architect of the Capitol, selected the design architects and their selection was approved by the commissions—committees they represented. Further, the Coordinating Committee advised the Architect to consult with the AIA committee during the planning stage. The design architects selected had nothing whatsoever to do with the planning of the New Senate Office Building as stated. The design architects for that structure were Otto R. Eggers and Daniel Paul Higgins in New York.

*Press statement*

Only after the choice of plans and architects was firmly established did the AIA receive any word from Mr. Stewart. At a hearing of the Senate Appropriations Committee in June of 1966, these events were finally aired in a revealing fashion . . .

COMMENT

Another misstatement of fact. No planning had been done prior to notification of A.I.A. As a matter of fact, a preliminary meeting was held on May 25, 1966, with the A.I.A. Committee before "pencil was put to paper" by the Associate Architects.

*Press statement*

After the hearing Senator Monroney submitted a report to Congress which criticized Mr. Stewart for failing to consult with the American Institute of Architects. The report concluded that "the Architect of the Capitol is instructed by the committee to follow the authorization law precisely in the future." . . .

COMMENT

As previously mentioned above, the Architect of the Capitol did follow the authorization law as directed by the Coordinating Committee. In public hearings before the Senate Appropriations Subcommittee in October 1965 on the request for funds for preliminary plans and estimates of cost, the Architect and his assistants clearly indicated what the law required with respect to selection of the architects and consultation with the A.I.A. Committee.

*Press statement*

No further action has been taken. The Madison Memorial Library is now well along in its initial stages. And spokesmen for the AIA who have carefully perused the plans predict that one more "Rayburn Building" is about to rise on the Hill . . .

COMMENT

This is further falsification which is borne out by the letter from the President of the A.I.A. to the Editor of The Atlantic Monthly, dated January 20, 1967.

*Press statement*

The chiefs of Congress, for their varying reasons, are unwilling to discard the system which, in the hands of the architect who is not an architect, has contributed so signally to the defacing of the Capitol . . .

COMMENT

In spite of the criticism leveled at the extension project on the Capitol by some, the Office of the Architect of the Capitol, in the years since the work was completed, has received overwhelmingly favorable comment from Members of Congress, Architects, and visitors to the Capitol, to the effect that far from being defaced, the original design has been preserved in marble and the appearance of the Capitol has been enhanced.

*Press statement*

Some critics propose the division of Mr. Stewart's office into two sections: one for everyday maintenance another for construction around the Capitol. Additionally the office of the Architect might be brought within the jurisdiction of the Fine Arts Commission or the National Planning Commission. Or possibly a standing advisory panel charged with the supervision of the "Architect's" work would be chosen with the advice of the American Institute of Architects . . .

COMMENT

It is difficult to understand such a statement in an informed *free* press. The author seems obsessed with the idea that nothing good can be done without several tiers of review. If not an art commission, then a planning commission should review; if not that, then some kind of standing advisory panel selected by a professional society who is not responsible to the electorate.

Let the record show that the great Capitol of this country, 1792–1967, including the East Front Extension, with all its dignity, magnificence, and beauty was designed and constructed over a period of 170 years without the "benefit" of an art commission, a planning commission, or a standing panel of "advisors." Instead the Capitol is a monument to the foresight, dedication and creative genius of many, many individuals.

## H.R. 6167—A DUBIOUS BILL

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

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

There was no objection.

Mr. VAN DEERLIN. Mr. Speaker, I deeply regret the quick and easy approval given by the House yesterday to H.R. 6167, a bill authorizing the loan of U.S. warships to foreign nations.

The legislation should have been more carefully scrutinized by the House, for it continues the loan of American destroyers to Peru and Colombia, two nations that have shocked public opinion with their outrageous, high seas forays against American fishermen.

Peru, ironically, has brazenly employed U.S. Navy vessels to track down and capture our own U.S. fishing boats.

I have in my office, in fact, a photograph of a gun-slinging Peruvian officer pausing between shots at the crew of a San Diego tunaboat, the *Mayflower*. The Peruvian is standing on the bridge of a large, seagoing, American-built tug—a dubious gift from the U.S. Government.

The gentleman from Washington [Mr. PELLY] has ascertained neither of the destroyers consigned to Peru and Colombia by H.R. 6167 has actually engaged in attacks against American boats. But I seriously question whether nations that have so abused our confidence and trust are entitled to the loan of any U.S. warship.

It is my earnest hope that the other body will see fit to tighten up H.R. 6167 so as to cut off further largesse to those nations that would turn our own warships against us.

## A TIME FOR REDEDICATION OF THE PEOPLE OF AMERICA

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, 192 years ago, to this day, eight men lay down their lives for our country. The death of these eight men is sometimes overlooked because of the tendency of Americans to celebrate the ending of the Revolutionary War rather than the beginning.

But today, I think, we owe them due notice fitting of the place of honor they hold in our Nation's history.

The men who laid down their tools of labor to defend the principles of freedom on the grounds of Lexington and Concord that day, 192 years ago, represent America's first engagement with the tyranny and oppression of a foreign government.

As we know, it was not the last time that Americans gave their lives for freedom and the principle of democracy.

Those humble men were men of courage, men of fortitude, and men of ideas. And they lit the light of democracy that has since shone from the four corners of our Nation for all the world to see. Those men are as much a part of our Nation's inception as those who followed and drew up the Constitution and the Bill of Rights.

I hope my colleagues, and the people of the United States, will hark back to the sacrifice made 192 years ago and rededicate themselves to the defense of freedom and democracy as we find ourselves faced with new Concords and new Lexingtons.

We owe this dedication to the patriots of the past who gave the dearest sacrifice.

The United States is committed by the patriots of the past to maintain at all costs, the light of freedom and democracy for the world.

## AMYOTROPHIC LATERAL SCLEROSIS MONTH

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

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

There was no objection.

Mr. HORTON. Mr. Speaker, I am today introducing a joint resolution authorizing the President to proclaim June of each year as Amyotrophic Lateral Sclerosis Month.

This dread disease, for which no cure has yet been found, affects thousands of Americans between the ages of 40 and 60. It attacks the motor nerves and gradually saps the limbs of their function and strength.

Current research into the causes of this disease has established that a high percentage of the population of Guam contract amyotrophic lateral sclerosis. Comprehensive studies are taking place on that island to determine if the disease may be linked to hereditary traits. Thus far, however, no arrestive treatment has been developed. Eventually ALS attacks the breathing muscles and becomes fatal.

As a means of awakening the public

to the impact of this disease, and of encouraging more research into its causes and potential cures, I urge my colleagues to adopt this joint resolution establishing Amyotrophic Lateral Sclerosis Month.

## REPRESENTATIVE BERRY DETAILS BEEF IMPORT PROBLEM AND NEED FOR CHANGES IN MEAT IMPORT QUOTA LAW

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

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

There was no objection.

Mr. BERRY. Mr. Speaker, once again attention is being focused upon the growing problem of meat imports. I am certain that thousands of livestock producers across the country anxiously await to see if Congress will take constructive and speedy action on legislation which has been introduced to correct the weaknesses in our current import restrictions.

In 1963, cattlemen pleaded for protection. The executive branch, of course, did nothing. The Congress acted, but it was too little and too late. The disastrous result was one of the worst price declines in recent history for the American cattlemen.

Legislation is now on the books, but we need to take immediate action to improve import controls if we are going to avoid the same financial problems which we had 4 years ago.

I am introducing a bill to correct what I feel are deficiencies in the current Beef Import Limitation Act—Public Law 88–482. I am hopeful that my statement which deals with both the history of our meat trade with the rest of the world, and the current situation, will help to point up why we must take immediate action.

### U.S.-FOREIGN MEAT TRADE

The problem of general import competition, of course, goes backs all the way to the 19th century when America learned the valuable lesson that protecting new industries with effective tariffs meant the difference between that new industry succeeding or failing. It is an old idea, but a very valid one. It is, in fact, the basis behind the mid-20th-century policy of the European Common Market which has carried internal protection to the fullest extent.

The acute problem of beef import competition also goes back a long way. I have been waging the fight for adequate protection since coming to Congress 16 years ago, and there were those before who had pointed up the dangers of our post-World War II trade pattern.

In 1953, I pointed out on the House floor:

Foreign imports, encouraged by the free traders of the former administration, have undersold American farm products and have beaten down prices. Cattle, wool, and grain are striking examples of what these imports have done to undercut the domestic producer.

The trend was becoming clearer each year, and repeatedly we pointed out the potential dangers of rising beef imports which each year were surpassing the preceding year's level.

### THE TURNING POINT: 1957

Imports had been increasing rapidly for several years, but beginning in 1957, and 1958, they skyrocketed. The general situation is pretty well displayed by the following statistics:

*Balance of trade table—Beef and veal, fresh or frozen*

[Product weight, millions of pounds]

| Year | Imports | Exports | Net imports |
|---|---|---|---|
| 1956 | 30.8 | 68.8 | (−38.0) |
| 1957 | 126.4 | 70.9 | 55.5 |
| 1958 | 358.2 | 6.8 | 351.4 |
| 1959 | 524.5 | 8.5 | 516.0 |
| 1960 | 413.8 | 10.2 | 403.6 |
| 1961 | 569.1 | 10.6 | 558.5 |
| 1962 | 863.3 | 9.9 | 853.4 |
| 1963 | 1,123.0 | 27.5 | 1,095.5 |
| 1964 | 800.0 | 57.0 | 743.0 |
| 1965 | 701.0 | 44.0 | 657.0 |
| 1966 | 893.0 | 29.0 | 864.0 |

As the table reveals, prior to 1957, the United States was a net exporter of livestock, meat, and meat products. Today the United States is the world's largest importer of meats.

In addition, imports to the United States, prior to 1957, were primarily from Argentina and Uruguay, and most of the meat was pickled, cured, and canned beef and veal. In 1956, for example, we imported 5 million pounds of fresh and frozen beef, 36 million pounds of boneless beef, and 143 million pounds of canned beef.

In 1962, the import figures showed that canned meat had only slightly increased to 166 million pounds, but fresh and frozen beef had jumped to 18 million pounds and boneless beef had increased to a whopping 1.1 billion pounds in the 6-year period. Obviously, there had been violent changes in our trade in meat and meat products with the rest of the world.

The following table shows the change in types of meat we are importing:

*U.S. beef and veal imports, carcass weight equivalent*

[In thousands of pounds]

| Year | Fresh and frozen | Pickled and cured | Beef | | | | | | Total veal | Total beef and veal |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | Canned | Sausage | Other beef | Other canned not specifically provided for | Boneless | Total beef | | |
| 1954 | 7,520 | 27,416 | 168,784 | 398 | 8,187 | 5,766 | 12,537 | 230,608 | 1,048 | 231,656 |
| 1955 | 6,112 | 6,172 | 172,498 | 371 | 8,305 | 6,629 | 28,674 | 228,761 | 275 | 229,036 |
| 1956 | 5,140 | 9,799 | 143,999 | 468 | 7,338 | 6,915 | 36,894 | 210,553 | 245 | 210,798 |
| 1957 | 32,863 | 12,794 | 188,624 | 586 | 7,976 | 18,975 | 128,520 | 390,338 | 4,878 | 395,216 |
| 1958 | 58,880 | 7,250 | 224,606 | 874 | 12,691 | 176,753 | 414,488 | 895,542 | 13,506 | 909,048 |
| 1959 | 39,136 | 8,407 | 187,441 | 1,230 | 10,439 | 120,083 | 680,317 | 1,047,053 | 16,138 | 1,063,191 |
| 1960 | 14,685 | 1,107 | 151,538 | 1,135 | 8,369 | 26,636 | 556,765 | 760,235 | 15,275 | 775,510 |
| 1961 | 25,096 | 1,115 | 188,563 | 1,128 | 10,010 | 29,833 | 764,905 | 1,020,650 | 16,474 | 1,037,124 |
| 1962 | 18,767 | 620 | 166,238 | 1,159 | 16,223 | 28,908 | 1,187,632 | 1,419,547 | 25,511 | 1,445,058 |
| 1963 | 19,900 | 7,000 | 221,000 | ---------- | 46,500 | ---------- | 1,362,800 | 1,651,100 | 26,400 | ---------- |
| 1964 | 17,200 | 4,000 | 110,000 | ---------- | 20,700 | ---------- | 919,200 | 1,067,700 | 17,500 | ---------- |
| 1965 | 29,300 | 4,000 | 126,800 | ---------- | 32,200 | ---------- | 734,300 | 923,000 | 18,800 | ---------- |
| 1966 | 20,000 | 6,000 | 127,000 | ---------- | 48,000 | ---------- | 987,000 | 1,188,000 | ---------- | ---------- |

Mr. Speaker, two developments reversed the pre-1957 trends. First, new techniques in refrigerated transportation were developed which enabled other countries to ship fresh and frozen meats abroad; and second, the formation of the European Economic Community, which established a higher tariff policy, which consequently closed a traditional market to the world's beef supply.

The new transportation techniques enabled distant Australia and New Zealand to increase their meat exports, and the United States became the new market for their production because of EEC restrictions against meat produced outside the Common Market.

The action of the Common Market points up the great disadvantage which U.S. producers face in world meat trade.

Whereas the Common Market has tariffs ranging from 58 to 118 percent ad valorem on cattle, the current tariff imposed by the United States is only about 3 cents per pound, or 11 percent.

In addition to offering little protection for our domestic markets, we have been denied access to foreign markets. Many of the principal importers into this country completely ban any beef imports into their countries. This is true of Australia and New Zealand, the two countries responsible for 70 percent of our imports, and yet not 1 pound can be exported into their countries.

Ireland, the third largest exporter of beef and veal to the United States, generally restricts all livestock and meat products by requiring import licenses. Their tariffs are high.

Mexico has trade barriers which severely restrict U.S. exports of meat and livestock into that country.

Denmark, one of the largest exporters of pork to the United States, prohibits all entry of such products from the United States under a health restriction.

The rapid import surge, which became a crisis in 1963, is also revealed by statistics which show the growing percentage of U.S. production which beef imports represent. The following table points up the evidence:

*U.S. imports of cattle and beef, compared with U.S. production, by year, 1954–62*

[Carcass weight equivalent, cattle and calves and beef and veal]

| Year | Imports | | | | U.S. meat production | Imports as a percentage of production |
|---|---|---|---|---|---|---|
| | Live animals | | Meat | Total | | |
| | Number | Meat equivalent | | | | |
| | *Thousand head* | *Million pounds* | *Million pounds* | *Million pounds* | *Million pounds* | *Percent* |
| 1954 | 71 | 35 | 232 | 267 | 14,610 | 1.8 |
| 1955 | 296 | 93 | 229 | 322 | 15,147 | 2.1 |
| 1956 | 141 | 43 | 211 | 254 | 16,094 | 1.6 |
| 1957 | 703 | 221 | 395 | 616 | 15,728 | 3.9 |
| 1958 | 1,126 | 340 | 909 | 1,249 | 14,516 | 8.6 |
| 1959 | 688 | 191 | 1,063 | 1,254 | 14,588 | 8.6 |
| 1960 | 645 | 163 | 775 | 938 | 15,835 | 5.9 |
| 1961 | 1,023 | 250 | 1,037 | 1,287 | 16,341 | 7.9 |
| 1962 | 1,232 | 280 | 1,445 | 1,725 | 16,311 | 10.6 |
| 1963 | ---------- | 180 | 1,679 | 1,859 | 17,360 | 10.7 |

YEAR OF THE DISASTER: 1963

The historical trend which I have attempted to portray at some length continued until it reached crisis proportions in 1963. That was the year of disaster for the American cattleman. What happened in 1963 deserves careful scrutiny.

In the fall of 1962, choice steers were selling for over $30 per hundredweight. In January 1963, choice steers were selling for $27.27, at Chicago. By December of 1963, the price had fallen to $22.30, and the downtrend continued until May of 1964 when prices, suffering from the high level of imports, hit bottom at $20.50, down more than $10 a hundredweight. Many ranchers went broke in the decline.

What happened to imports during this same period? Look at the evidence: Imports in 1963 reached 1.67 billion pounds. This is the equivalent of 10.7 percent of the total domestic production. It represented more than 1 month out of the U.S. yearly supply of beef. It meant that every American who consumed an average of 100 pounds of meat in 1963, ate 10 pounds of foreign-produced beef and veal. The cattle market, as any observer knows, can be easily upset by minor fluctuations in the number of cattle and the volume of cattle slaughtered. But to add a 10-percent supply over and beyond domestic production to the country's markets could not help but be disastrous. As imports continued to flow in at record levels in 1963, the prices continued to drop. The attached chart shows the unmistakable parallel between the import level and the price decline:

*Prices per 100 pounds of Choice steers and Utility cows at Chicago, 1962 to date, 1963 beef imports, by month (carcass weight)*

| Month | Choice steers | | | Utility cows | | | 1963 imports |
|---|---|---|---|---|---|---|---|
| | 1962 | 1963 | 1964 | 1962 | 1963 | 1964 | |
| January | $26.39 | $27.27 | $22.61 | $14.87 | $15.07 | $13.19 | 86,520 |
| February | 26.76 | 24.39 | [1] 21.35 | 15.26 | 15.00 | [1] 13.51 | 151,784 |
| March | 27.31 | 23.63 | ---------- | 15.97 | 15.52 | ---------- | 132,905 |
| April | 27.45 | 23.77 | ---------- | 16.06 | 15.74 | ---------- | 100,093 |
| May | 26.02 | 22.61 | ---------- | 15.91 | 16.31 | ---------- | 134,370 |
| June | 25.25 | 22.69 | ---------- | 16.42 | 16.26 | ---------- | 118,675 |
| July | 26.50 | 24.72 | ---------- | 15.31 | 15.33 | ---------- | 169,674 |
| August | 28.19 | 24.60 | ---------- | 15.20 | 15.65 | ---------- | 176,631 |
| September | 29.85 | 23.94 | ---------- | 15.65 | 15.10 | ---------- | 179,418 |
| October | 29.50 | 24.03 | ---------- | 15.31 | 14.64 | ---------- | 156,300 |
| November | 30.13 | 23.51 | ---------- | 15.22 | 13.82 | ---------- | 133,014 |
| December | 28.91 | 22.30 | ---------- | 14.91 | 12.71 | ---------- | 135,114 |
| Total | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | 1,677,530 |

[1] Preliminary.

Source: USDA Economic Research Service.

Prices in 1963 dropped as much as 25 to 30 percent. Gross cash income from cattle marketing fell more than $350 million and helped account for a decline of 3 percent in net farm income. This figure of loss was partially, at least, responsible for the farm parity ratio dropping to 75 percent in April of 1964, the lowest level since the depression days of the thirties.

I appreciate that the economists and the Department of Agriculture attempted to prove that since beef imports only amounted to 11 percent of the beef consumed domestically in 1963 that, therefore, imports could only account for a certain percent of the drop in the price of beef. Each economist comes up with a different figure ranging from 10 to 50 percent of the loss that can be charged to imports. In this connection, however, it should be pointed out that if a glass is filled with water one drop will cause it to run over—11 percent more will spill water all over the place. Increased domestic production in 1963 was just about enough to fill domestic needs. It was the imports that spilled it all over the place and broke the domestic price. Just one drop would have been bad, 11 percent ruined domestic prices.

Translating the 1963 import level into 1,000-pound beef, imports were equal to 4.1 million head of cattle. Not only does this represent 11 percent of all the beef consumed domestically, but it was more beef than was produced and marketed in the States of North and South Dakota, Wyoming, Montana, and Idaho combined. These five States are recognized as great beef-producing areas. The American farmer was required to reduce production in this country by an area the size of these five States in order to accommodate these beef imports.

Another comparison can be made between imports and the production of Texas. In 1962 Texas produced and marketed 3,577 million pounds of beef, or 500 million pounds less than was imported in 1963. In fact, 1963 imports of beef were equal to the combined production and marketings of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, New York, New Jersey, Delaware, Rhode Island, Pennsylvania, Maryland, Virginia, West Virginia, North and South Carolina, Florida, Georgia, Ohio, and Indiana. Therefore, in order to accommodate 1963 imports, an area the size of these 19 coastal States had to be retired from production.

Putting it another way—the U.S. Department of Agriculture estimates that nationwide it requires the production of 28 acres to produce and market a 1,000-pound beef. Using the figure of 20 acres, however, we find that beef imports alone displaced the production of 82 million acres. If the 4.1 million head which came into this country and onto American tables at full market value had been produced in this country, instead of being imported, these cattle would have consumed 20 billion pounds of feed grain in addition to the roughage production of millions of acres, which is a complete waste to the national economy unless harvested by livestock. In terms of corn it would have required more than 350 million bushels.

But the economic impact of imports in 1963 are reflected in other ways, as well. These struck at the heart of the entire economy. Farm equipment sales, retail store sales, truck, automobile, and machinery sales were down from 10 to 50 percent from the year before 1963 in rural areas. It was estimated that farm income would drop by $700 million in 1963, and the largest estimations proved to be correct. Farmers across the Nation were caught in a rural slowdown from which we have never fully recovered. This was all in addition to the direct effect on the cattle market.

THE ECONOMICS OF IMPORT COMPETITION

It is argued that first, overproduction is the cause of lower prices, and second, that imported meat is of lower quality and grade, suitable only for processed products, and has little effect upon fed cattle prices. These statements, however, are unrealistic and do not give a complete picture of the impact of imports upon the domestic market.

Certainly increased domestic production has been a price factor, but should be pointed out that imports are directly responsible for overproduction.

Glutting the low-grade beef market with imports has driven the price of lower grade meat down and producers have not marketed their cows because of price, holding them back and using them another year or two for breeding pur-

poses. This has meant more calves and, in turn, more animals on feed.

In other words, beef imports have a double-edge impact on prices. First, they flood the lower grade domestic market, forcing packers and beef processors out of the cow market, and second, they disrupt the law of supply and demand.

TOO LITTLE, TOO LATE: 1964

Prior to the passage of legislation late in 1964, the administration secured an "agreement" with Australia and New Zealand to voluntarily limit their flow of beef into the United States. The largest defect in the agreement and the one which made it meaningless from the start was that the quota was based on only the 1962–63 average, which naturally included the record high, market-breaking import level of 1963. It also exempted the canned and cured items which, although they had not rapidly increased as much as boneless and fresh and frozen beef, still were substantial. Similar deficiencies were evident in an agreement entered into with the Irish Government soon after.

As I mentioned, action was taken late in 1964. It was, unfortunately, too little and too late. The real chance for effective action was earlier in the year, in March when the Senate was debating the Wheat-Cotton Act of 1964.

At that time, Senator HRUSKA, of Nebraska, offered an amendment to the bill which would have established an effective quota on beef imports. He argued his case excellently. His amendment would have imposed a quota on fresh, chilled, or frozen beef, veal, mutton, and lamb at a level equal to the average imports of these products during the 5-year period 1958 through 1962. The proposal contained a growth factor for foreign suppliers of about 1.5 percent, which represented our own population increase. The proposed amendment would have limited imports in 1964 to 540 million pounds—product weight—which compares with the 920 million pounds under the formula established by the Australian and New Zealand agreements.

The base used in calculating these formulas is very important. That, in fact, is a great reason why we now find that the 1964 law on the books is doing little to control the import of beef and veal. The foundation on which it is based is too large.

It is, therefore, all the more unfortunate that we did not add the Hruska amendment to the 1964 Wheat-Cotton Act. Some argued that we were running out of time, but I am certain the cattle producers of this Nation saw through the mirage. A few more hours of debate on the Hruska amendment would not have killed the 1964 wheat-cotton bill. It would have, instead, given the Nation's cattle producers some needed and valuable protection. It would have saved them millions of dollars. But the amendment lost on a 44-to-46 vote. One more affirmative vote might have spelled success.

Later in that same month, I appeared before the House Rules Committee and urged that the Hruska amendment be made germane to the wheat and cotton bill which the House was going to consider. Unfortunately, for the American cattlemen, that was not sustained, and our efforts were not successful until August of 1964.

It was in August when we were able to pass the current import law. It was in the form of an amendment to a wild animal bill, all of which I think is very indicative of the position of the administration which opposed the quota bill and forced the Congress to tack it on to rather unrelated legislation in order to get some type of protection from the imports which were still greatly holding down cattle prices.

THE 1964 LAW AND ITS SHORTCOMINGS

The 1964 meat import quota law establishes a quota or limit as to the quantities of certain specified types of foreign meat—specifically, fresh, chilled, and frozen beef, veal, and mutton—which may be imported from abroad. That is the base quota and it is set at 725,400,000 pounds, which is the average imports of those meats during the years 1959 to 1963.

Note here that the record high year of 1963 is included in the quota base. This, as I said, is the root of much of the trouble. We have built the record-breaking year right into the formula which we passed to control beef imports. But the base figure can be increased in two ways. First, imports are permitted to grow at the same rate as domestic production. As of now, this growth has reached 179,200,000 pounds, thus resulting in an adjusted base quota of 904,600,000 pounds for 1967. This is not the same growth factor which the original Hruska bill had proposed. In essence, the law on the books guarantees importers the same increase as domestic production.

The tragedy here was pointed up by the recent error in estimating cattle numbers. The Department of Agriculture underestimated cattle numbers by 11 million head, or roughly 7 percent. This increase of 7 percent in production, which was added on with the stroke of one statistician's pen, was also extended to importers for the 1967 importing year. Faced with an unexpectedly high level of domestic-fed beef, it would seem we should hold down on imports, but the current law grants importers the same increase as domestic producers and they have, therefore, received a free 7-percent increase in the amount which they can import in 1967.

The law provides further that the quotas are not imposed until imports are expected to amount to 110 percent of this adjusted base quota. This "trigger point" amounts to 995 million pounds for 1967.

It is obvious that the "growth" and "trigger" loopholes in the current law have rendered the quota restrictions meaningless. We are nearly back at 1 billion pounds, which is the figure that started all the trouble in 1963 and broke the market.

Another fault in the present law is that the quotas are imposed on the basis of an estimate made in advance by the Secretary of Agriculture. When the Secretary could care less in the first place if the cattleman is protected, this "out" has been skillfully exploited by the administration.

The statute provides that at the beginning of each year, and quarterly thereafter, the Secretary of Agriculture is to estimate the quantities of the specified types of meat that will come into this country during that calendar year. The quotas will be imposed only if his estimate of expected imports is a larger figure than the trigger point calculated for that year in the manner previously described.

Also, lamb imports were excluded. The evidence for our export-import trade in lamb is roughly the same as the figures for beef, and imports have soared. This commodity is not included in the formula.

WHAT HAS BEEN THE RESULT?

In 1965, imports of meat subject to the import law totaled 614 million pounds of beef and mutton. In 1966, the quantity was 823.5 million pounds. The actual beef import level for both these years was much higher. In 1965 and 1966, beef and veal imports, which includes items not covered by the quota law, reached crisis proportions once again. The outlook for 1967, in the Department's own words, is one of even higher levels of imports.

In December of 1966, the Secretary of Agriculture announced that imports of fresh, chilled, or frozen cattle meat and mutton into the United States during 1967 were expected to total about 960 million pounds—product weight. This volume of imports would be larger than the quota level under Public Law 88–482, but below the quantity which would direct the President to proclaim meat import quotas.

Under the law, the base quota is 725.4 million pounds. Since average domestic production of these meats during 1965–67 is estimated to be 24.7 percent above the 5-year average of the base period 1959 to 1963, the quotas for 1967 are 24.7 percent above the base level, or 904.6 million pounds. But imports must reach 110 percent of that figure before quotas can be proclaimed. That figure is 995 million pounds.

More seriously, imports of red meats not covered by the legislation, pork, lamb, and all canned and cured meats are also likely to increase in 1967.

The Secretary's estimate for 1966 imports was completely off. We actually imported 823 million pounds, and his first estimate was for only 700 million pounds. The same could very well be true this year, and the unfortunate fact is that this makes the quotas completely ineffective. In short, the mechanics of the present law are unworkable and offer no protection to the American cattleman.

At this point, I would like to state that the original Hruska amendment would hold imports in 1967 to around 625 million pounds. Instead, under the law as it stands, imports may well reach the 1 billion mark once again.

What is the price outlook for 1967? The evidence for the past 15 months is a poor indication of where we are headed. The following tables show the price drop during the March 1966 to present period, the same time during which imports are again on a sharp increase:

*Selected prices per 100 pounds of cattle, by months, 1966–67*

[In dollars]

| Month | Chicago | | | | Kansas City | | | |
|---|---|---|---|---|---|---|---|---|
| | Choice steers | | Utility cows | | Good feeder steers, 550 to 750 pounds | | Choice feeder steers calves | |
| | 1966 | 1967 | 1966 | 1967 | 1966 | 1967 | 1966 | 1967 |
| January | 26.87 | 25.25 | 15.83 | 16.98 | 24.01 | 23.36 | 28.19 | 29.69 |
| February | 27.79 | 24.92 | 17.72 | 17.92 | 25.40 | 23.44 | 30.96 | 29.69 |
| March | 29.22 | | 19.51 | | 26.57 | | 32.45 | |
| April | 27.98 | | 19.70 | | 26.26 | | 31.27 | |
| May | 26.75 | | 19.54 | | 26.39 | | 31.80 | |
| June | 25.49 | | 18.83 | | 25.37 | | 30.90 | |
| July | 25.41 | | 17.86 | | 23.91 | | 29.02 | |
| August | 25.85 | | 18.37 | | 24.78 | | 29.81 | |
| September | 26.11 | | 18.46 | | 24.88 | | 30.21 | |
| October | 25.50 | | 17.52 | | 23.74 | | 30.09 | |
| November | 24.94 | | 16.53 | | 23.55 | | 29.71 | |
| December | 24.50 | | 16.40 | | 23.06 | | 29.31 | |
| Average | 26.29 | | 18.02 | | 24.38 | | 30.31 | |

*Selected price per 100 pounds of cattle by months, Omaha, 1966–67*

[In dollars]

| Month | Choice steers | | Choice feeder steers, 550 to 750 pounds | | Utility cows | |
|---|---|---|---|---|---|---|
| | 1966 | 1967 | 1966 | 1967 | 1966 | 1967 |
| January | 25.68 | 24.64 | 26.56 | 26.75 | 15.58 | 16.68 |
| February | 27.11 | 24.03 | 28.00 | 26.50 | 17.82 | 17.36 |
| March | 28.12 | | 29.45 | | 19.39 | |
| April | 26.87 | | 29.12 | | 19.16 | |
| May | 25.78 | | 28.89 | | 19.26 | |
| June | 25.06 | | 28.75 | | 18.44 | |
| July | 25.25 | | 28.50 | | 17.32 | |
| August | 25.79 | | 28.35 | | 18.53 | |
| September | 25.70 | | 28.59 | | 18.50 | |
| October | 24.82 | | 27.76 | | 17.46 | |
| November | 23.96 | | 26.80 | | 16.21 | |
| December | 23.65 | | 26.75 | | 16.40 | |

The overall farm parity ratio stands at 74 percent today, once again down to depression day levels. Choice steers are $3 to $5 per hundredweight below a year ago, good grade steers from $2 to $3.50 lower. Choice grade slaughter heifers are $2 to $3.50 lower, and utility and commercial cows are $1 to $1.25 per hundredweight lower.

Choice and prime wooled lambs are $4.75 per hundredweight to $5.25 per hundredweight lower than last year and the 35-pound to 45-pound lamb carcasses are $6.50 per hundredweight below last year.

The Department of Agriculture realizes the impact of imports on these price declines whether it admits it publicly or not. They recently announced a special beef and pork buying program to "stabilize producer prices for beef and pork during an anticipated heavy movement of cattle and hogs this spring and early summer."

What this means aside from bureaucratic gobbledygook is that the Department is very concerned that prices might sink violently once again as they did in 1963. And the idea is to buy off meat to keep prices up by avoiding surpluses on the market. I can think of no better way to keep surpluses off the market than by effectively controlling imports which are the real source of our market surpluses.

The other problem with a Government buying program is that it is physically impossible for the Government to buy enough beef to make that much difference in the price of cattle. It makes little sense to engage in a beef buying program which will be canceled by imports which continue to pour in.

PROPOSED CHANGES IN THE LAW

Quite obviously, we need to make some prompt changes in the import quota law if we are to avoid serious financial problems among our Nation's livestock producers.

Therefore, I am introducing legislation to bring about certain revisions in the law. Several of the changes have been suggested by Senator ROMAN HRUSKA, of Nebraska.

First, we must abolish the "trigger" feature of the current law by removing the 10-percent overflow of imports which is allowed before quotas can be imposed. My bill would set an established quota level which would be final. No amount could be imported over the flat figure.

Second, the bill would change the mechanics whereby the Secretary estimates import volume as a basis for imposing quotas. This change basically would mean that import levels would be recorded and quotas imposed on the actual level of meat imported, rather than on the estimates of the Secretary.

Third, the bill extends coverage of items included in the quota formula. It would include all types of canned, cured, preserved, or other types of beef imports which are used as an "out" by foreign producers to escape the provisions of the current law.

Fourth, lamb would be included. Lamb imports have skyrocketed and we must include lamb in the basic items covered by the import law.

Fifth, we must revise the base upon which the quota is based, and my bill would use the original Hruska suggestions for a base formula. That is the 1958–62 average which avoids the unusually high 1963 level in the figuring of permitted imports. The base would be 585.5 million pounds, rather than the 725 million figure of the current public law.

Sixth, the bill provides for dividing the yearly quota into quarterly divisions. Imports could not exceed the quarterly maximum in any given quarter. This would spread imports evenly over the year and minimize their interference with our domestic markets. When imports reach their quarterly limit, no more could be imported until the next quarter.

Seventh, the bill would include offshore purchases of beef, veal, lamb, and mutton. They would be considered as imports in any quarter. This would include the recent U.S. Defense Department purchase of 10 million pounds of mutton which went directly from New Zealand to our troops in the Pacific military zone and, therefore, was not counted as part of our imports.

Eighth, the bill would require the Secretary of Agriculture to estimate anticipated imports publicly each month. The bill would impose quotas on actual imports quarterly, but it is still necessary to alert the American producer to the anticipated imports for the upcoming month. This section of the bill would make this mandatory. It would also make the public more aware of the level and effect of beef imports.

CONCLUSION

It is very important that we take action immediately. We waited in 1964 and many livestock producers were forced into bankruptcy.

The history of the problem is clear. The facts are clear. Our trading policy, particularly our lax and nonprotective attitude toward beef and meat imports, has cost the American producer millions of dollars. The record is clear.

It is now up to the Congress to take action. We must take a long, hard look at the law which is on the books. We must update and strengthen that law. We must enact changes immediately because the future trend is disturbingly clear.

## RESULTS OF MONTHLY CONSTITUENT POLL

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

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

There was no objection.

Mr. FRELINGHUYSEN. Mr. Speaker, the tabulations on the second of my monthly constituent polls are now complete. The results are interesting in themselves, and in comparison with last month.

Support for the President's policy on Vietnam, among those who answer these polls-by-mail, went up from 58 percent to 67 percent; and support for the bombing of Vietnam went up from 75 percent to 80 percent.

The respondents gave an 80-percent endorsement of the action of this House in excluding Mr. POWELL from the current Congress. By a small majority they said the Federal Government should restrict the sale of firearms. However, 80 percent were opposed to the proposed 6-percent surtax in the next income tax; and 58 percent expressed opposition to lowering the voting age to 18.

In this poll 15,000 ballot cards were mailed to all postal patrons on 29 mail routes, carefully selected to give a good sample of the people in the district. One ballot card was sent to each address. The respondents were asked to return the marked ballots within 2 weeks. Those counted were postmarked from March 21 to April 4, inclusive. There were 3,300 of these, a 22-percent return—compared to 20 percent return last month. I am quite pleased with this high return and attribute it, in part at least, to the interest being stirred in the district by our system of monthly polls.

In more detail the results were:

1. In general do you agree with President Johnson's policy on Vietnam? Yes—67%. No vote—3%. No—30%.

2. Continue the bombing of North Viet-Nam or stop it? Continue—80%. No vote—5%. Stop—15%.

3. Do you agree with the House in its vote to exclude Mr. Powell from the current Congress? Yes—80%. No vote—3%. No—17%.

4. President Johnson says next year the taxpayer should figure his income tax by the current rules and then add 6%. Should Congress so legislate. Yes—14%. No vote—6%. No—80%.

5. Should the Federal Government restrict the sale of firearms? Yes—59%. No vote—3%. No—38%.

6. Should the voting age be lowered to 18? Yes—38%. No vote—4%. No—58%.

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## SECRETARY OF AGRICULTURE WILL TAKE NO ACTION TO HELP FARMERS

Mr. STEIGER of Wisconsin. 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 Wisconsin?

There was no objection.

Mr. STEIGER of Wisconsin. Mr. Speaker, the Secretary of Agriculture has summed up the administration's lack of interest in our present farm problem in a letter to me written on behalf of the President and in answer to my request for the release of the 1966 Tariff Commission report on dairy imports. As you may recall, I was joined on March 20 by 48 of my colleagues in requesting that the President forward that report to the Congress so that we could more adequately study the import problem.

In answering my letter, the Secretary states:

> It was and is the President's intention to release these reports in the event he acts on the recommendations of the Tariff Commission.

My question is this, Mr. Speaker: What necessitates those reports remaining secret? There have been over 100 dairy import bills introduced in this Congress—should we not have all the information that we can possibly find in studying this problem?

For the information of my colleagues, I include the letter I have received from the Secretary of Agriculture as part of my remarks at this point:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
*Washington, April 14, 1967.*

Hon. WILLIAM A. STEIGER,
*House of Representatives.*

DEAR CONGRESSMAN: The President has asked me to respond to your letter of March 20 in which you and a number of your colleagues in the House of Representatives, urge that certain reports of the Tariff Commission to the President and relating to the imports of Cheddar cheese be forwarded to the Congress.

The two reports requested by you relate to an investigation conducted by the Tariff Commission at the President's direction and under the provisions of Section 22 of the Agricultural Adjustment Act, as amended. The investigation dealt with (1) whether an increase of 926,700 pounds in the import quota for Cheddar cheese for the period March–June 1966 could be made without material interference with the price support programs; and (2) whether for one year only, that is for the quota year 1966–67 beginning July 1, 1966, the import quota for Cheddar cheese could be increased to 9,565,300 pounds without causing material interference with the price support program.

The increase under (1) represented about one-tenth of one percent of the annual consumption of Cheddar cheese in the United States. An import quota of the size under (2) would be equivalent to less than one percent of the Cheddar cheese consumed annually in the United States.

The two reports were received on May 16, 1966 and on June 1, 1966. It was and is the President's intention to release these reports in the event he acts on the recommendations of the Tariff Commission.

However, while these reports were under study, there were additional significant dairy developments. In June 1966, an increase in the support level for manufacturing milk from $3.50 per cwt. to $4.00 was announced by the Department; in October, I announced that a support of at least $4.00 would continue through March 1968. In addition, I used authority in Section 206 of the Sugar Act of 1948, as amended, to limit imports of articles containing 25 percent or more sugar in butterfat/sugar mixtures. Most recently, the President directed the Tariff Commission to conduct an investigation under Section 22 of the Agricultural Adjustment Act, as amended, and to advise him whether or not certain dairy products were being imported in quantities which tend to interfere with the price support program.

In view of the foregoing, and pending the completion of the study being made by the Tariff Commission, the President has delayed final action on the aforementioned reports of the Tariff Commission. As indicated previously, as soon as such final action is taken, the Tariff Commission will be directed to release these reports for public use, and this, of course, will make them available to you and your colleagues as well as other interested members of the Congress.

Sincerely yours,

ORVILLE L. FREEMAN.

Unfortunately, this letter typifies what has become known in this country as the administration's credibility or information gap regarding numerous problems facing this country. We have here a report on a study conducted by the Tariff Commission regarding a situation that is making more critical the already serious plight of the dairy farmer and the Congress of the United States is not allowed to look at that study.

I think this also typifies, Mr. Speaker, the patchwork farm program that the administration has run and is attempting to continue to run. Our farm program must not be viewed on a day-to-day basis. This is a continuing problem and we should view it as such.

Since my colleagues, and I, on March 20, asked the President to make public the tariff report, the administration has allowed to slip into this country, by its failure to act, over 300 million pounds of imported milk equivalent. While farmers in this country attempt in a number of ways to improve their ability to earn a reasonable living, those with the power to act sit back and allow to enter this country in those 30 days an amount almost equal to the entire production of milk in the State of Iowa during the month of January.

Mr. Speaker, Wisconsin dairy herds produced a little over 18 billion pounds of milk in 1966. This production was about 4 percent below the previous year; 6 percent, or more than 1 billion pounds, less than the record 1964 production; and between 1 and 2 percent under the 1960–64 average. The State's 1966 milk production was the lowest for any year since 1961. At the same time nationally the number of dairy cattle continues to drop and prices paid by farmers for the goods they buy continue to rise.

What the farmer needs is action. Whether it be temporary or permanent action, the farmer needs action. The first day of hearings on dairy imports by the Tariff Commission is scheduled for May 15. Between now and then, another 300 million pounds of milk equivalent will be imported. This will further depress the farm economy and endanger the national economy. Even if the President would take only temporary action to limit imports until the tariff hearings have been terminated, it would be a welcome relief.

It is hard to imagine, Mr. Speaker, that during a time of world famine and starvation a nation that has abundance can allow its agriculture backbone, the American farmer, to continue an exodus from the farm. On April 1 of this year, Chet Huntley on NBC's "Monitor" did a good job of analyzing this problem. So that my colleagues might have the benefit of his thinking on this matter, I include a transcript from that program as part of my remarks and I point in particular to the paragraph where Mr. Huntley says:

> If two-thirds of the American steel industry had its back to the wall, or two-thirds of the automobile industry, or two-thirds of almost any other industry, there would be a scramble in high places to do something about it. There is some wringing of hands, at the moment, about the plight of the farmer; but nothing is happening.

The transcript follows:

> The time has come when the people of this country . . . and its leadership . . . must do some profound thinking about the immediate and long-range future of one of our basic businesses . . . agribusiness. This conclusion is apodictic. There are about 3 million of them in trouble. These two million farms and farmers represent an in-

vestment of, at least, 60 *billion* dollars and probably more.

Before you say to yourself, "So what," consider whether a sector of this American economy, worth 60 billion dollars or more, can be in trouble or collapse, without it affecting YOUR pocketbook, your future, your cost of living, your investments, or your savings. It could affect YOUR bank!

If two-thirds of the American steel industry had its back to the wall, or two-thirds of the automobile industry, or two-thirds of almost any other industry, there would be a scramble in high places to do something about it. There is some wringing of hands, at the moment, about the plight of the farmer; but nothing is happening.

Fundamentally, what is happening is this: a decision is being made, but with no profound thought given to it, that two million farmers must get off their land and move into town or city and begin looking for jobs. If that happens, and it is happening, it means awesome difficulties for employment, welfare, housing, and all the rest. But there is a vast social question here, too: what social advantage is there for the nation in having two million or more families living in the stable and peaceful environment of the country. To put it another way: can our already overtaxed cities and towns endure an influx of another two million families? Still another question: at this critical moment in the whole business of food supply for the world's expanding population, how wise are we in liquidating two million farmers who could be depended upon to help meet the crisis?

The situation is critical enough that extreme measures are in order. Organized labor is going for substantial wage increases this year and that is going to mean increased hardship on the farm. Wages and profits in the past 15 years have gone up; farm income has gone down. The prices for everything the farmer buys have gone up . . . prices for most everything he sells have gone down.

Food prices simply have to go up if these 2 million and more farmers are to stay in business. It has been proposed that the farmer at his point of sale be given a modest bonus . . . and a modest one would do it . . . and that this bonus be applied to the commodity through all its stages to the consumer but would not be figured in the percentage of markup by processor, distributor, wholesaler, and retailer. It might have some merit. Higher corporate taxes might have to be applied to the corporate farm or its bonus might be smaller. Extreme measure? Yes. Extreme problem . . . extreme crisis on the farm? . . . Yes. So what do we do?

We are faced here with a situation of growing significance. Anytime we displace, during any one year, production of a product made in this country with 300 percent more imported products than the previous year, it is time to take a real look at the basis of the problem. I hope my colleagues in this and the other body will continue to press for action on the matter of dairy imports.

## LACK OF COMMUNIST RESPONSE TO AMERICAN OVERTURES

Mr. BRAY. 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 Indiana?

There was no objection.

Mr. BRAY. Mr. Speaker, U.S. approval of the United States-Soviet Consular Treaty and the administration's kindly, considerate efforts toward "building bridges" to Russia have received, from the Soviets, the kick that was expected by anyone who has any knowledge of past Russian activities.

Communist Party Chief Leonid Brezhnev stated yesterday in East Germany:

Help for Vietnam would be significantly more effective and the fiasco of the adventure of the imperialist aggressors would occur much earlier if a comprehensive unity of action of all Socialist countries, including China, for planning and for practical aid to the fighting Vietnamese people could be achieved.

Already, at Russian instigation, Peking and Moscow have made an agreement allowing Soviet war materiel to move more freely across China on the way to North Vietnam.

The objective—and the end result—of all of this is to kill more American troops in Vietnam.

The American Army officer who had more experience with the Russians in World War II than any other, Gen. John R. Deane, pointed out in his book "The Strange Alliance" the utter futility of getting along with the Russians by yielding to them:

They [the Russians] cannot understand giving without taking and as a result even our giving is viewed with suspicion. Gratitude cannot be banked in the Soviet Union. Each transaction is complete in itself without regard to past favors. The party of the second part is either a shrewd trader to be admired or a sucker to be despised.

General Deane went on to say:

We have the moral and physical power to stop the Soviet leaders cold and we should not hesitate to use it. We can check any future aggression if we are alive to the dangers that confronts us. If we emulate the ostrich and bury our head in the sand, we shall get the resounding kick from a Russian boot that such an undignified posture deserves.

The lessons of history teach us that we can get along with the Communists only by demanding as much as we give. Not until then will they respect us, and not until they respect us is there any hope for a meaningful peace.

He who ignores history is bound to relive it.

## COMMITTEE ON RULES—PERMISSION TO FILE PRIVILEGED REPORTS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain reports.

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

There was no objection.

## COMMITTEE ON THE JUDICIARY, SUBCOMMITTEE NO. 5—PERMISSION TO SIT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that Subcommittee No. 5 of the Committee on the Judiciary may sit today while the House is in session.

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

Mr. HALL. Mr. Speaker, reserving the right to object, and I shall not object, I would like to inquire of the distinguished majority leader if there is to be business before the House for the remainder of the afternoon.

Mr. ALBERT. I will say to the gentleman only special orders.

Mr. HALL. I thank the gentleman. Under the circumstances, I think any committee ought to be allowed to sit.

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

There was no objection.

## PATRIOTS' DAY, 1967

Mr. STANTON. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. MORSE] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. MORSE of Massachusetts. Mr. Speaker, I am today, Patriots' Day, 1967, introducing legislation to authorize the appropriation of $200,000 for the first 2 years of operation of the American Revolution Bicentennial Commission. This Commission, authorized by legislation signed by the President on July 4, 1966, has the enormous responsibility of planning for the commemoration of the 200th anniversary of American Independence in the 1970's.

Under the legislation which Mr. MATHIAS of Maryland and I first introduced in January of 1966, initial planning funds were included in the amount of $200,000. This provision was deleted during the course of the legislation process and the Commission at the present time has no funds whatsoever.

It was the intent of the Congress last year to force the Commission to rely on the donations of the private sector. While I hope that private individuals and groups will play an important role in the commemoration of the Revolution, I think we cannot ask them to contribute until they have some idea of what will be done with the money. At the very minimum the Commission must have some "seed money" to lay plans sufficient to attract the interest and the participation of private organizations.

The amendments I introduce today are identical with those requested by the White House in a letter to the President of the Senate and the Speaker of the House except in one important respect. The amendments sent up by the Bureau of the Budget would provide for an open-ended authorization for the Commission. I think it far wiser to put a dollar limitation on the first 2-year funding and have therefore incorporated my original $200,000 2-year limit in this legislation.

Mr. Speaker, I hope that it will be possible for the Congress to act promptly on this legislation so that no more time will be lost in laying the groundwork for a meaningful bicentennial celebration.

## A NEW APPROACH TO FOREIGN AID

Mr. STANTON. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. MORSE] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. MORSE of Massachusetts. Mr. Speaker, the distinguished gentleman from Maryland [Mr. GUDE], recently discussed "A New Approach to Foreign Aid" with the Capitol Hill Kiwanis Club.

Mr. GUDE addressed himself particularly to the new possibilities for effective development opened up by the addition of title IX, "Utilization of Democratic Institutions in Development" to the Foreign Assistance Act of 1966.

As a cosponsor of title IX, I am delighted with the interest that the gentleman has expressed. He has recognized the fundamental importance of engaging the people in their own development. He points out:

> The gap within each country between government and governed, between rich and poor, between the literate city dweller and the isolated peasant, is potentially more dangerous than even the gap between the rich and the poor nations.

It is this internal gap to which we must address an increasing proportion of our own development efforts using to as great an extent as possible the tremendous resources in our own private sector.

Under unanimous consent I include the text of Mr. GUDE's remarks in the RECORD:

### A NEW APPROACH TO FOREIGN AID

More than twenty years have passed since Americans first became aware that our tremendous resources could help the less developed nations lift the burden of poverty. The term "economic development" has become almost a household word.

Americans have also been quick to recognize the importance or social change to the development process. In occupied Japan, and later in Formosa, American advisers pushed for agrarian reform. The Alliance for Progress institutionalized our support for social reform in Latin America.

Yet support for our foreign aid program has grown increasingly grudging, and honest intelligent criticism of the whole idea of foreign aid is not uncommon. Perhaps we have held unrealistic expectations over what a one per cent foreign aid increment to a nation's gross national product can accomplish. But more important is our failure to recognize that the crucial bottlenecks to the development of a traditional society are most frequently political and institutional. Whether the developing countries can meet the staggering problems of hunger, disease and ignorance will to a large extent depend on the success or failure of their political systems.

Congress took steps to remedy this deficiency in the 1966 foreign aid bill by the addition of a new title IX entitled "utilization of democratic institutions in development." The title provides that "in carrying out programs authorized in this chapter, emphasis shall be placed on assuring maximum participation in the task of economic development on the part of the people of the developing countries, through the encouragement of democratic private and local government institutions."

One expert has pointed out that title IX is "a directive to the U.S. to retool its (foreign aid) philosophy, not a mandate to remake the political systems of other countries."[1] We have learned that our democratic institutions cannot be transplanted intact to soils and climes different from our own. In this hemisphere constitutions much like ours have been repeatedly violated.

But perhaps the political weaknesses of our Latin neighbors, the tragic Communist coup against a democratic Czechslovakia, and the Nazi takeover of a middle class Germany have made us a bit too cynical about the chances for democracy in other countries.

Let's examine the positive side of the ledger. Many developing countries have already achieved diverse forms of democratic stability. Chile and Costa Rica have long histories of free, contested elections, Venezuela and Peru have achieved broad based civilian governments for the first time in the last few years. A stable multi-party system is functioning in the Sudan, and the prime minister of Kenya recently permitted four dissident members of his party to resign their seats and stand for re-election as members of a small opposition movement. In Japan, Democracy has taken root to a degree thought impossible in 1945.

If these countries have anything in common it is that most of them have leadership which is in some degree cognizant of the political dimension of development. Leaders such as Eduardo Frei of Chile and Sadik Al-Mahdi of Sudan consciously pursue political development policies, not only in order to broaden and stabilize their political systems, but also because they understand the economic benefits of encouraging the development of democratic self-help institutions.

Ecuadorean villagers organized a rural electric cooperative with the help of U.S. advisors from the National Rural Electric Cooperative Association, under contract to AID. And within one year an ice plant, a soft drink plant, a spaghetti factory, a coffee processing plant, two sawmills, a motel and a radio station had been established in the village, not only because the village had electricity but also because the villagers had acquired a whole new way of thinking through participation in the cooperative.

Most American aid is still channeled through national government ministries of economics. Before it gets to the village level, it has to pass through the far too fine mesh of bureaucracy, inefficiency, and not infrequently, corruption. Direct aid to the village level through American private and voluntary organizations has been secondary in terms of total U.S. capital outlay. Despite considerable evidence that these projects are often the most successful part of the American AID effort. The intent of title IX is nothing less than to reverse our priorities.

The authors of title IX understood that foreign aid needed a new theoretical justification and set of long range purposes. The theoretical focus of the new provision is democratic political development. The following explanation of the term makes clear that we are talking about far more than a country's formal political system. Political scientists have not yet formulated an exact definition of political development, but they generally agree that the process includes the following:

1. A broadening of the political base. A man in a remote mountain village becomes aware of a national political campaign.

2. The amplification of the decision making process. Slum dwellers decide to build a school. A Kiwanis Club in Peru decides that their village needs an agronomist and sponsors a scholarship for a local student to study in Lima.

3. The growth of intermediate institutions with increased access to the decision making process. A new development association for a province comprised of business and leaders begins to lobby in the National chamber of deputies.

4. The formation of some sort of national consensus. Opposition leaders decide that their attempts to block a reform program in the legislature will only discredit them. They decide instead to present amendments which will make the measure more effective.

5. Mechanisms to preserve the responsiveness and flexibility of the governing consensus. A circulated petition leads to the replacement of an unpopular public official.

Very well, you may say, but what does this mean practically, for the U.S. foreign aid program. I shall try to give you some concrete examples.

It means that AID's contract program with U.S. intermediate institutions should be expanded and that other kinds of institutions should be encouraged to enter the field of foreign assistance, either independently or indirectly under AID. American cooperatives, American labor and some American business organizations are already involved. Between 1962 and 1966 the number of cooperative credit unions in Latin America increased from 432 to 2,216 with U.S. private assistance. They should be given increased support. But other kinds of organizations such as professional associations, fraternal organizations, like Kiwanis, newspapers, etc., should be encouraged to export institutional as well as technical skill.

Several Congressmen have even suggested that our two major political parties set up an institute for democratic development to train young political leaders from the developing countries in techniques of organization and recruitment.

The peace corps volunteers encourage villagers to organize neighborhood organizations or councils. We should examine the possibility of utilizing this approach in our other foreign programs.

We might consider giving assistance to literacy drives which use materials on general subjects such as self-help, democracy, etc. Venezuela sponsored such a drive, with considerable success. The foreign experience of the league of women voters would be invaluable to the planning of such an approach.

I would like to make two final proposals which I believe have not been mentioned as often as the others.

The first is that we think seriously about channeling a large portion of our foreign assistance through the local and municipal governments of other countries. Extreme centralization produces top heavy and unstable political systems in most of the developing world. It increases the gap between government and governed. I recognize that this would have to be accompanied by technical administrative assistance and that we would have to be careful not merely to prop up an unpopular local government the way we have sometimes helped unpopular national regimes.

We could, for example, tie aid for school construction to the setting up of a local school board.

My other suggestion is that U.S. and perhaps European foundations could sponsor regional seminars on the problems of political development. These would be attended by local and national government officials, students, businessmen, labor leaders, etc. This would help to spread awareness of the political dimensions of development throughout the developing world.

One expert has suggested that there may be less resistance to the political development approach among foreign leaders than we might suspect. Most political leaders are aware that the gap within each country between government and governed, between rich and poor, between the literate city dweller and the isolated peasant, is potentially more dangerous than even the gap between the rich and the poor nations. The gap within developing societies is the single most powerful advantage the communists possess.

[1] Dana Reynolds.

Both the gap within and the gap between societies must be filled. American organizational experience and genius in the private and independent sectors can make an enormous contribution to this compelling necessity of our era.

## AN ELOQUENT SPOKESMAN FOR THE HUMANITIES

Mr. STANTON. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. MORSE] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. MORSE of Massachusetts. Mr. Speaker, recently the Humanities and the Arts Endowments, established by the National Foundation for the Arts and Humanities Act, submitted their first annual reports to the Congress and to the President. In the short time of their existence both endowments have shown their worth and already have had a noticeable impact on the cultural growth of our country.

Mr. Speaker, the Humanities Endowment has been, of necessity, somewhat slower in developing its programs. And the humanities grants recently announced have received some criticism for being too scholarly in nature—criticism I think to be unjustified. This sort of criticism of humanistic research is nothing new. Since the days when Diogenes the philosopher was a figure for ridicule, pictured as living in a tub, or searching for the honest man with a lamp in broad daylight, the student of mankind has been criticized for wasting his time and everyone else's in pointless study. But we can answer the sour comment of the preacher in Ecclesiastes that there "is no end to the making of books" with Alexander Pope's dictum that "the proper study of mankind is man." But it is even more difficult in an age obsessed with "research and development" and "applied science," designed to produce the super gadgets of modern technology, to persuade people that humanistic study produces the thought that guides the hand that uses the tools of technology.

The humanities have found an eloquent spokesman in the Chairman of the Humanities Endowment, Dr. Barnaby Keeney, former president of Brown University. In a recent commencement address at George Washington University, he discussed in his wise and witty way the broader role of humanistic study in our society. He emphasizes the relevance of the humanities to the problems that we face in 20th-century America and to their solution. As he says:

The record of human aspiration is the very substance of the humanities. Through their study we may learn why some people have sought high things, and others have not, and how some brought themselves to, and others, lost, their aspirations.

And he goes on to say:

If humanists can learn to make their work relevant to these problems, and immediate as well as retrospective, they will perform their greatest service. . . . The study must inform the forum.

Mr. Speaker, I have read no better statement of the very real and practical task of the humanities in the 20th century, and under unanimous consent I place the full text of Dr. Keeney's address in the RECORD at the conclusion of my remarks. It is an eloquent and articulate explanation of the role of the humanities.

The money authorized and appropriated for the arts and humanities is dwarfed by the billions spent on the material structure of our society. But the relatively modest sums we spend on the arts and humanities may give us some of the wisdom we need to guide the social and industrial juggernaut that blind technology has created. We must avoid the road of self-destruction by seeking the paths of wisdom.

The address follows:

COMMENCEMENT ADDRESS AT GEORGE WASHINGTON UNIVERSITY, FEBRUARY 22, 1967

(By Barnaby C. Keeney, Chairman, National Endowment for the Humanities)

Commencement addresses resemble neckties in two important respects. The first is that they are vestigial and symbolic relics of much more elaborate historical institutions. The necktie descends from the scarf, which is a comfortable device for keeping the neck warm in winter and cool in summer. The necktie itself, of course, is not comfortable and interferes with circulation enough to keep one cool in the winter and warm in the summer, but no one of ripe years would dare go without one, and few institutions dare dispense with the Commencement address, which is the last formal barrier between the student and his degree. The Commencement address is descended from the 18th Century practice of requiring each graduating student to deliver an oration. This was bad enough when there were a dozen people in a class, but as classes grew it became intolerable. Indeed, one class at Brown in the mid-19th Century went on strike and all 50 students refused to deliver their orations, and to this day have not received their degrees, though they may have received an education.

The second respect in which Commencement addresses and neckties resemble each other is that they are frequently poorly tied together and after awhile tend to become spotty. I fear that this speech will be no exception, but having heard scores of them, I rest with Mark Twain, who once remarked that of all the speeches he had heard, he enjoyed his own the most.

President Elliott has asked me to speak about the humanities, their place in the university, (and particularly in this university, situated as it is next to the heart of American decision-making), the place of the humanities in Washington, which he properly describes as a crossroads of the world. Actually, the humanities are at a crossroads of their own. Which fork they take will affect their place in universities, and more importantly, their place in society.

A year and a half ago the Congress and the President established the National Foundation for the Arts and Humanities, and in doing so declared that it is in the national interest that the arts and humanities flourish as a national resource, not simply to embellish American life but to form it, and to make it more meaningful. They conceived the humanities and arts as meaningful to all, but, as anyone would, they defined the humanities as that rather obvious collection of academic fields—the study of literature, history, art, philosophy, and so forth. It is in this academic orientation that the problem exists and from which the crossroads lead.

Humanism as we presently know it was formed in the Renaissance, though like everything else in the Renaissance it was not new. It was a reorientation of man's thought and his aspirations from the Christian belief that man's activities must be shaped primarily toward his relations with the Divinity and his future in the hereafter. It was in the early Renaissance that attention to the Greek and Roman classics was emphasized, though their study had not been lacking in the Middle Ages. The Greek and Roman classics, of course, were written without any Christian preconceptions or preoccupations. They relate to man's activities on earth, and when they do involve a divinity, as they frequently do, it is another divinity than the Christian one. The classics, therefore, become closely associated with the this-worldly orientation of the Renaissance, and rather quickly, humanism became not so much an interest in this world as a study of the classics, and humanism acquired at that time and has since kept its very academic orientation. It is today primarily scholarship in literature, in history, in art, in philosophy, rather than an interest in literature or history or art, past or present, as a part of man's daily activities. This is the problem. The substance of the humanities is the creative work of men and women their speculations about their condition their nature, their relations to each other, their place in the universe, and their aspirations. Much scholarship in these fields relates to the details of all this, and the worst scholarship, which we call pedantry, ignores the substance. Even the best is likely to underplay the relevance.

We often assume that humanists can work well only when material conditions are good and when there is peace and order. We forget that the Renaissance humanists themselves lived in a society that was as internally and externally disorderly as any that the world has ever seen. We forget that the Greeks, who composed the enduring monuments of Athenian thought and art, were throughout their greatest period in long and exhausting wars, and that their society was based upon the labor of slaves. We forget that the Jews, whose speculations and interpretations of themselves, their past, and their God, are the other great base of modern western thought, were the traditional prey of all the great powers of the eastern Mediterranean, and that they lived in a physical environment where great effort is necessary to sustain decent life. Actually, men do create the substance of the humanities under the most strange conditions, and they do so because they are willing to take time to think and because they have aspirations whose attainment is of the utmost importance to them. A paradox, of course, of our situation today is that the scholar who devotes himself to an examination of those very works and those very acts which reflect the immediate and present aspirations, as well as the future hopes, of man in the past, often does so entirely retrospectively and neglects to consider the very like acts of creativity, the very like deeds of history, and the very similar hopes and aspirations for the future with which we are concerned today.

It is often said, and I think it is true, that Americans today are producing a great age in art. It is often said, too, and I think truly, that scholarship in the humanities is at a higher level in this country than it has even been in the past. It is never said, and I think properly so, that this is a great age of humanism, and I think the reason is the paradox I have just defined, that our scholarship and our present work are somewhat disassociated.

Yet there is reason for hope. Because we are in trouble as individuals, as a country,

and as a world, we are searching our minds and our lives, searching because there is doubt and uncertainty, but searching also because there is concern and hope.

Search as we will, we won't find the answers wholly in the present, so that we will be forced to look to the past for the reasons that things are as they are, for intellectual enlightenment, for experience. Thus the humanities may be forced into present relevance.

If we can force ourselves to take time to think, time stolen from the work and play that so effectively prevent us from thinking, and from the procedures that we invent so that thought will be unnecessary, we may well shape a new future. We may even develop educational institutions that will cause their students, even after they become alumni, to continue to learn and investigate things that are related to their larger concerns, rather than to the work that they are at the moment doing. We may hopefully remember, in time, that it is literature and art and music, thought and understanding and belief, whether it is assumed or reasoned, that really give life its meaning, and we may save ourselves in time from mistakes by remembering that the recorded activities of men in the past can usefully serve as vicarious experience for us. What reputable physician would prescribe for a patient without taking his history? The doctors of society and government must learn to behave likewise.

There are many problems that face us today, and for some of the most difficult of these, technological solutions either have been found or can be found, but political and social solutions have not or cannot. We know, for example, how to prevent the pollution of the air, how to cleanse the water of our rivers and how to prevent them from becoming sewers in the first place. We have not found the political and social device which will permit us to throw enough of our national resources into purification to be effective, and particularly we have not been able to bring ourselves to hamper by regulation those industries which we originally encouraged to develop, and through their very development pollute our environment. Particularly, we have not yet found the will to reimburse them for changing the ways that we have encouraged them to adopt.

These latter are social and political acts, and social and political knowledge is humane knowledge. We have the wealth with which to eliminate material poverty. We have the educational resources, theoretically, to educate and train almost anyone so that he need not (because of ignorance) be poor, excepting relatively, but we have lost the way to remove the greatest poverty of all—the deprivation that comes from lack of aspiration. The record of human aspiration is the very substance of the humanities. Through their study we may learn why some peoples have sought high things and others have not, and how some brought themselves to, and others lost, their aspirations.

Pollution is indeed a great problem, and poverty is as great a one, but there is a greater yet, perhaps the greatest that faces us today. We have a systematic and frequently professed set of beliefs, and we have an unstated set of assumptions. In a society which is at rest with itself, beliefs and assumptions that are accepted control behavior. In ours, they do not, for though we state our beliefs, we behave quite differently, and we have not yet been willing to account even to ourselves for the disparity, but we are beginning, and your generation is leading, to question the accepted positions, and sometimes to propose alternatives. I suppose the most dramatic example of a disparity between belief and practice, between respectability, and actuality, is in the area of birth control and population management, often described as another greatest problem that the world today must face. The technology to control population exists. The political and social instruments do not. Actually, however, it is the disassociation of belief and practice that lies behind this practical problem, and which must be at least partly solved before a practical solution can be implemented.

We must, in short, either change our ways or our ethics, or both, unless we choose to allow starvation and war to clean up the situation. Both customs and ethics are the very substance of the humanities.

The humanities need Washington, because it is here that knowledge and decision are most closely involved in each other. Washington needs the humanities, if our decision-makers are really to learn to use knowledge that is not only quantitative but is abstract and sometimes speculative. There is a difference between being objectively right and being right, and it is through abstract philosophical knowledge and thought, used together with objective knowledge, that one's opportunities to be right are greatest.

If humanists can learn to make their work relevant to these problems, and immediate as well as retrospective, they will perform their greatest service. The Civil Rights movement is more than it appears to be on the surface. It is a part, and a very present part, of the ancient search for justice, and many of the problems that are being faced or evaded today are problems that have been faced or evaded in the search for justice in the past. Knowledge of these events and thoughts is highly relevant to what we have before us now. The study must inform the forum.

These are some of the reasons that my little organization is important, and that the great band of humanists and artists and writers and thinkers is far more important yet. Will we learn to use what we have and what we can create, and at the end of these trying times cause to flourish a truly noble society here and elsewhere? Or will we, like many civilizations of the past, allow the disintegration of the intimate relationship between knowledge and belief and act to destroy us?

Now I return to the principal obligation of the Commencement speaker, which is to advise the graduates. As a humanist, I must advise you to be curious, to seek always to know and to understand, not simply things that concern you immediately but things that are of ultimate importance for you. As an executive, I must advise you to be lazy, lazy enough to think and to reflect, before you act, so that you will really have the opportunity to use the knowledge that you have acquired here and which I hope you will continue to acquire. Finally, as a seeker for knowledge, I must advise you to listen. You will be surprised to learn how much more information you acquire that way than by talking. Obviously, I have disregarded my own advice long enough.

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## "FAITHFUL HEIR OF THE FOUNDING FATHERS," CHRISTIAN A. HERTER

Mr. STANTON. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. FINDLEY] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. FINDLEY. Mr. Speaker, the Atlantic alliance lost one of its most outstanding and perceptive statesmen with the recent death of Christian A. Herter. During his public career, beginning with election to the House of Representatives, Mr. Herter was a leader in the effort to establish an Atlantic Union. As Secretary of State, Mr. Herter gave full State Department support to a bill authorizing a U.S. Citizens Commission on NATO to explore greater unity with similar delegations from other Atlantic allies.

Clarence K. Streit, president of Federal Union, Inc., in a recent article in Freedom and Union, has outlined the significant contributions of Mr. Herter for the cause of Atlantic Union.

In 1966, Federal Union, Inc., presented its highest award to Mr. Herter in presenting to him the association's Atlantic Union Pioneer Award on June 11. Former U.S. Ambassador to Peru Theodore Achilles made the presentation.

Mr. Speaker, at this point, I include Mr. Streit's article and Ambassador Achilles' presentation as a part of my remarks:

IN MEMORIAM: "FAITHFUL HEIR OF THE FOUNDING FATHERS," CHRISTIAN A. HERTER, 1895–1966

(By Clarence Streit)

By the death of Christian A. Herter on Dec. 30 Atlantic Union lost the second of two great American statesmen who had teamed ever more closely for it through 20 years. Mr. Herter, long an outwardly smiling victim of arthritis, died apparently of a stroke at 71; his team-mate and friend, Will Clayton, passed into History on Feb. 8 at 86.

How much more Chris—as his friends called him—would have done for Atlantic Union had he been spared as long as was Will . . . had he lived those extra 15 years in this period when science and technology are advancing at a speed faster than sound—and faster far than light on how the world they are creating is to be governed in freedom—the freedom it requires as do growing infants mother's milk. To pause, and think of these things, is to appraise better our incalculable loss in the death of Christian Herter, and our gain through his life, and teamwork.

This teamwork began when in 1946–7 Texan Mr. Clayton as Under Secretary of State inspired the Marshall Plan. Mr. Herter, then a Republican Congressman from Massachusetts, headed a Select Committee that led in getting Congress to approve it. They next teamed together for the Kefauver resolutions to explore Atlantic Union which Rep. Herter co-sponsored in 1949 and 1951, and Mr. Clayton championed as vice president of the Atlantic Union Committee, which he had helped found in 1949 soon after he left the State Department.

The Department blocked these proposals until Mr. Herter, after serving as Governor of Massachusetts, became Secretary of State in 1959. Thanks to him, it then gave a green light to a bill authorizing a U.S. Citizens Commission on NATO to explore greater unity with similar delegations from other Atlantic allies. Congress approved this in 1960 and in 1961 Messrs. Herter and Clayton were included among the 20 Commission members and elected co-chairmen of it.

When the resulting Convention met in Paris in January 1962, Mr. Herter was elected its President.

Meanwhile, early in 1961 the two men became the first U.S. statesmen to belong to the small highly selective Honorary Council of the International Movement for Atlantic Union. In the Fall of 1961 the Herter-Clayton team led in paving the way for the Trade Expansion Act. When Congress approved it in 1962, President Kennedy named Mr. Herter as Special Representative in charge of the international negotiations to free commerce which it opened up. He still held this post, struggling upstream against mounting frustrations, when he died.

These highlights suffice to show that Federal Union, Inc. (publisher of this magazine), was richly justified in giving its highest honor—the Atlantic Union Pioneer Award—to Mr. Clayton in 1964 and to Mr. Herter in 1966. Other details in this crowning period of Mr. Herter's career are given in the accompanying excerpts from the eloquent address by former Ambassador Theodore C. Achilles in presenting the Award to him at New Salem, Illinois, the pioneer settlement so formative for Abraham Lincoln. We reprint also his acceptance statement—the more significant because this testament of faith in federal union of the free was, we understand, his last important public statement . . . a fact entirely overlooked by the daily press. (In fact, the columns it devoted to his obituary rarely mentioned even briefly his long work for Atlantic federation.)

We tend to picture the pioneer as an uncouth frontiersman, through whose rough exterior History's perceptive eye could see the diamond core. Yet when we visit Mount Vernon or Monticello, we are inwardly pleased to see from the homes which Washington and Jefferson built that these revolutionaries who founded our American Federal Union were the kind of men we like to associate with so noble a structure. When we read the lives or words of Benjamin Franklin and Alexander Hamilton we gain the same unconscious satisfaction that their characters and even manners were in keeping with the stature and nature of the political work they pioneered.

Both Christian Herter and William Clayton were shining examples of that kind of pioneer—noble men, in the best and self-earned sense of the term. Both were at home in the most refined, educated and articulate circles—and both made the least refined, educated and articulate feel at home with them. They were gentlemen in what most distinguishes that abused word—they were men of rare strength and rare gentleness. They shared a trait—natural kindliness—we do not associate so much with Washington, Jefferson, Hamilton, or even Franklin.

This gentleness and kindliness were the more remarkable and praiseworthy in Christian Herter because they shone through the painful arthritis that crippled his later years—daily testimony to his courage, as well as to his consideration for others.

In opening the Atlantic Convention in 1962 President Herter asked: "How can we accelerate the historic process of Atlantic unity; how engineer a political breakthrough. . .? The key problem remains—national selfishness, doubt that such a positive political act of faith is needed, postponement of the necessary self-denial . . . Our task is to break this inertial trend . . . Perhaps a galvanic shock will be needed. . . But must we wait for some great catastrophe" to unite us?

Thus he defined the task that, more urgently than ever, still confronts us. In tackling it now without him we can gain courage from the heritage of words and deeds he left us each. We can take heart, too—as he would—from the accelerating rise to power of young Congressmen, Senators and others who became convinced Atlantic Federalists in their student years and now assure its future leadership. And so, in trying to express, in a letter to Mrs. Herter, our feelings of personal loss and sympathy for her and her family, I felt confident that I could assure her: "We will do our utmost that his plea for Atlantica to be united in time to prevent catastrophe—not too late—will not have been made in vain."

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HERTER, ACCEPTING ATLANTIC UNION AWARD, REAFFIRMED FAITH IN "FEDERAL PRINCIPLES"

(By Theodore C. Achilles)

*(There follow excerpts from the tribute which former Ambassador Theodore C. Achilles, vice president of Federal Union Inc., paid to Christian Herter in presenting to him the association's Atlantic Union Pioneer Award on June 11, 1966, in front of the restored Rutledge log tavern in New Salem settlement where Anne won the heart of Abraham Lincoln.)*

Christian Herter has given his country and his fellow men in all countries nearly 50 years of devoted public service. The breadth of his varied experience has been equalled by the length of his personality and his ability to inspire his associates to constructive thought and action.

[*After detailing "the wealth of varied experience which has enabled him to do so much for the cause of Atlantic unity," Mr. Achilles added:*]

I do not know when he first came to believe in that cause, but I am sure that his belief in it was first aroused, like all of us, either by talking with Clarence Streit or by reading *Union Now*. I do know that, as a Member of Congress in 1949 [*then, and again in 1951*], he joined with Senator Kefauver in introducing the first Atlantic Union resolution.

The breadth of his vision, and of his understanding that the proven wisdom of our American federal principles could be of incalculable benefit to the world of today was shown in the words of preamble of that resolution:

*"Whereas the principles on which our American freedom is founded are those of federal union, which were applied for the first time in history in the United States Constitution; and*

*"Whereas our Federal Convention of 1787 worked out these principles of union as a means of safe-guarding the liberty and common heritage of the people of thirteen sovereign States, strengthening their free institutions, uniting their defensive efforts, encouraging their economic collaboration, and severally attaining the aims that the democracies of the North Atlantic have set for themselves in the aforesaid [NATO] treaty; and*

*"Whereas these federal union principles have succeeded impressively in advancing such aims in the United States, Canada, Switzerland, and wherever other free peoples have applied them; and*

*"Whereas the United States, together with the other signatories of the treaty, has promised to bring about a better understanding of these federal principles and has, as their most extensive practitioner and greatest beneficiary, a unique moral obligation to make this contribution to peace . . ."*

Each time the Department of State opposed the resolution on the grounds that the time was not ripe, that emphasis on the broad prospect of Atlantic unity might cool enthusiasm in Europe for the more limited goal of European unity, and that this Government could not even initiate exploration of such unity unless it was exactly what would emerge at the other end. Had similar objections prevailed in 1787 we would never have had a United States of America.

In 1960 a similar resolution was before Congress but Mr. Herter was then Secretary of State. He then stated:

"The Department considers that a meeting such as the one proposed in this resolution might well serve a good purpose. We would be in favor of any useful meetings in which the future of the Atlantic Community can be discussed realistically by thoughtful and responsible people. We in the Department of State would certainly welcome any constructive and practical ideas which might emerge from the proposed convention.

"We particularly welcome the thought expressed in the resolution that the delegates to the proposed convention should be free to explore the problem as fully as individuals . . ."

Finally the resolution passed and Mr. Herter, after his retirement in 1961 as Secretary of State, was elected Co-Chairman of the American Delegation and Chairman of the Paris Convention. His opening speech to that Convention was inspiring and well worth re-reading in full. I will quote only a few sentences. . . .

"Our efforts will be fruitful if we clarify our central purpose to generate an awareness and resulting demand for change and, perhaps, to foreshadow new political arrangements."

"Human efforts," he continued, "become even more effective as they are directed towards defined ends, both in time and in scope. Not only do we need to be clear on the general nature of our political designs, but on a general time span in which we hope to accomplish them. While the ultimate political framework of the North Atlantic Community cannot now be foreseen, our respective nations should not rule out of consideration any approach, no matter how ambitious."

"Must we wait," he concluded, "for catastrophe to unite us?"

When Clarence Streit launched his bold vision of a Union of the Free in 1939 it was dismissed as utopian by many people, particularly in government or political life. It took courage for anyone in government or political life publicly to support it and to urge action to make that vision a reality. Today a resolution calling for a convention to seek agreement upon union of the free as a goal, upon a definite time table and specific institutions to bring it about, is before the Congress sponsored by, at the last count I have heard, 17 Senators and 97 Congressmen.

Selfish, shortsighted nationalism is still strong, not only in France, and the Union of the Free will not come into being without much further controversy and effort. Yet "utopia" has become practical politics, and no single individual has done more to make it so than Christian A. Herter.

It is an honor and a privilege to present him the Atlantic Union Pioneer Award with this citation: "Christian A. Herter, Faithful Heir of the Founding Fathers, Who as Congressman, Urged Exploration of Atlantic Union, as Secretary of State First Opened its Door to a Convention to that End, as President of that Convention asked: 'Must We Wait . . . for Catastrophe' to Unite Us?"

[*Mr. Herter being unable to come—as he had planned to a late hour—Rufus Smith, Director of Canadian Relations in the State Department, accepted the Award for him, and read this statement Mr. Herter had written before his health kept him from coming—and was, we believe, his last important public declaration.—Editors*]

"I deeply appreciate the honor you are doing me and regret that it is impossible for me to be with you in person.

"It was not quite 30 years ago, just before the outbreak of World War II, that Clarence Streit startled the world with his proposal for a federal union of the free. The boldness of his vision inspired new hope in many, but many others dismissed it as utopian dreaming. These 30 years have seen far more "utopian" things become real elements of today's world—television, jet propulsion, nuclear weapons, space travel.

"His proposal was based upon the conviction that the federal principles embodied in our Constitution were the best means yet devised for combining the preservations of individual liberty with the strength of union and that, as our history has proved, they served 180 million people as well as a few million. I know of no free man who would dispute this.

"It was based upon the conviction that all the forces of the modern world—the pressures of population, the speed of modern transpor-

tation and communication, the destructiveness of modern weapons—were making the would constantly more interdependent and forcing us to seek new ways of dealing with problems which respect no frontiers. How much truer this is today than in 1939, and how much more widely recognized.

"Finally, his proposal was based upon the conviction that a start toward wider unity must be made by those nations of Western Europe and North America which share a common faith in the dignity and freedom of the individual, a common heritage, and a vast reservoir of democratic political experience, of knowledge and of moral and material resources. Every U.S. President from Truman to Johnson, every Canadian Prime Minister from St. Laurent to Pearson, and many statesmen in Western Europe, have eloquently proclaimed the importance of progressively greater Atlantic unity.

"What is 'utopian' about these ideas today? Are they not rather a far-sighted view, in President Kennedy's words, of the true course of history? President Johnson has said, 'We shape an Atlantic civilization with an Atlantic destiny.'

"I am convinced that in the long-run neither military alliances nor customs unions will survive without the cement of political institutions. This does not necessarily mean the exact type of union which we created here in the United States. It may well be something new. It must be realistically based upon the needs of today's and tomorrow's world and, I believe, it will have to be based upon some form of federal principles. The ties may be looser and more flexible as between different nations. The roots of unity may have to grow slowly and deeply before the tree grows to full height, but we must never lose sight of our objective or tire in our pursuit of it."

## WISCONSIN PROFESSOR ANSWERS VIETNAM CRITIC

Mr. STANTON. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. DERWINSKI] 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 Ohio?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, we have witnessed cleverly organized groups throughout the country, primarily headed by ultraliberals with Communist involvement obscured from view, who are conducting a concerted attack on U.S. foreign policy in southeast Asia. Former Vice President Richard Nixon has effectively described the aid and comfort which the enemy is receiving from the radical left within this country.

I am pleased to insert into the RECORD as part of my remarks a letter Dr. Waclaw W. Soroka, associate professor of history, Wisconsin State University, Stevens Point, Wis., has written in answer to a request from a radical liberal group active on that campus to sign an appeal to the President similar to statements emanating from other radical left groups to which I have referred. I include Dr. Soroka's letter at this point in the RECORD:

MARCH 16, 1967.

Prof. MORRIS M. WILHELM,
*Acting for the Stevens Point Committee for Peace in Vietnam, Department of Political Science, Wisconsin State University, Stevens Point, Wis.*

DEAR PROFESSOR WILHELM: I have refused to sign your appeal to the President of the United States related to the war in Viet Nam, as proposed in your writing of January 27, and through your representatives on February 23, 1967.

The reasons for my disapproval of your action are the following:

Your statement "that the situation in Viet Nam today is not one where American military might can effectively curb Communist tyranny and aggression" is not convincing. Why isn't it? I see a lack of foundation for your statement; "it is a typical 'petitio principii'" This action in Viet Nam, combined with a proper stand of the U.S. Government, has already curbed Communist expansion throughout the world. There are many signs visible in the Communist camp which indicate that the determination of the U.S. in curbing the Communist expansion by force decreased the influences of the Communist warmongers and strengthened the Communist opponents of the Stalinist and Maoist bellicosity in all the Communist countries, a result of enormous significance. The situation in Viet Nam is proving, in spite of its drama and gravity, that containment of Communism is effective and that the imposition of the Communist revolution and subsequent dictatorship by force on any country is doomed to failure.

The military action of the U.S. in Viet Nam is, therefore, similar in its character and causes to the action carried out by President Harry S. Truman in Greece, Korea and Berlin, and by President J. F. Kennedy in Cuba. President Lyndon B. Johnson has faced a similar pressure from conspiracies of political minorities expressed in terror, massacres and in complete disregard for international agreements. This pressure also disregards the stand of the opponents of Communism no matter whether they are democrats and progressives or conservatives and authoritarians.

Additionally, I disagree with your formulation of this particular statement. It implies your understanding of the military action in Viet Nam as being separated from the political process under the control of the U.S. government. I am of a different opinion. In Viet Nam, we do not see "American military might" only, which would act independently from the political organs of this nation. The military action in Viet Nam is only an extension and prolongation of American policies and diplomacy. The policies of the U.S. in Viet Nam have limited objectives. They are to lead toward a decent solution protecting the nations from imposed dictatorship. However, the policies of this country face the military pressure and the known determination of the Communists to impose their will on everybody else.

Your belief "that the use of American forces in Viet Nam today has turned more Vietnamese, other Asians, and the world community against the United States,"—and "has encouraged more Vietnamese than ever before to turn to Communism . . ." is completely unfounded. In looking at the situation in Viet Nam, you disregard the fact that the Communists are using their unrestricted terror in forcing support from the population of the regions under their domination. You also disregard the fact that in the regions of Viet Nam free from Communist terror, the overwhelming majority of the people voted against Communism. Do you really know many countries where Communism was adopted as a result of the decision of the majority of the people? Do you *know one such country* with the *exception* of Karelia in India?

You also disregard the fact that the claims for peace, including the appeals of the representatives of various religions, with Pope Paul VI as head, have been addressed to both of the parts, to both of the suprapowers, and to China as well. Your stand requiring a unilateral withdrawal of the U.S. from Viet Nam misinterprets such appeals—since you err in your evaluation of the public opinion of the world.

Your statement also implies a misinterpretation of the U.S. broader or underlying objectives in Asia. You assume that the U.S. wants to impose their own rule on part of Asia. And I assume that such are not the objectives of the U.S.

The U.S. does not tend toward the establishment of new colonialism or of any kind of rule over any country of Asia. The U.S. is determined to help in building the Asian societies based on the will of the majority, on respect of human dignity, on freedom from terror and willfulness. The U.S. is determined to submit to, and to defend, the rule and regime of the international law and international cooperation. And to abide by international law, imperfect as it still is, but expressed in some valid agreements is to the interest of everybody, but first of all of the weak and small nations. The rejection of such a rule of law is a crime, no matter whether it is motivated by power politics of the strong, or by nationalism and irrational obstinacy of the Ho Chi Minhs. Giving up in face of such an obstinacy does not solve anything. It cannot solve now as it did not solve anything when the Western powers were giving up in face of the obstinacy of Hitler.

I agree that many Asian peoples have historical reasons for apprehensions at the thought that the old colonialism could be replaced by a new one. It is the task for our diplomacy to dissipate such apprehension. The thought of intelelctuals with integrity must include in its consideration the threat and existence of Communist colonialism, as well. It certainly is to the interest of Asian peoples to learn that the U.S. has been one of the most effective factors in bringing down colonialism.

I agree with you that it is a tragedy for everybody to look or think about the "massacre of thousands of innocent Vietnamese" as well as the "sacrifice of the lives of thousands of the U.S. soldiers" which result from the war in Viet Nam.

But do you believe that the massacres would stop with the American withdrawal from Viet Nam? Let's be candid. A huge new wave of extermination would start which would be similar to the extermination of tens of millions of people in China and everywhere where Communism has been established.

One might have a special attitude toward the victims of Communism, but a fair measure of intellectuals should not make any distinction among Communist and non-Communist victims of terror and barbarism. There are such people who refuse to notice this, I would say that this also is "a treason of the clerk." Any massacre points to the barbaric stage of civilization and to the needs for going deeper to eliminate all of these practices.

Are you sure that saving our soldiers in Viet Nam is tantamount to saving our soldiers and our nation from the threat of aggression? What do you seek; to be safe from aggression, from the necessity of sacrificing millions in the future war—or to be safe from the necessary united effort and sacrifice today in Viet Nam, no matter what would be the future?

Have you forgotten that in the last war close to 50 million people perished just because a madman, Hitler, could create an illusion of "the peace of our time" which became possible because of unreasonable appeasement? Those victims of the Second World War perished because the aggressors had been given green lights for their aggressions, because there was nobody strong enough to prove to the madman in time that he had no chance with his Nazi idea. Giving a green light to the new aggressors necessarily leads us to further demands and higher costs of resistance. A future war would cause incomparably more losses, victims and sacrifices.

In the face of an aggressive pressure, of a

threat of Communist mono-idea to be imposed on people by force, the resignation or indifference of free nations does not help at all in finding a proper solution for the difficulties. The rule of law, the superiority of law, and the respect for international agreements and requirement of international cooperation, is the only solution and an urgent necessity. As in the past, on a lower level of organization, in the transition from the individual self-defense and vengeance to the justice administered by the state, so in the present in international relations, the rule of law, peace, and orderly conditions cannot be established by giving up before an aggressor. It cannot be established through a submission of its objectives to the obstinate nationalisms and unlimited sovereignty of the states and nations. All the failures of the international organizations and of the collective security in the past resulted from lack of sufficient backing of strong nations, self-restricted but prompt in implementing the rule of law and agreement. Not the excess of strength in defense of law and peaceful cooperation was the cause of failures of the international order in the past, and consequently of millions of innocent victims, but lack of strength, restricted to rational objectives and used in a proper time.

Today, still the United States is strong enough to provide the rule of law and the respect for international agreements with sufficient force. Your proposition tends toward a limitation of this strength or toward a postponement of the test. Your proposition, therefore, tends toward the return to the situation similar to that after the First World War, when there was no strength to stop aggressors until the world-wide war developed from the local aggressions. I do not agree with you and I do not see any justification for such a stand.

There is no justification for assuming that the Communists are unified. There are such Communists in the Soviet Union who stand with Daniel and Siniavskii who were deported to Siberia for smuggling their books to the west. There are the Kochetkovs, the Pankratovas who publicly denounced the imperialism and nationalistic chauvinism of Russia and the Soviet Union. There are Tito and Albanian Hodzha, there were Stalin and Khrushchev, there is Mao Tze-tung and his opponents. There are such Communists who hate this continuous pressure of Romantic revolutionaries and wait for a support of the U.S. given to "settlement, reconciliation and cooperation," *against* their own irrational revolutionaries.

The stand of this country—no matter which—helps the one and harms the other.

Firm containment of Communistic pressure in Korea reversed Stalin and his entire myth, and his new purges and new dogmatic revolution.

Firm containment today, in Viet Nam or anywhere increases chances that the Communistic world will generate determination and sincere will for a cooperation in peace. It is the only valid objective of this country but this objective is worth all the sacrifices.

I may go beyond the scope of your direct considerations regarding three additional problems.

The Asiatic nations pass through their interior revolutions. It would be unreasonable and detrimental to support the dictatorial and arrogant groups representing the feudal past or the privileged present of the few against the progress and extension of the democratic process for all. There is no such a necessity. But it would be equally detrimental and unreasonable to assume that progress is represented by the Communists who should not be opposed. In this respect, the work done with the help of the U.S. toward the establishment of the democratic institutions in Viet Nam is commendable and exemplary as the third solution between two false alternatives.

The stand of the U.S. reflected in the policies of President L. B. Johnson, in fact of all the U.S. government since 1945, is marked by deep and mature self-restrictions and limited objectives. These limited objectives seek primarily the cessation of the Communist invasion by force of non-Communist countries. These limited objectives include putting in relief the necessity for all the nations to submit to the rule of law and to the requirements of a peaceful cooperation implemented by the United Nations, by other international organizations and by the international agreements.

Such a stand is not acceptable only for those who consider the process of Communistic expansion as irreversible and as an unavoidable accomplishment of Marxist dialectic. Not all of the Communists of today believe in such a costly dogma. Why does this country have to support the belief of the most radical and blindly orthodox Communists?

The stand of this country is successfully kept and preserved in spite of other pressures of the rightist-extremists, in spite of adverse stand of some leftist groups, in spite of the danger that the development of such an event—if uncontrolled sufficiently—might push this country to an unlimited involvement.

The leaders of the Soviet Union, of China and of all the Communist countries do know or can know that the U.S. is ready to cooperate with all in a peaceful co-existence. They, however, still do not know clearly how far they can go in breaking the international commitments and in disregarding loyalty in this cooperation. They broke the tens of major commitments made to President F. D. Roosevelt. They should know that there is no chance for further blackmailing and a successful imposition of their dictatorship by force over any other country. The sooner they know this, the quicker they will turn toward reason and common sense and against irresponsible adventures.

Your assumption that the Communist regimes turn toward a Titoism of "National Communism" is probably true. It is not excluded that the same evolution could have occurred in Viet Nam, had the whole of Viet Nam become Communist after the defeat of the French. We do not know this, although it is probable.

But what we do know for sure is that "National Communism" developed in the period of successful containment. We also do know that the successful expansion of Communism increases its dogmatism, its bellicosity, its fighting spirit. And this is not desirable in common interest of non-Communist as well as Communist countries.

The sufferings of the Vietnamese have been caused first of all by the Communists themselves. Human compassion for the victims of the war should be expressed also as a protest against the action of the Communists and of Ho Chi Minh. We also do know that we face today not the alternatives of 1950, but the alternatives of 1967.

We heard the people comparing the American conduct of war in Viet Nam with the Nazi deeds and methods. Such a comparison is an abuse of freedom of thought and of common sense. It also proves a complete misunderstanding and lack of knowledge of what the Nazis were.

If I were to protest, I would protest:

Against the nations and individuals who do not abide by the international law, agreements and good faith;

Against the ideologies and apostles of the monoideas—Communistic, nationalistic, Fascistic or others—imposed on the people by force against their will;

Against the regime of one party, or one group which limits individual freedoms and the protection of law over man;

Against the regimes which disregard the will of majority and the rights of minorities, and which govern the peoples without taking into account the will of people and its right to the control over the governments;

Against all Romantic revolutionaries who expose man, a concrete, singular human being, to oppression and hardship in the name of their classes, of their nations, of their concepts of "perfect society";

Against all cruelties including the Communist cruelties;

Against the weakening of this country which can and should defend Peace and international order, discredited and indefendable if the containment does not hold.

Sincerely,

Dr. WACLAW W. SOROKA,
*Associate Professor of History.*

Mr. Speaker, this letter speaks for itself as an effective rebuttal to the propaganda which the radical left of this country is using in an attempt to confuse the American public and foil the leadership our Nation must provide to the free world in the continuing struggle against Communist tyranny.

## FLOOD OF PORNOGRAPHY POLLUTES OUR POSTAL SYSTEM

Mr. STANTON. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. REINECKE] 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 Ohio?

There was no objection.

Mr. REINECKE. Mr. Speaker, today I am reintroducing two bills designed to attack the flood of pornographic mail which pollutes our postal system.

A recent report from the attorney general of my State of California reveals disturbing facts about the amount of obscene and pornographic material which is produced in our State. The smut industry grosses more than $20 million a year from the sale of its offensive matter. And the disturbing thing is that most of this smut is delivered through the services of the U.S. postal system.

The decent citizens of my State are appalled at this situation. They are taking steps toward halting production of this pornographic material on the State level. But they need the strong arm of Federal law to stop the flow of obscene matter through the postal system.

The attorney general's report cites Los Angeles as a central source for obscene matter mailed throughout the Nation.

The Johnson administration has completely ignored this major problem facing law-enforcement agencies. The President recently proposed a series of major anticrime bills to the Congress, but not one word was said about the rising tide of pornography.

Because efforts to combat obscenity have been stymied in the courts, I believe that the Congress must give to every American the weapons to protect his family against the smut being dumped into his mail box.

## COMPOUNDING THE PROBLEM

Mr. STANTON. Mr. Speaker, I ask unanimous consent that the gentleman

from Wyoming [Mr. HARRISON] 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 Ohio?

There was no objection.

Mr. HARRISON. Mr. Speaker, the service given by the Post Office Department steadily grows worse. Repeated requests are being made for increases in first-class mail rates but no improvement of service results from such increases. Even the Postmaster General admits the Department is inefficient and he has suggested that its method of operation be changed.

Some time ago, the Post Office Department shifted from railway mail service to delivery by trucks, with a decreasing efficiency in the handling of the mail, a large loss of revenue by the railroads, and the loss by many railway postal workers of their jobs. The Post Office Department is now considering a further elimination of the railway mail cars and service, and should this further reduction be initiated, Wyoming will suffer a further loss of employees and will receive much poorer mail service.

An editorial written by Mr. Jim Flinchum, editor of the Wyoming State Tribune at Cheyenne, sets out the facts of this matter very clearly, and I am submitting a copy of his editorial and I hope that others who are suffering from a similar situation will join me in an effort to correct this situation, protect the jobs of loyal Government postal employees, and provide efficient and prompt mail service.

COMPOUNDING THE PROBLEM

The impending pull-out of 60 to 70 postal clerks from the Cheyenne postoffice doesn't make sense in view of the current operating mess in the U.S. Postoffice Department itself.

The proposed loss of the Cheyenne postal clerical force presumably stems from the fact that processing of Wyoming mail has been shifted to Denver, Omaha, and Salt Lake City, larger mail distribution centers on the periphery of this state.

But this is exactly why the entire Postoffice Department is in a jam right now, and why Postmaster General O'Brien has called for the department's cabinet-rank deactivation, and placing its operations under a corporation.

A published interview with the postmaster general today in U.S. News & World Report quotes him as saying a "catastrophe" is facing postal operations in this country unless there is a drastic change.

The trouble, according to O'Brien, is the concentration of postal processing operations in a number of key cities of the country. In the U.S. News & World Report article which will be published in this week's issue O'Brien says there are 300 to 400 large postoffices that are currently overloaded.

Among them are New York, Chicago, Los Angeles, San Francisco, St. Louis, Kansas City, Baltimore, Philadelphia, Washington, Cleveland and Brooklyn. The situation in Pittsburgh, Cincinnati, Milwaukee, and Indianapolis is described as severe; Memphis as "extremely critical"; Des Moines as a "real problem."

"Los Angeles and San Francisco are subjected to extremely heavy north-south traffic," said the postmaster general. "We're also watching Omaha and Oklahoma City very carefully."

The postal plant is described by O'Brien as "appallingly inadequate." Another problem is finding a capable work force. On any day, he says, the department is breaking in between 70,000 and 80,000 new workers.

The postal crisis is so appalling, says O'Brien, that if a blowup occurred in two or three big offices at the same time, the department would be in serious trouble. He is quoted in the U.S. News & World Report piece: "If Dallas and Atlanta went down together, for instance, the whole eastern part of the country would be paralyzed. When mail is delayed at strategic points, you get a tremendous chain reaction."

What's the source of the trouble? Judging from the O'Brien interview in this publication, its a sudden mail glut that occurs in the big distribution centers.

The problem resides, obviously, in centralization—amalgamation of mail processing and distribution facilities. This should provide a perfect counter-argument for the Cheyenne Chamber of Commerce representatives who met here yesterday with Senator McGee.

A rough analysis of this trouble would seem to absolutely require a mandatory decentralization process for the postal handling operations.

Why not let the Wyoming mail be broken down, for example, right here in Cheyenne and distributed from here rather than from Denver? Why must it be necessary to handle the Wyoming mail in Omaha (500 miles from Cheyenne), Denver (100 miles) or Salt Lake City?

Rather than achieving efficiency by the centralization of operations, the Post Office Department is creating such a logjam of operations and problems that stem directly from them, that it is nearing collapse.

Postmaster-General O'Brien talks fondly of creating a corporate entity out of the department instead of a bureaucratic maze. Why not set about some modern corporate policies, then, by decentralizing the physical plant? Why concentrate it entirely in a relatively few large postoffices that are subject to critical overloads, and distribute the functions on a more efficient basis?

It just doesn't seem reasonable to compound the confusion and problems by depriving the smaller postal facilities of some of their operating responsibilities, and concentrating those chores in the bigger postoffices and distribution centers where overloading already threatens disaster.

## THE SEPARATION OF POWERS

Mr. STANTON. 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 Ohio?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, although the Supreme Court, in the 1959 Barenblatt decision, the 1960 McPhaul decision and the Braden and Wilkinson decisions in 1961, has upheld the constitutionality of the House Committee on Un-American Activities, nevertheless attempts are still being made to enjoin the committee from performing its function as an investigative and legislative committee.

One such attempt arose out of the hearings before the Committee on Bills To Make Punishable Assistance to Enemies of United States in Time of War in August of 1966. It will be remembered that demonstrations and raucous behavior was indulged in by certain elements before the committee here in Washington. Members of the committee were named as defendants in court action because it was charged that the actions of the committee "were done solely to harass and intimidate them in the exercise of first amendment rights, and were not done in aid of the lawmaking and law-evaluating functions of the Congress of the United States."

As the case of Krebs and others against JOHN M. ASHBROOK and others, presents very important and interesting arguments dealing with the separation of powers of the legislative and judicial branches of Government, I include the supplemental brief of the Department of Justice for dismissal of the case in the RECORD at this point:

[In the U.S. District Court for the District of Columbia]

DR. ALLEN M. KREBS, ET AL., PLAINTIFFS, *v.* JOHN M. ASHBROOK, ET AL., DEFENDANTS—CIVIL ACTION NO. 2157–66

Defendants' supplement to motion to dismiss and to strike certain allegations of the complaint and plaintiffs' affidavits; supplement to opposition to plaintiffs' motion for preliminary injunction; and motion that three-judge-court order its own dissolution and remand case to single-judge-court to dismiss action for want of subject-matter and equity jurisdiction, or order dismissal of action as moot.

Comes now the United States Attorney for the District of Columbia on behalf of defendants, and:

1. Moves the Court to dismiss the supplemental complaint, and renews the motion to dismiss the original complaint, for lack of subject-matter and equity jurisdiction;

2. Opposes plaintiffs' supplement to their motion for preliminary injunction, and renews the opposition to the original motion for preliminary injunction;

3. For jurisdictional purposes, particularly the bar to maintenance of this action imposed by the separation-of-powers doctrine and the sovereign immunity doctrine—

(a) Expressly traverses all of plaintiffs' conclusory allegations in the original complaint and supplemental complaint to the effect that the complained-of actions of members of the Committee on Un-American Activities, House of Representatives, 89th Congress, were done solely to harass and intimidate them in the exercise of First Amendment rights, and were not done in aid of the lawmaking and law-evaluating functions of the Congress of the United States.

(b) Affirmatively avers that Congress' official records and reports conclusively show that such complained-of actions were done in the course and within the scope of Congress' legislative business; and the Court lacks jurisdiction to inquire or consider any evidence *dehors* the official congressional records and reports in this regard; and

(c) Further affirmatively avers that plaintiffs' contrary, conclusory allegations are fictitious, unfounded in fact, and feigned in an effort to give this Court some semblance of color of jurisdiction in the premises.

4. For jurisdictional purposes—particularly the lack of a justifiable case or controversy and lack of standing to sue—

(a) Expressly traverses all of plaintiffs' conclusory allegations in the original complaint and supplemental complaint which state (or imply) criminal prosecution of plaintiffs Krebs and Teague is imminent, for contempt of Congress arising out of the occurrences or defaults at the "Hearings on H.R. 12047, H.R. 14925, H.R. 16175, H.R. 17140, and H.R. 17194—Bills to Make Punishable Assistance to Enemies of U.S. in Time of Undeclared War" held on August 16–19, 1966 by the Committee on Un-American Activities,

House of Representatives, 89th Congress; and

(b) Affirmatively avers that the events since such hearings indicate that criminal prosecution of plaintiffs Krebs and Teague for contempt of Congress arising out of such occurrences or defaults is unlikely.

5. Moves the Court to strike so much of paragraphs 17, 18, 20–27, of plaintiffs' supplemental complaint as conclusorily allege (or imply) that at said hearings the Committee on Un-American Activities of the House of Representatives, 89th Congress, was not engaged in gathering information in aid of the law-making and law-evaluating functions of the Congress of the United States; and, further, to strike so much of paragraphs 27, 30–32, of plaintiffs' supplemental complaint as conclusorily allege (or imply) criminal prosecution of plaintiffs Krebs and Teague is imminent, for contempt of Congress arising out of the occurrences or defaults occurring at said hearings.

6. Moves the Three-Judge-Court to order its own dissolution, and remand this case to Single-Judge-Court to dismiss for want of subject-matter and equity jurisdiction; or to order dismissal of action as moot.

Incorporated into and made a part hereof (by reference) are Government Exhibits 1–5, heretofore filed in this cause. Also incorporated into and made a part hereof are the following additional exhibits, identified as indicated:

Government Exhibit No. 6: (Attached) printed record of "Hearings on H.R. 12047, H.R. 14925, H.R. 16175, H.R. 17140 and H.R. 17194—Bills to Make Punishable Assistance to Enemies of U.S. in Time of War" held by Committee on Un-American Activities, House of Representatives, 89th Congress on August 16–19, 1966 and August 19, 22, and 23, 1966 (Parts 1 and 2)

Government Exhibit No. 7: (Attached) Report No. 1908, House of Representatives, 89th Congress, 2d Session, dated August 29, 1966, entitled "Obstruction of Armed Forces", reporting favorably out of the Committee on Un-American Activities the bill (H.R. 12047) to amend the Internal Security Act of 1950, with amendments

Government Exhibit No. 8: (By reference) the proceedings in the House of Representatives, 89th Congress, on consideration of said bill, CONGRESSIONAL RECORD, volume 112, part 19, pages 26213–26252, and volume 112, part 20, pages 26592–26594

Government Exhibit No. 9: (Attached) H.R. 12047, the bill to amend the Internal Security Act of 1950, as passed by the House of Representatives, 89th Congress, on October 13, 1966 and referred to the Senate

Government Exhibit No. 10: (Attached) H.R. 8, the bill to amend the Internal Security Act of 1950, as introduced January 10, 1967 in the House of Representatives, 90th Congress, 1st Session

Government Exhibit No. 11: (Attached) H. Res. 7, 90th Congress, 1st Session, as agreed to in the House of Representatives January 10, 1967, adopting as the Rules of the House of Representatives, 90th Congress, (with amendment) the Rules of the House of Representatives, 89th Congress, together with all applicable provisions of the Legislative Reorganization Act of 1946, as amended

Government Exhibit No. 12: (Attached) affidavit of Francis J. McNamara, Director, Committee on Un-American Activities, House of Representatives, 89th Congress and 90th Congress, setting forth facts as to House of Representatives receipt and custody of records characterized in the supplemental complaint as "membership lists"

Government Exhibit No. 13: (By reference) election of members, Committee on Un-American Activities, House of Representatives, 90th Congress, CONGRESSIONAL RECORD, pages 1086 and 1738 for January 23 and 26, 1967.

In support hereof, a memorandum of points and authorities is submitted.

DAVID G. BRESS,
*U.S. Attorney.*
JOSEPH M. HANNON,
*Assistant U.S. Attorney.*
GIL ZIMMERMAN,
*Assistant U.S. Attorney.*

CERTIFICATE OF SERVICE

I hereby certify that service of a copy of the foregoing supplement to motion, opposition, etc., (with attached exhibits going to Mr. Kinoy only), and supporting memorandum of points and authorities, has been made this 14th day of April, 1967 by mail upon the following attorneys for plaintiffs:

Arthur Kinoy, Esq., Kinoy & Kunstler, 511 Fifth Avenue, New York, New York. (Copy by Special Delivery Air Mail and also by regular mail.) John DeJ. Pemberton, Jr., Esq., American Civil Liberties Union, 156 Fifth Avenue, New York, New York 10010. Jeremiah S. Gutman, Esq., 363 Seventh Avenue, New York, New York. Lawrence Speiser, Esq., American Civil Liberties Union, 1426 16th Street, N.W., Washington, D.C.

GIL ZIMMERMAN,
*Assistant U.S. Attorney.*

[In the U.S. District Court for the District of Columbia]

DR. ALLEN M. KREBS, ET AL., PLAINTIFFS, *v.* JOHN M. ASHBROOK, ET AL., DEFENDANTS—CIVIL ACTION No. 2157–66

Defendants' memorandum of points and authorities in support of supplement to motion to dismiss and to strike certain allegations of the complaint and plaintiffs' affidavits; supplement to opposition to plaintiffs' motion for preliminary injunction; and motion that three-judge-court order its own dissolution and remand case to single-judge-court to dismiss action for want of subject-matter and equity jurisdiction, or order dismissal of action as moot.

INTRODUCTION

(A) Present Status of Matters Relative to Litigation

So that the Court will be informed as to the present status of matters relating to this proceeding (as of April 10, 1967), the United States Attorney for the District of Columbia, on behalf of defendants, supplements paragraphs 1–5 of his earlier Statement,[1] as follows:

6. On August 29, 1966 the Committee on Un-American Activities, House of Representatives, 89th Congress, filed its Report No. 1908 (Government Exhibit 7). It accompanied H.R. 12047, as amended. That report set forth (*inter alia*) the purpose of the bill; the Committee's action in respect thereto; and the Committee findings as to the necessity for its enactment.

7. After legislative debate, the House of Representatives, 89th Congress, on October 13, 1966 passed H.R. 12047, as amended. Subsequently, that bill was referred to the Senate, 89th Congress. (Government Exhibits 8 & 9.)

8. No report was made to the House of Representatives, 89th Congress, while it was in session, as to the fact of plaintiffs Krebs' and Teague's failure to appear when called to testify (as required by subpoena) on August 17, 1966 before the Committee on Un-American Activities, House of Representatives, 89th Congress. The 89th Congress adjourned *sine die* on October 22, 1966. CONGRESSIONAL RECORD, volume 112, part 21, page 28897. The fact of such failure was thereafter not reported to the Speaker of the House of Representatives during the 89th Congress while not in session. And no such step (or any other) looking to their criminal prosecution, or other proceedings, in respect of such failure has been taken to date.

9. Upon expiration of the 89th Congress, and the convening of the 90th Congress on January 10, 1967 (CONGRESSIONAL RECORD, p. 3), the following authorities, under which the hearings of the Committee on Un-American Activities, House of Representatives, 89th Congress, were held on August 16–19, 1966, terminated and became *functus officio*:

(a) H. Res. 8, 89th Congress, 1st Session, adopted January 4, 1965 (CONGRESSIONAL RECORD, vol. 111, pt. 1, p. 21). This House Resolution had adopted "as the Rules of the House of Representatives of the Eighty-Ninth Congress", with amendments, "the Rules of the House of Representatives of the Eighty-Eighth Congress, together with all applicable provisions of the Legislative Reorganization Act of 1946, as amended."[2]

(b) Resolution of the Committee on Un-American Activities, House of Representatives, 89th Congress, adopted July 14, 1966, authorizing the Committee, or a Subcommittee thereof, to conduct hearings for the proper legislative purpose of gathering information in aid of law-making and law-evaluation. (Government Exhibit 1; see Government Exhibits 2 & 3.)

10. By House Resolution 7, adopted January 10, 1967, the House of Representatives, 90th Congress, has adopted "as the Rules of the House of Representatives of the Ninetieth Congress", with amendment, "the Rules of the House of Representatives of the Eighty-Ninth Congress, together with all applicable provisions of the Legislative Reorganization Act of 1946, as amended." (Government Exhibit 11.)

11. The House of Representatives, 90th Congress, has elected the membership of its Committee on Un-American Activities for the 90th Congress. (Government Exhibit 13.) The following named defendants have been elected to the Committee for the 90th Congress: Edwin E. Willis, Chairman; William M. Tuck, Joseph R. Pool, Richard H. Ichord, John M. Ashbrook, and Del M. Clawson, Members. The following named defendants are not members of the Committee for the 90th Congress: John H. Buchanan, Jr., George F. Senner, Jr., and Charles L. Weltner.

12. The Committee on Un-American Activities, House of Representatives, 90th Congress, has to date not adopted any Resolution authorizing the Committee, or any Subcommittee thereof, to conduct hearings on the same subject-matters as are set forth in the Resolution of the Committee, 89th Congress, of July 14, 1966 (Government Exhibit 1).

(B) Relief sought by plaintiffs

In their supplemental complaint, plaintiffs continue to seek "all the preliminary and permanent injunctive relief and declaratory relief prayed for in the original complaint".

Plaintiffs originally sought to have this Court anticipatorily interfere by injunctive

[1] Our prior Status Statement appears at pp. 1–2 of "Defendants' Memorandum of Law Pursuant to Order of Three-Judge District Court dated August 17, 1966." We incorporate it here by reference.

[2] The Legislative Reorganization Act of 1946, 60 Stat. 812, 814, expressly provided that its Rule provisions were "an exercise of the rule-making power of the Senate and House of Representatives, respectively and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply". ((Section 101(a).)) And it further expressed "full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) *at any time, in the same manner and to the same extent as in the case of any other rule of such House.*" ((Section 101 (b).)) [Emphasis supplied.]

process with the conduct by a Congressional Committee of Congress' legislative business. They wanted this Court to issue an injunction, barring defendant members of the House Committee on Un-American Activities, 89th Congress, from proceeding with Committee hearings then scheduled to begin August 16, 1966, or from reporting to the House of Representatives the facts concerning any contempt of Congress arising out of plaintiffs Krebs' and Teague's failure to comply with Committee subpenas requiring them to appear and testify at those hearings.[3]

By way of declaratory judgment relief, plaintiffs originally sought to have the Court declare that "Rule XI of the Rules of the House of Representatives establishing the Committee on Un-American Activities of the House of Representatives and the Legislative Reorganization Act of 1946, 60 Stat. 317, 828, insofar as it incorporates and sets forth Rule XI violate on their face and as applied the Constitution of the United States and are therefore null, void and no effect".

Plaintiffs have added a prayer in their supplemental complaint that injunctive process issue to keep, not only defendant members of the House Un-American Activities Committee, 89th Congress, but also the entire membership of the House of Representatives, "from using in any manner whatsoever the membership lists subpoenaed by defendants". They also now pray that defendant members of the House Un-American Activities Committee, 89th Congress, be required by injunctive process "to return all such lists and any copies thereof to their rightful owners".

(C) Facts as to so-called "membership lists".

As for the records which the supplemental complaint characterizes as "membership lists": Those records were lawfully subpoenaed from universities and colleges. They are presently in the custody and subject to the control of the House of Representatives. Without the approval of the House of Representatives, the return of those records to the universities and colleges concerned cannot be effectuated. And plaintiffs Krebs and Teague have no personal property or other legal interest therein. (Government Exhibit 12.)

SUPPLEMENTAL ARGUMENT[4]

*I. The Court lacks subject-matter and equity jurisdiction*

Plaintiffs misconceive[5] our jurisdictional objections. We do assert the absence here both of "federal subject-matter jurisdiction" and of equity jurisdiction.

(A) Separation-of-powers

In their reply memorandum, plaintiffs disregard the basic separation-of-powers jurisdictional vice in their case.[6] Therefore, we re-emphasize:

Our basic point here is that *any* anticipatory court interference (whether by injunctive process or by declaratory relief having like inhibitory effect) with the conduct by Congress of any part of its legislative business would constitute an unjustifiable judicial encroachment upon the legislative sphere constitutionally entrusted to Congress. The Constitution vests the legislative power of the United States in Congress, consisting of the Senate and the House of Representatives. Art. 1, Sec. 1. The separation-of-powers doctrine, which is so fundamental to our American constitutional system, posits the independence of Congress, within the sphere of sovereignty assigned it by the Constitution, from any interference by either of the other coordinate branches of the Government. See *Kilbourn* v. *Thompson*, 103 U.S. 168, 190–191 (1880).[7]

We think this point has been so clearly settled in this Circuit by *Pauling* v. *Eastland*, 109 U.S. App. D.C. 342, 344–346, 238 F. 2d 126, 128–130, *cert. denied*, 364 U.S. 900 (1960), as to be beyond controversy in this Court:

"It seems quite clear that as a matter of basic general principle a court cannot interfere with or impede the processes of the Congress by proscribing anticipatorily its inquiries. This is so * * * from the viewpoint of the Constitutional separation of powers * * *.

"* * * The courts have no power of interference unless and until some event, * * * brings an actual controversy into the sphere of judicial authority. * * *

"* * * * * * *

"* * * It is unthinkable * * * that, if [in a proper "case" or "controversy" within the judicial competence] the courts should hold a specific directive of a Committee of the Congress unconstitutional and void, the Committee would nevertheless attempt to enforce that directive. So, * * * a declaratory judgment would be as effective an impingement upon and interference with legislative proceedings as a flat injunction would be. Thus, * * * a declaratory judgment respecting the validity of contemplated Congressional action would violate the doctrine of the separation of powers and would be an illegal impingement by the judicial branch upon the duties of the legislative branch.[8]

"* * * * * * *

"In summation, it is perfectly clear * * * that, if Pauling should be cited for contempt and thereafter committed, either by the Senate or by a court, of contempt, the courts will review that judgment and may in that proceeding pass upon the validity of the order of the Subcommittee. It is equally clear * * * that the courts have no power in the proceeding presently before us to pass upon, either by injunction or by declaratory judgment, the validity of the Subcommittee order. * * *" [Bracketed material supplied.]

The other cases we have cited also make it clear that all prior or anticipatory judicial restraint of Congress in respect of any phase of its legislative business would violate the constitutional separation-of-powers doctrine.[9]

Plaintiffs sought in their original complaint to get this Court to interfere by anticipatory injunctive process (or declaratory relief having like inhibitory effect) with the conduct by the House Un-American Activities Committee of a legislative hearing in progress, and with its reference to the House of Representatives of the fact of occurrence of acts in apparent contempt of Congress. They seek in their supplemental complaint to get this Court to interfere by injunctive process with Congress' possession of certain records which they characterize as "membership lists". Thus, proper application here of the separation-of-powers doctrine is wholly dispositive of plaintiffs' entire case

To whatever extent plaintiffs may seek to rest their claim that this Court has jurisdiction here, upon *Dombroski* v. *Pfister*, 380 U.S. 479 (1965), and *Reed Enterprises* v. *Corcoran*, 122 U.S. App. D.C. 387, 354 F. 2d 519 (1965), their reliance is misplaced.[10] Those decisions

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[3] We believe that the after-occurring events enumerated herein render the entire injunctive aspect of the matter moot. See our Argument *infra*.

[4] We intend that this Argument serve both as a rejoinder to plaintiffs' memoranda, and as a supplement to our original memorandum of points and authorities in support of our motion to dismiss, etc., and our subsequent memorandum of law pursuant to the order of the Three-Judge District Court dated August 17, 1966 (which we incorporate here by reference).

[5] Reply memorandum, pp. 1–3.

[6] This vice is so patent to us that we marvel plaintiffs undertake to discuss the matter in their reply memorandum exclusively in "equity abstention" terms. But they purport to do so seriously. Also, they have supplied to this Court (by letter of November 16, 1966) a copy of the decision of the Court of Appeals for the Seventh Circuit in *Stamler* v. *Willis*, No. 15268, etc., entered November 10, 1966, re-hearing *en banc* denied February 13, 1966 (Kiley and Cummings, J.J., with Knoch, J., dissenting). There, the Court of Appeals majority appears to have not considered (or, perhaps, has chosen to ignore) for purposes of determining the propriety of convening a Three-Judge-District-Court, the obvious separation-of-powers jurisdictional bar we discuss here.

Accordingly, and in order that there will be no further mistaking of our position on this basic point, we here supplement the discussion in our original memorandum (Point 1, at pp. 3–6) and our brief touching on it in our August 26, 1966 memorandum (at p. 3). We here also incorporate by reference Judge Hart's excellent discussion in his recent opinion (entered April 7, 1967) in *Powell* v. *McCormack*, D.C. Civil Action No. 559–67. If this Three-Judge Court shares our view that we are "laboring the obvious" here, or simply determines that, without even reaching the issue itself, it will follow Judge Hart's decision in *Powell*, we hasten to apologize for burdening the Court with this additional exegesis of what, to us at least, seems obvious and settled.

[7] In the context of this litigation, it is also pertinent to note that the Constitution confers upon each House of Congress the right to "determine the Rules of its Proceedings". (Art. 1, Sec. 5, Cl. 2.) Furthermore, all members of Congress are constitutionally protected from judicial (or other) questioning "for any speech or debate in either House". (Art. 1, Sec. 6.) This protection extends to all "things generally done in a session of the House by one of its members in relation to the business before it", including "written reports presented in that body by its committees" and "resolutions offered". *Kilbourn* v. *Thompson, supra*, 103 U.S. at 204.

[8] In our August 26, 1966 memorandum (at p. 2), we cited *Federal Housing Administration* v. *Darlington, Inc.* for the proposition that declaratory relief having like inhibitory effect is no different from an injunction for purposes of convening a Three-Judge District Court. In that case, plaintiff sought—and the District Court purported to grant—a judgment declaratory in form, holding certain provisions of the National Housing Act unconstitutional. 142 F.Supp. 341, 353 (E.D.S. Car. 1956). The Supreme Court, recognizing the true inhibitory effect of the declaratory relief sought and granted, reversed and remanded the case for consideration as an injunctive matter under 28 U.S.C. 2282 by a Three-Judge District Court. 352 U.S. 977–978 (1957). It was thereafter considered and decided by the Supreme Court on direct appeal as a Three-Judge Court injunctive matter. 358 U.S. 84 (1958). Also see *Public Service Commission, etc.* v. *Wycoff Co.*, 344 U.S. 237, 247 (1952); *Flemming* v. *Nester*, 363 U.S. 603, 606–607 (1960).

[9] See our original memorandum (at p. 5). Also see *Yellin* v. *United States*, 374 U.S. 109, 121 (1963), where the Supreme Court, citing *Pauling* v. *Eastland, supra*, indicated that it was "highly improbable" that any injunction could issue against a Committee of Congress. In *Dombroski* v. *Burbank*, 123 U.S. App. D.C. 190, 192–193, 358 F.2d 821, 823–824, *cert. granted sub nom. Dombroski* v. *Eastland*, 385 U.S. 812 (1966), the Court of Appeals recognized that it could not enjoin Members of Congress from using documents allegedly seized "in the course of their official business for the * * * Committee" of Congress.

[10] See their original memorandum (at pp. 19–34) and their reply memorandum (at pp. 5, 6–11). In our view, plaintiffs simply obfuscate the matter.

avail them nought, in respect of the proper applicability here of the separation-of-powers doctrine.

*Dombroski* involved no aspect of separation-of-powers. It concerned "the Federal judiciary's relationship to the States". As Mr. Justice Brennan observed in *Baker* v. *Carr*, 369 U.S. 186, 210 (1962), such Federal judiciary-State relationship is totally different in kind from the "relationship between the [Federal] judiciary and the coordinate branches of the Federal Government."

It was early settled [11] in our constitutional law history that under the "Supremacy Clause" in Article VI, par. 2, of the Constitution, the Constitution and laws of the United States are paramount over all laws and actions of instrumentalities of the various States of the Union. And since *Ex parte Young*, 209 U.S. 123, 147–148 (1908), it has not been doubted that—in a proper equity case warranting Federal judicial intervention in State affairs—the Federal courts may enjoin State action in order to vindicate Federal rights. See *Dombroski, supra*, 380 U.S. at 483–486. [12]

*Reed Enterprises* involved no separation-of-powers confrontation between the Federal judiciary and Congress. Plaintiffs there were not seeking by anticipatory court process to stop Congress "in its tracks" when acting within the legislative sphere constitutionally entrusted to it. [13] That case involved [14] the familiar settled use of the courts' injunctive process as a mode of effecting judicial review of actions by Executive officers (subordinate to the President) seeking to enforce a statute which is claimed to be unconstitutional.[15]

This brings us to the final point we wish to discuss under this heading: Plaintiffs here seek, by making a fictitious, unfounded, feigned claim in their complaint, to project this Court into an extreme confrontation with Congress in a sensitive separation-of-powers area. Their claim (complaint, par. 10) that the Committee subpoenaed plaintiffs Krebs and Teague "solely for the purpose of harassing and intimidating" them in the exercise of their First Amendment rights, is unfounded in fact and feigned to give this Court some semblance of color of jurisdiction.

The principles governing constitutional adjudications make it unnecessary for this Court to entertain plaintiffs' feigned extreme claim here. Particularly since plaintiffs seek to project the Court far into the delicate area of judicial relations with Congress in the realm of legislative matters, this Court should properly limit its decision here to the case actually before it, and not venture to "formulate a rule of constitutional law broader than is required by the precise facts to which it is to be applied". *United States* v. *Raines*, 362 U.S. 17, 21 24 (1960). As we noted in our August 26, 1966 memorandum: [16]

"* * * [I]t incontrovertibly appears that the Members of Congress sued were engaged at the Committee hearing in the conduct of Congress' legislative business.

"That the Committee was gathering information in aid of law-making and law-evaluating at its hearing is established beyond dispute here by Government Exhibits Nos. 1, 2 and 5. * * *. No evidence *dehors* the official congressional record may properly be considered here as to any purported ulterior purpose in summoning plaintiffs * * *."

We have now supplied the Court with additional materials conclusively establishing, for purposes of this case, that the Committee was gathering information in aid of law-making and law-evaluating at its hearings which commenced August 16, 1966: The printed record of the 89th Congress Committee hearings (Government Exhibit 6); the Committee Report on H.R. 12047 (Government Exhibit 7); the House proceedings on consideration of that bill (Government Exhibit 8, by reference); that bill as passed by the House of Representatives, and referred to the Senate (Government Exhibit 9); and the corresponding bill introduced in the current Congress (Government Exhibit 10). [17]

For purposes of this case, the official Congressional records now before the Court incontrovertibly show:

(1) The August 16–19, 1966 investigative [18] hearings, as well as the August 19, 22 and 23, 1966 legislative hearings, which the Subcommittee conducted, were essentially concerned with "hard core" Communist activities. The Subcommittee Chairman made this clear in his Opening Statement.[19]:

"The Supreme Court has held that, in the domain of national security, this committee has "pervasive authority" to investigate Communist activities. When this country is engaged in open hostilities with a foreign Communist power, the sending of aid or assistance to that power involves the national security; obstructing the movement of military personnel or supplies affects our national security; impairing or interfering with the loyalty, morale, discipline, and recruitment of military personnel affects our security, and so do Communist propaganda activities carried out in this country in behalf of the Communist power with which we are engaged in hostilities, and travel and any other activities undertaken in behalf of that power and the world Communist movement. Clearly, the committee has the authority to investigate the extent of subversion or Communist influence in such activities."

(2) During the investigative phase of the Subcommittee hearings commenced August 16, 1966, testimony was received (*inter alia*) to the following effect:

"(a) The Progressive Labor Movement, now the Progressive Labor Party, was formed in 1961 by two former members of the Communist Party of the United States who were expelled therefrom for 'left deviationism', being considered to be supporters of the 'Chinese faction, the Albanian faction' of the World Communist movement. This Communist organization 'in many respects * * * considers itself to be the only true Communist Party in the United States'. It follows 'the same ideological line as the Chinese' and vehemently attacks the Soviet Union and the Communist Party of the United States.

"(b) Among the long-range means by which the Progressive Labor Party hopes ultimately to accomplish the forcible overthrow of the Government of the United States is to incite riots 'within various ghettos in the cities', and form 'radical so-called anti-imperialist student groups'.

"(c) The Progressive Labor Party and all other Communist organizations operating within this country (and abroad) devote 'a tremendous amount of time and money' on propaganda efforts 'aimed at specific groups' which they would like to incite. In the course of such incitements, 'civil disobedience plays a very important role'; if the young people involved get arrested and jailed, that (hopefully) would 'create more of a revolutionary consciousness on their part.'

"(d) The Progressive Labor Party established, or aided in the establishment, and helped direct, a number of 'Front' organizations (i.e., organizations actually under Communist control, but involving other people, and not appearing to be under Communist control). By this means, such other persons are brought into contact with Communism, and they may perhaps then actually join a Communist organization. Among these 'Front' organizations was the 'May 2nd

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[11] *M'Culloch* v. *Maryland*, 4 Wheat. 316, 427–438 (1819); *Gibbons* v. *Ogden*, 9 Wheat. 1, 210–212 (1824).

[12] In *Dombroski*, the plaintiffs asserted Federal rights under the Civil Rights Act, 42 U.S.C. 1983, and the Constitution of the United States, and sought an injunction restraining instrumentalities of the State of Louisiana. The Supreme Court there found a "bad faith" situation to exist in which plaintiffs' defense in the State's criminal prosecution would not assure "adequate vindication" of Federal constitutional rights, 380 U.S. at 481–482, 485, 487–489, and that, under the particular circumstances in that case, it was "inappropriate" to apply the "equity abstention" doctrine. 380 U.S. at 489. Also inapposite, for the same reason as *Dombroski*, are such other cases involving State action as *Bond* v. *Floyd*, 385 U.S. 116 (1966); *Baggett* v. *Bullitt*, 377 U.S. 360 (1964); *National Association for the Advancement of Colored People* v. *Button*, 371 U.S. 415 (1963).

[13] We further deal with this point *infra* under the heading of "sovereign immunity".

[14] It was held in *Reed Enterprises* that an action may lie against the Attorney General and his delegates, seeking to enjoin a pending criminal proceeding, where (allegedly) proposed multiple criminal prosecutions would result in destruction of the accused persons' "business, exhaust their financial resources, and make it impossible to defend themselves", and the (alleged) multiple prosecutions (allegedly) have a "chilling effect" on expression within the protection of the First Amendment.

[15] See *Philadelphia Co.* v. *Stimson*, 223 U.S. 619–620 (1912); *Larson* v. *Domestic & Foreign Commerce Corp.*, 337 U.S. 682, 704 (1949). But it has been an immutable principle of our tri-partite constitutional system that no like injunctive proceedings will lie to interfere with the President's conduct of his constitutional duties. See *Chicago & Southern Air Lines, Inc.* v. *Waterman S. S. Corp.*, 333 U.S. 103, 109–112 (1948); *Mississippi* v. *Johnson*, 71 U.S. (4 Wall.) 475, 500 (1867).

[16] At pp. 7–8, with full citation of authorities.

[17] The complaint "on its face" now also supplies a portion of the official records of Congress which incontrovertibly establish, for purposes of this case, that the Committee hearings which commenced on August 16, 1966 were in aid of Congress' lawmaking and law-evaluating functions. In their supplemental complaint, plaintiffs have incorporated (as their Exhibit A) the transcript of the August 16–19, 1966 investigative phase of the Committee hearings. This same transcript comprises most of Part 1, Government Exhibit 6.

[18] In paragraph 16 of their amended complaint, plaintiffs appear to give the Committee's use of the term "investigative" a wholly unwarranted connotation. As was carefully explained by the Subcommittee Chairman (Government Exhibit 6, part 1, pp. 917–918): The investigative phase of the Committee hearings was "to develop information which will assist the Congress in performing its constitutional legislative function." Witnesses subpoenaed to testify in these hearings have been summoned because committee investigation indicates that they have knowledge of the subject under investigation." Since "Congress cannot and does not legislate in a vacuum," it "must have accurate and thorough knowledge of the conditions pertinent to the legislation under consideration". "The investigative process is one of the means by which it acquires such information". And the Committee had the duty "to develop information which will assist the Congress in performing its constitutional legislative function".

[19] Government Exhibit 2; Exhibit 6, part 1, p. 918.

Movement' which endeavored to get 'young Americans to refuse to fight in the War in Vietnam'.

"(e) The Progressive Labor Party sought to have the May 2nd Movement 'form organizations on a number of American college campuses with the specific purpose of advocating immediate withdrawal of American troops from Vietnam and * * * to instill some type of a genuine and serious propaganda effect on these campuses, to simply create the illusion that most American students were opposed to the War in Vietnam'. The literature of the May 2nd Movement stated that the Movement was 'launching an anti-induction campaign on the campuses', to 'organize existing resistance to the draft, based on the refusal to fight against the people of Vietnam'."

(3) The Subcommittee hearings commenced August 16, 1966 were held in connection with H.R. 12047 (and other House bills), introduced in the 89th Congress. H.R. 12047 sought to amend the Internal Security Act of 1950, so as to add a new Title IV, concerned with "Obstruction of Armed Forces"; "Assistance to Hostile Forces"; and "Obstructing Military Personnel or Transportation". The bill contained Congressional Findings of Fact. Finding of Fact No. 6 declared that there exists in the United States "organizations, groups and persons who adhere to the purpose and objectives of the World Communist movement, who seek to give aid, assistance and comfort to forces hostile to the Government of the United States, and enlist others in support of the purposes and objections of the World Communist movement, with the intent to obstruct and defeat the defense activities of the United States." The record of the Subcommittee hearings convened August 16, 1966 substantially support this Finding of Fact.

(4) At the close of the investigative phase of the hearings on August 19, 1966, the Subcommittee Chairman stated:

"The Subcommittee has held 3½ days of hearings. These hearings have fully revealed the nature and affiliations of the individuals and groups who have played leading roles in organizing the activities which would be encomposed by the bills before us.

"It is clear that the key leadership of these groups is made up of hard-core revolutionary Communists who are acting in behalf of foreign interests.

"We have the information we set out to obtain. The need for the enactment of the bill is clear. We see no need to continue the investigative phase of this hearing."

(5) House Report No. 1908, 89th Congress, 2d Session, accompanied H.R. 12047. It describes (at p. 2) the Committee action at the hearings commenced August 16, 1966, and then states:

"Following the hearings, the Subcommittee met on August 23, 1966, to consider the bill [H.R. 12047]. Certain amendments, as set forth in this report, were proposed and adopted. The full Committee convened on August 24, 1966 to receive the report of the Subcommittee. The amendments proposed by the Subcommittee were adopted by the full Committee. Mr. Pool [the Subcommittee Chairman] was authorized and directed to file the report of the Committee to the House, with a recommendation that the bill, H.R. 12047, be passed as amended."

Thereupon, this Committee report enumerates the Committee Findings under the heading "Necessity for Legislation". In part, these Findings set forth the following (pp. 2–3):

"The investigations of this Committee reveal that:

"(1) There exists a widespread and well-organized effort initiated within the United States by Communist groups, and their affiliated organizations, involving thousands of adherents, who render various forms of aid and assistance to Communist forces engaged in armed conflict with the United States;

"(2) The immediate purpose of this activity is to obstruct the Government of the United States and its Armed Forces in the execution of their commitments in Vietnam, so as to facilitate the seizure of South Vietnam by Communist agencies.

"(3) The long-range objective of such Communist groups is to destroy the Government of the United States and to install a Communist totalitarian dictatorship, consistently with the ideology of Marxism-Leninism.

"(4) The efforts of such Communist groups have been exhibited in various ways and forms, including activities pertinent to H.R. 12047; namely, the solicitation, collection and delivery of money or property to and for the use of North Vietnam and the Vietcong, and the obstruction of the movement of personnel and supplies of our Armed Forces within the United States."

(6) With specific reference to plaintiffs Krebs and Teague—

(A) Krebs

The Committee found on the basis of its investigations that the Free University (School) of New York is a "Communist-created school for Marxist indoctrination". (Government Exhibit 7, p. 4.) Testimony was received that: Krebs is the Director of this School. (Government Exhibit 6, p. 955.) He attended meetings of the National Executive Committee of the May 2nd Movement, which was instrumental in establishing this School. And he is believed to have been an active member of the May 2nd Movement. (Government Exhibit 6, p. 959.) Krebs taught a class at the School called "Marxism and American Decadence". (Government Exhibit 6, p. 1045.) The School served as a place for the dissemination of pro-Communist literature, including Vietnamese literature put out by the U.S. Committee to Aid the National Liberation Front [of South Vietnam]. (Government Exhibit 6, pp. 1046–1047.)

(B) Teague

The Committee found on the basis of its investigations that "in April of 1965 the U.S. Committee to Aid the National Liberation Front of South Vietnam, organized in Greenwich Village, New York, by Walter Teague, widely solicited contributions of money to buy medical supplies, to be forwarded not to him but directly to addresses of agencies of the National Liberation Front in Hong Kong, Prague, Paris, Algiers, or Moscow. His campaign has been supported by the Free University of New York, a Communist-created school for Marxist indoctrination, to which he also supplies Hanoi-published documents and literature." (Government Exhibit 7, pp. 3–4.) Teague, as Chairman, signed a letter on behalf of this National Liberation Front Committee offering books and pamphlets at a discount for use in connection with courses on Vietnam conducted at the Free University. (Exhibit 6, p. 1062.) In August, 1965 he told a journalist that he (Teague) could put him (the journalist) "in contact with underground agents who would arrange" it so that the journalist could go "fight personally in the ranks of the Vietcong against the United States soldiers in Vietnam". (Exhibit 6, p. 1040.) In 1966, Teague also was apparently in charge of a place "called the Artist Research Group" in New York City at which "there were probably 100 different publications, pamphlets, books, and so forth, printed in Hanoi and Peking for sale". (Exhibit 6, p. 1041.)

Thus, it incontrovertibly appears, for purposes of this case, that the Committee actions, of which plaintiffs essentially complain here, were clearly in aid of the law-making and law-evaluating functions of Congress in respect of "hard-core" Communist activities. And the charge in the complaint that these Committee actions were undertaken "solely for the purpose of embarrassing, harassing, and intimidating the plaintiffs" is specious. Consequently, this Court is not here confronted with any extreme application of the separation-of-powers doctrine; and on this dispositive ground the Court should readily conclude that jurisdiction is lacking.

(B) Sovereign Immunity

The doctrine of sovereign immunity bars suit against the United States without its consent. This immunity of course extends to Congress' conduct of its business as the legislative organ of the United States. And, as we have noted[20], the Speech or Debate Clause in the Constitution confers constitutional immunity upon Members of Congress for all "things generally done in a session of the House * * * in relation to the business before it", including "written reports presented in that body by its committees" and "resolutions offered."

Subordinate Executive officers, who generally have no constitutionally-assigned responsibilities or immunities, have a limited duty simply to carry into execution the constitutional laws of the United States. They do not enjoy any absolute immunity from injunctive suit when performing their official duties. A judicially-created fictional exception to the sovereign immunity doctrine has been carved out as to them: It has long been established law that a suit for anticipatory injunctive relief (or for specific relief in other forms) may be maintained against such subordinate Executive officers—but not the President. And in a proper case they may be preclude *pendente lite* from taking official administrative action challenged as unconstitutional (or otherwise in excess of their legally delegated Executive powers). See *Larson* v. *Domestic & Foreign Commerce Corp., supra.*, 337 U.S. at 689, 690.

Whatever be the justification under our American constitutional system for this established exception to the sovereign immunity doctrine, which permits delay *pendente lite* in the execution of the laws by subordinate Executive officers, historically, from *Marbury* v. *Madison*, 1 Cranch 137 (1803), to date, this exception has never been thought applicable to Members of Congress carrying on the legislative business of Congress.

In light of the spirit (and, perhaps, the letter) of the Speech or Debate Clause in the Constitution, which gives Members of Congress absolute immunity for all things done in relation to the business of Congress, no sound justification exists in principle for extension of the judicial fiction permitting judicial intervention to stay execution of the laws by Executive department subordinates until judicial review has been had, to Members of Congress acting in relation to the legislative business of Congress. Never in our history have the courts restrained Congressmen from carrying out their Committee work, or from introducing Resolutions in Congress for contempt citations, or from taking any other action done in relation to Congress' legislative business. And there is no warrant in reason for this Court to undertake to do so now.[21]

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[20] See fn. 7, *supra.*

[21] See fn. 7, *supra.* We do not understand the Court of Appeals for the Seventh Circuit in its November 10, 1966 decision in *Stamler* v. *Willis*, No. 15268, etc., to have done so either. The majority considered solely the issue "whether the complaints presented a substantial constitutional question", and (in our view, erroneously) thought that the Single-Judge District Court lacked "preliminary inquiry jurisdiction" to look further into the matter. (Slip op., p. 2.) The authorities cited in our August 26, 1966 memorandum (at p. 7) establish that the Single-Judge District Court has "preliminary inquiry" jurisdiction to determine whether jurisdiction is lacking.

As the Supreme Court recognized more than a century ago in *Mississippi* v. *Johnson, supra,* 4 Wall. (71 U.S.) at 500:

"The Congress is the legislative department of the Government; the President is the Executive department. Neither can be restrained in its action by the judicial department; *though the acts of both, when performed, are in proper cases, subject to its cognizance.*" [Emphasis supplied.]

Considering the absence of any judicial precedent; the limited fictional exception created by the courts to the sovereign immunity doctrine in respect only of the execution of the laws by subordinate Executive officers; and the purpose of the Speech or Debate Clause in the Constitution, we are firmly of the view that: A "proper case" arises for judicial consideration of a contempt-of-Congress matter only if and when the contemnor "should be cited for contempt and thereafter be convicted, * * * by the * * * [House of Congress concerned] * * * or by a court, of contempt". Only at that *completed* stage of such a matter do the courts acquire jurisdiction to "review that [contempt] judgment and may in that proceeding pass upon the validity of the order of the * * * [C]ommittee". *Pauling* v. *Eastland,* supra, 109 U.S.App.D.C.App.D.C. at 346, 288 F. 2d at 130. There is no doubt today, just as there was none in 1935, "that the Congress 'is as much the guardian of the liberties and welfare of the people as the courts'." *Hearst* v. *Black,* 66 U.S.App.D.C. 313, 317, 87 F. 2d 68, 72 (1936).

There is no warrant for any extension into the legislative realm constitutionally entrusted to Congress the fictional exception to the sovereign immunity doctrine which now applies only to subordinate Executive officers limited to carrying out only lawfully delegated statutory duties. In reality, it must be recognized, plaintiffs' suit here seeks to stop a Congressional Committee "in its tracks" while carrying on legislative investigative functions. If the courts were prematurely to venture into the legislative sphere, it would practically hamstring Congress' power to secure such information as it deems needed to accomplish its constitutional legislative function advisedly and effectively. Would not a host of other persons subpoenaed to appear before Congressional Committees do as plaintiffs have done here: Apply for anticipatory court process on fictitious, unfounded, feigned allegations, in order to delay and, perhaps, frustrate effectuation of the subpoena power of Congress?

Even as to subordinate Executive officers, the Supreme Court has recognized exceptions-to-the-exceptions to the sovereign immunity doctrine: Injunctive suits against subordinate Executive officers may yet be barred by the sovereign immunity doctrine if (under some circumstances) a remedy is available upon conclusion of the challenged administrative action, *Malone* v. *Bowdoin,* 369 U.S. 643, 647–648 (1962), or if judgment in the injunctive suit would "interfere with the public administration", *Dugan* v. *Rank,* 372 U.S. 609, 621 (1963). Were it necessary to consider them here, we think both of these exceptions-to-the-expections to the sovereign immunity doctrine would apply here.

Accordingly, on this additional ground the Court should conclude that jurisdiction is lacking.

(C) No Actual "Case" or "Controversy" in Original Complaints.

We pointed out in our August 26, 1966 memorandum that feigned claims do *not* give rise to any actual "case" or "controversy".[22]

The claim of plaintiffs Krebs and Teague (in paragraph 12 of the original complaint) to the effect that defendant Members of Congress were then imminently threatening to institute criminal proceedings against them under 2 U.S.C. 192 for contempt of Congress is wholly fictitious, and was obviously feigned to give the Court some semblance of color of jurisdiction on the face of the complaint.

In fact, plaintiffs Krebs and Teague instituted this lawsuit prior to commencement by the House Un-American Activities Committee of its hearings on August 16, 1966, and prior to the time they were required by the subpoenas to appear and testify thereat. It was then not known whether they would appear; if they did, what questions would be put to them; and, then, what answers (if any) they would give, or what objections they might raise. No Committee Resolution reporting the facts of the occurrence of any contemptuous conduct on their part had then been made to the House of Representatives. No vote of the House of Representatives to cause the Speaker to make a certification of the facts of any occurrence as to them, deemed to be a contempt of Congress, had been taken. And the Speaker of the House had not certified the facts of any apparent contempt on their part, to the appropriate United States Attorney. See 2 U.S.C. 194; *Wilson* v. *United States,* D.C. Ct. of App. No. 19,501, August 2, 1966; *Ex parte Frankfeld,* 32 F. Supp. 915, 916–917 (D.C. 1940).

Considering this posture of the matter at the time when plaintiffs instituted this lawsuit, it is clear that in fact no actual "case" or "controversy" was then presented. And events since the institution of the lawsuit make even clearer the absence of an actual "case" or "controversy" here. The courts are "without power to give advisory opinions". *Alabama State Federation of Labor* v. *McAdory.* 325 U.S. 450, 461 (1945), recently cited and followed in *Zemel* v. *Rusk,* 381 U.S. 1, 20–21 (1964). "For adjudication of constitutional issues, 'concrete legal issues, presented in actual cases, not abstractions,' are requisite". *United Public Workers, etc.* v. *Mitchell,* 330 U.S. 75, 89 (1947).[23]

Moreover, we think that plaintiffs Krebs and Teague are in no position here to assert the rights of other persons, whose expression is within the protection of the First Amendment For purposes of this case, the official records of Congress incontrovertibly show that: The information made available to the Committee, about which it sought to question them in the legislative investigation it was conducting, linked them to the "hard-core" Communist activities which were the subject of the inquiry. Moreover, the claim (in paragraph 10 of the original complaint) that they were being subpoenaed to appear before the Committee at its hearings commenced August 16, 1966 "solely for the purpose of embarrassing, harassing and intimidating them in the exercise of rights within the protection of the First Amendment" is also fictitious and feigned to give the Court some semblance of color of jurisdiction on the face of the complaint.

We believe it to be firmly settled by Supreme Court decision that the House Un-American Activities Committee has "pervasive authority to investigate Communist activities in this country". *Barenblatt* v. *United States,* 360 U.S. 109, 118 (1959).[24]

Plaintiffs' reliance[25] on *Dombroski* v. *Pfister, supra,* 380 U.S. 470, and *Reed Enterprises* v. *Corcoran, supra,* 122 U.S. App. D.C. 387, 354 F.2d 519 (1965), is also unavailing to them in this connection.

In both *Dombroski* and *Reed Enterprises,* the allegations in the complaint were taken as true for purposes of decision, as on demurrer. In *Dombroski,* it was alleged in substance that "bad faith" State criminal prosecutions were threatened. This, the Supreme Court *in limine* assumed, made out an actual "case" or "controversy" under *Ex parte Young,* 209 U.S. 123 (1908) (which the Supreme Court characterized as the "fountainhead' authority permitting suits for Federal injunctions against threatened State criminal prosecutions under proper circumstances). In *Reed Enterprises,* it was alleged that multiple prosecutions by the Attorney General were threatened. On this essential basis the Court of Appeals rested its conclusion that an actual "case" or "controversy" was presented.[26] Here, it patently appears that the claim in the complaint to the effect that criminal prosecution of plaintiffs Krebs and Teague was imminently threatened, is fictitious and feigned. As noted, feigned allegations do not give jurisdiction. Further, we have *not* demurred to the allegations; we have traversed them. If the allegations going to jurisdiction were not feigned, the Court might have to consider whether to conduct a preliminary inquiry into its jurisdiction in which plaintiffs would carry the burden of proof.[27]

As for the alleged "chilling" effect upon the exercise of rights within the protection of the First Amendment: In *Dombroski* the Supreme Court recognized that "hard-core" conduct is not within the protection of the First Amendment in any event, and it may be appropriate to leave the constitutionality of a challenged statute, when applied to such "hard-core" conduct, to be tested in criminal proceedings, and not earlier. 380 U.S. at 493. And in *Reed Enterprises* the Court of Appeals assumed, without question, the claim that the conduct there sought to be protected was within "the protected First Amendment area". 122 U.S. App. D.C. at 391, 354 F.2d at 523. Unlike those cases, it clearly appears that the Communist activities under investigation by the House Committee on Un-American Activities, in respect of which Krebs and Teague were summoned to testify, are within the "hard-core" area. Plaintiffs' claim to contrary effect, being feigned, does not give jurisdiction.

Hence, the Court should dismiss the original complaint for lack of jurisdiction, on the additional ground of lack of any actual "case" or "controversy".

(D) No Standing of Sue-on Supplemental Complaint

It is well settled that, to having standing to maintain a suit for relief against Govern-

[22] See fn. 2, at p. 9. We there cited *Hatfield* v. *King,* 184 U.S. 162, 165 (1902); *Williams* v. *Nottawa,* 104 U.S. 209, 210–211 (1881) We here add: *Cf. Harrison* v. *Chamberlin,* 271 U.S. 191, 194 (1926); *Sahn* v. *Pagano,* 302 F. 2d 629, 630 (2d Cir.), *cert. denied* 371 U.S. 891 (1962). See *Baker* v. *Carr,* 369 U.S. 186, 199 (1962); *Bell* v. *Hood,* 327 U.S. 678, 682 (1946).

[23] And see the other authorities cited in our August 26, 1966 memorandum (at p. 9). Further, as noted *infra,* the events since the filing of this lawsuit indicate that, if there ever was any actual "case" or "controversy" here presented in this regard, that "case" or "controversy" is now moot.

[24] We do not understand the statement appearing in *Gojack* v. *United States,* 384 U.S. 702, 706 (1966) to in any way raise any question in this regard. See the critical constitutional question posed (summary appearing at 34 LW 3173, No. 594, Question Presented No. 4).

[25] Original memorandum, at pp. 19–28; reply memorandum at pp. 7–11.

[26] It was on this very basis that the Court of Appeals distinguished *Lion Manufacturing Co.* v. *Kennedy,* 117 U.S. App. D.C. 367, 330 F. 2d 833 (1964). See 122 U.S. App. at 391, 354 F. 2d at 523. *Lion Manufacturing* held that no actual "case" or "controversy" was presented, where no "showing of an immediate and tangible danger" of criminal prosecution had been made. 117 U.S. App. at 373, 330 F. 2d at 839.

[27] See the authorities cited in our August 26, 1966 memorandum, at p. 8, fn. 1.

mental action, a complainant must[28] show a direct injury done or threatened to a particular, personal, legally-protected right of his own. It is not enough to assert an alleged injury to a right the complainant shares in common with the public generally. *Stark* v. *Wickard*, 321 U.S. 288, 290, 304 (1944); *Massachusetts* (*Frothingham*) v. *Mellon*, 262 U.S. 447, 487–488 (1923); *Texas State AFL–CIO* v. *Kennedy*, 117 U.S. App. D.C. 343, 345, 330 F. 2d 217, 219, *cert. denied* 379 U.S. 826 (1964).

Plaintiffs Krebs and Teague have no personal property or other legal interest in the records which the supplemental complaint characterizes as "membership lists". Therefore, they lack standing to maintain suit, seeking to prevent defendant Members of Congress (as well as the entire membership of the House of Representatives) "from using in any manner whatsoever" those records, and to compel their return "to their rightful owners".

Accordingly, the Court should dismiss this claim, on which the supplemental complaint essentially rests, for lack of jurisdiction on the additional ground of no standing to sue.

(E) No Equity Jurisdiction

We discussed in our August 26, 1966 memorandum[29] the want of equity in plaintiffs' case. Plaintiffs reply[30] that *Dombroski* and *Reed Enterprises* mark a new departure, and that the mere claim of "chilling" of rights within the protection of the First Amendment, without more, in all circumstances permits equity intervention and short-circuiting of the normal adjudication of constitutional defenses in the course of criminal proceedings.

*Dombroski* must be read in light of the circumstances there alleged, which the Supreme Court took to be true for purposes of decision. It does not reach the present case. Here, Congress was conducting a legislative inquiry for proper legislative purposes into "hard-core" Communist activities. *Dombroski* was decided in the context of an allegedly "bad faith" State prosecution of persons attempting "to vindicate the constitutional rights of Negro citizens of Louisiana." 380 U.S. at 482. We cannot conceive that the Supreme Court meant *Dombroski* to be applied here in the broadest sweep of the utterances there made. Nor do we understand *Reed Enterprises* to govern here. It simply applied *Dombroski* in the context of that case. 122 U.S. App. D.C. at 391, 354 F. 2d at 523.

Under the particular circumstances here, which are strikingly different than those presented in *Dombroski* and *Reed Enterprises*, the Court should conclude that equity jurisdiction is lacking. Plaintiffs Krebs and Teague should be made to await their remedy in the criminal proceedings, if ever actually instituted against them.

II. *The Three-Judge-Court should order its own dissolution, and remand case to Single-Judge-Court to dismiss for want of jurisdiction, or order dismissal of action as moot*

Plaintiffs assert[31] that we have failed to "answer * * * [their] * * * threshold proposition that the provisions of Section 2284 precluding single-judge dismissal become operative after the convening of a three-judge statutory Court". They further assert that *Osage Tribe, etc.* v. *Ickes*, 45 F. Supp. 179 (D.C. 1942), *aff'd on opinion below* 77 U.S. App. D.C. 114, 133 F.2d 47, *cert denied* 319 U.S. 750 (1943), "offers no support" for our contention that the proper course, if this Three-Judge-Court "determines that it is improvidently assembled" is to "order its own dissolution."[32]

Plaintiffs err. Their attack on *Osage* founders on the fact that it went the route of appeal to the Court of Appeals, and then certiorari to the Supreme Court. Had the case been a proper Three-Judge-District-Court matter, it would have had to go on direct appeal to the Supreme Court.

Moreover, *Osage* cited and relied on *Oklahoma Gas & Electric Co.* v. *Oklahoma Packing Co.*, 292 U.S. 386, 391 (1934). In that leading decision, the Supreme Court pointed out—most pertinently to the present case—that no "mere form of words" in a complaint is "enough to keep three judges assembled", when such words have "no support whatever in fact or law."[33] We also refer the Court to *Ex parte Bransford*, 310 U.S. 354, 359 (1940); *Wilentz* v. *Sovereign Comp., etc.*, 306 U.S. 573, 580 (1939). The cases plaintiffs discuss are not to the contrary; nor do we know of any.

Where the Three-Judge-Court determines it lacks jurisdiction *qua* Federal Court, the case should be dismissed. The same result follows where it lacks equity jurisdiction. *Spielman Motor Sales Co.* v. *Dodge* 295 U.S. 89, 95–96 (1935). We have fully discussed the subsequent course of action the Three-Judge District Court should take, once it reaches such conclusion (in our August 26, 1966 memorandum), and will not repeat that discussion here. The dismissal procedure we urged there should now be followed.

We believe Judge Corcoran's conclusion (dissenting, in part, from this Court's order of February 10, 1967) that the "intervening events have mooted the controversy" is correct—assuming *arguendo* that an actual "case" or "controversy" existed here, in the first place (which we deny). A moot case ceases to be justiciable in any way. *Williams* v. *Simons*, 355 U.S. 49, 50, 58 (1957). See *United States* v. *Munsingwear, Inc.*, 340 U.S. 36 (1950).

There remains one final point in this connection which we deem it our duty to bring to the attention of this Three-Judge-Court: No "Act of Congress" within the meaning of 28 U.S.C. 2282 is under attack here. House Rule XI, under which the House Un-American Activities Committee, 89th Congress, was functioning when it commenced its hearings on August 16, 1966, was simply a Rule of Procedure adopted by the House of Representatives (acting singly) on January 4, 1965. (H. Res. 8, 111 Cong. Rec. 21–25.) It became *functus officio* upon the expiration of the 89th Congress.

The House of Representatives, 90th Congress, on January 10, 1967 agreed to a new Resolution, adopting as the Rules of the House of Representatives for the 90th Congress the Rules of the House of Representatives, 89th Congress, together with all applicable provisions of the Legislative Reorganization Act of 1946, 60 Stat. 812, as amended. (Government Exhibit 11.) The Legislative Reorganization Act of 1946 recognized the constitutional right of either House to change its own Rules "at any time, in the same manner and to the same extent as in the case of any other rule of such House." (Art. 1, Sec. 5, Par. 2, of the Constitution.)

Further, the power of a Congressional Committee to conduct a legislative investigation flows from, and is a necessary attribute of, the constitutional power of Congress to legislate. This power exists quite apart from the provisions of House Rule XI. See, *e.g.*, *McGrain* v. *Daugherty*, 273 U.S. 135, 161 (1927).

Thus, it appears that, on this additional ground, this Three-Judge-Court has been improvidently assembled.

CONCLUSION

For the foregoing reasons, and the reasons set forth in our prior memoranda, it is respectfully submitted: This Three-Judge-Court should order its own dissolution, and remand the case to the Single-Judge-Court to dismiss the action for want of jurisdiction, or order the dismissal of the action as moot. And plaintiffs' motion for preliminary injunction should be denied.

DAVID G. BRESS,
*U.S. Attorney.*
JOSEPH M. HANNON,
*Assistant U.S. Attorney.*
GIL ZIMMERMAN,
*Assistant U.S. Attorney.*

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[28] Unless statutory standing is granted; but no statutory provisions conferring standing to sue in vindication of the public's interest in proper administration of the law, is involved here.

[29] At p. 10.

[30] Reply memorandum, at pp. 7–11.

[31] Reply memorandum, at pp. 4–6.

[32] See our August 26, 1966 memorandum at pp. 4–5.

[33] Plaintiffs have omitted mentioning *Oklahoma Gas* in their reply memorandum. It was cited in our August 26, 1966 memorandum (at p. 6).

## THE LAND OF THE FREE

Mr. STANTON. 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 Ohio?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, so much has been said concerning the Federal Government's oppressive control over the American farmer that we tend oftimes to forget the incongruity of these regulations with our democratic way of life. It is not until specific cases are reviewed that we are reminded of the difficult burdens under which the farmer exists. A letter from M. Winthrop French, of Wakeman, Ohio, is another illustration of why our agricultural system is in its present predicament. I place his letter in the RECORD at this point:

WAKEMAN, OHIO,
*April 4, 1966.*

To collect a judgment of $322 and 10 years interest, a total of $533.53, Uncle Sam plans to sell John Donaldson's 389 acre farm in Hartland Township, Huron county, Ohio. While most of us farmers were signing on the dotted line for our government dole, John Donaldson refused. Instead of collecting a government check for 2 or $3,000 for his yearly share for "cooperating" in Uncle Sam's "poverty program" for farmers, John said "No Thanks." This was in 1957 and wheat quotas were in effect. John's quota, cooperate or not, was 15 acres. John stayed within his allotment. I know he did, because he told me he did, and John is not a liar.

Uncle Sam's local agents weren't so sure. They wanted to go onto John's farm to measure his wheat field. John said "NO". This made the agents very angry. One of them later bragged to John's neighbors that he had entered on the sly, thus abrogating the 4th Amendment to the Constitution which protects us from unreasonable search and seizure.

A penalty of $322 was forthwith assessed against John and this was upheld by a judgment given Oct. 1, 1958 in Federal District Court in Toledo, which was in turn upheld in 6th Circuit Court of Appeals in Cincinnati. In neither of these so-called trials was John allowed to present evidence nor witnesses in his own defense. This judgment has never been paid. Now Uncle Sam is after his pound of flesh, by threatening foreclosure on these ancestral acres.

How will a proud father convey this news to his son Jack? Outside Vietnam on the aircraft carrier *Enterprise*, Jack will have to hear of it. By helicopter he was plucked

last fall to attend his mother's funeral. Now this!

John and the girls at home, God give them faith; a faith like that which sustained John through those five years when he served the cause of freedom in World War II under that Grand Old Flag, the Red, White and Blue. God give them faith that this black night will break on a new dawn when Americans will again be freed; when we may live by our own initiative; when we are paid in a free market for what we grow, not for what we don't grow; when we are paid for working and not for loafing. God give us faith. Amen!

WINTHROP FRENCH.

## CALIFORNIA 13TH CONGRESSIONAL DISTRICT CITIES COMBAT CHILD MOLESTERS

Mr. STANTON. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. TEAGUE] 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 Ohio?

There was no objection.

Mr. TEAGUE of California. Mr. Speaker, the incidence of child molestation in our country is increasing at an alarming rate and constitutes one of the most reprehensible phases of the nationwide crime wave.

Several cities in the 13th Congressional District of California, which I represent here, have taken steps to combat this situation which I believe are deserving of the attention of all Members and the law-enforcement agencies of the cities in their districts.

These steps, involving close, voluntary cooperation by the general public with police and sheriffs' offices, are described as block parent programs. A detailed description of the manner of their operation was published in the April 4 issue of the Oxnard Press-Courier, of Oxnard, Calif., which I include at this point in my remarks:

BLOCK PARENT PROGRAM LAUNCHED IN OXNARD—AIMED AT CHILD MOLESTERS

Oxnard parents are developing a Block Parent program to cut down on child molesting and child annoyance, Capt. Jack Snyder of the Oxnard Police Department said today.

Snyder said six schools have already started the program and he hopes it will spread citywide before long.

Port Hueneme Police Chief Al Jalaty said his city has had the Block Parent program for two years. He estimated it has reduced child molestation cases 90 per cent.

"It has also brought the people closer to law enforcement," Jalaty said. "They have become a part of the police department through their cooperation."

SIGNS IN WINDOWS

The Block Parent program is usually set up under the guidance of a PTA for a particular school and the area it serves. Parents who are part of the program put signs in their window to let children know they can go there whenever they are annoyed by strangers or lost or have other problems.

Police instruct the parents and check them out before they are given a sign to put in the window.

Snyder said the program is already under way in Hathaway, Bard, Blackstock and Brittel schools, and he expects to add Juanita and Ramona schools in the near future.

"We have two or three children molestation cases a week now," he said. "I know a lot of other cases are not reported because it embarrasses the children and their parents."

NO PUBLICITY

Under the Block Parent program, the police promise not to give out publicity and they get greater cooperation.

"These molesters are the most cunning and crafty individuals we have to deal with," Snyder said. "They affect all sections of the city. We hope to get all schools in the city to adopt the program."

Snyder made it clear this is not a police program, but a parent program in which the police only cooperate.

Jalaty said he found it was almost "perfect public relations."

"Unlicensed solicitors are reported almost immediately to the police and so are people who hang around the schools," he said. "I would estimate that there are about 800 parents now involved in the program. It has become one of our biggest crime deterrents."

The program is started through talks with PTA goups and with teachers. It is followed by three or more sessions of instruction for parents plus some follow-up work with supervisors.

Jalaty said Thousand Oaks, Fillmore, Ojai and Santa Paula as well as the county sheriff's office are working on Block Parent programs.

"We hope to make it countywide so that wherever a child goes, he can look for the same sign in the window that means a haven from molestors or those who would annoy children," he said.

## GREAT LAKES COMPACT COMMISSION

Mr. STANTON. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. STEIGER] 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 Ohio?

There was no objection.

Mr. STEIGER of Wisconsin. Mr. Speaker, in 1955, officials of the Great Lakes States created the Great Lakes Basin Compact. This compact began because those leaders had the foresight to realize that the lakes would be increasingly more important as time went on and something had to be done to more fully utilize and conserve the waters of the Great Lakes.

Through their legislatures, the States of Illinois, Indiana, Michigan, Minnesota, and Wisconsin ratified the compact in 1955. Similar action was taken subsequently by Pennsylvania in 1956, New York in 1960, and Ohio in 1963. In ratifying the compact, the States designated the Great Lakes Commission as their joint research and advisory agency on Great Lakes water resource development, programs and problems.

The Great Lakes Basin Compact confers strictly advisory and recommendatory powers. I have introduced legislation today that will give congressional consent to the commission and am joined by my colleagues, the gentlemen from Wisconsin [Mr. THOMSON, Mr. BYRNES, Mr. LAIRD, Mr. O'KONSKI, and Mr. SCHADEBERG].

The purposes of the compact are basically five fold:

First, to promote the orderly, integrated, and comprehensive development, use and conservation of the water resources;

Second, to plan for the welfare and development of the water resources of the basin;

Third, to derive the maximum benefit from the utilization of the public works in the basin;

Fourth, to secure and maintain a proper balance in the use of the basin; and

Fifth, to establish and maintain an intergovernmental body to pursue these purposes.

Mr. Speaker, I think the work this commission has done and will do is vital to the Great Lakes for the proper planning and future development of the Great Lakes area.

Similar legislation has been introduced in previous sessions of the Congress. In 1959 the gentleman from Wisconsin [Mr. BYRNES] introduced H.R. 333.

It is vital that the 90th Congress adopt legislation to give our consent to the Great Lakes Basin Compact. I urge speedy consideration of this matter and call the attention of my colleagues to this important subject.

## GREAT LAKES COMPACT COMMISSION

Mr. STANTON. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. SCHADEBERG] 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 Ohio?

There was no objection.

Mr. SCHADEBERG. Mr. Speaker, I am very proud to join with my colleagues from Wisconsin in introducing today legislation granting the consent of Congress to a Great Lakes basin compact.

In 1955, officials of the Great Lakes States created the Great Lakes basin compact. This compact began because those leaders had the foresight to realize that the lakes would be increasingly more important as time went on and something had to be done to more fully utilize and conserve the waters of the Great Lakes.

Illinois, Indiana, Michigan, Minnesota, and Wisconsin, through their legislatures, ratified the compact that year. In subsequent years, it has been ratified by Pennsylvania, New York, and Ohio. In taking this action, these States designated the Great Lakes Commission as their joint research and advisory agency on Great Lakes water resource development, programs, and problems.

The Great Lakes basin compact confers strictly advisory and recommendatory powers. My legislation, and the similar legislation of my colleagues, will give congressional consent to this commission.

I urge early action on this vital matter by this body.

## THE STOMACH—TURNING POINT

Mr. STANTON. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. SCHADEBERG] 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 Ohio?

There was no objection.

Mr. SCHADEBERG. Mr. Speaker, the unsolicited trash mail that some of my constituents have received and brought to my attention has prompted me to speak. Fortunately, the offended people also sent me an address by Mr. Jenkin Lloyd Jones, the distinguished editor of the Tulsa Tribune, delivered before the American Society of Newspaper Editors. The date of the speech was April 18, 1962.

While many of the specific features of American life that Mr. Jones found morally dehabilitating have abated, I wonder whether this is because we have advanced morally or have had one grade of filth replaced by another.

I believe the main lines of his argument remain valid: that the soul of America is beset in a period of continuing crises by the forces of permissiveness, the vanguard of moral dissolution. Not only military defeats will destroy nations.

I draw attention to the article to stimulate thought on how the individual can maintain his bearings on the principles that have liberated the human spirit, individual responsibility, and sacrifice for achievement, so that they may not be lost in these times of testing.

Mr. Jones' address follows:

THE STOMACH-TURNING POINT

(By Jenkin Lloyd Jones)

This, ladies and gentlemen, is to be a jeremiad.

I am about to inflict upon you an unrelieved, copper-bottomed, six-ply, all-wool, 25-minute howl of calamity about the present moral climate of America. And I am going to talk about our responsibilities therefore as the temporary custodians of America's press.

You may dismiss such fogeyism with a tolerant laugh. But the pathway of history is littered with the bones of dead states and fallen empires. Most of them rotted out before they were overwhelmed. And they were not, in most cases, promptly replaced by something better.

Nearly 1,000 years elapsed between the fall of Western Rome and the rise of the Renaissance, and in between we had the Dark Ages in which nearly all of man's institutions were inferior to those which had gone before. I don't want my children's children to pass through a couple of centuries of dialectic materialism before the sun comes up again.

It is sad to watch the beginnings of decay. It was sad to see an age of Pericles replaced by the drunken riots of Alcibiades. There was, indeed, just cause for gloom when the Roman mobs, flabby with free bread and bemused by free circuses, cheered for the unspeakable Nero and the crazy Caligula.

Alaric's Goths finally poured over the walls of Rome. But it was not that the walls were low. It was that Rome, itself, was low. The sensual life of Pompeii, the orgies on Lake Trasimene, the gradually weakened fibre of a once self-disciplined people—all these brought Rome down. She went down too early. She had much to teach the world.

And so, ladies and gentlemen, I look upon our own country and much that I see disturbs me. But we are a great people. We have a noble tradition. We have much to teach the world, and if America should go down soon it would be too early.

One thing is certain. We shall be given no centuries for a leisurely and comfortable decay. We have an enemy now—remorseless, crude, brutal and cocky. However much the leaders of the Communist conspiracy may lie to their subjects about our motives, about our conditions of prosperity, our policies and aims, one thing they believe themselves implicity—and that is that we are in an advanced state of morale decline.

It is a dogma of current Communist faith that America is Sodom and Gormorrah, ready for the kill.

Do you know what scares me about the Communists?

It's not their political system, which is primitive and savage. It's not their economic system which works so badly that progress in a few directions is purchased at the price of progress in all the rest. It is their puritanism.

It does no good to comfort ourselves with the reflection that these are the products of endless brainwashings, of incessant propaganda, of deprivation by censorship and jamming of counter-information and contrary arguments. The confidence that they are morally superior is there.

You can't get very far into Russia before the naive questions of your Intourist guide reveal that she thinks she is talking to a soft top who is ripe for the tumbril and the guillotine. In the schoolyard the children rush up to show you, not their yo-yos, but their scholarship medals. And when you offer them new Lincoln pennies as souvenirs they rip off their little Young Pioneer buttons and hand them to you, proud that they are not taking gifts, but are making a fair exchange.

The Russian stage is as austere as the Victorian stage. Russian literature may be corny, but it's clean, and it glorifies the Russian people and exudes optimism and promise. Russian art is stiffly representational, but the paintings and the sculpture strive to depict beauty and heroism—Russian beauty, of course, and Russian heroism.

And what of us?

Well, ladies and gentlemen, let's take them one at a time:

We are now at the end of the third decade of the national insanity known as "progressive education." This is the education where everybody passes, where the report cards are non-committal lest the failure be faced with the fact of his failure, where all move at a snail pace like a trans-Atlantic convoy so that the slowest need not be left behind, and all proceed toward adulthood in the lockstep of "togetherness."

With what results? At an age when European kids are studying the human capillary system and discussing the binomial theorem our youngsters are raising pollywogs on the classroom windowsill and pretending to keep store. This is what is known as "learning by doing." We have produced tens of thousands of high school graduates who move their lips as they read and cannot write a coherent paragraph. While our Russian contemporaries, who were supposed to be dedicated to the mass man, have been busy constructing an elite we have been engaged in the wholesale production of mediocrity. What a switch!

I wish you could have read all the letters I have received in the past few months from disgusted teachers who have tried to reintroduce principles of hard work and integrity in their classrooms over the opposition of the school hierarchies. It is high time that these Ph.D'd poohbahs of John Deweyism stepped forward and permitted themselves to be graded. But no.

You recall that last fall the school board of the little township of Twin Lakes, Wisconsin, dissatisfied with modern primes, announced that it was introducing reprints of 80-year-old McGuffey Readers. Maybe it was making a bad mistake. Maybe the new books and new teaching methods are far superior. Here was a fine chance to find out.

But did the Wisconsin State Board of Education offer a sporting challenge—a one-year test, for example, to see which was the better approach, theirs or McGuffey's? Not a bit of it. The State Board merely moved to deprive Twin Lakes of state aid, to the thunderous applause, I'm sorry to say, of the so-called "liberals."

When was the last time you, as editors, examined the curricula of your local schools? Are your students given the standardized Iowa and Stanford tests, and if so, how did your schools rank compared to the national average? Do your kids bring home meaningful report cards, or are parents just getting a lot of gobbledegook about adjustments and attitudes? When was the last time you asked to look at any senior English themes? When have you given a fine picture spread to your town's best scholars?

Having generally neglected disciplines in education it was quite logical that we Americans should neglect disciplines in art. The great painters and sculptors of the past studied anatomy so diligently that many of them snatched bodies. And today, after many centuries, we stare at the ceiling of the Sistine Chapel or at the walls of the Reichsmusee and marvel at their works.

But this self-discipline is of little concern to the modern non-objective painter. All he needs is pigment and press agent. He can stick bits of glass, old rags and quids of used chewing tobacco on a board and he is a social critic. He can drive a car back and forth in pools of paint and Life magazine will write him up.

Talent is for squares. What you need is vast effrontery. This is the kind of art that a painter with no ability can paint and a teacher with no ability can teach. No wonder it's popular at the factory end. But the tiny minority of youngsters who might have the spark of a Titian or a Rembrandt within them stay unencouraged and unrecognized. And our museums are filled with splashes, cubes and blots being stared at by confused citizens who haven't the guts to admit they are confused.

But fakery in art is a light cross we bear. Much more serious is our collapse of moral standards and the blunting of our capacity for righteous indignation.

Our Puritan ancestors were preoccupied with sin. They were too preoccupied with it. They were hag-ridden and guilt-ridden and theirs was a repressed and neurotic society. But they had horsepower.

They wrested livings from the rocky land, built our earliest colleges, started our literature, caused our industrial revolution, and found time in between to fight the Indians, the French and the British, to bawl for abolition, woman suffrage and prison reform, and to experiment with graham crackers and bloomers. They were a tremendous people.

And for all their exaggerated attention to sin, their philosophy rested on a great granite rock. Man was the master of his soul. You didn't have to be bad. You could and should be better. And if you wanted to escape the eternal fires, you damned well better be.

In recent years all this has changed in America. We have decided that sin is largely imaginary. We are bemused with behaviorist psychology which holds that abstract things like insight, will and spirit are figments of the imagination. Man, says the behaviorist, is either a product of a happy combination of genes and chromosomes or an unhappy combination. He moves in an environment that will tend to make him good or that will tend to make him evil. He is just a chip tossed helplessly by forces beyond his control, and therefore not responsible.

Well, the theory that misbehavior can be cured by pulling down tenements and erecting in their places elaborate public housing is not holding water. The crime rates continue to rise along with our outlays for social services.

We are far gone in fancy euphemy. There are no lazy bums any more—only "deprived persons." It is impolite to speak of thugs.

They are "underprivileged." Yet the swaggering, duck-tailed young men who boldly flaunt their gang symbols on their motorcycle jackets are far more blessed in creature comforts, opportunities for advancement, and freedom from drudgery than 90 per cent of the children of the world. We have sown the dragon's teeth of pseudo-scientific sentimentality, and out of the ground has sprung the legion bearing switch-blade knives and bicycle chains.

Clearly something is missing. Could it be what the rest of the world's children have been given—the doctrine of individual responsibility?

Relief is gradually becoming an honorable career in America. It is a pretty fair life, if you have neither conscience nor pride. An angry old judge in Muskogee County, Oklahoma, upon his retirement last month, asserted that in his last docket 37 bastardy cases were filed for no other purpose than to qualify for the relief rolls, and that in most cases both the plaintiff and the defendant continued living together while awaiting the next arrival. Any effort to stop this racket brings an immediate threat that federal aid funds will be withdrawn.

The state will give a mother a bonus for her illegitimate children, and if she neglects them sufficiently she can save enough out of her ADC payments to keep herself and her boy friends in wine and gin. Nothing is your fault. And when the city fathers of Newburgh suggest that able-bodied welfare clients might sweep the streets the "liberal" editorialists arise as one man and denounce them for their medieval cruelty.

I don't know how long America can stand this erosion of principle. But if we wish to survive maybe we had better do something about the elaborate pretense that there is no difference between the genuinely-unfortunate and the mobs of reliefers who gather to throw bottles every time the cops try to make a legitimate arrest. The welfare state that taxes away the rewards for responsible behavior so that it can remove the age-old penalties for irresponsible behavior is building on a foundation of jelly.

Finally, there is the status of our entertainment and our literature.

Can anyone deny that movies are dirtier than ever? But they don't call it dirt. They call it "realism." Why do we let them fool us? Why do we nod owlishly when they tell us that filth is merely a daring art form, that licentiousness is really social comment? Isn't it plain that the financially harassed movie industry is putting gobs of sex in the darkened drive-ins in an effort to lure curious teenagers away from their TV sets?

Three weeks ago Bill Diehl, the righteously-angry entertainment editor of the St. Paul Dispatch, ran down the list of present and coming attractions, as follows:

"Walk on the Wild Side." Set in a brothel.

"A View From the Bridge." Incest.

"The Mark." A strange young man trifles with little girls.

"The Children's Hour." Two school teachers suspected of being lesbians.

"All Fall Down." A psychopathic attacker of females.

"Cape Fear." A crazy rapist.

"Lolita." A middle-aged man's affair with a 12-year-old.

"The Chapman Report." The adventures of a nymphomaniac.

Just think! All this and popcorn, too!

In a speech a couple of months ago in Hartford, Connecticut, Mr. Eric Johnston, president of the Motion Picture Association of America, asked the plaintive question: "Why despite our unceasing efforts, does the film industry fail at times to have public confidence?"

Then he suggested an answer: The movie people apologize too much, he said. They should take pride in the fact that they have amended their production code. (Mr. Johnston apparently uses the term "amended" when he means a general tooth extraction.)

"What art form," asked Mr. Johnston, "has not had to keep up with the times to reflect contemporary society?"

Well, hooray for Mr. Johnston's contemporary society. Incestuous Americans. Perverted Americans. Degenerate Americans. Murderous Americans.

How many of these contemporary Americans do you know?

But perhaps the most intriguing part of Mr. Johnston's speech dealt with newspaper movie ads. It is ridiculous, he said, for parents to complain about bad influence by movies upon their children when all parents have to do is look closely at the ads.

"I have yet to run across a movie ad so subtle," said Mr. Johnston, "that a concerned parent would not know whether the film was suitable for his child."

Well, here is a semantical pole-vault that ought to set a world's record. For the suggestive, half-dressed figures locked in passionate embrace that have been decorating the theatre ads in our great moral dailies are now revealed as a public service, generously paid for by the movie moguls so that the parents can be warned!

Last year our advertising manager and I got so tired of Hollywood's horizontal art that we decided to throw out the worst and set up some standards. We thought that this belated ukase of ours might cause some interruption in advertising some shows. But no. Within a couple of hours the exhibitors were down with much milder ads. How was this miracle accomplished?

It seems that exhibitors are supplied with several different ads for each movie. If the publishers are dumb enough to accept the most suggestive ones those are what they get. But, if publishers squawk, the cleaner ads are sent down. Isn't it time we all squawked?

I think it's time we gentlemen of the press quit giving Page 1 play to Liz and Eddie. I think it's time we asked our Broadway and Hollywood columnists if they can't find something decent and inspiring going on along their beats.

And the stage: Bawdiness has put on a dinner jacket. The old burlesque skits that you used to be able to see at the Old Howard and the Gayety for six bits are now on display in the most lavish Broadway revues at $8.80 a seat.

But perhaps we should be glad to settle for good old heterosexual dirt. The April issue of Show Business, illustrated, quotes Dr. L. John Adkins, a New York psychotherapist as saying that in his opinion at least 25 per cent of the persons presently connected with the American theater are confirmed homosexuals.

Even the normally strong-stomached drama critics are beginning to get mad. Howard Taubman, in a lead article in the drama section of The New York Times, recently wrote as follows:

"It is time to speak openly and candidly of the increasing incidence and influence of homosexuality on the New York stage. It is noticeable when a male designer dresses the girls in a musical to make them unappealing and disrobes the boys so that more male skin is visible than art or illusion requires. It is apparent in a vagrant bit of nasty dialog thrown into a show, or in a redundant touch like two mannish females walking across a stage without a reason or a word of comment."

What do you know about the "cultural exchange" program to which we are all involuntary contributors?

Last summer an American touring company, sponsored by the State Department and paid for by our tax dollars, presented one of Tennessee Williams' riper offerings to an audience in Rio de Janeiro. The audience hooted and walked out. And where did it walk to? Right across the street where a Russian ballet company was putting on a beautiful performance for the glory of Russia! How stupid can we get?

A couple of months ago in Phoenix I attended a tryout of a new play by William Inge. It takes place in a Chicago apartment of a never-married woman whose son by a bellhop has just been released from reform school, and whose current boy friend is being seduced by the nymphomaniac across the hall whose husband is a drunk. I wonder if the State Department is considering putting this show on the road around the world.

We are drowning our youngsters in violence, cynicism and sadism piped into the living room and even the nursery. Every Saturday evening in the Gunsmoke program Miss Kitty presides over her combination saloon and dance hall. Even the five-year-olds are beginning to wonder what's going on upstairs. The grandchildren of the kids who used to weep because The Little Match Girl froze to death now feel cheated if she isn't slugged, raped and thrown into a Bessemer converter.

And there's our literature. I presume we all have our invitations to become charter subscribers of Eros, the new quarterly magazine of erotica at $10 a copy. I got three invitations, so either the Addressograph was stuck or I'm considered a hot prospect.

Anyway, the publisher, Ralph Ginzburg, says this, and I quote:

"Eros has been born as a result of the recent series of court decisions that have realistically interpreted America's obscenity laws and that have given to this country a new breadth of freedom of expression."

And what are the dimensions of this "breadth of freedom"? Well, we are assured that Eros' first issue will include an article on aphrodisiacs, a schematic drawing for a male chastity belt, a story about an old New York bawdy house where women copulated with beasts, the latest word on Havana's red light district, and the memoirs of a stripper which, it says here, "is astonishing for its matter-of-factness."

Isn't it splendid that Mr. Ginzburg stands with the frozen ghosts of Valley Forge as a fearless defender of his country's freedom? Ten dollars, please!

The fast buck boys have succeeded in convincing our bumfuzzled judges that there is no difference between a peep show and a moral lecture. The old eyepoppers which tourists used to smuggle back from Paris under their dirty shirts are now clothed in judicial blessing. A Chicago judge has recently issued a blanket injunction against any one who might try to prevent the sale of Tropic of Cancer to children. Lady Chatterly's Lover and Ulysses are on the paperback shelves right next to the comic books. They can close the bookstalls on the Seine. It's all over at your corner drugstore where the kids hang out.

Don Maxwell of The Chicago Tribune last year asked his book department to quit advertising scatological literature by including it in the list of best sellers. The critics and the book publishers have denounced him for tampering with the facts. I would like to raise a somewhat larger question:

Who is tampering with the soul of America?

For nations do have souls. They have collective personalities. People who think well of themselves collectively exhibit elan and enthusiasm and morale. Where they low-rate themselves as individuals they will not long remain the citizens of great nations.

Dr. Celia Deschin, specialist in medical sociology at Adelphi college, in a recent article in This Week magazine, says it's time for a new kind of Kinsey Report. She asserts that the late Doctor Kinsey produced a report that was heavily loaded by exhibitionists and that did immense damage to America by peddling the impression that sexual self-

discipline neither exists in this country nor is it desirable.

Generally, she says, those parents who are afraid to lay down the law have the most miserable children. Children, she points out, want honest direction and a set of sensible rules to live by. Where these are denied them on the fantastic theory that it's no longer scientific to say No, the kids often develop subconscious anxiety. Much juvenile delinquency springs from a deep hunger for rules. It is a masochistic effort to seek punishment. The child, says Doctor Deschin, abhors a world where everything goes.

Or, as my tough-minded old grandmother put it, "The youngster who doesn't know that there's a Lord in Israel bounces around in a limbo where there is no force of gravity. If you think he's happy you're crazy."

The time has come to dust off the rule book. The game is unplayable if you're allowed two strikes or six, if you can use a bat or a cannon, and if some days you can have three men on third and other days there isn't any third base at all. We have to stop trying to make up our own rules.

And that goes for all of us. It's time to quit seeking learning without effort and wages without work. It's time we got mad about payola. We should ask the Lord's forgiveness for our inflated expense accounts, and quit pretending that goonery is a human right.

Ladies and gentlemen: do not let me overdraw the picture. This is still a great, powerful, vibrant, able, optimistic nation. Americans—our readers—do believe in themselves and in their country.

But there is rot, and there is blight, and there is cutting out and filling to be done if we, as the leaders of free men, are to survive the hammer blows which quite plainly are in store for us all.

We have reached the stomach-turning point. We have reached the point where we should re-examine the debilitating philosophy of permissiveness. Let this not be confused with the philosophy of liberty. The school system that permits our children to develop a quarter of their natural talents is not a champion of our liberties. The healthy man who chooses to loaf on unemployment compensation is not a defender of human freedom. The playwright who would degrade us, the author who would profit from pandering to the worst that's in us, are no friends of ours.

It's time we hit the sawdust trail. It's time we revived the idea that there is such a thing as sin—just plain old willful sin. It is time we brought self-discipline back into style. And who has a greater responsibility at this hour than we—the gentlemen of the press.

So I suggest:

Let's look at our educational institutions at the local level, and if Johnny can't read by the time he's ready to get married let's find out why.

Let's look at the distribution of public largesse, and if, far from alleviating human misery, it is producing the sloth and irresponsibility that intensifies it, let's get it fixed.

Let's quit being bulldozed and bedazzled by self-appointed long-hairs. Let's have the guts to say that a book is dirt if that's what we think of it, or that a painting may be a daub if the judges unwittingly hang it upside down. And if some beatnik welds together a collection of rusty cogwheels and old corset stays and claims it's a greater sculpture than Michelangelo's "David" let's have the courage to say that it looks like junk and may well be.

Let's blow the whistle on plays that would bring blushes to an American Legion stag party. Let's not be awed by movie characters with barnyard morals even if some of them have been photographed climbing aboard the Presidential yacht. Let us pay more attention in our news columns to the decent people everywhere who are trying to do something for the good of others.

In short let's cover up the cesspool and start planting some flowers.

Well, that's the jeremiad. I never dreamed I'd go around sounding like an advance man for Carry Nation. On some people I still think bikinis look fine.

But I am fed up to here with the educationists and pseudo-social scientists who have underrated our potential as a people.

I am fed up to here with the medicine men who try to pass off pretense for art and prurience for literature.

I am tired of seeing America debased in the eyes of foreigners.

And I am genuinely disturbed that to idealistic youth in many countries the fraud of Communism appears synonymous with morality, while we, the chief repository of real freedom, are regarded as being in the last stages of decay.

We can learn a lesson from history. Twice before our British cousins appeared to be heading into a collapse of principle, and twice they drew themselves back. The British court reached an advanced stage of corruption under the Stuarts. But the people rebelled. And in the wild days of George IV and William IV it looked as though Britain were rotting out again. But the people banged through the reform laws, and under Victoria went on the peak of their power.

In this hour of misbehavior, self-indulgence and self-doubt let this be the story of America. Unless I misread the signs a great number of our people are ready. Let there be a fresh breeze, a breeze of new pride, new idealism, new integrity.

And here, gentlemen, is where we come in.

We have typewriters.

We have presses.

We have a huge audience.

How about raising hell?

## THE ORDERLY MARKETING ACT OF 1967 WOULD AID AMERICAN SHOE INDUSTRY

Mr. STANTON. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. CLEVELAND] 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 Ohio?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, I am today joining my distinguished colleagues, the gentlemen from Massachusetts [Mr. BATES and Mr. BURKE] in reintroducing the Orderly Marketing Act of 1967, with the hope that enactment of this legislation may bring some relief to hard-hit American industry, especially footwear and textiles.

This bill is not a rigid protection measure, nor would it impose an inflexible quota system on imports. But it is designed to give some American industries, hard hit by a massive and increasing flood of low-cost foreign imports, a chance to readjust to changing conditions of world trade.

This situation has threatened the very existence of domestic manufacturers, particularly the smaller ones, and their workers in a number of industries, notably the textile, shoe, and farming industries. In some of these small businesses, the complex problems of high labor costs, narrow profit margins, and limited capital resources, have helped low-wage foreign competition make major inroads into our domestic market.

Recent statistics showing an alarming increase in shoe imports are indications of this impending crisis. In 1966, a grand total of 132,188,000 pairs of shoes, including rubber footwear, were imported, compared to 120,995,000 pairs in 1965. The value of these 1966 imports was $172 million, compared to $136 million in 1965.

This means that imports increased to 16.3 percent of domestic production in 1966, from 15.2 percent in 1965 and compared to just 1.2 percent of American footwear production in 1955. If this disturbing trend continues, a 30-percent figure is projected for 1969.

In five major categories of footwear manufacturing, imports already amount to 20 to 60 percent of production. Industry sources indicate these imports have already taken away 15,000 jobs in footwear manufacturing and are taking away additional jobs each month.

Last month, in discussing this situation, the international weekly said this problem had the $5-billion-plus footwear industry teetering on the brink of major disaster.

This bill would require, under certain specific conditions, the Secretary of Commerce to determine whether increasing imports are contributing to economic impairment of a domestic industry.

If the Secretary finds that such impairment does exist, the President would be empowered to impose import limitations geared to total sales in the domestic market subject to review after 3 years.

This would enable us to overcome unfair foreign competition, through international agreements or through unilateral but flexible quotas. At the same time it would allow foreign competitors to share in the growth of our economy.

And it would materially alleviate the type of situation that has presented such a threat to the American footwear industry, textile industry, and others faced with this presently unstoppable flood of imports.

## AUTO LIABILITY INSURANCE

The SPEAKER. Under previous order of the House, the gentleman from New Jersey [Mr. CAHILL] is recognized for 60 minutes.

Mr. CAHILL. Mr. Speaker, I am taking this time to call the attention of the House to a problem I discussed last week concerning the problem of automobile liability insurance. Last week, the gentleman from Pennsylvania [Mr. GREEN] and the gentleman from Kentucky [Mr. SNYDER] joined me in recommending to the House a study of the social problems resulting from the uncontrolled actions of a good many automobile liability insurance companies in this country. It appears crystal clear that the problem is national in scope, that it requires congressional action as distinguished from State action, and that only Congress can do the job that must be done.

Many of the leading newspapers of this country have featured a series of

articles outlining the problem and particularizing the abuses as they relate to various States and communities.

Mr. Speaker, I have made reference before to the articles prepared for the readers of the Gannett newspapers, written by Mr. Robert W. Lucas, head of the Washington bureau of the Gannett group. I have inserted in the RECORD several of these articles and shall at the termination of these remarks insert the balance of Mr. Lucas' articles because they portray the problem objectively yet forcefully, fairly but effectively. I recommend these articles to the membership.

It would appear to me, Mr. Speaker, that some legislative action may also be required in order to insure the Federal Government's right to regulate insurance. The Supreme Court of the United States states in the case of United States against Southeastern Underwriters Association:

> No commercial enterprise of any kind which conducts its activities across State lines has been held to be wholly beyond the regulatory power of Congress under the commerce clause. We cannot make an exception of the business of insurance.

As a result of this Supreme Court decision, the Congress passed the McCarran Act which, in effect, held that the business of insurance was subject to the laws of the several States and that no act of Congress shall be construed to supersede any State law regulating insurance. The act then provided, however, that the Sherman Act and the Clayton Act were applicable to the business of insurance.

As a result of this act, several subsequent court cases interpreting the act seem to indicate that the Federal regulatory powers are limited and it would appear to me, therefore, that it would be in order for some amendment to be adopted relative to the McCarran Act so that the full force of congressional action will not be impaired. There is no doubt in my mind that the Federal Government has the authority to fully investigate and, in my judgment, to pass remedial and regulatory legislation. There is no doubt in my mind, Mr. Speaker, that the problem is too vast for the individual States to cope with effectively. There should be national standards relating to minimum coverage and requiring valid reasons for the refusal to insure or for cancellation or for refusal to renew.

Recognizing as I do the fact that individual State commissioners have more intimate knowledge of this problem than I do, I have written to each commissioner of our 50 States asking their views on this vital matter.

The gentleman from Kentucky [Mr. SNYDER] has introduced House Resolution 275 requiring the Interstate and Foreign Commerce Committee to conduct a full and complete investigation and study of insurance companies issuing automobile liability insurance and their practices and procedures in determining eligibility for liability insurance and in canceling and refusing to renew such insurance.

Certainly, this is a step in the right direction and I would hope that the Committee on Interstate and Foreign Commerce will schedule hearings on this proposed legislation so the entire membership of Congress will have the opportunity to express their views and so all of us together can find a solution to this very real and present danger.

Many of the individual States—particularly North Carolina, Michigan, Virginia, Maryland, California, and North Dakota—have passed regulatory legislation seeking to correct the unfair discrimination and the unfair practices of many of the insurance companies. Most of the States, however, have failed to do so and the result has brought on inadequately financed companies, writing substandard policies at inordinately high premiums.

It is my hope, therefore, Mr. Speaker, that other Members will look into this important matter to the end that some early solution may be found.

Mr. Speaker, I am pleased to include the remaining article on this subject, written by Mr. Lucas, of Gannett newspapers, referred to in my remarks, and an article by Mr. Thomas Flynn, of the Courier-Post newspaper, Camden, N.J. I shall make a further report, Mr. Speaker, to the House after the receipt of the views of the insurance commissioners of the various States.

The Lucas and Flynn articles follow:

LAWS CUTTING ABUSES

(By Robert W. Lucas)

WASHINGTON.—A wave of reform laws and regulations, boiling out of the storm over auto insurance industry practices, threatens to drown the industry's complaint of being "misunderstood."

For, although few companies, or agents, openly talk about making "guidebook" judgments against "prohibited risks," such guidebooks do exist.

And, although there is little proof that some companies discriminate against blocked-out sections of cities, where insurance is denied the poor, or the underemployed, or Negroes, such "off-limits" practices are followed.

In fact, the practice is tacitly admitted in the record of a South Carolina case. There a divorced woman (formerly an employe of the insurance company) was denied insurance, the reason being her "marital status." When it was noted that the denial was unsigned by an officer of the company, an investigation proved that the signature was withheld for fear of a "slander or libel" suit.

Insurance Commissioner Norman Polovoy of Maryland says some companies seem to want to take the "cream off of the cream."

The Insurance Information Institute, a public relations vehicle of the industry, has produced a document, based on "studies" in several states, which says the "cancellation problem . . . has taken on the proportions and coloring of myth."

The number and scope of complaints; the recent passage by nine states of tough laws against arbitrary cancellations; the warnings of state insurance commissioners and the findings of legislative committees, suggest that the cancellation and non-renewal problem is something more than a "myth."

In 1961 the National Bureau of Casualty Underwriters announced that 250 affiliated companies would "voluntarily place restrictions on their right to cancel automobile liability insurance policies on private passenger cars." Thus some of the major companies recognized the problem six years ago. Others have not followed.

Since then, California, Maryland, Michigan, New Jersey, North Carolina, North Dakota, South Carolina, Virginia and Wisconsin have acted to protect policy holders against sudden arbitrary and unwarranted insurance cancellations or non-renewal.

Michigan's statute explicitly prohibits discriminatory action in canceling, failing to renew or raising premium rates "solely because an insured has reached the age of 65 years."

New Jersey's law describes "unfair discrimination . . . because of age . . . race, creed, color or ancestry" as an "unfair method of competition and deceptive act or practice in the business of insurance."

California requires that cancellations be accompanied by a written statement to the insured "setting forth the grounds upon which the cancellation is based." And that state also provides an appeal procedure for challenge of the cancellation.

Maryland denies insurers the right to "decline to issue or renew (auto insurance) solely on account of geographic area" unless that area is designated and filed with the commissioner of insurance 60 days in advance.

In some states "advisory" regulations on this subject may soon be converted into "compulsory" statutes.

In May of last year, the "National Underwriter"—a leading trade journal of the insurance industry—admitted that "automobile cancellations and non-renewals . . . are serious problems."

In interviews with state regulators of insurance, the magazine found that "any number of commissioners suggested that cancellations are a big problem elsewhere, but few said that their own states had experienced any real difficulties."

Joseph D. Thomas, California's chief assistant commissioner, said: "The problem of unfair cancellation or non-renewal is probably the hottest problem in this state at this time."

In its document referring to cancellations, the Insurance Information Institute said recently, "in the past, the myths about the cancellation policies of insurance companies have gone unchallenged because of a lack of solid documentation. Cancellation practices in fact affect a minuscule proportion of drivers."

As proof of this contention, the institute calls attention to a "five year study covering the period 1959–63 in Washington State" where companies and agents "cancelled only .9 per cent of the policies in force each year.

But a report issued last December, by a special 10-man joint interim committee on insurance of the Washington State Legislature, said:

"Cancellation, rejection and failure to renew automobile liability insurance present the number one problem facing the insurance-consuming public today."

Several state insurance commissioners report that the actual statistics on cancellations are misleading. More often, when an insured motorist is found to be a "questionable risk" for one reason or another, or is left high and dry when an underwriter abandons his agent, his insurance is simply not renewed. Sometimes reasons are given, sometimes not.

In building a backfire against such charges as "insurance companies won't take on bartenders" or that "they canceled my cousin's policy just because he grew his hair long," industry sources respond, "never mind that the bartender has had a series of moving violations or that the cousin is a hopeless alcoholic." In other words, industry spokesmen say that too often the "whole story" behind a cancellation or non-renewal is not known, or told.

A contributing factor in the intensive classification of risks has been the fierce competition for business between the stock and mutual insurance companies and those that write insurance directly, without resort to middlemen or agents.

The cost per premium dollar of producing business for the agency-related companies is just about double that of the direct writers in the automobile insurance field.

This contributed to the sensational gains between 1945 and 1964 of such companies as State Farm and Allstate, the latter overtaking such giants as Travelers Indemnity and Aetna Casualty.

The two direct writers now dominate the auto insurers' field, leading the next two stock companies, two for one, in total premiums.

The old-line companies are fighting back with a wider variety of packaged options, based on ever closer analysis of the potential market.

All of which is leading to self-analysis within the industry as to its future place in the U.S. economy.

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THERE'S HELP COMING—BUT WHEN?

(By Tom Flynn)

The solution to the auto insurance problem—higher and higher claims and higher and higher premiums—lies far into the future.

Part of the answer may be available now, but so far all approaches to the problem are in the talking stage.

There's talk of national control and Congress is tentatively sticking its big toe in the waters, but it promises to be a long time before it takes the full plunge.

There's talk of forcing insurance companies to use profits from other types of insurance—home, life, liability, etc.—or from investments to uderwrite the losses that auto insurance incurs.

There's talk of a compensation-type of settlement of auto claims, similar to that now in use in settling workmen's compensation cases.

"Some European countries are doing this," Horace J. Bryant Jr., deputy commissioner of the N.J. Department of Banking and Insurance, says, "but it's not being used anywhere in the states yet." There are some merits to this approach, Bryant believes.

Workmen's compensation cases rarely go to court but are usually settled at arbitration. Under normal circumstances, an employe injured at work has all medical and hospital bills paid and receives $50 weekly as long as he is unable to work.

Finally, a team of experts, including an insurance representative and a state referee, determines the amount of compensation.

This is what may come in the automobile insurance business.

Bryant says such a system would ease the strain on the courts and also would speed settlement of the cases. Today many automobile insurance claims drag on endlessly.

Additionally, in this system, lawyers' fees would be set in advance. Bryant admits that lawyers are now getting 30 or 40 per cent of some jury verdicts but he says, "remember, they don't win every case."

An indication of what may be in store for insurance companies cropped up in Kentucky recently when the state insurance commissioner ruled that companies must use part of earnings from investment income to offset rate increases.

Insurance companies set aside two funds. One is for "unearned" premium reserves (covering policies still in effect) and the second is reserve for losses (money for claims in accidents which have already happened but which have not been settled.)

These funds are invested but the profits from the investments are used to pay dividends to the stockholders. Meanwhile all auto claims must be paid from the premiums.

But now the Kentucky commissioner has ruled—and he's the first in the nation to do so—that the profits from investments must be used to lower premiums.

Bryant is aware of the complicated financial structure of insurance companies. He explains that the company sets aside 66 cents from every premium dollar to pay loss claims. In addition, 20 cents goes for commissions, eight cents goes for operation of the home office and four cents is earmarked for taxes. That leaves only two cents of every dollar for profit.

"Anytime the company's losses run higher than 66 cents, that company is running at a loss," he says. A Camden agency recently said its office operates at 117 per cent ratio, meaning it loses money on every policy it writes.

Bryant is aware too that the national underwriters are looking toward bigger agencies and would like to drop the smaller agents.

He explains that they occasionally get hit with a "shock" claim. In a small agency, one unusually large claim can mean that the company must operate that agency at a loss for several years, Bryant says, "and companies don't like to do that."

There is no law in New Jersey which says an insurance company must continue to insure anyone but there is a directive from Commissioner Charles R. Howell of the Department of Banking and Insurance that has the same effect.

Howell's directive says the company must renew a policy as long as the original conditions under which it was written continue to exist. But once a driver has an accident, changes residence, changes cars, reaches a certain age, or alters any of a number of other circumstances, the company has the option of dropping the policy holder.

And as more and more policyholders are dropped there is an increasing cry for greater state and federal control over the insurance companies.

Mr. Speaker, I yield the balance of my time to the gentleman from Pennsylvania [Mr. GREEN].

Mr. GREEN of Pennsylvania. Mr. Speaker, I want to thank the fine and able gentleman from New Jersey for granting me time to talk about automobile liability insurance.

Last Wednesday we held our first discussion of the growing crisis in this field. Although I did not know it at the time, a not-so-funny thing happened on my way to the House floor. Another insurance company was being declared insolvent in my State of Pennsylvania. This is the 15th insolvency in the last 2 years, a dismal record for failures that is unparalleled in the Nation.

A record like this points unmistakably to the needs for Federal inquiry in the problems the public faces with regard to automobile insurance. Insolvency is not peculiar to Pennsylvania. It has been a problem in Illinois, Indiana, Missouri, and West Virginia, along with half a dozen other States. It has left more than 100,000 American car owners without the coverage they paid for.

However, as I indicated last week, the mounting crisis encompasses more territory than the fly-by-night, undercapitalized companies which merely write insurance, but fail to underwrite it. The public is concerned with high rates, often inexplicable, with discriminatory practices, and with whimsical cancellation policies.

Failure in Pennsylvania is symptomatic of the failure of many States to accord their citizens the full power of the protection they should afford them.

With the exception of New York, which has placed considerable emphasis on the problem of automobile insurance, and perhaps California, which has reformed their approach to the business of automobile insurance, most States have been far too timid in attacking a growing problem. Now that problem is too large for them to handle. Few States have the resources, or are willing to place what resources they have, into the construction of insurance departments with the power and expertise to regulate the automobile insurance business-industry fairly and intelligently. The time for Federal action is approaching.

In the next few weeks, I understand, hearings will start on the proposal to create a Federal Insurance Deposit Corporation modeled after the FDIC as it affects banking.

Last week I expressed my doubts that this bill goes far enough. This week I have the same doubts. I concur with my distinguished colleagues, the gentleman from New Jersey [Mr. CAHILL] and the gentleman from Kentucky [Mr. SNYDER] that the Congress must take a harder look at automobile insurance. And I call for support of the resolution of the gentleman from Kentucky to widen the scope of the hearings.

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## FORESTERS FORUM ON CONSERVATION

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, important conservation measures have been adopted in this country during the past several years, but maximum effectiveness will come only through general understanding. Thanks to organizations dedicated to the wise management of natural resources, Americans are gradually coming to recognize the scope of the problems and the courses of action prerequisite to solution.

Last month the District of Columbia section of the Society of American Foresters conducted a meeting and panel discussion that can have far-reaching benefits if the discourses it prompted are given proper circulation. For the elucidation of my colleagues, I am inserting in the RECORD, under permission already granted, the remarks of three distinguished speakers who participated.

The Honorable Orville L. Freeman, Secretary of Agriculture, presents broad aspects of land management which open new challenges to an expanding nation. I commend his statement to your close scrutiny.

Secretary Freeman also takes the occasion to compliment Senator CARL HAYDEN for his many years of service in the cause of conservation. I join in expressing thanks to a renowned statesman whose myriad contributions have helped make this country a better place to live and to enjoy.

John E. Kinney, a sanitary engineering consultant whose views are respected by everyone actively interested in the promotion of good conservation practice, offers a frank and practical analysis on

the subject of pollution. His observations should be read by legislators and government officials at the National, State, and local levels.

The Honorable JOHN A. BLATNIK, our esteemed colleague from Minnesota, has a message which Members of the 90th Congress have an obligation to absorb, for what we do this year may very well determine whether the water pollution control laws recently enacted with national enthusiasm will even remotely serve in the manner intended. Parenthetically, I want JOHN BLATNIK to know that I am most appreciative of his untiring efforts in the field of water pollution control and that I shall continue to stand with him in his determination to obtain the results Congress intended when the legislation was adopted.

Mr. Speaker, the Society of American Foresters is to be congratulated for providing the forum from which these views could be expressed. They need to be repeated again and again, for factual explanations such as these are essential to transforming public apathy and indecision into unity of purpose and vigorous motivation.

The statements follow:

COMING OUT OF THE WOODS

(Remarks of Secretary of Agriculture Orville L. Freeman before the Washington, District of Columbia section of the Society of American Foresters, Washington, D.C., March 22, 1967)

Chairman Morriss, Senator Hayden, Secretary Udall, special guests, and members of the Society of American Foresters.

I am told that the Washington, D.C., Section of the Society of American Foresters has in its membership many of the Nation's top forestry policy makers. I am also told that you gentlemen have among you a broad cross section of the public and private natural resource interests. These include the forest industries, citizen associations, consulting foresters, educators, the public agencies, retired foresters, and others. Gentlemen, I commend you all on the choice of the theme for your meeting—"Environmental Pollution." By so doing you have taken on one of the most talked about and least "done about" problems in America today.

Now, we all know that to the forestry profession goes the credit for developing, testing, using at home, and exporting throughout the world the multiple use concept of land management. But, gentlemen, the theme of your meeting goes beyond this. In a loud voice you seem to be saying, "Listen, America, we foresters are coming out of the woods."

Senator Hayden—Sir, I believe that you will agree with me that this is good news for the people of America. It is good news because, although foresters plan for the decades, they have a reputation for getting things done today. I'm convinced that a dynamic, understanding ally such as the forestry profession can bring new life to the desperate fight against environmental pollution.

I'm glad to participate in this tribute to our honored guest. Over the decades, his work in the Congress of the United States has helped, in one way or another, to bring better protection and better management to every acre of forest land in America.

In my own Department, forest conservation on private and public lands represents a large share of our effort. While the Forest Service has the prime responsibility for nationwide forestry programs involving forestry research, State and private forestry cooperation, and National Forest and Grassland management, other agencies of the Department of Agriculture also play a vital role. These include the Cooperative State Research Service, Extension Service, Agricultural Stabilization and Conservation Service, Farmers Home Administration, Farmer Cooperative Service, Soil Conservation Service, and Rural Community Development Service. At the core of this cooperation are the family forest owner, the State Forester, the forest industry, the consulting forester, the universities, and other agencies and departments of the State and Federal governments. It takes teamwork and every little bit counts in the effort to provide the people of America with the products and benefits of the forest.

Yes, America's foresters are coming out of the woods. Their deeds and actions are demonstrating that the science of forestry is a broad subject that goes far beyond the task of growing trees. Multiple use management of forest lands means growing of trees, of course, but it also means the production of wood, water, wildlife, recreation, range, and special forest products. It means natural beauty. It deals with the development, protection, and management of forest lands and their resources for the benefit of people.

This is a broad social objective—as timely today as it was in Pinchot's time. But I would suggest to this group that you give even greater attention to the shorter run—especially to what more can be done now for our rural residents. And I would like to put this in the setting of the situation today in rural America:

(1) Where poverty is relatively twice as great as in our urban areas;

(2) As migration from rural areas adds to the festering slums of our modern cities;

(3) Where the desperate plight of the "boxed-in" segment of our rural citizens is a national disgrace; and

(4) Where people with the relatively lower educational and skills levels of this rural group are misfits in a civilization increasingly mechanized and less dependent on common labor.

In this context, the forested areas of our country, which coincide to a major degree with the most economically depressed areas, provide a real opportunity. These areas have marginal agriculture; but in many, forest industries are expanding. This presents a real challenge to you people as professional foresters to make your profession contribute far more than it has to date in finding solutions to these problems. This does not mean a lesser concern for the land, but it does mean a greater concern for the people—now, as well as in the long run! This is my message to you as professional foresters; a plea to those of you who haven't already done it to broaden your horizons by coming out of the woods.

It is in this setting, Senator Hayden, that I address myself to your outstanding accomplishments, of which the honor about to be bestowed upon you is merely symbolic—a token of achievement in only one area of a much broader field.

I am told that your forestry interest started prior to your congressional service of over a half century—that when you were a Sheriff in Arizona in the 1910 era, you used to visit the Forest Supervisors' offices and discuss forestry with them. I wanted to call attention to two special Forest Service retirees who were to be with us today—Mr. Arthur Ringland, the first Regional Forester for the Forest Service in the Southwest, 1908–1916, is present. And he was present at the swearing-in ceremony for Senator Hayden as a Congressman in 1912. Mr. Raymond Marsh, former Assistant Chief for the Forest Service and Forest Supervisor at Flagstaff in the early days, was to be with us, but his wife died Sunday night and he could not attend. Our deepest sympathies go to him.

Years later, I'm told your visit with President Franklin D. Roosevelt led to inclusion of a road development program in the National Recovery Act, a most important step which contributed so much to opening up rural areas—including forest roads and highways.

Your support in that same era for the Civilian Conservation Corps program needs particular mention. I know that the work these boys did for our forestry and related resources, and in developing themselves as men, has been a source of great satisfaction to you. More than any other legislator, you have participated in the development of American forestry from its infancy to its professional stature today.

As a matter of fact, I am told, your very first speech in the U.S. Congress, in March 1912, was delivered in support of an appropriation for the Forest Service.

You have been an active supporter in the first great wave of public awareness of the importance of forest conservation of the Pinchot era; the second wave of conservation progress under F.D.R.; and even a greater advocate of and supporter for forestry and its related resources in the third conservation wave well under way today. In this wave is the great public concern for our total environment.

I could go into detail, but I will mention only one specific case in the Arizona water programs including the Beaver Creek Watershed. Your leadership in the development of this project is giving us highly significant results and adding to the scientific basis for application of multiple use to forest lands. It would not have been possible without your interest and support. It is giving us the data on a controlled basis for evaluating the effects of different types of treatment on the benefits and returns from these lands. It, in effect, gives us the basis for consideration of alternatives of management—a forerunner of the Program Planning Budgeting System approach which we hear so much about today.

Its application is broad and extends far beyond the water areas of the West. The principles and techniques apply wherever we have forest lands.

There are many other examples that could be named. Stu Udall, I'm sure, will add to this list.

Let me close by saying that I am happy to have the opportunity to speak before this elite group of foresters and to be a witness to the honor that is being bestowed upon you. I shall long remember this day and I know that none of us can ever forget what you have done for the forest lands of America. God bless you!

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THE THIRD DIMENSION IN POLLUTION CONTROL

(By John E. Kinney)

The public envisions a forest in terms of recreation, wildlife, peace and tranquility, the last remaining undespoiled state of nature. The forester knows that maintaining these "natural" attributes requires scientific knowledge and hard work by many people.

But many foresters, however, are guilty of a misconception. They can not imagine the forest land involved in any pollution control program. Neither can the general public. Both relate pollution to sewer outfalls, not to a water quality condition which interferes with other water users. So there is no recognition that quality of drainage onto and from agricultural and forest land must be included in any effective appraisal of water quality management.

So far too few have seen this total picture. Had there been more, the Congressional hearings on water pollution would have included agricultural views. There would also be agricultural concerns expressed over the administrative guidelines now ex-

tending Congressional intent. And most certainly there would be agricultural participation in the decisions which are now defining policy in water quality management.

These policies are stated in generalizations with the illustrations limited to nonagricultural activities. When asked why the agricultural and forest land interests were not involved, one ranking administration official stated it would be political suicide to involve agriculture until the precedents are established with cities and industries. Eventually the generalization will apply to all sources which affect water quality.

GOOD GUYS AND BAD GUYS

In this era when public image is so important and when it is imperative to be on the side of the good guys, an accusation that a person is causing pollution automatically triggers a denial from the accused and mob action to seek his due punishment. The chorus has two chants—changing attitudes and louder demands for more stringent legislation. The tempo leaves the impression that instant pollution abatement is now a reality and requires only determination to purchase it.

But we still hear the dissidents who question either the need for the program proposed or the manner in which it is administered.

Actually we are witnessing a common phenomenon—a few vocal antagonists each claiming to speak for the public and each a victim of a self-deception resulting from gross oversimplification of complex and shifting situations. There is a frozen, unalterable position, either deliberate or unwitting depending on whether the individual is acting intentionally or is duped by the sound of the proposal. It is not limited to the naive nor the schemer. Many who by education and training should be able to analyze the situation do not.

The gross simplification and our intellectual laziness which relates all persons to either the good guys or the bad guys result in arguing one conclusion versus another, in claiming one position is all good, all correct, the other all bad.

So we have the assertion that any source of drainage is pollution and thus evil; any advocate of its cessation a knight in shining armor, a doer of good.

This will continue until we take the time to publicly examine the premises on which the conclusion is based or until there is a third alternative offered for appraisal.

And what about the public? What actually is its attitude? Despite the boasts of the debaters the public has refused to be of one voice, one mind. Many demands are made in the name of the public but the public approved bond issues in one community while defeating them in another during the past election, just as it did 20 years ago. The debaters may claim thousands of members in their particular organizations but the public has refused to be lumped. Where the public attitude has changed, some local issue or person can be given credit, not any national organization or legislation.

Ernest Swift, former executive director of the National Wildlife Foundation, in appraising the recreationist and forest land taxation in a most remarkable essay, "Beware the Pied Pipers of Recreation", emphasized the impossibility of winning a meaningful victory unless the issue is in depth analysis instead of emotions. His words apply equally well to the strident clean streams advocate who would, under the guise of protecting our waters for future generations, actually deny their use of anyone other than himself.

Mr. Swift makes an eloquent argument for knowledgeable persons to dethrone those of limited vision:

"Many recreationists just don't approach the management of resources with economic realism. . . . The average urban or country dweller, bent on a few hours or weeks recreation, doesn't bother with the profundities of economics. Many have only the vaguest notion of even the ecological relation between plants, animals, soil and water. They have less understanding yet that resource management, the cornerstone of survival, is concerned with industry, standards of living, education, markets, legislation, taxes and the interrelationship of community, state and national economies.

"They fail to realize that there can be no extensive recreation without a sound economy.

"The man who really needs to know the facts is Mr. Average American, who knows little about land-use problems or land ownership. His only contact is through recreation. We must start the job of educating Mr. Average American to at least a minimum understanding of the basic economics of land-based industries which convert resources to products and pay-checks.

"Less pied-piper talk on the right to leisure and more awarenes of the basic productive resources which make leisure possible is needed in these coming decades of the recreation boom."

Our land and water resources are inextricably linked. The same attitudes, the same in-depth knowledge are needed for both.

CONGRESS AND GUIDELINES

In addition to educating Mr. Average American on the facts of living—not an easy task in this age of rising expectations—there is the equally important task of treating the political pollution which contaminates our clean streams program.

Candidates for office frequently over-emphasize a problem and promise to resolve it. Too few of the elected reduce these situations to specifics to permit resolution so each election sees a renewal of scares and promises.

Perhaps the elected would like to resolve the problem but don't know how. Or perhaps they rely on advisors who are dependent on the continuance of the crisis for a job, or on advisors who mean well but are short on competency. There is greater probability the core of the problem is limited vision—an unwillingness to admit the problem is complex and deserving of diagnosis beyond the realm of legal jurisprudence.

An example of the influence of limited vision is provided in the legislative history of the Water Quality Act of 1965. The hassle over that enactment lasted more than two years. As you recall, the Senate sponsored the administration proposal that a cabinet officer should have total discretionary authority to establish water quality standards. The House Public Works Committee, headed by John Blatnik (D. Minn.), recognized this delegation of authority to be much more than a water pollution control measure. Definition of uses of a river must precede setting standards. The committee objected to one man having authority to decide which waters shall be used for agricultural drainage, industrial development, water supply, recreation and navigation. Objecting to this and giving the authority to the States brought criticism from those who can see nothing wrong with any proposal which promises clean streams.

Agricultural and forest land management interests seemed unaware the House Public Works Committee had appreciated there is more to water quality management than "pollution", than sewer outfalls. For example, setting a standard on nitrogen below an agricultural area can limit the acreage fertilized, the fertilizer applied, and the time of application. Below a wooded land it can brand the decaying vegetation, the runoff over the forest floor cover, a gross polluter, a despoiler of streams.

In similar manner standards on organics used for pest control sets limits on spraying forest lands. The good guys claim sprays are poisonous and should be banned. Any objector to the prohibition is a bad guy. There is no in-depth analysis of the benefits, risks and controls required.

The House Public Works Committee insisted that the States make the water use, quality standard determinations. The heat over this difference in decision making authority diverted attention from the equally important detail of how Congress expected the job to be done. The guidelines sent out by Secretary Udall in May, 1966, only complicated the situation.

So when the House Public Works Committee held hearings in 1966 on the administration proposal for further changes in the law, there was attention to testimony presented about policies which were being promulgated by the administration.

John Blatnik and his committee, to their eternal credit, dropped the politically inspired, narrow vision proposals and developed a bill and committee report which emphasized the need for total water management by basins or interrelated areas. This package placed into focus America's many basic needs, some of which are incompatible in the same area or the same water, but all of which must be satisfied. The bill and the report (House Committee Report No. 2021) provided the guidance for intelligent and effective basin development. And the House agreed with a 314–0 vote.

But again there was not comparable vision in the Senate so compromise took its toll on the bill. However, the Committee report, which was the sense of the House, was not modified in any way by the conference and thus should still guide the policy makers. Yet it has not. Why it has been ignored can be surmised but as is often the case sound advice and direction is not heeded.

DYING LAKE ERIE

The Vietnam war has, among other things, messed up our budget. The fiscal drain is causing cutback in programs directed towards improving the way of life of our citizens. Money is scarce. It should be more important than ever that we have priorities for spending which will minimize waste and maximize accomplishment of specific objectives.

It should be—but emotional, narrow vision, limited-interest promoters can still accomplish undue influence for one program over another. And they will continue to do so until Mr. Average American has an understanding of all the issues involved, a concept that there is at least a third alternative for his consideration in any program, and a realization that for any given area there should be priorities of importance established for the many programs irrespective of how desirable all may be.

There will be very serious issues on land-management control which relate to water quality control. And unless those who are knowledgeable participate fully in appraising these issues, they are no less culpable than those who make the decision.

Perhaps an illustration may help demonstrate the consequences of noninvolvement. Let's consider "dying Lake Erie". The parallel is legitimate. The decisions on that lake affect land management, fish management and the economy of the basin.

At a meeting in Buffalo on January 27, 1967, Mr. Edward Rath, Erie County executive, decried this dying Lake Erie theme. He stated companies are refusing to move to the Buffalo area, company executives are refusing to transfer there. They refuse to be next to a dead body.

When Pennsylvania held its public hearing to set standards on Lake Erie, the hotelmen, the marina owners, the sports fishermen were loud in their objections to this designation of a dying lake. It was ruining their business.

And yet the Cleveland Press a month ago

reported that James Quigley had described Lake Erie as America's first dead sea.

But is it?

Lakes age just as people do. The lakes in the Arctic with little organic growth are youthful lakes. Lakes at the equator, choked with plants, are in their senility. When the lake finally dies it has filled and is fertile land. Between the Arctic and the tropics we have lakes in all stages of aging—or eutrophication as the ecologist calls it.

Lake Erie is said to be in a state of accelerated eutrophication—aging faster than if no one were living around the lake. No one can deny that. But the pitch is then made that the eutrophication is proceeding at such a rapid rate the lake's demise is imminent. Full appraisal of the facts shows this is not true, that there has been less than honest interpretation given to the public. Even worse, the pollution control program proposed by the federal agency at a cost of $20 billion will not correct the problem conditions.

Lake Erie has a very serious algal bloom problem at its western end. Lake Erie is also reported to be devoid of oxygen in a 2500 square mile area in the central lake. The dead sea. Actually this condition occurs in the bottom 3 to 10 feet of the lake under some weather conditions. When a thermal stratification occurs—called a thermocline—the water below the thermocline holds still while the water above moves. The water above the thermocline—some 50 feet deep—has plenty of oxygen. The oxygen in the lower layer is used up by organic matter which is present. This same condition, as you know, prevails in some of our finest fishing lakes, lakes which have never been described by anyone as dead or dying.

The federal water pollution control administration claims phosphates in the sewer outfalls cause the algae bloom and then when this algae dies it uses up the oxygen. So the federal recommendation is to set a limit on phosphates and then control sewages treatment plant outfalls and combined sewer discharges to meet this limit.

But the Bureau of Commercial Fisheries has biologists more knowledgeable about Lake Erie, who disagree with this. They believe the algae and the occasional occurrences of low dissolved oxygen are separate and distinct problems and furthermore, that phosphorous is not the limiting or causative constituent in the algae problem. In other words the $20 billion program will keep us busy but it won't change the lake conditions.

The Maumee River drains an agricultural area into the algae laden waters of Lake Erie. The shallow river carries fertilizer and during the warm spring weather floats out on the top of the lake. The natural flow pattern in the western lake holds this nutrient-rich water and with the sunlight the bloom develops. The solution to eliminating algae problems would be to stop all agricultural usage of the land—or, do as the House Public Works Committee report recommended: give attention to means of harvesting algae. That recommendation has been ignored by the administration officials.

We all know algae is high in protein. Other countries are promoting its growth as a food supplement for man and animals. Over here we are attempting to eliminate it by a regulation on sewer outfalls.

One of the arguments given to prove Lake Erie is dying is the disappearance of the sturgeon, the white fish and other game fish. When you check the commercial fish catch records for Lake Michigan and Lake Erie you find a remarkable agreement in point of time for changes in species in both lakes. For example, the last catch of sturgeon was in 1895. The commercial fishermen had deliberately eradicated the fish because of the damage the large fish were doing to white fish nets.

The white fish disappeared from the St. Clair in 1878. The Detroit hatchery for western Lake Erie was closed in 1890. Warnings on changing migration habits and concentrating on individual species were not heeded. The 1930 warning on concentrating on the cisco was also ignored and 1933 saw the consequent demise of that species.

The importance of fish management is evident in the forecast by some experts that by the year 2000 over 60% of our protein will be supplied by fish foods. The potential of the Great Lakes needs attention. The productivity in pounds per acre is the same now as it was in 1875. Lake Erie still produces 50,000,000 pounds a year—about one-half the total of all the Great Lakes. Yet that is less than 2 pounds per acre per year, a far cry from the 200 pounds per acre harvested where good fish management is practiced.

This illustration of the lack of truth which promotes the myth and hysteria about dying Lake Erie is not intended to suggest there are no pollution problems in Lake Erie. There are—very real ones. But the pollution problems due to sewer outfalls are local problems. The solution of the local sewer outfall problems will not affect the lake. That requires another approach.

And yet there will not be another approach unless we can get Mr. Average American to realize that the problem is complex, not simple; that there is no common panacea to water quality control. Actually Mr. Average American would see the situation more clearly if those persons within and out of the government who are knowledgeable of the situation would get into the act, honestly and effectively. Too many of those doing the talking have ignored the facts.

It is true this would ruin a good many political speeches as they are now written. But it would also permit those representatives of the people who want positive achievement to get a grasp of the situation.

Sir Charles Snow, the eminent British scientist, in a lecture "Science and Government", pleaded for such participation:

"One of the most bizarre features of any advanced industrial society in our time is that the cardinal choices have to be made by a handful of men; in secret; and, at least in legal form, by men who can not have a first-hand knowledge of what these choices depend on or what their results will do."

LAND MANAGEMENT

If the decision is to continue on the Lake Erie program as a critical battle of time against a dead sea and if the weapons are to be limited to regulations and plugs in sewers, there will be some $20 billion wasted. The lake won't know the difference between that program and the one which had been underway by the States before it was accelerated to panic proportions by federal conferences.

These conferences, which represent the epitome of trial by newspaper, blotted out the efforts to put things into perspective. There were only two groups present—the good guys and the bad guys. If you weren't in complete accord with the good guys, you were automatically a bad guy.

Now facts are breaking through. Do we reassess our situation or are we committed to an irrevocable decision? It takes a big man to admit he made a mistake. But it takes a misguided zealot to continue a program if there is to be money wasted with the rationalization we should do all we can when, at the same time, we have children without adequate food, shelter and education.

There will be similar decisions by persons dedicated to clean streams which affect land management programs. Unless the total issue is appraised, there will be similar futility. Its prevention is not guaranteed by establishing interagency committees. It did not work on Lake Erie.

The alternative is public discussion led by the technically competent. And it includes the time required to educate, not to influence, those who are to make the legislative record.

Such participation could also help keep programs practical and effective. How far from the ideal a program can go was illustrated to me recently. West Virginia, as you know, is totally in Appalachia. One of the avowed purposes of the Appalachia program is to restore productivity in West Virginia. But a friend of mine in the State government was bitterly criticizing the program because West Virginia can't raise the matching monies required, so the benefits are going to its wealthier neighbor states.

There is a similar complaint about the rules and regulations established by the administrators of the federal water pollution control agency with respect to standards and to grants. The reality is a far cry from the rhetoric of the members of Congress who promulgated the "intent of Congress".

With a recognition of the complexity in these issues, and water quality management is a prime example, and with the realization that human nature promotes a concept of self-importance and an exaggerated sense of the importance of a job or program relative to the overall economy, there is no alternative to having persons apart from the government advising the Congress on a continuing basis. But this will do little good unless the Congress reasserts its policy making functions.

However, this takes time. And it means more work. It also means accepting responsibility as well as destroying some empires. Despite these formidable obstacles the change must be made if we are to achieve effective resource protection and development.

The outcry excited by "Silent Spring" should be sufficient warning the public responds dramatically to charges that health or welfare is in jeopardy.

It is a sad commentary, but the American is not so interested in the reasons he eats as well as he does nor in an explanation of the whys and hows of pesticide usage. Rachael Carson's book was a best seller; Jamie Whitten's "That We May Live" has not had the same acceptance although it provides an easy-to-read destroyer of fear. Incidentally, Mr. Whitten's book is well worth the time of Mr. Average American.

But perhaps the American is seen in better perspective if observed as he reacted to the warning on smoking. He hesitated, but not for long. His personal pleasure is indeed important. So if water standards which concern his health or pleasure are proposed, and if they mean someone else must exercise control, he will loudly demand their enforcement.

So let the men of the forest beware—be certain that the water quality standards affected by forest drainage are sound, effective and necessary rather than merely deemed desirable by someone who believes enforcing rules and regulations to maintain pristine quality is our sole objective in water quality management.

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REMARKS OF THE HONORABLE JOHN A. BLATNIK

I am honored to be part of your panel. We are not strangers. As you know we have come a long way since my original federal water pollution bill some ten years ago. It was tough going then, but finally after a veto and many close votes we arrived at the unanimous victories of the Water Quality Act of 1965 and the Clean Waters Act of last year. These victories were hard fought and reflect years of hammering out usable language that would satisfy the states, industries and conservations and yet be effective.

Now that we have the legislation on the books we have to move on from these blueprints or we are never going to get the house built. We have taken all the measurements—we have heard all about the problem—we recognize the need for the structure. The question seems to be where do we stand—

is the foundation laid or are we at the first story? Maybe the second?

WHERE DO WE STAND?

We can safely say that we have successfully taken the program out of the basement of HEW, given it agency status and transferred it to the Department of Interior—but now what? It seems to me that the work is cut out for all of us and I don't think we're getting the job done. I don't feel that all systems are going. This is not said critically. It is said in the hopes that we can get on with the building of a structure for clean water. If we need more carpenters then let's get them—if we need more material then let's get it—if it has be be air conditioned then let's do it.

UNANIMOUS MANDATE

We were given a clear mandate by unanimous votes by the House and the Senate. The need has been documented over and over again. Yet, we seem to be at a stand-still. Surely, the intent and the commitment of the Congress to clean up our Nation's waters couldn't be more clear. Surely, the overwhelming support of the now pollution control conscious public couldn't be more clear. Show me another issue that the people of the second largest state in the Union—New York—would so readily vote themselves an over billion dollar commitment to water pollution control. Where then are the impediments to the construction of a clean water program?

BUDGET CUT

It makes me sick when I think of the work went to last year to hammer out a dollar agreement between the Republicans and Democrats on our side alone to say nothing of the fight we had in conference with the Senate on a dollar amount. We cut the dollar amounts to absolute minimums and then I picked up the budget and found that our absolute minimum authorization of $450 million for fiscal year 1968 has been cut by more than half—$200 million is requested in the budget for construction grants for FY 1968! Mind you, this is after the House side already cut $150 million from the unanimously passed Senate authorization. Just look at the crying needs of New York City alone and you can readily see the budget grossly underestimates the cost associated with the water pollution control in this country. Under the present law, New York City would get a 30% across the board Federal grant and because it matches the Federal grant, the Federal share is raised to 40% and then if they have enforceable standards it would be 50%. But with the President's budget request of $200 million, every state's share in 1968 is cut by more than half and New York City instead of getting the 50% the law entitles them to, it will receive little more than 20%. Even more scandalous is the fact that information supplied the committee shows that New York City alone will spend nearly $180 million in 1968 on its pollution backlog. This is just $20 million short of the budget request for the entire Nation.

STATE LEGISLATURES MEET

Not only is the budget cut a blow to states like New York which passed its billion dollar bond issue to clean up its waters by a 4 to one margin but the over 40 states where the State Legislatures are convening right now are going to say, "It does not look like the Federal Government is all that serious about the war on pollution," and the states is the very area that needs encouragement rather than an excuse to sit back. It is all important to fight to restore the authorized full amount. To appropriate less than this amount at this time is to do a great disservice to years of work in abating water pollution.

We can summarize by saying, we have a new Federal agency, a new structure. We have given it more money, more authority, and more work. Water pollution control has been pulled out of the sub-basement of the administrative hierarchy and pushed into the front line. And if I am any judge of the mood of the American people, this is what they want. I think they are going to be rooting for this new program. But I think they are also going to be looking for the results.

NEW RESPONSIBILITIES

All of this, it seems to me, adds up to some important new responsibilities for everyone concerned.

It puts the responsibility on the Congress to come through with the necessary appropriation for the next fiscal year and the still larger appropriations authorized for the years immediately ahead.

It puts the responsibility on the Department of the Interior and the Federal Water Pollution Control Administration to organize themselves in a way that will make for the best possible use of the resources available to them.

It puts the responsibility on the states to set higher goals for the use and enjoyment of their water resources than most of them have considered feasible—or even worth working for—in the past.

It puts the responsibility on business and industry to double and redouble their own water pollution control efforts in full collaboration with the local communities and the state and federal governments.

It puts the responsibility on the water and waste water expert to bring greater imagination and daring to the search for new and better ways to control pollution.

And, not least of all, it puts the responsibility on that hypothetical individual, the average citizen, to participate in and support the total effort in every way he can.

ACTION NOW RATHER THAN NEW LEGISLATION

This is a rough measure of how I view the future of water pollution control in this country at this point. The time for head-shaking and hand-wringing over what has been happening to our water resources has passed. The time for action—far larger and far more effective action than anything we have known before—is at hand. With the Water Quality Act of 1965 and the Clean Water Restoration Act of 1966 on the statute books, this kind of action is now possible. So it's action we want now rather than more legislation.

A general but by no means searching review of the situation gives me a good deal of confidence that the preliminaries for the kind of action I am talking about have been going reasonably well.

ALL STATES FILED LETTER OF INTENT

It is encouraging, I think, that the states, without a single exception, have chosen to pick up the option provided by the Water Quality Act and are undertaking to develop their own water quality standards.

Now I am not so naive as to take for granted that these good intentions are going to materialize automatically into standards that will be acceptable from the national viewpoint. As you know far better than I, setting standards that are both attainable and that will come somewhere near achieving full use and enjoyment of a heavily polluted stream is hardly an easy job.

Some states, I understand, have not yet held hearings on the matter. Some, in fact, are not able to do so without new legislation. But at least the states are moving in the right direction. The people at the Federal Water Pollution Control Administration tell me that before the year is out, all states probably will have enacted whatever additional legislation is necessary in order to become full-fledged partners in the new program. This is progress.

OVER ONE-HALF OF STATES HAVE PROPOSED STANDARDS

As a matter of fact, I understand that the formal submission of standards is already beginning. Although the deadline for this is still nearly five months away some 25 states have already proposed water quality standards and are now receiving preliminary review by the Federal Water Pollution Control Administration. So June 30 will not be an altogether bleak day for America's waters.

I mentioned earlier the important matter of working relationships. It is my impression that, on the whole, the business of standard setting is proceeding with good will on all sides. Most of the states have asked for and have received extensive technical assistance from the experts at FWPCA in developing their standards.

It is encouraging also to note that FWPCA is in the process of assembling a number of expert committees to develop criteria for various water uses that will be most helpful in judging the merits of the standards as they are submitted. I understand that an announcement on this development will be forthcoming very shortly.

In closing, I want to point out that we need more tax incentive legislation. Though we were successful last year in exempting water pollution control facilities from the suspension of investment tax credit, this act was repealed a couple weeks ago so that pollution control facilities no longer receive special tax treatment. So we must do more to encourage tax incentives for the construction of waste treatment plants.

HEARINGS SCHEDULED

As you know, I have scheduled hearings into the progress of water pollution with emphasis on the budget cut. They are scheduled for April 25th and 26th in the Public Works Hearing Room.

I appreciate the opportunity of addressing this distinguished group and again, I want to commend you for holding seminars of this nature because through them, everyone gets a good dialogue as to the current challenges in water pollution abatement.

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## THE REPUBLICAN "OPPORTUNITY CRUSADE": WHO'S KIDDING WHO?

The SPEAKER. Under previous order of the House the gentleman from New York [Mr. RESNICK] is recognized for 60 minutes.

Mr. RESNICK. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include extraneous matter.

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

There was no objection.

Mr. RESNICK. Mr. Speaker, since first coming to Congress my admiration for this body has increased with each passing day, and so has my admiration for the intellect and ingenuity of its Members. And, last week, something happened which caused my respect for my colleagues to hit the high-water mark. What happened was that some Members of this body introduced a new way to fight poverty, called the "opportunity crusade." This "opportunity crusade" presents to the American people—in fact, to the world at large—a totally new concept in management; namely, that we can increase the efficiency and quality of a program by simply wiping out the cost of operating it.

In a nutshell, the creators of this radi-

cal new idea would enlarge the war against poverty and at the same time reduce its cost, by beheading the organization and then scattering its arms, legs, and vital organs all over Washington. The Office of Economic Opportunity itself would literally be wiped out of existence. According to our Republican colleagues, the entire budget for the administration of their "crusade" would be precisely zero dollars. That is right, Mr. Speaker—no dollars and no cents. And, if this sounds like a pun, it was not entirely unintentional.

This is a remarkable concept and I think that those who created it may be wasting their time here in Congress. They should be lecturing at the Harvard business school. They should be packaging this idea for our largest corporations and business management consultants. Here, finally, is the magic formula for instant cost reduction in business: Simply eliminate the cost of running your organization.

General Motors, for example, I am sure will be delighted to learn that they can now eliminate their hundreds of field offices and fire all of their high-priced executives in Detroit. They can even dismantle their factories, by subcontracting the work to Ford and Chrysler. But why stop there? If this is a valid technique for promoting organizational efficiency, why should we limit it to the Office of Economic Opportunity? Why not apply it to the most expensive operation in the entire Government, the Defense Department. Following the principles proposed in the opportunity crusade, I would like to suggest that the functions of the Defense Department be parceled out to other Government agencies.

For example, recruitment for the Armed Forces is basically a manpower problem and should be turned over to the Department of Labor. The Medical Corps should have its work taken over by the Public Health Service. The Continental Army Command should be transferred to the Department of the Interior; the fleet to the Maritime Administration; the food service to Howard Johnson's; the military airlift command to TWA, and the Signal Corps to A.T. & T. Just think of what we would gain in efficiency and dollar savings.

All of this would border on the ludicrous were it not for some fundamental implications that I consider dangerous and that I urge my colleagues to weigh with the utmost deliberation and care. the so-called crusade would destroy the one Federal agency which serves as a spokesman for the poor. By decapitating and dismembering that agency, by buring its programs in already high bureaucracies, the sponsors of the crusade would reduce the war on poverty to a series of unrelated and ineffective skirmishes. The Republican crusade sounds retreat along the line back into the clutchs of welfarism, paternalism, and all the material and spiritual costs to society that they entail. And the voice of the poor in the halls of government would be stilled forever.

For without an Office of Economic Opportunity, who would the poor speak to? And without an Office of Economic Opportunity, who would we Congressmen yell at when programs go wrong in our district? Who would be the whipping boy? Who would admit to an error? We all know what a deadly serious game buckpassing can be in Washington. A major purpose in setting up an independent administration to head up a major program is to know just where to point the finger when something goes wrong and to know just where to go when information is needed.

In any well-run program the ultimate authority must be vested in one individual. As Harry Truman used to say, "The buck stops here."

We all ridicule an establishment that is all chiefs and no Indians. Under the Republicans' opportunity crusade we would have all Indians and no chief.

I find it hard to understand the attitude of the malcontents whenever the war on poverty comes up for discussion. I think the Office of Economic Opportunity has, on the whole, done a spectacular job. In President Johnson and Sargent Shriver, we have two dedicated men who combine compassion for the deprived with superlative administrative ability. And if there is anything wrong with the war on poverty it is that it has not yet reached enough people. As many of you know, my own background was in private business. I have established a number of factories in different industries. And early in the game I learned that there is a long distance between the planning board and the final product, and an equally long distance between the final product and the profit.

Understandably, we are all impatient to see quick results in the war on poverty. We are so impatient that we overlook the fact we have had miraculously quick results. Have we forgotten that it is barely 2½ years since the original Economic Opportunity Act was passed to develop and launch the most massive attack on poverty in the history of mankind? Think of it, not quite 2½ years and look at some of the things that we have accomplished: 2,000,000 people have moved over the poverty line; 130,000 men and women have been enrolled in the Job Corps—at least 70 percent of whom are today earning a living and paying taxes. Our Domestic Peace Corps, known as VISTA, is now attracting more volunteers than the Peace Corps to help the poor help themselves through community development. Community action right now is at work in 1,100 American communities where local people using their own initiative and manpower are fighting poverty. Headstart, that jewel in the Office of Economic Opportunity's crown, will have half a million children enrolled next summer and 200,000 will be enrolled in a full year program. And, countless additional people are being given new hope and opportunity through such programs as the Neighborhood Youth Corps, the migrant workers program, legal aid, foster grandparents, and adult basic education.

And, remarkably, all this has been accomplished with one of the lowest administrative costs of any Government agency now operating—about 3 percent. The fact is that, for anyone who wants to take the trouble to examine its results, the war on poverty is working and working well, and that no apologies need be made for the results we have obtained so far.

But the Republicans tell us the war is in need of major redirection. I know which direction they have in mind, and I suspect many of my colleagues do, too. They would like to direct it out of existence. The people who talk to us today about a "crusade" are the same Republicans who, in 1964, voted by 70 percent to kill the original Economic Opportunity Act by recommittal, after first trying to cripple it with amendments. And they are the same Republicans who by a vote of 90 percent voted to recommit the poverty amendments in 1965. These are the people who today are asking us to entrust the war on poverty to their loving care.

Not only do they want to behead the Office of Economic Opportunity, they also want to burden the States with half the cost of running such programs as the Neighborhood Youth Corps. I can think of no faster way to kill any program than with this suggestion. We know from bitter experience that 50–50 programs just do not work. The most glaring example of such a failure is the Kerr-Mills Act which the Republicans used for years to block the passage of medicare. As every American knows, Kerr-Mills just did not work. And the only States where it did work was where it was least needed.

Under 50–50 matching grants, the poorest States are penalized the most. And we find that most of them do not even participate at all. As a matter of fact, it was this voluntary 50–50 basis which finally convinced the Nation that medicare was an absolute necessity if everyone were to be protected.

In the make-believe world the "crusaders" are painting for us, the suspicion is planted that nobody pays for the 50 percent that the States contribute. Now, we know that, in the final analysis, all funds come out of the same pocket—the taxpayer's. The important thing is to come up with a formula that works. And experience has taught us that 50–50 funding does not generate the cooperative effort that produces results.

Mr. Speaker, I could go on—I could analyze the entire opportunity crusade proposed by my Republican colleagues. I could point out that, while they call for a larger involvement by private enterprise, they overlook the fact that private enterprise is actually running our Job Corps centers—and doing a remarkable job. And, I could point out that, while the Republicans talk about an enlarged VISTA program, they do not even provide an administrative home for VISTA, since they have already proposed to eliminate the Office of Economic Opportunity. And, I could also point out that many of the proposals they have supposedly "introduced" have already been in effect for some time, or are now being considered by committees of this distinguished body. The expansion of Headstart is but one example.

But all of this is beside the point. Even if the Republican proposals were realistic—which they are not—I would still oppose them. I would oppose them

because I question the motives of those who have historically turned their backs on the poor and underprivileged at every opportunity. These are the same people who voted to cripple and kill aid to education, free school milk to children, manpower retraining, medicare, housing, food stamps for the poor, rent supplements and the Teacher Corps—all within the past 6 years. Are we supposed to believe that their cup of indifference now runneth over with compassion?

Mr. Speaker, I accuse the Republicans of creating an insidious legislative device to dismantle the entire poverty program.

They have always opposed this program. They still oppose it now. But because they know that the vast majority of Americans support this noble effort, the Republicans cannot attack it openly. This explains why they have chosen to slowly bleed it to death with the "opportunity crusade." Our struggle to eliminate poverty cannot be entrusted to those who, deep in their hearts, do not believe it is right. If we believe the fight has been successful, let us not give it up, but rather continue as we have been going and enlarge it as demand dictates and resources allow. If we feel there have been shortcomings, let us acknowledge them honestly and overcome hem. But in heaven's name, let us not as the old expression goes, throw out the baby with the bath water. The need now is for renewed dedication, stronger programs, and tighter administration. The direction the crusaders would have us take is 180 degrees away from what is most needed today.

Jobs are needed. Education is needed. Training and opportunity are needed. Health care is needed. To meet these needs the war on poverty was originally launched, and to direct that war, the Office of Economic Opportunity was created.

Poverty is a cancer in our midst that costs $10 billion a year in cold cash in welfare expenses alone, plus $100 billion a year in lost opportunities, lost income, and lost taxes. This is to say nothing of the human cost which is utterly incalculable.

This kind of debate of how best to mobilize the war on poverty might have been expected 2½ years ago when the Economic Opportunity Act was first introduced. At that time we were all babes in the wilderness, not even too certain about what our problems were, much less what the solutions should be. But we have come a long way since then. While we do not know it all, we do know a lot more about poverty than we ever did before. And, we have developed imaginative, bold, and workable techniques and programs. We have had an opportunity to measure their effectiveness, to curtail those that were less effective, and to expand those which worked. We have launched a magnificient rocket into the heavens, and while some midcourse corrections will still be necessary, I intend to do everything within my power to see that it is not destroyed by a hypocritical effort to "improve" it.

Mr. EDWARDS of California. Mr. Speaker, I share with the gentleman from New York both his incredulity at the so-called opportunity crusade's initial press release and his conviction that the crusade's sponsors are primarily out to destroy the war on poverty for political purposes.

Let us be blunt about it, Mr. Speaker. By their very nature, most of the economic opportunity programs are controversial. Why? It is not only that they are doing things that have never been done before. They are also bringing together, in communities throughout this country, people who have never talked together before, people who in many cases have never even been aware of each other's existence before.

This bringing together of community elements, Mr. Speaker, this social catalytic action inevitably produces some conflict and some turmoil. I might digress just slightly, Mr. Speaker, to remark that the alternative meeting place to the neighborhood center is the neighborhood street, and that the action there is not catalytic but explosive.

But the sponsors of the so-called crusade have no quarrel with the tremendously constructive results of this bringing together. So they are painted into a political corner. To attack the administration for its bold economic opportunity legislation, they must applaud the results while condemning the processes.

This is what they are doing, Mr. Speaker, when they talk about dismantling the Office of Economic Opportunity. They would keep the programs but they would obliterate the agency that conceived the programs and made them produce results. They would keep the components of community action but blow community action itself into bureaucratic smithereens.

I believe, Mr. Speaker, that their real purpose is to bring the war on poverty to a halt. Let us not forget that the Republicans voted 90 percent to recommit the Poverty Act Amendments of 1965.

Mr. PICKLE. Mr. Speaker, I am glad to have this chance to express my deep interest in the value of the Office of Economic Opportunity to a continuing and meaningful strategy against poverty.

Those who would eliminate OEO would, in my humble judgment, turn their back on the more than 30 million Americans who live in poverty and who look to the economic opportunity program as a way out of misery for them and, at the least, their children.

This is the promise of the Nation's bold action against poverty and the OEO has the responsibility of carrying out that promise. To destroy OEO is to destroy that promise—not to mention the performance that has already been achieved through the poverty program in moving people away from public assistance into productive employment.

The need for OEO—and the coordination it provides in the antipoverty effort—was expressed in effective fashion in an editorial in the Washington Evening Star which I would like to include at this point in the RECORD:

SHRIVER'S SURVIVAL

While there are a good many other aspects, the crux of the fight now shaping up between the administration and House Republicans over the poverty program is clearly and simply the survival of Sargent Shriver's Office of Economic Opportunity as an independent agency.

Scattered demands for Shriver's resignation were heard in the last session of Congress, along with attempts to shift various elements of the OEO program to other agencies. The opposition strategy did not fully coalesce, however, until last week, when GOP members of the House Education Committee disclosed the details of a proposed "Opportunity Crusade" which would "completely dismantle the Office of Economic Opportunity under Sargent Shriver, eliminating or redirecting existing programs." The issue could hardly be stated in plainer terms than that.

Actually, the Republicans' 11-point alternative by no means abandons the goals of the present anti-poverty war. Indeed, most of these programs, modified drastically in some instances and very little in others, are retained. Its estimated cost for the next year, moreover, is a substantial $1.7 billion, just $300 million below the administration's pending request. The authors of the GOP plan seek to disperse the control of these recast programs to other federal agencies, however, primarily Health, Education and Welfare, with the contention that this dispersal plus a fuller participation by local governmental and private sources would add some $400 million to the anti-poverty pool.

We trust there will be no inclination by Congress as a whole to take these claims at face value. The OEO's past performance is vulnerable to criticism on a number of points much of which is the result of initiating programs on too broad a scale with too little advance thought and preparation. The fact is, however, that the administration is finally showing signs of responding to these complaints. Its own voluminous package of amendments would tighten program control in a variety of ways and it deserves Congress' full consideration.

There may be merit in the specifics of a number of the GOP proposals, which might profitably be incorporated in program revisions. But coordination of these efforts is also essential. And it hardly seems that the best way to achieve coordination is to fragment this vast array of programs among existing bureaucracies which are having great difficulty administering the complexity of federal responsibilities they already have.

Mr. BRASCO. Mr. Speaker, the so-called opportunity crusade's initial press release is insistent about making the case for the crusade by figures. Yet as the gentleman from New York has pointed out, virtually every set of figures, both in terms of dollars and of human beings, turns out to be a house of cards under the slightest probing.

The press release talks with scorn about "a poverty bureaucracy of 91,000 administrators." It does not say where these administrators are, Mr. Speaker; the rapid or unwary reader might even be led to believe that they are all employed by the Office of Economic Opportunity. That would be a bureaucracy indeed.

When we slow down and probe a bit, however, the numerical picture changes. OEO's total administration—both for the seven regional offices and for headquarters in Washington—totals 2,600 people. This is approximately one-half the size of the Small Business Administration.

Some 5,000 individuals are employed to administer war on poverty programs by other Federal agencies. Contractors representing the private sector account for another 7,000 employees.

But we are still way short of the crusade's figure. How will we get up to it?

Well, Mr. Speaker, we can make a considerable jump by adding the 35,000 professionals working, not in Washington, not in any regional office, but in the communities themselves. These lawyers, teachers, doctors, and social workers are providing the services the poor so desperately need and of which they have been so long deprived.

Would the so-called crusade eliminate that element of the so-called poverty bureaucracy?

But we are still far short of the crusade's figure, Mr. Speaker. We can only get there by adding the 41,000 poor people who have found not only employment but new careers and new hope in antipoverty programs throughout the Nation.

That element—the poor themselves—is by far the largest element in what the so-called crusade chooses to call the poverty bureaucracy, Mr. Speaker, and because it is the largest, we can logically assume that the crusade would lay waste to it, root and branch.

Is this what the Nation wants? I think not.

Mr. ROSTENKOWSKI. Mr. Speaker, I consider it a privilege—as well as an obligation—to join this vital discussion on the importance of the Office of Economic Opportunity as an absolutely vital command post in this Nation's strategy against poverty.

There are some in this body who would destroy OEO and while I would not want to question their motives, I must certainly object to their judgment.

Those who would eliminate OEO insist that the war against poverty must go forward. I would submit, here and now, that the elimination of OEO will mean the end of the war on poverty.

It is OEO's responsibility to carry on an intensive attack on the causes of poverty—an attack to which this Congress and this Nation is committed. Such an attack can not be carried on by burying each of the OEO programs here and there in various bureaus of Government.

Sargent Shriver, the capable and dedicated Director of the Office of Economic Opportunity, was questioned about this in an interview by Bob Radcliff of the American Broadcasting Co., and I think his remarks on the OEO program in general and on the opposition in particular deserve the study of Members of this House.

For this reason I want to include a portion of the transcript of that interview at this point in the RECORD:

BOB RADCLIFF, OF AMERICAN BROADCASTING CO., AND SARGENT SHRIVER

SHRIVER. You just tell me when you're ready, when you ask your first question, how much time you want me to spend and so on.

RADCLIFF. Well, I thought we'd talk for a couple of minutes, and I'd appreciate you explaining to me the significance of the new anti-poverty measures that you proposed yesterday and what they will mean. In other words, why are they necessary and so on.

SHRIVER. The new anti-poverty legislation sent to Congress today creates a substantially new program which we believe will be more efficient, less costly and more effective in helping poor people get themselves out of poverty. We also believe that it will give greater power in coordinating in Washington the various programs the Federal government is operating to help the poor. Now we think this new bill is significant because it is based on the actual experience gained by this Agency in the last two years. We have found out what make an effective Community Action Program. We have found out what it takes to run the Job Corps successfully. We have found out what is necessary to make VISTA, the Domestic Peace Corps, work effectively in the United States. And this law puts down into law the lessons we have learned from experience. For example, we've learned how to select people better for the Job Corps. How to manage them better at the Job Corps centers including better discipline of them. We've found out how to get them jobs better. And this new law puts all of that experience into action.

RADCLIFF. Mr. Shriver, I understand that the new bill will also widen the role of the mayor, of the city mayor, in the poverty program. There have, of course, been a number of criticisms leveled at the OEO by mayors and various other critics. How would you respond to the idea this might be a capitulation to the mayors?

SHRIVER. Well, first of all, it's not a capitulation to anybody because the law also says that a local Community Action agency should have representatives of labor, representatives of religious groups, representatives of the business groups in the community as well as the mayor if he wants to be on the committee. Now, why does it say that? It says it because we have found out in two years that that's what makes the program work. For example, in Pittsburgh, Pennsylvania or Detroit, Michigan, where we've had good programs, the mayor does participate very actively. In other cities, the mayor may not be on the Community Action board itself, but his representatives are there. And they are effective in bringing public money behind the total effort. What you've got to remember is this—we have attempted to start a citizen's war against poverty. A war in which everybody participates. We're not trying to exclude anyone. We're not trying to exclude mayors. We're not trying to exclude businessmen or labor leaders. We certainly want to include the poor. We want the poor in there to the maximum feasible extent that we can. But we're not trying to make this an isolated program which just utilizes one group in the community. We want everybody in it. And that's what we mean by Community Action. That's what this law provides for.

RADCLIFF. Now the mayors have been . . . it has been possible for the mayors to take part in the program before on the local level.

SHRIVER. That's correct, and it's been done in many, many places across the country. As I said a second ago, what we have found out is that it works. So we're putting it into the law. It works so, therefore, we want it to be used.

RADCLIFF. Now the Republicans, many of them critics of course, have described the OEO up to this point as, and I'm reading from their new Republican Opportunity Crusade as they call it. They describe the OEO as "the languishing and confused poverty program." And they go on to say that under their Opportunity Crusade they would completely dismantle the OEO under you and eliminate the existing and re-directing the existing programs. Do you feel that the poverty battle in the United States could be fought under existing agencies like the Department of Health, Education and Welfare without any need for this sort of thing?

SHRIVER. Well, it's not what I think. It's what the record of history shows. First of all, the Republicans have adopted all the programs that we started. The Republicans are adopting Head Start. The Republicans are adopting the Job Corps. The Republicans are adopting the Neighborhood Youth Corps. The Republicans are adopting the Foster Grandparents program. The Republicans are adopting the whole idea of Community Action. The Republicans are adopting the whole idea of getting the poor to participate. The Republicans are adopting the idea of VISTA. And just remember, two years ago the Republicans had never heard of any of those things. In fact, two years ago they were opposing all of those things. Now they adopt them, but they say somebody else can run them better. The question is historically why didn't somebody else start them to begin with?

RADCLIFF. Why do you suppose the Republicans are fighting the centralization of all of these anti-poverty programs under one organization such as OEO?

SHRIVER. I think what they're trying to do is to create some sort of a political victory for themselves or what looks like a political victory for themselves by attacking the organization of the program. They don't dare attack the programs themselves. Why they'd be run out of office if they said to stop Head Start, so they can't say that. So they've got to attack something else that looks as if it could be attacked. And it's always popular to attack organization or make it look as if you're against bureaucracy. But, in fact, the OEO has got the littlest bureaucracy almost in Washington. There are only 2300 people working for this Agency which is about one half the size of the Small Business Administration. It's just about comparable to the Peace Corps. But they try to build it up as if it was a giant burgeoning bureaucracy. That's a phrase everybody likes to use. It's not that at all. I remember one time finding out that we have in the whole war against poverty in the entire country about one fifth the number of people needed to keep one wing of B–52's in the air. That's just one wing of airplane requires more people than we got in the whole war against poverty.

RADCLIFF. Mr. Shriver, would you characterize these latest programs for OEO as a step toward perhaps bringing the program down closer to the local level of administration?

SHRIVER. Well, there's no question about it. That, of course, is one of the basic principles of our effort from the beginning. We try to place authority for the program at the local level and we put Federal money at the control of the local people. Now this has caused problems because some of those local programs have been badly administered. And then we get criticized in Washington when the local program doesn't run properly. And the basic theory of OEO, the War Against Poverty, has been to give the people themselves at the local level maximum control over the program to eradicate poverty in their community. That's unprecedented in the modern history of this country. And, of course therefore, it has caused some difficulties. But fortunately now most of the difficulties of the first year or two have been eliminated.

RADCLIFF. How do you forecast the outlook of your new proposal against the Republican opposition as it's shaping up now?

SHRIVER. Well, it's obvious the Republicans have more votes in the Congress this year than they had last year. So if they can keep all of their party members together, and that will be their objective, they stand a much better chance of getting their ideas adopted than they did the year before. But I think on the opposite side is the fact that the programs themselves are now proving to be effective across the country. The American Bar Association is 100 per cent, for example, behind the Legal Services program. The businessmen have rallied around the Job Corps. It has taken two years to prove that these programs will work. And consequently, I think that the vast major-

ity of informed people in the United States now approve of the program. This was substantiated just last week when the Lou Harris national survey reported that 60 per cent of all Americans want the War on Poverty expanded or at least continued as it is at the same fiscal, same amount of money, level. This is a tremendous change over just six or eight months ago.

RADCLIFF. So you're generally optimistic of the outcome of your legislation against all this criticism?

SHRIVER. Yes, I am. In fact, you'll notice that the criticism has died down tremendously. Let me ask this, who's criticized me? Nobody but a handfull of the Republicans in the Congress are criticizing it. You don't see any criticism in the local papers about the Job Corps where the Job Corps is located. In fact, in those papers in communities across the country, the Job Corps is very popular. You don't see any criticism anymore about the Neighborhood Youth Corps—that's eighteen months ago. You don't see any criticism of Head Start. Lawyers are not criticizing the program. Doctors are not criticizing the program. Businessmen are not criticizing the program....

RADCLIFF. O.K., well, I think that spells it out very well Mr. Shriver. Thanks very much.

Mr. HOWARD. Mr. Speaker, I have always felt that the Nation's antipoverty program should be run for the poor and not for politics and kept free of partisan wrangling. It is with some hesitation, therefore, that I join this discussion of the unfortunate turn that has been taken in the national debate on the economic opportunity program.

I feel I can say, however, that were it not for the blatant political maneuvering of the opponents of the Office of Economic Opportunity none of us would be here today to speak out so strongly in favor of a central agency to direct and coordinate the antipoverty effort.

We feel strongly, Mr. Speaker, that the destruction of the Office of Economic Opportunity—as some are suggesting—would prove to be the destruction of the ambitious, innovative, and inspiring program this Nation has undertaken to help the poor become self-sufficient.

This is no time, Mr. Speaker, to sweep the problems of the poor under the rug. We have done that too often in our history. We have heard the plea of the poor and done the least that we could to help. Too often that help has been in the form of direct assistance that merely perpetuates poverty.

It is OEO's responsibility to keep the needs of the poor before the Nation and to maintain efforts to meet those needs in a meaningful and positive way. OEO must be kept intact to exercise that responsibility—not merely for the poor but for a nation that will be served by the passage of every man and woman from welfare into work.

For those who apparently think the destruction of OEO is good politics—I see no other reason for such a move—I would remind them of the evaluation of public opinion provided by a recent Louis Harris poll.

In that survey people were asked to choose between President Johnson and the most popular Republican prospect at the moment, Governor Romney, in determining which one could best handle nine different national problems.

President Johnson enjoyed his biggest margin in regard to "helping the poor." Two of every three people in the sample chose President Johnson as the man for this job.

This is hardly a vote of no-confidence in the antipoverty program which the President initiated. Instead, it is a 67-percent endorsement that any candidate would take in any race at any time.

Mr. YATES. Mr. Speaker, the following is the entire text of an editorial appearing in the April 17, 1967, Milwaukee Journal, entitled "Keep OEO":

The year-old idea dismembering the OEO, and distributing its antipoverty assignments among established governmental departments has been revised by Representatives Quie, Republican, Minnestoa, and Goodell, Republican, New York. The disadvantages of any such dismemberments out-weigh any reason for the changes that have been advanced so far. The purpose of reorganization supposedly is to promote efficiency by sorting out OEO functions among existing bureaus that already deal with similar problems. Headstart might be taken over by the Office of Education; the Job Corps, VISTA and other projects by other appropriate agencies. It may be attractive in an organizational chart, but not in practice. The poverty war is a new program attempting new solutions to a newly recognized problem of broad dimensions.

Running such a program requires an organization with the freedom to innovate and experiment in areas that cut across judicial departmental lines. The OEO incubator of ideas fighting poverty—ideas that never would have hatched and the responsibility been scattered across the bureaucratic landscape.

Mr. UDALL. Mr. Speaker, I am pleased to have this chance to discuss with my colleagues my deep concern over the effort that is being made by a few Members of this House to destroy the Office of Economic Opportunity and all that it stands for in terms of this Nation's commitment to the poor.

It is important that this effort be exposed promptly for what it is and shot down for the damage it would do. The effort does not suggest that OEO's programs be abandoned or even curtailed. We are merely being asked that they be parceled out to other agencies of Government.

The immediate administrative dangers in such a move are obvious. Who would supply the direction for the program? How, with each program in a separate niche of Government, could the Congress maintain effective surveillance and control?

More important, however, are the dangers to the antipoverty concept itself. By killing OEO you would, for all intent and purposes, kill the Nation's bold strategy against poverty. You would kill the voice of the poor at the highest level of Government and, in so doing, regress to the old and worn responses of earlier years when welfare was the only way of life for those in poverty.

The Office of Economic Opportunity, in its strategy against poverty, is demonstrating that there are ways by which the poor can become self-sufficient—ways by which youngsters can be moved out of the poverty that has gripped their families.

I could speak for hours, in fact, of the need for bold and focused action against poverty and, necessarily, for OEO. But no one could put the argument for OEO in better perspective than did Robert W. Glasgow, regional editor for the Arizona Republic, in a recent column. I would like to include it in the RECORD at the conclusion of my remarks.

Mr. Glasgow puts the issue this way:

To eliminate OEO would simply be to throw the poverty effort back into the bureaucratic bog from which we are seeking to extricate it.

I recommend his column—and his logic—to every Member of this House.

The column follows:

GOP DEMAND TO ABOLISH OEO A RETURN TO OLD APPROACH

(By Robert W. Glasgow)

The demand by key House Republicans that the Office of Economic Opportunity be abolished, that its various anti-poverty programs be transferred to already existing cabinet departments, will have a certain public appeal. But a critical examination of this demand reveals disturbing implications.

Reps. Albert H. Quie (R-Minn) and Charles Goodell (R-NY) say that unless the administration accepts such changes in the anti-poverty program the OEO "may be in danger of elimination entirely by a frustrated and impatient Congress." We doubt very seriously if transfer of the programs to the Department of Health, Education and Welfare and the Department of Labor (through which some of these poverty funds are already siphoned) would eliminate these frustrations or impatience. Such a transfer would seem more likely to exacerbate these feelings.

For the Republicans are not suggesting that anti-poverty funds be cut off, but that they be placed under the administrative umbrellas of these huge departments that already are struggling with the administrative burden of a multiplicity of welfare programs. What the advantage would be is hard to see.

One of the major reasons for the OEO's creation and the community action approach was that the existing welfare bureaucracy, both government and private, had for at least two decades been groping at the poverty problem with rather poor results. Why these already burdened departments would be able now to make a more effective impact on poverty is not at all clear.

Once these anti-poverty funds get caught up in the maw of the machinery of the orthodox welfare system, we suspect that it would be more difficult than it is now to determine the successes and failures of the anti-poverty war. For whatever criticism one may have of the Office of Economic Opportunity, it cannot be said it doesn't have an open door for public examination, whether by Congress or the newspapers, of what they are doing.

Whether these funds are channeled through OEO or through the existing departments, the poverty sufferers will still exist. Thus far, Congress has been frustrated, as the Republicans suggest, the public has been frustrated and, most importantly, the poor have been frustrated. Part of this frustration has been because of the high visibility the OEO has given the problem.

To turn these funds back to the huge departments, to run the risk of returning completely to the orthodox welfare approach quite possibly would lessen the visibility of the poor. The anti-poverty funds quite possibly could get lost somewhere in the tangle of the department's overall budget. This might very well be one way to stop the day-to-day public political battle over the use of these funds. But it would also be a way to assure our knowing even less than we do now about the cost-effectiveness of the anti-poverty war.

Conceivably, this might ease the frustrations of those congressmen who tire of the

tedious argumentation with their constituency on the pros and cons of the poverty war. And this diminution of public dialogue probably would ease the frustrations of many members of the public who are tired of these reminders of poverty's existence.

But, certainly, it would not ease the frustrations of the poor themselves and these are frustrations that the affluent community inevitably must come to grips with. The comforting bromide of "out of sight, out of mind" has simply lost all applicability. Consequently, we hope the majority of the members of Congress will retain the Office of Economic Opportunity. Make it more effective—yes. In fact, the OEO itself is almost painfully self-conscious of the need for corrected approaches. To eliminate OEO would simply be to throw the poverty effort back into the bureaucratic bog from which we are seeking to extricate it.

## GENERAL LEAVE TO EXTEND

Mr. RESNICK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject on which I have spoken.

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

There was no objection.

## CELEBRATION OF FIESTA WEEK IN SAN ANTONIO

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

Mr. GONZALEZ. Mr. Speaker and fellow Members, while we are here in the Nation's Capital working on legislative business, committee work and House work, the home folk in the 20th District of Texas are celebrating Fiesta Week. I wanted to extend an invitation to each and every one of you to visit San Antonio, Tex., during this week, and particularly the tail end of the week, Friday and Saturday, at which time we will have the very famous Battle of Flowers Parade on Friday afternoon and the illuminated Fiesta Flambeaux Parade on Saturday night. These two achievements are nationally and internationally known. I hope that you will have an opportunity to visit us in Texas, and particularly in San Antonio, because it is the part of this month of the commemoration during which we celebrate Texas' independence and its historic and glorious achievements.

I conclude by saying, as all of my Texas colleagues know—and especially those in the adjacent districts—that when Members come, they will really enjoy themselves. I know if the gentlemen will go to San Antonio, Tex., for this weekend, they will never regret it.

## AMERICAN PAVILION AT EXPO 67

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

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

There was no objection.

Mr. FINO. Mr. Speaker, I think most of us are familiar with Expo 67—the multimillion-dollar international exhibition in Montreal.

The United States has a pavilion at Expo 67. Guess what we have in it? Notable among our exhibits is a 40-foot-high picture of Elizabeth Taylor, surrounded by still shots from "Cleopatra." I am not sure that Elizabeth Taylor is a part of our culture which we ought to advertise, but because her 40-foot portrait is one dimensional, we are not even presenting her at her best.

Besides Elizabeth Taylor, our exhibit plugs Charlie Chaplin, Marlene Dietrich, Rudolph Valentino, and Greta Garbo. What would have been wrong with plugging some Americans?

The other highlights of this misguided pavilion are 20 pieces of contemporary American art, a wooden statue of a baseball player, and dozens of American Indian exhibits. There is nothing wrong with Indians, except that Canada has more Indians, and bringing Indians to Canada is like bringing spaghetti to Naples.

All Expo 67 lacks is a large, flashing three-colored neon representation of the LBJ Ranch. Then the disaster would be complete.

## CARLYLE VAN AKEN

The SPEAKER pro tempore. Under previous order of the House, the Chair recognizes the gentleman from Montana [Mr. OLSEN], for 60 minutes.

Mr. OLSEN. Mr. Speaker, Carlyle Van Aken, who was staff director of the Census Subcommittee during my time as chairman, suffered a fatal heart attack 2 weeks ago. His life was cut off at the height of Carl's powers as a man. He was one of the sunniest, most positive men I have ever worked with, and it is still a numbing shock to realize that he is no longer with us.

During our association, I particularly recall the management awards dinner given by the Administrative Management Society in 1965. The day before the dinner I had received an award from the Administrative Management Society for the "paperwork jungle" investigations by the Census Subcommittee. This investigation resulted in great savings, and as I listened to the awards being presented for savings resulting from better paperwork management for an estimated total savings of $100 million a year, I could not help but observe how happy Carl seemed to be witnessing the awards given to other people.

Yet it was Carl's painstaking investigation that supported our hearings that were held across the United States. Others were willing to talk about the vast savings that could be obtained by good management, but it was Carl who went out and got the facts and wrote the report that was so aptly named "The Paperwork Jungle." He had a genius for making complicated things understandable, and 2 to 3 years later he was still gathering support for economy in Government, and the news media including Time and U.S. News & World Report picked up the cry.

This year the paperwork hearings will be concerned with legislation. It weighs heavily with me that Carl is not here to see the culmination of his work. We may never finish the many projects that he started—they were many and varied—but we will finish many of them, and the American people will never know how they benefited from the work of one public servant. He was a pioneer in the computer field, the development of which will see almost the entire country, and certainly the Government, automated.

Every time I hear complaints about the Federal Government's lack of concern for State and local governments, I am reminded of how hard Carl worked to serve State and local governments in the computer field. But most of all, his work on behalf of a middecade, 5-year national census is more important than all the rest combined, because needed facts would be supplied to local governments who have to depend on handouts of information from the Federal Government.

Carl was not just a Federal employee—he was a servant of the American people as a whole—and all of us benefited from this man's work.

Carl and I were friends, and I think one of the reasons we got on so well together was that we had both been in the Navy and we used to swap stories about our experiences. I was in the Pacific while he was on a minesweeper in the Mediterranean. I am one Congressman who will miss his good counsel and his friendship. To his family and his wife, Eleanor, I can only say that I am sorry, as is everyone who knew Carl. He was a good man and there is a vacant place left in all of us; but his influence, example, the memory of work accomplished, and the thought of work to be done, is still with us.

Mr. Speaker, I have received a letter from the counsel of our committee which I will include as part of my statement:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON POST OFFICE AND CIVIL SERVICE,
*Washington, D.C., April 17, 1967.*

Hon. ARNOLD OLSEN,
*House of Representatives,*
*Washington, D.C.*

DEAR CONGRESSMAN: It is with deep sadness and profound sorrow that I join with you in memorials to Carlyle Van Aken. I have been privileged to enjoy his friendship as a member of the staff of the Post Office and Civil Service Committee of the House of Representatives for the past four years.

I spent several minutes with Carl just before he left the office on the day of his untimely death. His charm and persuasiveness, courage and resourceful leadership, won him the admiration and respect of his fellow workers here on the Committee as well as the respect of the Congressmen whom he served so well.

The death of Carl Van Aken is a distinct loss to our Committee staff. Personally, his death comes as the loss of one of my closest friends.

To his good wife, I join with you in extending my deepest sorrow in her hour of bereavement.

Sincerely yours,

JOHN H. MARTINY,
*Counsel.*

Mr. DULSKI. Mr. Speaker, the untimely death of Carlyle Van Aken 2 weeks ago was a shock from which none of us have recovered. He was one of the best liked men on our staff.

Carl Van Aken was with the Post Office and Civil Service Committee for approximately 4 years. His services were loaned to the committee by the Bureau of the Census, and he performed an admirable job in cementing a good working relationship between our committee, the Bureau of the Census, the National Archives, and all Federal Government agencies which are part of the Federal computer community.

Carl was only 53 years of age, and the picture of health. In fact, he was seldom ill and he had over 2 years' sick leave to his credit.

There are many reasons for a man's popularity among his associates. The principal reason, I believe, that Carl was so well liked is the fact that he thought and acted upon the conviction that every one he met was an important person.

A resourceful man, Carl was also extremely capable and knowledgeable. He was always prepared to accomplish the task at hand and was never found wanting. He deserved and enjoyed the respect of all those with whom he came in contact.

This year he became staff director of the Postal Operations Subcommittee, as well as the staff director of the Census Subcommittee. This was my old subcommittee and I am proud of the way Carl Van Aken took over this difficult assignment and the burden of additional duties.

I feel it is essential that the Congress should have the best in staff personnel, and Carl was one of the best. We shall all miss him.

We share in Mrs. Van Aken's grief and she has our heartfelt sympathy. May she take comfort in the fact that her husband left a legacy of good will and a better understanding of brotherhood among his fellow men.

The staff director of your committee has written me, for himself and all of the staff, expressing their sorrow at the loss of their good friend and fellow worker. The letter follows:

Hon. THADDEUS J. DULSKI,
*Chairman, Committee on Post Office and Civil Service, House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: Carlyle Van Aken, whose untimely passing so saddened the Members and staff of your Committee, will always hold a special place of honor and affection in the hearts of we staff members who had the privilege of knowing and working closely with him.

Carlyle Van Aken was an ideal professional staff member—exceptionally able, alert, and responsive to the needs of the Committee and the Congress. More than that, he was a fine American and Christian gentleman who devoted every day of his life to service for the benefit of his country and his fellow man. He was a dear and kind and gracious friend whose wonderful life will be an inspiration to all who knew him.

The staff has asked me to express for all of us, in the small way that I can, our heartfelt sympathy to Mrs. Van Aken in her great loss, and our hope that her grief will be lessened by the knowledge that the good Carlyle did will live on.

Sincerely,

CHARLES E. JOHNSON,
*Staff Director.*

Mr. GREEN of Pennsylvania. Mr. Speaker, when Carlyle Van Aken died 2 weeks ago I had not known him a long time. But he was one of those people who you can become genuinely fond of in a short time. There are a great many things that I remember about Carl, but the thing that will stay in my mind is that the day he died, a month before our hearings on the middecade census bill, he was so well prepared that we could have begun our hearings that day a month early.

Carl was with us on the Hill working for the House of Representatives for 4 years less 1 month. He was on the rolls of the Bureau of Census, but I think we can claim him for our own because of the depth and warmth of the feeling toward him that he left with us. He loved the House of Representatives, and his work showed it; and that feeling was returned by everyone who knew him.

If a man's work is his monument, Carl left his in bills and hearings and ideas that Congressmen of both parties together could and did support. Middecade census legislation was supported by the ranking Members of both parties in the House of Representatives and by Senator SMATHERS, Senator KUCHEL, and Senator INOUYE in the other body.

Carl's life was devoted toward the proposition that decisions have to be based on facts to be good decisions, and that good decisions make for good government. For this reason his efforts on behalf of a 5-year national census of population, unemployment, and housing were important to all of us; especially since the Federal Government is so active in protecting the welfare of our people.

I think that among Carl's lasting contributions the good relations he built between people in the executive branch and the Congress, between people in the sciences, administration, and in the legislative area. It can be said of very few men that everyone was better for their presence—Carlyle Van Aken was one of these. For the loved ones he left behind, particularly his lovely wife Eleanor, all that we can say is that we are sorry. Words fail us where there is so great a loss. On behalf of my own family and myself, I will add only that we feel in a small part the loss that has come to Mrs. Van Aken.

Mr. NIX. Mr. Speaker, 2 weeks ago a man died. A man who was a friend of mine. His name was Carlyle Van Aken, or simply Carl to those who knew him. He was the staff director of two House subcommittees—Postal Operations, and Census and Statistics. I worked with Carl for 2 years and we became close friends.

Since his death after 33 years of public service, I have often asked myself "How do you measure a man's life?" Certainly the standards of journalism do not apply, since most people only reach the printed page through obituary columns. Good work and good men are not unusual in this world of ours. What measure then, do we apply to a man who always did his job and who never let anyone down? A man's wife knows him better than anyone, and the yardstick applied during marriage is straighter and sterner than any other test. Carl certainly passed that test. But, for our purposes, the test we apply is what a man's colleagues thought of him. That judgment is based on whether burdens were lighter because of his work. On that basis, Carl Van Aken made the day's work easier for everyone he came in contact with. We all carry burdens both professional and personal, and no one can say that they were not easier to carry because of Carl's help, nor could anyone say that Carl's burdens were ever added to anyone else's. To those who knew Carl, it must have seemed that Carl had a sunny life because he was a happy man. He was a happy man because he was a good man, but his life was no less difficult than those he worked with.

Carl was orphaned at 7, worked his way through college and graduate school during the depression, entered Government during the hectic New Deal days, served in the U.S. Navy during World War II, began his career in the Census Bureau during the start of the computer revolution, and finally, his public service for the House of Representatives during the past 4 years. You can describe a man's life in a sentence as I have just done, but the personal sacrifice that went into that life could only be described in volumes. Carl had to work as a waiter and a short order cook to get his education. His naval service included taking his ship, a minesweeper, into the beaches in the south of France, clearing the way for the troops. His professional life included not only years of study, but years of reconciling different viewpoints, and simply getting the job done. Carl did not talk about his public service very much, but he did tell me one story about his early days when he was working his way through the Wharton School of Business.

He worked for a fry cook who, no matter how busy he was, saw to it that Carl made his 11:30 class each day by releasing him from work. Carl said that he owed his education to that man more than any other. But the important point to that story is that everybody who worked for Carlyle Van Aken during his 33 years of service, benefited from that act of kindness, which was passed on by him many times over.

Carl Van Aken's unique contribution during his career was that he brought people of diverse backgrounds together, brought people an understanding of each other. We often hear about the gap of misunderstanding that exists between people whose work is in technology, and those whose work is in the social sciences. Here on the Hill we read about each other in the papers, and we read about the misunderstandings between Democrats and Republicans, liberals and conservatives. But, where Carl Van Aken did his work there were only people—personalities who had to come to understand each other better. There are those who devote their lives to talking

about ultimate solutions, but Carl used to point out that it was the next step that counted and whatever he put his hand to, that next step was taken. Perhaps Carl's strength came from the fact that he was a superb technician who saw that big problems are really little problems wrapped together. When the Congress and the executive branch does its work each day, it unravels these problems and they in turn become smaller, whether the problem is automation, race relations, the space race, or war and peace.

All of us who were associated with Carlyle Van Aken have said to ourselves "What a waste" and repeated the saddest words of all "What might have been." Here was an enormously talented man who was ready for great responsibilities. I have lost a friend. The House of Representatives has lost a great public servant. I will miss him, and I think the House of Representatives will miss him.

Mr. CORBETT. Mr. Speaker, I have always been proud of the generally fine record of nonpartisanship on the Post Office and Civil Service Committee. Besides the cooperative attitude of the members of our committee, the staff members' attitude toward their work is a contributing factor. That attitude is based on professionalism and a desire to make a worthwhile contribution. Two weeks ago this was pointed up to all of us by the death of one of our finest people, Carlyle F. Van Aken.

Carl was on loan from the Bureau of the Census. He was with the committee for approximately 4 years and it was a 4-year period that all of us who serve on the committee enjoyed a little more because of his presence.

The Subcommittee on Census and Statistics was Carl's major area of endeavor, and this year he took over the staff direction of the Postal Operations Subcommittee. Mr. Van Aken did a great deal of work on a bill that I introduced in the last session and will probably introduce in this session—a middecade census bill that would direct the Bureau of the Census to take a national census 5 years after the regular decennial census. It always struck me as odd that we kept better track of farm animals than we have of people.

Carl's work could be summed up as a struggle for better management within the Federal Government. He also helped organize hearings on the vast amount of waste in connection with Government redtape. His contributions were in the area of the saving of money rather than the spending of it. It makes me proud to be on the Post Office and Civil Service Committee because if Carl Van Aken is typical of our civil servants, this Government is well served.

I know that despite the bitter loss that Mrs. Van Aken must feel, that she must be very proud of her husband. On these occasions we must all feel that we should have been more appreciative of another human being who is no longer with us. It does seem to me, however, that a man who had Carl Van Aken's self-confidence and zest for living must have known that the people around him reciprocated his good will toward them.

Mr. TUNNEY. Mr. Speaker, I was elected to the Congress in 1964, and one of the first people I met on coming to the Congress was Carlyle Van Aken, who was the staff director of the Census Subcommittee. We became close friends. He was one of those people who believed that the road to reason was paved with facts. Reasonable discussion and decisions required a strong and sure foundation in fact, and he interested me in the mid-decade census, the "paperwork jungle investigations" and many other issues. Carl never pretended to have the answers, but had a keen sense of knowing where to look for facts, decisions became much more realistic. Carl died 2 weeks ago, and I will truly miss him.

When I wrote and gave my first few speeches outside the Congress I came to rely on Carl for research and advice. He was a truly witty man as people who have a good sense of proportion usually are. Facts came alive and became living things when he would gather them together, because he could always explain their relationship to people. Most of our problems he felt are based on great misunderstandings and the marshaling of fact can clear up those misunderstandings and bring people together.

One of Carl's great efforts was the mid-decade census bills that were introduced during the last session and during this session. This project almost became a reality last session, and hopefully with administrative support, they could become a reality this session with final passage. If this bill becomes a reality it will be a monument to Carl because he worked so long and hard to bring it to fruition.

Entire civilizations have struggled with the meaning of life and death. I can only say that most of us view death as the beginning of a second eternal life. There are some of us who do not, and for those it is sufficient to say that our friend Carl, realized the joy of the here and now. Everyone who knew Carl knew that he was a happy man. No one can really console Eleanor, his wife, but each shares a little bit the sorrow of his passing from among us. The House of Representatives was better for him having been here.

## GENERAL LEAVE TO EXTEND

Mr. OLSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks eulogizing an employee of the House, Carlyle Van Aken, who passed away April 4 of this year.

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

There was no objection.

## JOINT STATEMENT ON SEATING OF ADAM CLAYTON POWELL

The SPEAKER pro tempore. Under previous order of the House, the Chair recognizes the gentleman from Arizona [Mr. UDALL], for 10 minutes.

Mr. UDALL. Mr. Speaker, the voters of the 18th Congressional District of New York have decided once again that they want to be represented in this House by ADAM CLAYTON POWELL. Shortly the 434 Members who already have been seated must decide again whether the duly elected Representative of the 435th District shall be seated.

As this historic vote approaches, a number of my colleagues and I have decided to draft a statement presenting our views on the question. Without objection I shall insert the text of that statement at the conclusion of my remarks.

Mr. Speaker, also without objection, I shall include a number of newspaper editorials supporting the constitutional argument that, once the voters have made their decision, a duly elected Representative must be seated. The signers of this joint statement strongly endorse that argument.

JOINT STATEMENT ON THE SEATING OF ADAM CLAYTON POWELL

The re-election of Adam Clayton Powell to fill the vacancy in the 18th New York District is now official. The House, once again, is faced with serious Constitutional questions involving basic principles of our representative system of government.

We condemn Powell's past abuses of his power as Chairman of the Committee on Education and Labor. The Democratic caucus acted on January 9th to deprive him of that power. We deplore his other misconduct as found and documented by the Select Committee. But the question is not whether we, or our constituents, might have chosen him to represent us; the question is whether the electorate of the 18th District have a right to choose him to represent them. The Constitution and 180 years of almost unbroken precedent require that he be seated.

Powell clearly meets the Constitutional requirements of age, inhabitancy and citizenship. The framers of our government considered the denial of a seat in Congress against the express wishes of a constituency as a most grave and serious matter. They wisely provided that such drastic action be taken only after seating, and only then by a two-thirds vote. Except through *that* procedure we have no right to second-guess an electorate which was fully aware of the charges and the evidence against the candidate it chose as its Congressman.

The House must assure that appropriate action is taken to recover any monies found to be due the United States. The Justice Department is now investigating the various allegations and we believe and expect that necessary legal actions will be taken on any violations which have occurred. The House should continue and complete the steps already begun to prevent future travel and payroll abuses by Mr. Powell or any other Member.

In less than 120 days the House has twice dealt with this subject. It will not go away. Until it is squarely faced and properly resolved we will meet it again and again. A failure to seat Powell we believe will do violence to the Constitution, establish a dangerous precedent for rejecting other legally elected but nationally unpopular legislators, and pose the divisive and dangerous threat of a disastrous clash between Congress and our Courts. The representatives of 434 constituencies should not continue to impose their judgment on the 435th.

Powell, if seated, will take a place with little power or opportunity to repeat the abuses with which he is charged. The House is not a criminal court. It is a legislative body bound by a constitution, by rules and regulations.

Despite these considerations, it appears that a majority of the House is prepared to exclude once again. The vigorous and courageous stand of the House Democratic Leadership in favor of honoring the April

11 election is correct and commendable. We shall follow that leadership.

We commend the Republican leadership for its support of the Select Committee last month. We appeal to them to continue that support. We urge all our colleagues to resolve this matter in accord with the spirit and the letter of the Constitution.

Thomas L. Ashley, Richard Bolling, John Brademas, Hugh L. Carey, Donald M. Fraser, Chet Holifield, John E. Moss, James G. O'Hara, Frank Thompson, Morris K. Udall, Sidney Yates.

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[From the Detroit News, Mar. 3, 1967]

POWELL MERITED PENALTY BUT EXCLUSION A MISTAKE

The immediate battle over Adam Clayton Powell, the nation's foremost fun-and-games man, is over. So, perhaps, is his congressional career. But the mischief so jauntily provoked by him, so casually touched off by a majority of the House, is only just begun. Its effects may linger for years.

Few will defend Powell's behavior. The best his most ardent defenders will say of it is that he is far from alone as a congressional sinner, that his colleagues' decision to impose the ultimate sanction at their command on him while other miscreants go unnoticed reflects race more than morality.

Powell's reaction is archtypical. Still sunning at Bimini, he professes supreme unconcern. True, he has acquired a touch of modesty: When the House refused to seat him in January he likened himself to Jesus; Wednesday he settled for identification with Dred Scott.

But his guiding ethic stands undimmed: "Why should I be angry, with all these lovely friends I have here on Bimini? . . . I'll be happy all the time . . . My only feeling is to be happy to be alive and to be here with my friends."

That's one of his troubles—pleasure beats responsibility every time.

He will forgo such pleasures just long enough to take the matter to court, to enter and handily win the special election to fill his district's now-vacant seat, less because he really cares about constitutional principles or the right of New York's 18th Congressional District to choose its own representative, than because the protracted fight will give his detractors fits.

But if Powell disdains responsibility, his colleagues should not have. The well-deserved punishment already inflicted on him—loss of his prestigious chairmanship—was no small blow. The measures recommended by the House Select Committee—censure in person before the bar of the House, restitution of $40,000 in misused House funds, loss of 22 years of seniority—would have constituted a crushing additional price for his unremitting self-indulgence all these years.

Vindictive doubters to the contrary, he would have felt it keenly. His pride—his arrogance, if you will—would not have permitted this humiliation to roll off unfelt. It's a fair bet he might never have walked into the House chamber to submit.

But Powell did meet the constitutional requirements for the House seat he is denied. The House has unquestioned authority to expel a seated member for behavior like Powell's but there's plenty of question about its legal right to add to the Constitution's qualifications for being seated.

If the House can refuse to seat Powell for pecadillos of middling gravity, what limit is there on its power to exclude anybody, on any grounds a simple majority may decide to use, even membership in the wrong party? The Powell precedent is grave.

So is the prospect of collision between Congress and the courts should Powell sue and prevail there. The courts may find for Powell on constitutional grounds, but they cannot enforce such a decision on a stubborn House. Such an impasse would be unhealthy for the Constitution and the country.

The impression is hard to avoid that House members, who for years chuckled tolerantly at Powell's happy ways, were moved more by the mailbags from back home than by any great sense of moral outrage.

The folks back home had every right to be sick of Powell and of their representatives' tolerance of his excesses. But it was those representatives' duty to sit and decide on law and wisdom, not on the volume of the shouting.

Rep. Thomas B. Curtis of Missouri ventured out onto thin ice in resorting to the Ten Commandments. Powell may have been their most blatant violator of late, but if every congressman who has bent the Commandments were excluded, quorum calls might present a problem.

Exclusion was a mistake, in our belief, as a matter of both law and the practicalities. Powell will not go away; he will return again and again to haunt the House, with its Harlem seat unfilled by the man Harlem wants.

This Draconian punishment has removed the last prop Negroes had to defend against black pro-Powell hysteria—unless the House quickly applies its new-found morality to others whose hands are not clean.

Nobody should hold his breath waiting for that.

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[From the New York Times, Apr. 12, 1967]

POWELL RETURNED TO CONGRESS

As expected, Adam Clayton Powell has won reelection overwhelmingly to his seat in the House of Representatives. The small turnout of voters, however, suggests that the ordinary citizens of Harlem are a good deal less indignant about Mr. Powell's punishment by the House than many leaders of Negro organizations had urged them to be. The time when the voters repudiate Mr. Powell has unfortunately not yet arrived, but he is slowly and surely wearing out his welcome among the people whose loyalty he has exploited for so long.

The House of Representatives now has the opportunity and the responsibility to rectify the error it made six weeks ago in voting to expel him. He has been duly elected and is entitled to be seated. The House can punish him for his past abuses by putting into effect the recommendations of the special committee headed by Representative Celler, chairman of the Judiciary Committee. It can properly discipline a member by censuring him, fining him, and depriving him of his seniority, but it cannot deny the constituents of any district the right to choose their own representative providing he is legally qualified and has not achieved his election through provable fraud.

If Mr. Powell's transgressions merit criminal penalties, that is for the Justice Department and the courts to decide. The House of Representatives can impose as much discipline as is necessary for the orderly conduct of its parliamentary business, but it should not confuse its functions with that of the policeman, the judge, and the jury. The job of the House is to write laws, not enforce them.

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[From the South Bend (Ind.) Tribune, Mar. 2, 1967]

REFLECTIONS ON THE POWELL CASE

The surprise ouster from the House of Representatives of Adam Clayton Powell was unnecessary, of doubtful constitutionality, and quite probably futile. What's worse, it will reinforce the convictions of many American Negroes that Powell is a victim of simple race discrimination.

For some members of the House, no doubt, prejudice was the key motive. But not for all.

Debating the issue, however, is fruitless. Negroes argue that Powell's sins were not unique, that other congressmen do the same things and escape punishment. From their point of view, then, the only possible explanation of the action again Powell is his skin color.

That line of reasoning ignores several elements of the Powell case, the chief one being the fact that Powell did not simply transgress, but he boasted of his transgressions. That doesn't make his sins any worse than anybody else's, but it did make them harder to ignore.

Powell flaunted his ability to wheel and deal on "Whitey's" terms. For that he won admiration among his people, some of it grudging and some of it enthusiastic. He also won the bitter enmity of his fellow transgressors and sealed his doom. He could not be allowed to ruin things for the others. And so they ganged up with the House racists against Powell.

But there was another sort of party to this alliance. The law-abiding congressmen who make up the big majority also could not ignore Powell's defiant ways. They helped push the issue to a test—and then things got away from them.

With so much going against Powell, perhaps it was inevitable that the situation went too far.

The committee-recommended censure, fine, and seniority stripping were adequate punishment for Powell's offenses. Denying Powell his seat is unlikely to settle anything, for few can doubt his recent boast that he can win re-election in Harlem as long as he lives, and possibly longer. And there is serious doubt that the House has the power to deny a seat to a constitutionally elected representative, or that a court test of the action would not reverse it.

It is unfortunate that the Powell case has achieved the divisive status it has in American political life. The central figure is not worth the fuss, baby.

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[From the Chicago Daily News, Feb. 13, 1967]

CONGRESS AND MR. POWELL

Once the House of Representatives has unraveled the legal puzzle of whether it can expel Adam Clayton Powell, it will face a political question: Should it?

For now, a House committee is plunging through the constitutional thicket in search of what exactly qualifies Rep. Powell to become an ex-representative. Powell himself says that he should be judged only on requirements spelled out in the Constitution—age, citizenship, residence. That is why the committee is curious about how much time Powell spends in his Harlem congressional district. "The gentleman from Bimini" now becomes not only a sobriquet but an accusation.

Powell is willing to settle the question on that basis. He has produced his New York State income tax returns and recalled the sermons he delivered to his Harlem congregation on Sundays, the one day of the week he was safe from arrest.

But the committee seeks to go beyond the question of whether Powell is a bona-fide inhabitant of the district he represents. It could cite another portion of the Constitution to back up its case: "Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two-thirds, expel a Member."

It is legitimate, however, to ask if the House should expel Powell even if it legally can. No matter how irritating his habits or clouded his reputation—traits that used to be blanketed by the term moral turpitude—there's a danger in clearing Congress of its exceptionally objectionable members. As Sen. Robert A. Taft once said: "If the Senate can say that the absence of moral turpitude is a qualification, it can impose qualifications based on morals, the religion or lack of religion or the philosophic views of any person elected."

Powell has already lost his committee chairmanship, and on the evidence of his

misuse of committee funds that loss was amply justified. Other evidence developed against him has presumably been examined by the Justice Department.

But the people of his district did, after all, choose to be represented in Congress by Adam Clayton Powell, for better or for worse. Short of some unlikely finding that would put him behind the bars, Congress would be treading on dangerous ground to deny the people that right of representation.

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[From the Wall Street Journal, Mar. 3, 1967]

DISCREDIT TO SHARE

The Adam Clayton Powell episode provides plenty of discredit to share.

Nothing in it, certainly, reflects well on Mr. Powell, although his varied sins hardly need further elaboration.

We find little to commend, either, in the reaction of most civil rights leaders, who tend to attack the entire movement against Powell as a manifestation of racism. Without denying that the House still has some members more inclined to discipline a Negro than a white, it seems plain that Mr. Powell was singled out for discipline chiefly because his abuse of office was singularly blatant.

The least excusable share of blame, though, must fall on the majority in the House itself for turning aside more moderate discipline proposals and insisting on denying Mr. Powell his seat. This action was not only ill-tempered and senseless, but it usurped the right of Mr. Powell's constituents.

As a sample of the House's temper, consider the amount of drivel the debate on exclusion produced. Representative Thomas B. Curtis argued that the House should not refuse to unseat someone who had broken the Ten Commandments.

Representative Durward G. Hall assailed Mr. Powell for calling House members "hypocrites." In light of their persistent prior refusals to police their own ethics, it seems to us the shoe fits some of them pretty well.

More serious, of course, is the House's refusal to seat a man duly elected by his constituents. Certainly it cannot be reconciled with the spirit of representative government. Probably it cannot be reconciled with the letter of the law, as the House was duly warned by its leaders and the committee which investigated Mr. Powell. In ignoring these warnings, the majority only showed itself blinded by emotion.

The damage the ill-considered display will do the House's standing has only begun. What will it do if Mr. Powell wins reelection, as he undoubtedly can? What will it do if the courts overrule the exclusion? It will be faced with the unhappy choice of backing down or pushing its illogic to even greater extremes.

At this point probably nothing can completely undo this damage, but one step would help mitigate it. That would be to display, as through establishment of an ethics code and a means to enforce it, a new determination to police the ethics of the House membership generally.

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## ANTIRIOT BILL ACTION CALLED FOR—CARMICHAEL SHOULD BE PUT OUT OF BUSINESS

The SPEAKER pro tempore. Under previous order of the House, the Chair recognizes the gentleman from Florida [Mr. CRAMER], for 10 minutes.

Mr. CRAMER. Mr. Speaker, as Members of this body know, I have been attempting to have enacted into law H.R. 421, a measure which would make it a Federal offense for an individual to travel in or use a facility of interstate commerce with the intent of inciting a riot or any other form of civil disobedience. I introduced H.R. 421 to accomplish that. As recently as April 12, I placed in the RECORD a number of newspaper articles which forecast another summer of riots and violence, and at that time I called for immediate consideration of my antiriot bill by the Judiciary Committee.

In my remarks of April 12, I related the remarks of city officials, educators, and responsible civic leaders of Nashville, Tenn., to the effect that Stokely Carmichael, director of the Student Non-Violent Coordinating Committee, was responsible for inciting the recent riots in Nashville. I pointed out that Carmichael, who was involved in the riots which took place in many major American cities last summer, was making speeches on many college campuses urging his listeners to disobey the law.

Mr. Carmichael spent this week in the State of Florida. He visited Tallahassee, Daytona Beach, and St. Petersburg, the latter of which is in my congressional district.

Some months ago a group of Mr. Carmichael's disciples rushed St. Petersburg's City Hall and destroyed a mural which that group said was insulting to the members of his race. As a result of this incident, the leader of that rush on city hall was properly sentenced to a term in jail, and he is serving it now.

Members of SNCC in St. Petersburg claimed that Carmichael was coming to town to get their local leader, Joseph Waller, out of jail. I am here to advise this House that he failed.

I am pleased to further advise this House that he was not able, despite his inflammatory utterances, to make a "hate showcase" out of either my hometown of St. Petersburg or of the State of Florida. And the reason he failed is because the people did not buy his anti-American, divisive, race-baiting line.

I believe that this shows responsible leadership as well as a responsible citizenry in the State of Florida.

I recall, as I am sure do many other Members of the House, the riots which took place in Cleveland last year. I recall the pillage and the stealing, the personal injuries which resulted, the complete breakdown in community relations between the races, the store windows which were smashed, and the stores that were looted. There was, in effect, anarchy on a temporary basis.

Stokely Carmichael, in reviewing that incident for which he was largely responsible, said, in effect—and this is Carmichael speaking:

I understand the people in Cleveland are now replacing those windows we broke with Molotov cocktails with brick walls.

And, speaking to an aroused audience, he said:

We are coming back next time with dynamite.

That is the philosophy, and those are the preachments, of Stokely Carmichael. This is the reason why this man ought to be put out of business. To put him out of business it is essential this Congress enact a law which, should he continue to incite riots, would put him in jail.

I am sure Members read in the paper recently where Carmichael told a group of students, "To hell with the laws of the United States" and "To hell with the draft." It was highly disturbing to me to hear Stokely Carmichael say to the people of this Nation, through the medium of television, which apparently gives him unlimited coverage no matter what he says, and a chance to sell his poison—with him chanting, and the audience chanting:

To hell with the draft. To hell with the draft. To hell with the draft.

I say that because of these actions it is time for us to protect our citizens against those such as Stokely Carmichael, who, intentionally, knowingly, and purposely use interstate commerce or its facilities for the objective of inciting a riot and disturbing the domestic tranquillity of this Nation.

Yesterday, in order to bring this matter to focus, I wrote to the chairman of the House Committee on the Judiciary, EMANUEL CELLER, and urged him to give immediate consideration to my antiriot bill.

The responsibility for putting men like Stokely Carmichael out of business rests with the Congress and our refusal to act will be construed as acquiescence to these acts. The letter I sent to Chairman EMANUEL CELLER of the Committee on the Judiciary on April 18 reads in part as follows:

As you know, this Anti-Riot proposal was approved by the House by a vote of 389 to 25 as an amendment to the 1966 Civil Rights Bill.

Following the demise of the Civil Rights Bill in the Senate, I introduced a separate Anti-Riot Bill which is substantially the same as the Anti-Riot Amendment which passed the House. At that time, you gave me your personal assurance that consideration of my Anti-Riot Bill would be among the first orders of Judiciary Committee business in the 90th Congress.

I feel it is essential that such consideration be given as soon as possible. Evidence strongly indicates that America will witness another summer of riots and violence perhaps more violent than ever before unless steps are taken now to put the instigators of these riots on notice that they desist or they will end up behind bars.

On April 12, I placed in the CONGRESSIONAL RECORD a number of the articles I referred to in the letter.

My antiriot bill is not intended nor does its language remotely suggest responsible civil rights leaders and other citizens would in any way have their freedom to express dissent impeded; but, rather, it is aimed at such men as Stokely Carmichael and other professional agitators such as George Lincoln Rockwell of the American Nazi Party, and Ku Klux Klan agitators, who instigate violent civil disturbances. I firmly believe that this Congress will be guilty of gross negligence should it fail to act in a responsible way on this legislation. I trust consideration by the Committee on the Judiciary will be given to my antiriot bill in the near future.

I am proud to say, I repeat, that Stokely Carmichael was not successful in making a hate showcase out of our great State of Florida and I laud the citizens of Florida for preventing him from doing so.

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

Mr. CRAMER. I am delighted to yield to the gentleman from Mississippi, the chairman of the Committee on Rules.

Mr. COLMER. Unfortunately, I did not hear all of the gentleman's statement, but I rise to ask the gentleman whether he has any knowledge as to whether this man Carmichael is a citizen of the United States.

Mr. CRAMER. The distinguished chairman of the Committee on Rules asks as to whether I have any knowledge as to whether Mr. Carmichael is a citizen of the United States. There are a number of people who suggest he is not. There is some proof that he is, but whether he is or is not, what he is doing is anti-American and he should be put in jail, in my opinion.

Mr. COLMER. I certainly agree with the gentleman's statement about stopping him, but my inquiry was directed at the thought that if he is not a citizen of the United States and if he is an alien, then the proper department should take steps to get him out of the country.

Mr. CRAMER. I will say to the distinguished chairman that this approach of deporting an alien I understood was considered by some Members of Congress and inquiries were made. It was determined, at least to my satisfaction, that he was not an alien, based on present facts, but he should still be put out of business. He should have less reason for doing it as an American citizen.

## RECENTLY LAUNCHED U.S. FOOD AND DRUG ADMINISTRATION INVESTIGATION OF BANANA PEEL SMOKING

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

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

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, the U.S. Food and Drug Administration recently launched an investigation of banana peel smoking.

This was very good news to me, since I have been extremely concerned over the serious increase in the use of hallucinogenics of youngsters. Apparently, it was not enough for this generation of thrill-seekers to use illicit LSD, marijuana, and airplane glue. They have now invaded the fruit stand.

The implications are quite clear. From bananas it is a short but shocking step to other fruits. Today the cry is "Burn, Banana, Burn." Tomorrow we may face strawberry smoking, dried apricot inhaling or prune puffing.

What can Congress do in this time of crisis? A high official in the FDA has declared:

> Forbidding the smoking of material from banana peels would require congressional legislation.

As a legislator, I feel it my duty to respond to this call for action.

I ask Congress to give thoughtful consideration to legislation entitled, appropriately, the Banana and Other Odd Fruit Disclosure and Reporting Act of 1967. The target is those banana-smoking beatniks who seek a make-believe land, "the land of Honalee," as it is described in the peel puffers' secret psychedelic marching song, "Puff, The Magic Dragon."

Part of the problem is, with bananas at 10 cents a pound, these beatniks can afford to take a hallucinogenic trip each and every day. Not even the New York City subway system, which advertises the longest ride for the cheapest price, can claim for pennies a day to send its passengers out of this world.

Unfortunately, many people have not yet sensed the seriousness of this hallucinogenic triptaking. Bananas may help explain the trancelike quality of much of the 90th Congress proceedings. Just yesterday I saw on the luncheon menu of the Capitol dining room a breast of chicken Waikiki entry topped with, of all things, fried bananas.

An official of the United Fruit Co., daring to treat this banana crisis with levity, recently said:

> The only trip you can take with a banana is when you slip on the peel.

But I am wary of United Fruit and their ilk, because, as the New York Times pointed out, United "stands to reap large profits if the banana smoking wave catches on." United has good reason to encourage us to fly high on psychedelic trips. And consequently, I think twice every time I hear that TV commercial—"fly the friendly skies of United."

But let me get back to what Congress must do. We must move quickly to stop the sinister spread of banana smoking. Those of my colleagues who occasionally smoke a cigarette of tobacco will probably agree with the English statesman who wrote:

> The man who smokes, thinks like a sage and acts like a samaritan.

But the banana smoker is a different breed. He is a driven man who cannot get the banana off his back.

Driven by his need for bananas, he may take to cultivating bananas in his own backyard. The character of this country depends on our ability, above all else, to prevent the growing of bananas here. Ralph Waldo Emerson gave us proper warning:

> Where the banana grows, man is . . . cruel.

The final results are not yet in, however, on the extent of the banana threat. An FDA official has said that, judging from the 4 years of research needed to discover peyote's contents, it will probably take years to determine scientifically the hallucinogenic contents of the banana. We cannot wait years, particularly when the world's most avid banana eater, the monkey, provides an immediate answer.

We can use the monkey as a laboratory, seeing what effects bananas have on him. The FDA says it cannot tell if a monkey has hallucinogenic kicks; they think not. The problem, I feel, is seeing the monkey munch in its natural habitat. To solve this dilemma, I propose the Peel Corps, necessarily a swinging set of young Americans capable of following the monkey as he moves through the forest leaping from limb to limb.

On the homefront, I am requesting the President to direct the Surgeon General to update his landmark report on smoking and health to include a chapter on banana peels. In the meantime Congress has a responsibility to give the public immediate warning. As you know, because of our decisive action with respect to tobacco, cigarette smoking in the United States is almost at a standstill. This is because every package of cigarettes that is sold now carries a warning message on its side.

Therefore, I propose the Banana Labeling Act of 1967, a bill to require that every banana bear the following stamp, "Caution: Banana Peel Smoking May Be Injurious to Your Health. Never Put Bananas in the Refrigerator."

There is, of course, one practical problem with this legislation: banana peels turn black with age. At that point, the warning sign becomes unreadable. It may be necessary, as a consequence, to provide for a peel depository, carefully guarded, to protect the public from aged peels. I am now requesting of the Secretary of the Treasury that, given the imbalance of the gold flow, some of the empty room at Fort Knox be given over to such a peel depository.

As with any revolutionary reform movement, I expect the forces of opposition to be quite strong. One only has to look at the total lack of Federal law or regulation relating to bananas to realize the banana lobby's power. We have regulations on avocados, dates, figs, oranges, lemons, pears, peaches, plums, and raisins. But bananas have slipped by unscathed.

What we need across the length and breadth of this great land is a grassroots move to ban the banana, to repeal the peel. Howard Johnson's can survive with only 27 flavors. And what is wrong with an avocado split? I will only breathe easier when this country, this land we love, can declare, "Yes, we have no bananas; we have no bananas today."

## THE 333D ANNIVERSARY OF THE FOUNDING OF MARYLAND

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

There was no objection.

Mr. MATHIAS of Maryland. Mr. Speaker, on Tuesday, March 14, many Marylanders, a number of our colleagues, and representatives of the Navy joined Mrs. Mathias and myself at a reception to commemorate the 333d anniversary of the founding of Maryland. The reception was highlighted by an exhibit paying tribute to the U.S.F. *Constellation*, the oldest ship of the U.S. Navy afloat. Those navigational instruments, uniforms, weapons, and other articles which were on display constituted the most complete collection of material relating to the *Constellation* ever assembled

under one roof. Although a written list does not do justice to those artifacts and paintings I would like to include it in the RECORD as a further tribute to the old frigate and those who have worked so diligently for her preservation, as well as a record of the relics and where they may be found.

The list of materials loaned by the *Constellation* Reconstruction Committee is as follows:

1. Hull model or "trial" model used as a guide for reconstruction and preservation of the ship.
2. Ship's bell originally used on the *Constellation* date 1797.
3. Telescopes dating from the early 19th Century.
4. Binnacle originally used on the *Constellation*.
5. Cutlasses dating from the early 19th Century.
6. Collection of early 19th Century tools representative of the types of tools that would have been used on the *Constellation*.
7. 18 pound cannon ball.
8. High hat and epaulets belonging to Captain John Stewart, 3rd Commander of the *Constellation*.
9. Flag from the U.S.F. *Congress*, sister ship of the *Constellation*, dating July 4, 1858.
10. Dead Eye.
11. Historical wall board outline.
12. Painting of the *Constellation* defeating the French ship *La Vengeance*.
13. Painting of the *Constellation* defeating the French ship *L'Insurgente*.
14. Copper bolts originally used in the construction of the *Constellation*.
15. Model of Cannon—Iron Barrel.
16. Rigged model of a cannon.
17. Iron mast band from foremast.
18. Copies of old newspaper clippings regarding the *Constellation*.
19. Plans—Inboard profile and rigging plan.
20. Bow and stern decoration—framed fastener samples.

Mr. Donald Stewart, curator of the *Constellation*, loaned a small-scale model which he constructed depicting the ship as she appeared in 1812.

Mr. Leon D. Polland, chairman of construction and repair, loaned a mounted dead eye and a mounted timber. He also loaned the following framed photographs:

1. 16" x 20"—Billet Head.
2. 10" x 14"—Sailing model at the University of Maryland.
3. 10" x 14"—Stern View.
4. 16" x 20"—Humphrey's Plan (Body Lines).

From his extensive collection of photographs Mr. Polland loaned the following:

1. *Constellation*—Arrives home in Baltimore, July 1955.
2. *Constellation*—About 1890.
3. *Constellation*—Spar deck—Baltimore 1914.
4. *Constellation*—Quarter deck—Baltimore 1914.
5. *Constellation*—About 1914.
6. *Constellation*—Baltimore, 1914.
7. *Constellation*—About 1880.
8. *Constellation*—About 1910.
9. *Constellation*—About 1914.
10. *Constellation*—About 1914.
11. *Constellation*—About 1919.
12. *Constellation*—Baltimore, 1962—Replanking starboard side.
13. *Constellation*—Baltimore, 1961—New side planking.
14. *Constellation*—Baltimore, 1961—Replanking starboard side.
15. *Constellation*—Baltimore, 1961—Under repairs.
16. *Constellation*—Baltimore, 1961—Replanking starboard side.
17. *Constellation*—Cutwater 1955.
18. *Constellation*—May 30, 1964—Maryland Shipbuilding & Drydock Co.
19. *Constellation*—May 30, 1964—Maryland Shipbuilding & Drydock Co.
20. *Constellation*—June 1964—Maryland Shipbuilding & Drydock Co.
21. *Constellation*—June 1964—Maryland Shipbuilding & Drydock Co.
22. *Constellation*—June 1964—Stem and keel connection.
23. *Constellation*—October 1964—Leaving Maryland Shipbuilding & Drydock Co.
24. *Constellation*—March 1964—Entering Maryland Shipbuilding & Drydock Co.
25. *Constellation*—Berth deck—Lieutenants' quarters.
26. *Constellation*—Pier 4, 1958—Reconstructed bow.
27. *Constellation*—Pier 4, 1958—Before restoration.
28. *Constellation*—Baltimore, 1964—Reconstructed stern and galleries.
29. *Constellation*—Pier 4, Baltimore, 1965—Stern view.
30. *Constellation*—Baltimore, 1964.
31. *Constellation*—Baltimore, 1963.
32. *Constellation*—Quarter deck, 1965.
33. *Constellation*—Bowsprit, June 27, 1961—Fort McHenry, Baltimore.
34. *Constellation*—Foremast, June 27, 1961—Fort McHenry, Baltimore.
35. *Constellation*—Foremast, June 27, 1961—installing, Baltimore.
36. *Constellation*—Berth deck knees, 1965.
37. *Constellation*—Forehold, 1962.
38. *Constellation*—Berth deck knees, 1948.

The U.S. Naval Academy Museum in Annapolis, Md., loaned the following exhibits:

1. Log Book of Midshipman McDowell.
2. Painting of the *Constellation* in Newport, Rhode Island, by Beal.
3. Medal awarded to Truxtun by Congress.
4. Magazine—"News from Home"—Spring 1954 Issue.
5. Large Photograph (1922) commemorating the 123rd anniversary of the *Constellation's* victory over *L'Insurgente*.
6. Photograph of large bronze plaque commemorating the return of the *Constellation* to Baltimore.
7. Photograph—Gun deck of *Constellation* file No. 7952.
8. Series of 3 photographs (*Constellation*) file Nos. 705402, 705403 and 705404.
9. Photograph of the *Constellation* taken in 1895 with U.S. Naval Academy Midshipmen aboard—file No. 2137.
10. Photograph of the *Constellation* in Baltimore taken in 1914.
11. Large photograph of the *Constellation* by Frank Child.
12. Sailor's Straw Hat.

An original painting by Col. Phillips Melville, U.S. Air Force, retired, showing the *Constellation* departing Baltimore for her first deep-water cruise, June 8, 1798, was loaned by the U.S. Naval Institute.

The Center of Adult Education of the University of Maryland loaned the following exhibits:

1. Oil painting of Captain Stewart.
2. Painting of the *Constellation* defeating the Algerian frigate *Mashuda*.
3. Painting of Commodore Thomas Truxtun.
4. Painting of the *Constellation* under full sail.
5. Framed reproduction of instructions by William Rush, for the design of the figurehead of the *Constellation*.
6. Photograph of Commodore Alexander Murray, who as the first Maryland commander of the frigate succeeded Commodore Thomas Truxtun.
7. Photograph of the *Constellation* model built by the inmates of the Maryland State Penitentiary and on display at the Center of Adult Education.
8. Close-up photographs of the model mentioned above: cannon, bowsprit and figurehead, rigging, mast.

Those articles loaned by the Naval Historical Foundation of the Navy Department are listed below.

1. Old photographs.
2. Log books and letter books.
3. Framed portrait of Commodore Thomas Truxtun.
4. Book—"Longitudes and Latitudes . . ." with sail plan diagram done especially for Thomas Truxtun.
5. Photocopies of early letters from officers aboard the *Constellation*.
6. Reproduction of Congressional Medal awarded Truxtun.
7. Chart board showing all commanding officers of the *Constellation* from commissioning in 1794 to final decommissioning.
8. General fact sheets on the *Constellation*.

The Navy Yard Museum loaned the following paintings:

1. The *Constellation* capturing the French frigate *L'Insurgente*.
2. The *Constellation* capturing the *Deligent* and *Union*.

The David Taylor Model Basin of the Navy Department generously loaned a large-scale model measuring 6 feet long, 6½ feet high, and 2½ feet wide.

The Department of the Navy also loaned the following photocopies of the following original documents:

1. Statements of Expenditures; containing detailed accounts of the expenditures of public monies by naval agents.
2. Document stating the cost of the *Constellation's* construction.
3. Truxtun's signal book.
4. Log extract for *Constellation*, 10 and 11, February 1799, relating her encounter with *L'Insurgente*.
5. Letter of Truxtun to Capt. John Barry regarding his cruise in the Caribbean and his encounter with *L'Insurgente*.
6. Section of Naval Chronical report on *Constellation-L'Insurgente* engagement and extract of Presidential thanks to Truxtun.

I only wish that this unusual and interesting exhibit could have remained here for a longer period of time so that those who visit and frequent Capitol Hill could have had the opportunity to enjoy it.

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## RCA IN THE COMMONWEALTH OF PENNSYLVANIA

Mr. HALL. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. McDADE] 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 Missouri?

There was no objection.

Mr. McDADE. Mr. Speaker, the industrial rebirth of the city of Scranton was vividly dramatized last Friday morning when the Radio Corp. of America, one of the great industries in this Nation, through its president, Robert W. Sarnoff, dedicated a new $26 million color-picture-tube plant at the Keystone

Industrial Park near the city of Scranton.

It was a ceremony attended by many of the people who have worked tirelessly in the industrial rebirth of that city, and the opening of this plant was, as Mr. Sarnoff remarked, a tribute to the "vigor and skill" of the people of the Scranton area.

I do not have to tell you, Mr. Speaker, how enthusiastically we all welcome the coming of RCA to our community. Over the past several months, RCA has recruited and trained approximately 700 people to man this new 350,000-square-foot plant, where RCA will produce a 22-inch color tube which employs a new RCA-developed, red-emitting phosphor, making it the brightest in the color television industry.

We have a particular love for RCA in the Commonwealth of Pennsylvania. This great corporation presently is employing more than 10,400 people at 27 separate locations in our Commonwealth.

It was a particular source of pride for all of us to have this building dedicated by Mr. Sarnoff—a name that has been synonomous with all that is excellent in the field of radio and electronics for the past 50 years in America. It was also a great source of pride for all of us to listen to Mr. Sarnoff's words on this occasion.

In his speech at the dedication, Mr. Sarnoff noted that Friday was—"symbolic of Scranton's second participation in a revolution that is reshaping the life of people everywhere."

He continues:

In an earlier generation, venturesome men came here to develop the rich veins of coal. This was the fuel of the Industrial Revolution, and it powered new machinery that enlarged the capabilities of the human muscle.

Today, Scranton is part of another great revolution. Its base is electronics, which is amplifying the capabilities of the human mind.

The instruments of this Information Revolution are computers, broadband channels, communications satellites, radio and television. Together, they are transforming our environment, our ways of dealing with one another, and our methods of learning and teaching.

RCA is actively engaged in all principal aspects of the Information Revolution. We make computers and instructional equipment, home instruments and space electronics. We broadcast to the nation through radio and television, and we provide worldwide communications services for business and government. Our various enterprises also include book publishing and the oldest technical training institute in the United States.

It is from this broad base that we hope to widen new horizons of human endeavor through the bringing together of all forms of communication and information handling.

Television will be of central importance in this emerging pattern. Far more than merely a remarkable technological achievement, today it represents a primary source of enlightenment, enrichment, and pleasure. Tomorrow, it will be the visual heart of our unified information systems. Whatever one seeks from the volume and diversity of information available to us, television is—and will continue to be—a basic source.

It is reasonable to believe that the future of this industry will be as bright as the picture tube itself. This confident expectation has led RCA to build this plant. I can assure you that it figures importantly in our plans for the years ahead.

But even more important than the facility itself are the people who serve it. In the last decade, RCA has more than doubled the sales of its products and services to surpass a level of over $2.5 billion annually. This achievement is fundamentally a tribute to the creativity of the many thousands of men and women who make up the RCA family . . .

The staff of our new Scranton plant represents a continuation of this tradition at its finest. The record time in which this plant was placed in production, and its exemplary performance to date, are especially gratifying. I commend all of you who have shared in these accomplishments.

Your vigor and skill are typical of this community, and they demonstrate again one of the principal reasons for our selection of Scranton as the site of this new plant. We are both dedicated to growth. We both accept change as a challenge and we both believe that the future is more significant than the past.

Let us approach our role as new corporate citizens of Scranton in the spirit of mutual enterprise and cooperation. Let us as individuals demonstrate that our citizenship imposes on us the obligation to work for the greater benefit of the community. Let us bring to that objective our skills, our dedication, and above all, our pride in being part of Scranton . . .

Through this mutuality of interest, RCA and Scranton can progress and prosper together. To that end, let us not only dedicate this plant, but let us also dedicate ourselves.

We were fortunate also to have present Mr. Harry R. Seelen, division vice president and general manager, RCA Television Picture-Tube Division, who praised the energy and skill of the fine workers in this new RCA plant, and who pointed out that these employees had set a record for initiating new production on new equipment.

Present also was Mr. Joseph H. Colgrove, general manager of the new Scranton RCA television picture-tube plant, who acted as master of ceremonies for the dedication and who described to the audience the exact function of this plant in the RCA industry.

Pennsylvania's Secretary of Commerce Clifford L. Jones represented Governor Shafer at the dedication and paid deserving tribute to RCA as a great industry and as a most significant employer in the State of Pennsylvania.

Mr. Frank Hemelright, president of the Scranton Chamber of Commerce, and a member of the Pennsylvania Industrial Development Authority, extended the welcome of the city of Scranton to Mr. Sarnoff and his colleagues.

Mr. Speaker, it was indeed a memorable day in the bright new history of Scranton and it is a great pleasure for me to call this day to the attention of you and to my other colleagues here in the Congress.

## FEDERAL AND DISTRICT OF COLUMBIA INTERROGATION ACTS OF 1967

Mr. HALL. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. QUILLEN] 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 Missouri?

There was no objection.

Mr. QUILLEN. Mr. Speaker, I have today joined my good friend, the gentleman from Ohio [Mr. TAFT], in introducing his bills, the Federal Interrogation Act of 1967, and the District of Columbia Interrogation Act of 1967.

These measures will establish guidelines, rules, and regulations to govern some phases of interrogation and law enforcement.

All of us are fully aware of the great and rapid increase in crime here in the District and around the country. We must begin now at the Federal level to stem this crime rise, and I think by so doing we can set a good example for the States.

I could not agree with Congressman TAFT more than to say that this legislation attempts to provide effective safeguards for our people without unduly diminishing the effectiveness of our law enforcement agencies. It involves the traditional American approach of balancing important interests to advance the public good.

I have unanimous consent that these two bills be recorded in full at this point in the RECORD, and I urge my colleagues to consider them and join in this effort:

H.R. 8790

A bill to provide comprehensive rules dealing with interrogation which will fully protect the rights and interest of society and the criminally accused

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, notwithstanding existing rules of court, the following shall govern where applicable.

TITLE I

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Interrogation Act of 1967."

DEFINITIONS

SEC. 2. When used in this title, unless the context otherwise requires—

(1) the term "Federal law enforcement officer" means any citizen officer of the United States who is authorized to make arrests for offenses committed against the United States.

(2) the term "master of examination" means a special master appointed by and solely responsible to the presiding judge of the United States district court having jurisdiction over the place where the interrogation pending hearing by commissioner occurs.

INVESTIGATION OF CRIME

SEC. 3. (a) VOLUNTARY COOPERATION WITH LAW ENFORCEMENT OFFICERS.—

(1) AUTHORITY TO REQUEST COOPERATION.—Federal law enforcement officers engaged in the performance of their duties are invested with authority to request information or cooperation from any person in connection with the investigation or prevention of a Federal crime. Such authority includes the right to request that any such person respond to questions, appear at an office or other installation of the Federal Government, or comply with any other reasonable request: *Provided, however,* That no such officer shall indicate to any person that such person is legally obliged to furnish information or otherwise cooperate if no such legal obligation exists. Compliance with a request for information or other cooperation shall not be deemed involuntary or coerced solely on the ground—

(A) that such request was made by one

known to be a Federal law enforcement officer; or

(B) that such request was made to a person ordered to remain in the officer's presence under section 3(b).

The refusal to give information as requested hereunder shall not be admissible evidence in any later proceeding against the person requested to give such evidence.

(2) WARNING TO PERSONS REQUESTED TO APPEAR AT AN OFFICE OF THE FEDERAL GOVERNMENT.—Whenever a Federal law enforcement officer requests any person to come to or remain at any office or installation of the Federal Government, such officer shall advise such person as to whether an obligation to comply with such request exists at that time.

(b) STOPPING OF PERSONS.—

(1) STOPPING OF PERSONS HAVING KNOWLEDGE OF CRIME.—A Federal law enforcement officer lawfully present in any place may, if he has reasonable cause to believe that there has been a violation of a Federal criminal statute and that any person has knowledge which may be of material aid to the investigation thereof, order such person to remain in or near such place in the officer's presence for a period of not more than twenty minutes.

(2) STOPPING OF PERSONS IN SUSPICIOUS CIRCUMSTANCES.—A Federal law enforcement officer lawfully present in any place may, if a person is observed in circumstances which suggest that he has committed or is about to commit an act made criminal by a Federal statute, and such action is reasonably necessary to enable the officer to determine the lawfulness of that person's conduct, order that person to remain in or near such place in the officer's presence for a period of not more than twenty minutes.

(3) ACTION TO BE TAKEN DURING PERIOD OF STOP.—A Federal law enforcement officer may require a person to remain in his presence pursuant to subsection (1) or (2) of this section only insofar as such action is reasonably necessary to

(A) obtain the identification of such person;

(B) verify by readily available information an identification of such person;

(C) request cooperation pursuant to and subject to the limitations of section 3(a); or

(D) verify by readily available information any account of his presence or conduct or other information given by such person.

(4) USE OF FORCE.—In order to exercise the authority conferred in subsections (1) and (2) of this section, a Federal law enforcement officer may use such force as is reasonably necessary to stop any person or vehicle or to cause any person to remain in the officer's presence.

(5) ACTION TO BE TAKEN AFTER PERIOD OF STOP.—Unless a Federal law enforcement officer acting hereunder arrests a person during the time he is authorized by subsections (1) and (2) of this section to require such person to remain in his presence, he shall, at the end of such time, inform such person that he is free to go.

(6) ADMISSIBILITY OF STATEMENTS.—Voluntary statements, including incriminating statements, made by a person subject to an order to stop as provided in this section shall not be excluded from evidence in a trial involving such person so long as the provisions of this section 3 are complied with. Federal law enforcement officers are not obligated to give the warning specified in section 4(a) or any other warning during the period of time prescribed in this section 3(b), and the failure to give such a warning shall not render any statement made hereunder involuntary or excludable from evidence for any other reason.

CIRCUMSTANCES REQUIRING SECTION 4 WARNING.—

(1) IMPLIED RESTRICTION ON LIBERTY.—If a Federal law enforcement officer by specific order or by his conduct indicates that a person is obliged to remain in the officer's presence at any time when no such obligation exists under section 3(b), or fails to inform a person who has been stopped that he is free to go when required to do so by section 3(b)(5), such person shall be accorded all the rights and protections afforded by section 4(a) of this title.

(2) REQUESTS TO APPEAR AT AN OFFICE OR INSTALLATION OF THE FEDERAL GOVERNMENT.—If a law enforcement officer, pursuant to section 3(a), requests any person to come to or remain at an office or installation of the Federal Government, and does not advise such person that no legal obligation exists to comply with such request, such person shall be accorded all the rights and protections afforded by section 4(a) of this title.

WARNINGS TO BE GIVEN UPON ARREST

SEC. 4. (a) PROCEDURES ON ARRESTS: WARNING.—Upon making any arrest, a Federal law enforcement officer shall as promtply as is reasonable under the circumstances—

(1) identify himself unless his identity is otherwise apparent;

(2) inform the arrested person that he is under arrest and the cause of the arrest, unless the cause appears to be evident;

(3) warn such person that he is not obliged to say anything or answer any questions, that anything he says may be used as evidence against him; that he has a right to be represented by counsel, and if he cannot afford one, one will be appointed for him; that he will be appearing without unnecessary delay before a commissioner; and that upon arrival at the office or installation of the Federal Government he will be permitted to communicate by telephone with counsel, relatives, or friends.

(b) APPEARANCE BEFORE COMMISSIONER.—An arrested person shall be taken without unnecessary delay before the nearest available commissioner or any other nearby officer empowered to commit persons charged with offenses against the laws of the United States.

(c) INTERROGATION PENDING HEARING BY COMMISSIONER.—

(1) RENEWAL OF WARNING.—Any person arrested, if not released, shall be brought promptly by the most direct route to an office or other installation of the Federal Government. The arrested person may be interrogated while being transported to such office or other installation. Upon arrival at the office or installation of the Federal Government, any arrested person who is to be interrogated shall immediately be brought before a master of examination who shall supervise any subsequent interrogation. The master of examination shall repeat the warning required by section 4(a)(3), shall inform the arrested person that he or his representative will supervise any further interrogation to insure that it is fair and proper, and shall contact and arrange for the presence of retained or appointed counsel, if either has been requested.

(2) TELEPHONING RIGHTS.—An arrested person shall be given a reasonable opportunity upon arrival at the office or installation of the Federal Government to use the telephone to consult in private with counsel or any friend or relative.

(3) CONTINUED INTERROGATION.—For a period of three hours commencing with the completion of the reasonable use of the telephone provided by section 4(c)(2), or, if no telephoning, commencing upon completion of the warning provided in section 4(c)(1), the arrested person may be interrogated by officers of the United States, notwithstanding the fact that neither retained or appointed counsel nor any relative or friend of the arrested person has appeared to consult with the accused. Such continued interrogation shall be supervised by a master of examination who shall order the termination of the interrogation at any time that he finds that the methods of interrogation used are reasonably calculated to elicit an involuntary response or that the arrested person does not comprehend the rights contained in the warning provided in section 4(a). At any time during the continued interrogation, the master of examination shall be authorized to suspend the interrogation in order to repeat the aforesaid warning. If retained or appointed counsel (or a friend or relative if no counsel has yet appeared) arrives at the offices or installation of the Federal Government where the interrogation is in process, such person shall have immediate access to the arrested person. Upon the arrival of any such friend or relative (if no counsel has yet appeared) the interrogation may continue for the balance of the three-hour period, but the arrested person shall be permitted to have any one such relative or friend present. After the arrival of counsel, retained or appointed, or the expiration of the three-hour period herein provided, whichever may first occur, there shall be no further interrogation without counsel being present. If during said three-hour period, it becomes reasonable to take the arrested person before a commissioner the interrogation must cease and the hearing provided for in section 4(b) held.

(d) ADMISSIBILITY OF STATEMENTS.—Voluntary statements including incriminating statements made by a person arrested by a Federal law enforcement officer shall not be excluded from evidence in a trial involving such person so long as the provisions of this section 4 are complied with. The master of examination shall make a report as to all interrogations supervised and deposit same with the court. In any case where there is an issue as to the voluntariness of any confession or other statement, said master of examination shall testify, or if he is dead, disabled, or otherwise not reasonably able to appear, then his report shall be admitted into evidence on the question of voluntariness. Master of examination shall employ any manual or mechanical means to keep a record of interrogation conducted in his presence.

PENALTIES

SEC. 5. The use of coercion, threats, or promises of leniency by a Federal law enforcement officer for the purpose of eliciting a confession shall constitute a misdemeanor and shall be punishable by a fine not to exceed $1,000.

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H.R. 8789

A bill to provide comprehensive rules for the District of Columbia dealing with interrogation which will fully protect the rights and interest of society and the criminally accused

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

SHORT TITLE

SECTION 1. This Act may be cited as the "District of Columbia Interrogation Act of 1967".

DEFINITIONS

SEC. 2. When used in this Act, unless the context otherwise requires—

(1) the term "District law enforcement officer" means any citizen officer of the District of Columbia who is authorized to make arrests for violations of the criminal laws in effect in the District of Columbia.

(2) the term "master of examination" means a special master appointed by and solely responsible to a judge of the United States District Court for the District of Columbia or a judge of the District of Columbia Court of General Sessions.

INVESTIGATION OF CRIME

SEC. 3. (a) VOLUNTARY COOPERATION WITH LAW ENFORCEMENT OFFICERS.—

(1) AUTHORITY TO REQUEST COOPERATION.—District law enforcement officers engaged in

the performance of their duties are invested with authority to request information or cooperation from any person in connection with the investigation or prevention of a violation of a criminal law in effect in the District of Columbia. Such authority includes the right to request that any such person respond to questions, appear at an office or other installation of the District of Columbia government, or comply with any other reasonable request. No such officer shall indicate to any person that such person is legally obliged to furnish information or otherwise cooperate if no such legal obligation exists. Compliance with a request for information or other cooperation shall not be deemed involuntary or coerced solely on the ground—

(A) that such request was made by one known to be a District law enforcement officer; or

(B) that such request was made to a person ordered to remain in the officer's presence under subsection 3(b) of this section.

The refusal to give information as requested hereunder shall not be admissible evidence in any later proceeding against the person requested to give such evidence.

(2) WARNING TO PERSONS REQUESTED TO APPEAR AT AN OFFICE OF THE DISTRICT OF COLUMBIA GOVERNMENT.—Whenever a District law enforcement officer requests any person to come to or remain at any office or installation of the District of Columbia government, such officer shall advise such person as to whether an obligation to comply with such request exists at that time.

(b) STOPPING OF PERSONS.—

(1) STOPPING OF PERSONS HAVING KNOWLEDGE OF CRIME.—A District law enforcement officer lawfully present in any place may, if he has reasonable cause to believe that there has been a violation of a criminal law in effect in the District of Columbia and that any person has knowledge which may be of material aid to the investigation thereof, order such person to remain in or near such place in the officer's presence for a period of not more than twenty minutes.

(2) STOPPING OF PERSONS IN SUSPICIOUS CIRCUMSTANCES.—A District law enforcement officer lawfully present in any place may, if a person is observed in circumstances which suggest that he has committed or is about to commit an act made criminal by a law in effect in the District of Columbia, and such action is reasonably necessary to enable the officer to determine the lawfulness of that person's conduct, order that person to remain in or near such place in the officer's presence for a period of not more than twenty minutes.

(3) ACTION TO BE TAKEN DURING PERIOD OF STOP.—A District law enforcement officer may require a person to remain in his presence pursuant to paragraph (1) or (2) of this subsection only insofar as such action is reasonably necessary to—

(A) obtain the identification of such person;

(B) verify by readily available information on identification of such person;

(C) request cooperation pursuant to and subject to the limitations of subsection (a) of this section; and

(D) verify by readily available information any account of his presence or conduct or other information given by such person.

(4) USE OF FORCE.—In order to exercise the authority conferred in paragraphs (1) and (2) of this subsection, a District law enforcement officer may use such force as is reasonably necessary to stop any person or vehicle or to cause any person to remain in the officer's presence.

(5) ACTION TO BE TAKEN AFTER PERIOD OF STOP.—Unless a District law enforcement officer acting hereunder arrests a person during the time he is authorized by paragraphs (1) and (2) of this subsection to require such person to remain in his presence, he shall, at the end of such time, inform such person that he is free to go.

(6) ADMISSIBILITY OF STATEMENTS.—Voluntary statements, including incriminating statements, made by a person subject to an order to stop as provided in this section shall not be excluded from evidence in a trial involving such person so long as the provisions of this section are complied with. District law enforcement officers are not obligated to give the warning specified in subsection (a) of section 4 of this Act or any other warning during the period of time prescribed in this subsection, and the failure to give such a warning shall not render any statement made hereunder involuntary or excludable from evidence for any other reason.

(c) CIRCUMSTANCES REQUIRING SECTION 4 WARNING.—

(1) IMPLIED RESTRICTION ON LIBERTY.—If a District law enforcement officer by specific order or by his conduct indicates that a person is obliged to remain in the officer's presence at any time when no such obligation exists under subsection (b) of this section, or fails to inform a person who has been stopped that he is free to go when required to do so by paragraph (5) of such subsection, such person shall be accorded all the rights and protections afforded by section 4 of this Act.

(2) REQUESTS TO APPEAR AT AN OFFICE OR INSTALLATION OF THE FEDERAL GOVERNMENT.—If a District law enforcement officer, pursuant to subsection (a) of this section, requests any person to come to or remain at an office or installation of the District of Columbia government, and does not advise such person that no legal obligation exists to comply with such request, such person shall be accorded all the rights and protections afforded by section 4 of this Act.

WARNINGS TO BE GIVEN UPON ARREST

SEC. 4. (a) PROCEDURES ON ARREST: WARNING.—Upon making any arrest, a District law enforcement officer shall as promptly as is reasonable under the circumstances—

(1) identify himself unless his identity is otherwise apparent;

(2) inform the arrested person that he is under arrest and the cause of the arrest, unless the cause appears to be evident;

(3) warn such person that he is not obliged to say anything or answer any questions, that anything he says may be used as evidence against him; that he has a right to be represented by counsel, and if he cannot afford one, one will be appointed for him; that he will be appearing without unnecessary delay before an officer empowered to commit persons charged with offenses against the laws in effect in the District of Columbia (hereafter in this section referred to as a "committing officer"); and that upon arrival at the office or installation of the District of Columbia government he will be permitted to communicate by telephone with counsel, relatives, or friends.

An arrested person shall be taken without unnecessary delay before the nearest available committing officer.

(c) INTERROGATION PENDING HEARING BY COMMITTING OFFICER.—

(1) RENEWAL OF WARNING.—Any person arrested, if not released, shall be brought promptly by the most direct route to an office or other installation of the District of Columbia government. The arrested person may be interrogated while being transported to such office or other installation. Upon arrival at the office or installation of the District of Columbia government, any arrested person who is to be interrogated shall immediately be brought before a master of examination who shall supervise any subsequent interrogation. The master of examination shall repeat the warning required by paragraph (3) of subsection (a) of this section, shall inform the arrested person that he or his representative will supervise any further interrogation to insure that it is fair and proper, and shall contact and arrange for the presence of retained or appointed counsel, if either has been requested.

(2) TELEPHONING RIGHTS.—An arrested person shall be given a reasonable opportunity upon arrival at the office or installation of the District of Columbia government to use the telephone to consult in private with counsel or any friend or relative.

(3) CONTINUED INTERROGATION.—For a period of three hours commencing with the completion of the reasonable use of the telephone provided by paragraph (2) of this subsection, or, if no telephoning, commencing upon completion of the warning provided in paragraph (1) of this subsection, the arrested person may be interrogated by officers of the District of Columbia government, notwithstanding the fact that neither retained or appointed counsel nor any relative or friend of the arrested person has appeared to consult with the accused. Such continued interrogation shall be supervised by a master of examination who shall order the termination of the interrogation at any time that he finds that the methods of interrogation used are reasonably calculated to elicit an involuntary response or that the arrested person does not comprehend the rights contained in the warning provided in subsection (a) of this section. At any time during the continued interrogation, the master of examination shall be authorized to suspend the interrogation in order to repeat the aforesaid warning. If retained or appointed counsel (or a friend or relative if no counsel has yet appeared) arrives at the offices or installation of the District of Columbia government where the interrogation is in process, such person shall have immediate access to the arrested person. Upon the arrival of any such friend or relative (if no counsel has yet appeared) the interrogation may continue for the balance of the three-hour period, but the arrested person shall be permitted to have any one such relative or friend present. After the arrival of counsel, retained or appointed, or the expiration of the three-hour period herein provided, whichever may first occur, there shall be no further interrogation without counsel being present. If during said three-hour period, it becomes reasonable to take the arrested person before a committing officer, the interrogation must cease and the hearing provided for in subsection (b) of this section held.

(d) ADMISSIBILITY OF STATEMENTS.—Voluntary statements, including incriminating statements made by a person arrested by a District law enforcement officer, shall not be excluded from evidence in a trial involving such person so long as the provisions of this section are complied with. The master of examination shall make a report as to all interrogations supervised and deposit same with the court. In any case where there is an issue as to the voluntariness of any confession or other statement, said master of examination shall testify, or if he is dead, disabled, or otherwise not reasonably able to appear, then his report shall be admitted into evidence on the question of voluntariness. Master of examination shall employ any manual or mechanical means to keep a record of interrogation conducted in his presence.

PENALTIES

SEC. 5. PENALTIES.—The use of coercion, threats, or promises of leniency by a District law enforcement officer for the purpose of eliciting a confession shall constitute a misdemeanor and shall be punishable by a fine not to exceed $1,000.

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## THE WARSAW UPRISINGS: A COMMEMORATION

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. MULTER. Mr. Speaker, courage is one of the qualities of man which succeeds in uplifting human stature. Thrown back, man has yet raised his head. He has shown valor and nobility amidst danger and despondency. He has proved that the spirit of man is insuppressible.

Never was this clearer than during World War II when the German Army blazed an infamous trail through the heart of Poland. By 1938, Hitler had already achieved his "anschluss" with Austria and had enveloped Czechoslovakia in his "lebensraum" operation. By August 1939, he had maneuvered a strategic tour de force in the Nazi-Soviet Non-Aggression Pact. An agreement that the Soviet Union will never be able to live down; a move of expediency which will forever live in infamy. The next step was as clear as the proverbial handwriting on the wall. Poised for his downward swoop, Hitler surveyed Poland stretched out defenseless and unprepared before the high-speed, heavily armored German Army.

On September 1, 1939, Hitler attacked; within a month Poland was under German occupation.

For 5 years the Polish people lived under German rule suffering the exactions of war and the ignominy of occupation. Their leaders were forced to flee to London and to establish a government-in-exile far removed from their own people. Their soldiers defended home territories as best they could and then joined the ranks of Allied armies, first battling alongside the French and later distinguishing themselves among the ranks of the British. The Polish underground worked steadfastly and surreptitiously, hoping to build up enough strength to blast the Germans from their land.

German tactics toward the Polish people were not of one sort. The population was divided into Jews and non-Jews, with correspondingly different treatment. In Warsaw, about 400,000 Jews were herded into a ghetto comprising only a small part of the city. Living in squalid, dirty, disease-infested conditions, thousands of Jews died within the ghetto walls. Those who survived the cold, the starvation and the typhoid fever were transported to "resettlement camps" such as Treblinka, Oswiecim, Belzec, and Majdanek. There they were to meet a brutal death in a gas chamber or before a firing squad.

Between July and October of 1942, 300,000 Jews were deported from the Warsaw ghetto to concentration camps. By April 1943, there were only about 60,000 Jews left in the ghetto and even fewer that were still sound in body and in spirit.

And yet, this handful of people, pitted against the indifference of the outside world and the overwhelming might of the German Army, chose to make a final valiant stand. The policy of appeasement, the policy of hope had failed. Only one thing remained—to fight and salvage their last vestige of pride. The outcome was foreclosed even before the Jews had made their first sign of resistance; this they knew and this they disregarded. Courage replaced disgust and discouragement.

On April 19, 1943, when the Germans entered the gates of the Warsaw ghetto, the Jewish fighting organization showered them with bullets and handmade grenades. Resistance continued for a long and painful month, the Jews steadily losing men and blood but gaining glory and respect. They were finally suppressed by the German Army but their memory and their valor lives on.

A year later, on August 1, 1944, the spark of heroism was seen anew as the Polish people raised up arms against their German oppressors. The entire city became a battle scene, with men, women, and children struggling desperately and courageously against the foreign dictator. They had been cowed and intimidated and tyrannized for 5 years. A will to fight was born, discarding resignment and arousing courage.

The Polish fighters hoped their battle cry would be echoed by the Allied forces who would come to their aid. The Soviet Army lay just beyond the Vistula; Radio Moscow urged the Polish Home Army to attack, but did nothing to assist them.

The Polish people were bitterly disappointed. They fought valiantly and courageously, but they fought alone. No assistance was forthcoming from the Red army. Instead, the Soviets waited out the final destruction of the Polish resistance and then advanced on Warsaw to occupy the destroyed and abandoned city.

And yet, the Polish people did not fight in vain. They proved by their courage that love of liberty cannot be suppressed. The Polish chose to fight for their freedom and for their country. For this we can only admire and respect them.

On this day, let us honor the uprising of the Jews in the ghetto and the Poles in Warsaw for their valor. Let us remember that the human spirit has untapped sources of strength and when called upon may evoke nobility of character and an unfaltering sense of purpose. The efforts of a few men have therefore served to inspire all men. The deaths of the people of Warsaw in their struggles against a mighty enemy have been vindicated by the example and the inspiration they have left behind for their successors. Some day, too, they will throw off the yoke of Communist dictatorship and once again live as truly free men.

## NEED TO REVISE SELECTIVE SERVICE LAW—XLIX

Mr. ALBERT. 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 Oklahoma?

There was no objection.

Mr. KASTENMEIER. Mr. Speaker, at the draft hearings held by the Senate Subcommittee on Employment, Manpower, and Poverty, Assistant Secretary of Defense Morris displayed his usual rigid, negative thinking with respect to the possibility of creating an all volunteer force. Morris claimed that a voluntary system of military manpower recruitment would supply only 2 million of the 2.7 million men that will probably be needed in the 1970's. He also referred once again to the $4 billion to $17 billion figure that the Defense Department economists estimate to be the amount necessary to meet the increased military payroll and related costs of a voluntary system.

Morris' figures and studies are based on the need for an annual recruitment of approximately 550,000 men to support a 2.7 million man military force. They do not consider the benefits and savings that would be obtained from a voluntary force. For example, the retention rate of military personnel under a voluntary system would be increased considerably. Economically speaking, the reenlistment of one man, alone, saves the Government more than $7,000 in enlistment, training and transportation expenses.

The training of a defense missile guidance mechanic comes to about $10,400. Statistically, however, this mechanic will not remain beyond his original period of obligation. Furthermore, there may not even be a need for as many as 550,000 new entrants each year to support a military strength of 2.7 million. But, Defense Department experts do not take these savings into account in their studies. Our colleague, the distinguished gentleman from Missouri [Mr. CURTIS] wrote to Mr. Morris last year, asking for additional information on what savings could be accomplished through a change in recruiting and other personnel policies. He was informed that "no estimates were made for the draft study of the combined effects of improvements in fringe benefits upon the rate of volunteering."

The basic problem of the military is the high rate of personnel turnover. What does this do to military efficiency and morale? Ralph Cordiner, in his 1957 report, described the situation at many training camps:

> I found antagonism and bitterness over the draft. They were checking off the days until they get out. We must devote 25 percent of our military effort to training men who don't stay. The trainers are discouraged. They resemble the poor teacher whose every class flunks.

For some draftees, the feeling and emotion they experience when leaving military service can best be described in words written by Dostoyevsky, "Liberty! New Life!" This poor personnel retention rate, in which one in approximately six departs annually, adds up to an immense manpower and economic waste each year. But, the Department of Defense experts and economists do not appear to be concerned about this problem as long as they can use the draft to obtain the necessary replacements.

Mr. Speaker, despite what Mr. Morris and his experts have to say on this subject, an adequately compensated voluntary force not only will supply the necessary numbers of men, but also, at a great savings in time and training costs.

## THE TEACHER CORPS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. WILLIAM D. FORD] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. WILLIAM D. FORD. Mr. Speaker, our foremost concern among those who live in poverty today are the children. They are the one best hope for the future of that part of our population, and until the Teacher Corps came along, countless children, who lived in poverty, were destined to receive an inferior education and therefore were handicapped in efforts to rise out of their environment. The Teacher Corps has shown that many children can be reached, their awareness awakened and their horizons broadened.

We here in Congress have a natural interest in the Teacher Corps especially since the President has asked us to expand it to five times its original size by 1968. I therefore found most valuable an article in the April issue of the American Federationist, official monthly magazine of the AFL–CIO, written by Richard A. Graham, director of the Teacher Corps, now a part of the U.S. Office of Education. Mr. Graham headed the Peace Corps program in Tunisia and served as a member of the Equal Employment Opportunity Commission before he took over as Director of the Teacher Corps.

Mr. Speaker, I insert Mr. Graham's article, "The Teacher Corps—It Works," to be reprinted in the RECORD, as follows:

THE TEACHER CORPS

(By Richard A. Graham)

Can a nation enjoying unprecedented economic prosperity ignore some 5 million children in poverty and force them to accept second-rate education and its grim consequences just because they are poor?

President Johnson has answered "no" by calling up new troops to join in the battle against poverty of the mind. They are the Teacher Corps, a group of 1,200 apprentices and veteran teachers now serving in 111 school districts across the country.

Now the President has asked the Congress to expand the Corps to five times its present size by 1968 to provide what he called a "symbol of hope" for poor children across the country.

Established in November 1965 as part of the Higher Education Act, the Teacher Corps is designed to train prospective teachers in the special methods needed to successfully teach the poverty child. The Corps, however, was not able to get fully into operation until it received all its funds in October 1966.

Today, thanks to its work in 29 states, the Teacher Corps is proving it can make good on its promise.

In mid-March, Life magazine said of the Corps: "At these prices, it remains the best bargain in the federal education program."

The Corps has gone where it was wanted and needed into the understaffed, over-populated schools of America's urban ghettos and rural slums. It has done the job it was asked to do—helping overworked classroom teachers while it trained new teachers for the toughest job in education—teaching students who had no incentive to learn; who would rather have three square meals a day than a diploma.

How has the Teacher Corps accomplished these ends in six short months?

It cannot be judged either in dollars and cents or statistics—only in terms of children.

A success story in Solidad, California; another in Conway, Arkansas, added to reports from Teacher Corps programs across the country, add up to this: it works.

One such story was reported recently by one of four participating colleges in New York City. A teacher-intern is working with a small group of 10-year-olds who had been written off as "social adjustment problems." They skipped class regularly and already had police records.

At the request of the principal, the corpsman set up a special program that takes these children from their regular classrooms for scheduled periods each week. It is paying off in two ways: the boys no longer dominate the class and overpower the teacher. And they are getting needed guidance and a teacher they can talk to man-to-man. The young corpsman didn't realize how well he had won these boys over until he got a call from one of the boys' older brothers—a high school dropout. The older boy just wanted to know if the corpsman had time to teach him and his pals how to read. The corpsman dug into his own pocket for rent on a storefront where he holds night classes for the dropouts.

The kids aren't the only ones who appreciate the corpsmen. Parents in Arkansas and an impoverished Appalachian area also have expressed their thanks to local corpsmen with daily gifts of precious home-grown fruits and vegetables.

Stories like these suggest that corpsmen have made the program work not only in the classrooms but in the school neighborhoods. Community acceptance is an important part of their work and training.

In Brooklyn, corpsmen have organized storefront centers which serve as social spots as well as training centers where women can learn typing and shorthand.

In Philadelphia, evening "arm chair" classes have been organized for illiterate adults. In Minneapolis, Minnesota, a community library was stocked by corpsmen who managed to get 1,000 paperback books donated by an understanding publisher. In southern Texas, corpsmen took mothers on their first tour of a big city supermarket.

There are other examples, but they all point up the fact that the teacher in the slums gets through to his students best if he is part of the scene—part of the child's daily life.

This way the corpsmen have learned how poverty limits a child's experiences and slows down the learning process. It is common in ghetto schools to find youngsters two years behind the average by the time they reach third grade, hopelessly behind by the time they should be ready for high school.

Although unequal educational opportunities are so often defined in terms of a racially imbalanced school, corpsmen have learned that it means much, much more.

In a slum school, 35 youngsters of varying background and abilities are often grouped together and expected to perform at the same speed and grade level. It just doesn't work but, in an overcrowded schoolroom manned by an over-burdened teacher, this is the only way the school can keep its doors open.

How does the corpsman help? On the one hand, by taking the child who learns slowly and giving him personal, patient attention. On the other, by working with gifted students, giving them the extra push and confidence which will get them through high school, perhaps into college.

In one junior high school in Washington, D.C., for example, a young corpsman is now giving daily literature lessons to four exceptional students who have been coasting along in their regular English class. The course is held during half of the children's lunch period and runs 30 minutes. Books must be read at home and the children must be prepared to discuss them, in depth. The questions posed by the corpsman are tough and provocative—they are making these children think as they have never had to think before. The group is currently reading The Taming of the Shrew and short stories by Salinger—heavy going even for the average college freshman.

"We've got to tax these kids," says one intern from Arkansas. "It doesn't matter if they are bright or below average—whatever their abilities, you have got to push them. You have to make them want to overreach. They enjoy it. Failure is a built-in commodity in the slums. It's expected, accepted. Success, however, is understood and means something very special to these kids. And they recognize it and love it."

How to give these children the extra push varies from Teacher Corps project to project. Since local school administrators determine how and where corpsmen can best be used, each corps member's assignment and academic preparation differs. Their work is specifically geared to the needs of the local schools they are serving. In fact, the local school administrators work closely with the corpsmen's training institutions to develop the two-year graduate work-study program.

In Chicago, public schools work with a group of colleges and universities to develop the Teacher Corps program. Corps activities here center on developing the urban child's language skills.

In Canada, Kentucky, the focus is different. This remote, rural area requires the corpsmen to introduce the children to life beyond the hills, to teach them about newspapers, telephones, escalators and restaurants, things almost taken for granted by the urban poverty child.

In Rio Grande City, Texas, teaching English as a second language is the corpsmen's priority. Here, 95 percent of the children are Spanish-speaking and start school not knowing a word of English.

Although the Teacher Corps has proved itself, its future may be uncertain. The Corps will require renewed congressional authorization and appropriations.

The Teacher Corps has support in the top areas of government. It has support at the bottom in the children the Corps is helping, the college faculties who are learning much about training teachers from the Corps and in the teachers who welcome the help.

It needs more support in the middle. It needs the support of all those who believe every boy and girl has a right to a good education, no matter how poor their homes.

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## HE SERVED US WELL

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. WILLIAM D. FORD] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. WILLIAM D. FORD. Mr. Speaker, Vice President HUBERT H. HUMPHREY performed a valuable but difficult task on his recent trip to Europe. During his conferences with leaders of many nations, he reaffirmed and strengthened friendships and alliances dating back to World War II and beyond.

The Detroit News, on April 12, published an editorial praising the Vice President for a successful mission. I am pleased to place this editorial in the CONGRESSIONAL RECORD:

HUMPHREY'S MISSION TO EUROPE: HE SERVED US WELL

Vice-President Humphrey faced a thankless task in conferring with our European allies, but he acquitted himself superbly.

He took with him no new master plan for revived unity—Washington hasn't got one. His assignment was to try to straighten out misunderstandings that have arisen across the Atlantic in the political-military field and to assure our NATO allies our deep involvement in Vietnam does not mean we have downgraded our basic ties to Europe.

What caught many headlines in this country were the demonstrations of protest against American policies Humphrey encountered almost everywhere he visited. These incidents have to be placed in perspective, however. The perpetrators were those on the extremist fringe. In Italy, France and Germany, they were Communist originated.

Humphrey was superbly equipped for his mission, perhaps more so than the President himself. His frankness, his composure under stress, his unfailing optimism and his capacity to field questions on complex topics and to break those topics down so they could be readily understood served this nation well.

The clue to our difficulties with Europe lies in what Humphrey said publicly when the President greeted him at the White House on his return. "The postwar era is over," the vice president said. It is, and Americans are slow to realize that. We have become the captives of our successful policies in a world that has changed since those policies were inaugurated. NATO has served the West so well we can't take it for granted. But we have been doing just that, and if De Gaulle hadn't tried to wreck that alliance, others would have demanded a reassessment of NATO's purpose and planning.

It is true our preoccupation with Vietnam has tended to make us lax about repairing our fences in Europe which is still, strategically and politically, our most vital interest of all. And it is also true Europe took the United States for granted—along with our nuclear arms—until Vietnam created doubts.

Europe and the United States are at cross purposes, too, in attitudes toward the Soviet Union and East Europe. Convinced Moscow no longer presents a direct military threat, West Europe has been establishing a new and profitable relationship with the East, particularly in trade. When Mr. Johnson, on the same tack, talks of building bridges of understanding to the East, Europe first welcomes it—and then begins to suspect Washington and Moscow may be cooking up some deal to settle World War II's unfinished business behind Europe's back.

Humphrey told the leaders of all seven nations we'll settle nothing with Moscow that's contrary to our pledges to our allies. We couldn't even if we tried to, in any event. Even on the nonproliferation pact, Washington and Moscow have to carry their allies with them. Otherwise, the deal's off. But Humphrey did say, "There will be no back room deals."

That was why he was sent and it is a measure of the deterioration of trans-Atlantic understanding that his journey was necessary. Humphrey couldn't remove all suspicion. But he has allayed a fair amount. Our prime purpose now must continue to be to convince Europe that their vital interests are still unqualifiedly ours, too.

## LEGISLATIVE PROTECTION FOR AGRICULTURAL WORKERS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. O'HARA] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. O'HARA of Michigan. Mr. Speaker, the AFL–CIO Executive Council recently adopted a statement on legislative protection for agricultural workers which I hope all our colleagues have taken the time to read.

As the statement points out, 1966 was a significant year for farmworkers because, for the first time, Congress voted to extend to some of them the protections of the Fair Labor Standards Act. It is true that only 30 percent of all farm laborers were brought under the act by the Fair Labor Standards Amendments of 1966, but that was at least a start. Hopefully, we will do better in the future.

The AFL–CIO statement on agricultural workers declares that farm labor continues to be denied "almost all of the rights and benefits enjoyed by other workers under Federal and State laws" in spite of the modest improvements of 1966.

One of the actions Congress ought to take to ease the plight of farm laborers would be extension to them of the right to bargain collectively under the National Labor Relations Act—a right which the great majority of other workers, who enjoy much better economic conditions, take for granted. I have introduced legislation (H.R. 4769) to extend the coverage of the NLRA to agricultural workers, and I hope it will be favorably considered this year.

Mr. Speaker, I think readers of the CONGRESSIONAL RECORD might find the AFL–CIO resolution on agricultural workers interesting, and I will have it printed as part of my remarks at this point in the RECORD:

LEGISLATIVE PROTECTION FOR AGRICULTURAL WORKERS

(Statement by the AFL–CIO Executive Council, Feb. 25, 1967)

While significant gains were made last year in the effort to relieve the plight of farm workers, they still are the most exploited group in the American labor force.

In 1966, the Congress voted to include about 30% of all farm workers under the federal Fair Labor Standards Act. Until then, all farm workers had been excluded from wage-hour protection since it was first established 30 years ago.

Despite this first modest step, agricultural workers continue to be denied almost all of the rights and benefits enjoyed by other workers under federal and state laws. And because of these unjustifiable exceptions, farm workers continue to be cruelly exploited by the large and profitable agribusinesses that employ most of them.

Agricultural workers—who for so long have been unable to fight effectively against economic oppression—should now be safeguarded by federal law in their right to organize and to bargain collectively, as are other workers. Their exclusion from the protection afforded by the National Labor Relations Act must now be ended.

Agricultural workers—most of whom are still paid wages far below the poverty level—should now be fully and equitably covered under the minimum-wage, maximum-hours and child-labor provisions of the Fair Labor Standards Act.

Agricultural workers—the most insecure group in the labor force—have been forced almost universally to bear the total brunt of their own unemployment. The time has come for their inclusion under all unemployment compensation laws.

Agricultural workers—employed in one of the nation's most hazardous industries—must have the protection of workmen's compensation laws in all states, not just a minority of them.

In addition, the time has come to protect American farm workers from the adverse effect of federally-sanctioned foreign farm labor import programs, by finally terminating all of them.

Moreover, a really significant effort must be made by governments at all levels to improve housing standards, health protection and educational opportunities for agricultural workers, particularly for migrant farm workers and their families.

In the most affluent nation of the world, and supposedly the most humane, the substandard status suffered by the three million Americans who work for wages in agriculture can no longer be tolerated.

The AFL–CIO will not be content until these fellow Americans enjoy the same opportunities to better their lives as are available to other working people. We are determined to help them achieve the same legislative safeguards and the same access to the benefits of collective bargaining now enjoyed by other American workers.

## SUPPORT FOR CONSTRUCTION SAFETY ACT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. O'HARA] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. O'HARA of Michigan. Mr. Speaker, in yesterday's mail, I received a copy of a letter addressed to the President in support of H.R. 2567, the construction safety legislation which I have introduced in this Congress.

Mr. Norman Crenshaw, the writer of the letter, makes a persuasive case for passage of H.R. 2567, and I include it as part of my remarks for the information of Members of Congress and other readers of the RECORD. The text of the letter follows:

APRIL 12, 1967.

Hon. LYNDON BAINES JOHNSON,
*President of the United States,*
*Washington, D.C.*

DEAR PRESIDENT JOHNSON: You have an opportunity to perform a great service to a large segment of the working men of this country. Those to whom I refer are the construction workers . . . and there are several million of them.

The construction trades have always been a very hazardous way for a man to make his living. And very little improvement is being made except in isolated instances.

During the fifteen years I worked as a bricklayer, I have seen men killed by falling into an unbarricaded deep hole, by a swinging stage scaffold collapsing when a rotten rope broke and when the banks of a trench caved in and crushed a man to death.

In none of these instances were there even rudimentary safety precautions being taken.

Today these same conditions still prevail and construction workers are still being killed on the job. Last year (1966) there were 42 fatalities and over 3300 lost time accidents on construction in Michigan alone.

Michigan has a Construction Safety Act but it has no adequate provisions for enforcement. The inspectors can only suggest safety improvements.

Over the past twenty years the accident rate in construction in this country has actually been rising, both numerically and percentagewise, while the rates in practically all other major industries have been drastically reduced.

In 1945 the injury rate in construction was 19 disabling injuries for every million man-hours worked. These resulted in 2270 days lost. By 1965 these figures had jumped to 28 disabling injuries with 2642 days lost for each million man-hours worked.

For every disabling injury, the average time lost by the construction worker is 93 days. During 1965 construction workers lost 22,500,000 days because of injuries in this nation.

This gives you some idea of the seriousness of the situation and how badly we in the industry need your help.

There is a bill before the Congress right now which would go a long way toward alleviating most of the conditions that cause or contribute toward these accidents. It is H.R. 2567 and is known as the Construction Safety Act.

If passed, this law would result in the promulgation of a set of Construction Safety Standards nationwide which are badly needed.

This bill contains adequate provision for enforcement and it would cover all jobs in excess of $20,000, in which any Federal money is used. Today that means most major projects.

This should be a non-controversial piece of legislation which should receive the support of every person who is concerned with the well being of his fellow man.

If you actively support this bill, or a similar one, through to successful enactment, you will be enhanced in the eyes of every man working on construction in this country.

I personally want to sincerely thank you for all the help you can give us in getting this legislation which is so much needed.

Sincerely,

NORMAN CRENSHAW.

FLINT, MICH.

## POSTMASTER GENERAL O'BRIEN'S PROPOSAL TO CONVERT THE POST OFFICE INTO A NONPROFIT GOVERNMENT CORPORATION DRAWS EDITORIAL COMMENT

Mr. ALBERT. 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 Oklahoma?

There was no objection.

Mr. UDALL. Mr. Speaker, Postmaster General O'Brien's proposal to convert the Post Office into a nonprofit Government corporation and President Johnson's appointment of a top-level special commission to study the idea has drawn widespread editorial comment. Generally, newspapers in every section of the country have found Mr. O'Brien's plan bold, refreshing, and worthy of serious study and consideration. And President Johnson's reaction to Mr. O'Brien's recommendation and the caliber of the commission he has appointed to review it also have won the applause of the press. I insert in the RECORD at this point selected excerpts from editorials appearing in the following newspapers:

*The Baltimore Sun:* "The commission is a good one: headed by a former board chairman of American Telephone and Telegraph, and including several well-known business men, a labor leader, a Washington attorney, an educator and a former Government official now heading a giant foundation."

*New York Post:* "President Johnson has acted wisely in naming a special commission to investigate the postal system and to recommend a modern reorganization of its program.

"The commission will take up Postmaster General O'Brien's proposal for a nonprofit postal corporation, along with other ideas. Some may be better, but O'Brien is correct in arguing that some cure must be found for the deficit plague which has weakened his department for so many years.

"We hope the commission will undertake the job with the individual handling and speed that denote special delivery."

*Newark Evening News:* "President Johnson has assembled an eminent and representative commission to examine the postal system, which certainly needs examination."

*The Richmond News Leader:* "It appears to us as having great merit, for the reason that there is no realistic hope that the problems of the Post Office can ever be solved under the system of divided responsibility that now prevails—with the Congress unwilling to provide the money required and the Post Office unable to handle the mountains of mail within its present revenues."

*The Wichita Eagle:* "It would be a drastic step, to jerk the Post Office out of politics, but that, apparently, is what has kept the Post Office operating inefficiently despite manful efforts of a few reformers, and the cries of the public that something be done.

*The Cleveland Plain Dealer:* "O'Brien's suggestion is a drastic one but it could, when further developed, provide the answer to the growing postal problem."

*The Denver Post:* "Most provocative idea of the week has to be Postmaster General Lawrence O'Brien's proposal to turn the job of delivering the nation's mails over to a nonprofit corporation similar to the Tennessee Valley Authority."

*The Washington Daily News (D.C.):* "But if the commission functions objectively and produces a useful plan, no matter how drastic, it could have a lot to do with persuading Congress to take the steps which obviously are necessary."

*Sioux Falls Argus-Leader:* "Surely O'Brien's recommendations merit careful study. The Post Office Department is in difficulty and it is obvious that something must be done if its operations are to be maintained on a high level of efficiency."

*The Cedar Rapids (Iowa) Gazette:* "We will say, however, that O'Brien's suggestion that the postmaster general be removed from cabinet status makes considerable sense. The post office department is primarily a service enterprise and its competent direction is essentially an administrative job."

*Buffalo Courier Express:* "Mr. O'Brien is to be commended for proposing a giant step in postal reform, a matter of urgency in the opinion of most users of the mails."

*The Kansas City (Mo.) Times:* "Whether or not O'Brien's proposal was made in complete seriousness, it bears the mark of anguish. He is a responsible man buried under a mountain of mail that never diminishes but continues to increase. He is frustrated. He wants the government to take a new look at the task and perhaps it is time the government listened."

*The News and Observer (Raleigh, N.C.):* "The proposal clearly represents a bold and innovative attempt to restructure a system which continues to cost the American taxpayer more and more money for what often seems less and less speed and efficiency."

*Asheville (N.C.) Citizen:* "Larry O'Brien is inviting, in effect, the elimination of his own job, but we think Congress should consider seriously the Postmaster General's recommendation. The Larry O'Briens of our time can get other jobs—and undoubtedly better ones."

*Intelligencer-Journal (Lancaster, Pa.):* "The O'Brien proposal cannot be dismissed as a political gimmick, however. There is plenty of evidence to back his description of the Post Office Department as a 'tottering structure' increasingly hard put to cope with an enormous rise in mail volume. Something clearly must be done—something far more basic than the proposed rate increase. Before the service collapses under the burden of functioning with antiquated methods and rate structure, Congress should consider fundamental revision of the system. The postmaster general's recommendations will at least serve as a good springboard for hearings and debate with that end in mind."

*Seattle Post-Intelligencer:* "In a word, Mr. O'Brien has recommended that the Post Office be operated more like a business and a great deal less like the bogged-down government bureaucracy it has become. His proposal merits the most serious and urgent study."

*The Albany Herald (Ga.):* "If Mr. O'Brien has done nothing else, he has succeeded in focusing public as well as official attention upon a chaotic condition fairly begging for remedy."

*The Anniston (Ala.) Star:* "It is just conceivable O'Brien's proposal may get a hearing. It strikes a balance between the reluctance of the traditionalists who don't want a thing changed, and the enthusiasm of the theorists who would divorce the department from the government entirely.

"Job rights of postal employees would, of course, have to be protected, but such a fresh approach to improving efficiency—based on reliable business methods—should be welcomed."

*St. Louis (Mo.) Post-Dispatch:* "Postmaster General O'Brien's proposal to change the structure of the Post Office Department from an Executive department to a Government corporation is as sensible as it is bold. On both accounts he has earned the public's gratitude and support."

*The Montgomery Advertiser (Ala.):* "Despite congressional opposition, the O'Brien proposal has merit. It is not as radical as Goldwater's plan to turn the department over to private business, since it would be a government venture.

"Yet, for all its inefficiency, the Post Office is a public service. As such, the ultimate control should be in the hands of those who are directly answerable to the people.

"The O'Brien plan deserves a public airing, where perhaps a blending of the better parts of both the existing system and the proposed one could be achieved."

## HELP FOR THE NATION'S EDUCATION

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. ANNUNZIO] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, I was highly gratified by President Johnson's recent announcement that some 217,000 students, who could not otherwise afford to attend college, will receive educational opportunity grants totaling $108 million in the coming school year.

I heartily agree with the President's remarks that this money will be repaid many times over when grantees take their places as contributing members of our society. Any doubts on that score would immediately be removed by a perusal of the benefits we have received in the form of taxes and skilled services from the users of our various GI bills.

Even more important, Mr. Speaker, this program is a prime mover in our national effort to see that everyone who can benefit from education has the chance to get it, regardless of his family or financial background. It can truly be said now, thanks in part to the educational opportunity grants program, that lack of money need not bar anyone from college.

Already, the program is helping the sons and daughters of migrant laborers, the products of broken homes, and others whose parents cannot afford to help them get the educations they need and deserve.

The worth of this program is further demonstrated by the fact that nearly 54,000 of those who received grants last year will qualify for additional awards this year because they were in the top half of their class.

The need for this assistance to provide our Nation with trained and educated people in an increasingly complex society is striking. Consider that the 217,000 students to be aided in the coming year are more than graduated from our colleges and universities in any year before the end of World War II. Facing shortages in many types of occupations, we can take justified pride in the success of this program.

Mr. Speaker, this program demonstrates the value of a cooperative approach in Federal aid to education. We have here Federal funds committed to a national program directed at a national problem. But we leave the choice of beneficiaries to the individual institutions of higher education that are in the best position to know who can truly benefit from it.

## DESTRUCTIVE ACTS AND DEMONSTRATIONS BORDER ON TREASON

Mr. ALBERT. 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 Oklahoma?

There was no objection.

Mr. FOUNTAIN. Mr. Speaker, the burning of the American flag and the destruction of draft cards at so-called peace demonstrations last weekend, in my opinion, borders very close on treason.

Those demonstrations were a disgrace to the United States and the only ones who could draw comfort from them are Ho Chi Minh in Hanoi and his Communist friends.

That undoubtedly was the intent. Anyone who, while engaging in such anti-American acts, calls the President a buffoon, the Secretary of State a fool, and the Secretary of Defense a racist certainly cannot be said to have serious patriotic instincts.

The inflammatory speeches at New York and San Francisco Sunday were nothing but hate-mongering, anti-American harangues serving no one but the enemy. It is past irony that those speeches would never be allowed in those countries which were the only beneficiaries of them.

I let the people of my district know about the principal sponsors of those demonstrations in a speech April 7 at Kinston, N.C.

It was well known and had been well documented by the House Committee on Un-American Activities that the demonstrations were being organized chiefly by known and admitted members of the Communist Party.

It is beyond belief that so many people appear to be so naive that they think they can publicly participate in such an activity and then disassociate themselves from the sponsors.

Every American has the right of dissent from any policy of his Government but such public abuse of one's country and in such numbers only gives aid and comfort to the enemy and costs many more American lives.

I can only echo what the Secretary of State said about the ranting and raving that took place: It will not change the conduct of the war in Vietnam.

Thank God there are still millions of patriotic Americans who refuse to be duped by such frauds.

## T. W. HUNTER, PRESIDENT OF THE NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from South Carolina [Mr. DORN] 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 Oklahoma?

There was no objection.

Mr. DORN. Mr. Speaker, a South Carolinian who has distinguished himself as an educator, legislator, businessman, and community leader has recently been accorded a new and important national responsibility. I am referring to T. W. Hunter, of Newberry, S.C., who has recently been elected to the presidency of the National Rural Electric Cooperative Association, an organization which represents nearly 1,000 nonprofit, consumer-owned rural electric systems serving over 20 million rural Americans in 46 States.

Judge Hunter's election to the national presidency of the Rural Electric Cooperative Association brings to South Carolina one of the greatest honors that has ever come to our State and to my congressional district. I am proud to be the Congressman who represents this distinguished American.

Judge Hunter has a wonderful family. His outstanding successes all through his life have been made possible with the able assistance of his charming, lovely, and devoted wife Leila, and his two attractive daughters.

Those of us who know Judge Hunter realize that his election to such a high place in this vital program is more than a reflection of the high esteem in which he is held by his fellow workers in the rural electrification field. Rather, it is a recognition of the qualities of leadership he has displayed in all of his many activities over the years. It is an acknowledgment of his willingness to shoulder and carry through the responsibilities placed upon him by his fellow man. He has never shied away from a task that would benefit his community, State, or Nation.

A native of Prosperity, S.C., Judge Hunter has become one of our State's most highly respected citizens. After attending St. Lukes Grade School and Prosperity High School, he graduated from Newberry College. His very first position was as principal of the Swansea, S.C., public schools and later as principal of the Prosperity High School.

In 1931, he left the education field to enter the law school of the University of South Carolina, from which he received his law degree in 1934. Since that time he has industriously conducted a successful law business, presently under the name of Clarkson, Hunter & Clarkson. He has also pursued an active business career as vice president and secretary of Boyd's Lumber Co.; president of the Midway Oil Co. in Newberry; a member of the advisory board of the State Bank & Trust Co., and, at the same time, engages in farming.

He was a distinguished member of the South Carolina Legislature from 1954 to 1960. He also belongs to the Newberry Hunting Club, the Newberry Country Club, and is a member and deacon of the Aveleigh Presbyterian Church where he has served as superintendent of the Sunday school and president of the Men of the Church Organization.

His interest and dedication to the rural electrification program in our State and throughout the Nation is indicated by his concern for the welfare of people. As the attorney for the Newberry Electric Cooperative, an active leader in the South Carolina Electric Cooperative and as a long-standing member of the national board of the National Rural Electric Cooperative Association, he has played a leading role in bringing the rural folks electric power. Today, we have 23 rural electric systems in South Carolina serving more than 152,000 of our people. This electric power has enabled our rural people to keep pace with modern agriculture technology and has eased the burden of living in rural areas. Now, and in the future, it will play an even more important role in assuring a dynamic and viable rural economy.

Judge Hunter's succession to the top post of the national association follows his service as secretary-treasurer and vice president of the organization during which time he displayed the same leadership qualities which we, in South Carolina, have always admired. As he leads this national rural electrification program forward, I hope many of my colleagues in the House will have the opportunity to work with this fine South Carolinian.

## CAPITOL COOLNESS DISMAYS BACKERS OF LOGISTICS SHIPS

Mr. ALBERT. 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 Oklahoma?

There was no objection.

Mr. BURKE of Massachusetts. Mr. Speaker, I would like to bring to your attention and my colleagues in both Houses an article by Orr Kelly, Star staff writer, entitled "Capitol Coolness Dismays Backers of Logistics Ships," which appeared in the Sunday, April 16, edition of the Evening Star.

One of the major arguments against this proposal has been that the existence of 30 FDL's would suddenly make us policemen of the world; however, as the article well points out, these few ships would constitute less of a threat than our already existing thousands of aircraft carriers, troop and supply ships, and giant logistics transport aircraft. In my testimony before the House Armed Services Committee on April 4, I proposed that if the "policeman" reasoning is valid, then it would be in keeping to scrap our other systems.

The article referred to follows:

CAPITOL COOLNESS DISMAYS BACKERS OF LOGISTICS SHIPS

(By Orr Kelly)

The generals and the admirals and even the Pentagon's "whiz kids" were delighted with themselves when they discovered that it is still possible in this complicated age, to "get there fustest with the mostest."

They have thus been startled, in the last few weeks, to discover that a lot of people on Capitol Hill—including some they had long considered their best friends—think that may not be such a desirable goal after all.

The country could thus be heading for a peculiar new kind of "great debate" over weapons and strategy—all of it centered around a proposal to build a fleet of huge Fast Deployment Logistics Ships.

The Senate already has cut funds for the fleet from the 1968 budget and there are indications the House might take the same action.

PROFESSIONALS UNANIMOUS

This negative reaction on Capitol Hill has come as a puzzling surprise to officials in the Pentagon who, in one of their relatively rare displays of total unanimity, think the FDLs are an almost perfect answer to a tough problem.

The problem is posed by the commitments the civilian leadership of the country has made to help defend the country's friends throughout the world.

As officials in the Pentagon see it, Congress has approved a policy under which the military would be expected to move as fast as possible to help a threatened ally.

"This is the first time," said one official, "that I have heard of the military being criticized for finding a more efficient way to do something we have been told to do."

ESSENTIAL PART OF SYSTEM

The FDLs, as the military people see it, are one of the essential parts of a weapons system that—if it had been available then—would have substantially shortened both World War II and the Korean War.

The other two elements in the system are the storage of large quantities of military goods at strategic overseas bases and the tremendous carrying capacity of the C–5A jet cargo plane now being developed in Georgia by Lockheed.

Some of the opposition apparently has been sparked by an erroneous impression that fully loaded FDLs would constantly roam the seas, ready to move in almost instantly wherever trouble might erupt. Sens. Mike Mansfield, D-Mont., and Richard Russell, D-Ga., have both complained that this would give the United States the capability to become a "global policeman" and that the country might find itself in fights it would be better off out of.

More likely, about 13 of the ships—enough to move the equipment for a full division and its supporting forces—would be based, fully loaded, in the Western Pacific. Others, partially loaded, would be based in Hawaii, and in the West, East and Gulf coasts of the U.S. ready to take on the equipment of divisions stationed nearby.

READY FOR TROOPS, MATERIEL

In case of trouble, the FDLs could begin unloading equipment while troops were being flown in by the C–5As; although the planes are designed to carry cargo, they can also carry 345 men apiece.

In a complicated series of studies of alternative strategies, the Joint Chiefs of Staff's special studies group figured that, without advance warning, it could land a division in a trouble spot in three to 20 days. With advance knowledge of a potential attack, the reaction time would range from less than one day up to 10 days.

In Korea, the war was nearly lost before the first U.S.-based division could be rushed across the Pacific and landed 56 days after the invasion from the North.

If the U.S. had had C–5As and FDLs at the beginning of World War II, it probably could have held on to New Guinea and some of the Pacific islands that were regained only after some of the bloodiest battles in history.

NOT FOR SLOW BUILDUP

Although the FDLs are not specifically designed for the kind of slow buildup which has gone on in Vietnam, they might have been useful there in two ways. If the introduction of the first small units of U.S. troops had brought a large scale reaction from North Viet Nam or China, FDLs and C–5As would have made it possible a lot more men and equipment in a hurry and since the FDLs are designed to unload on a beach as well as in a built-up port they could have cut down on the congestion in the Saigon harbor.

Pentagon officials say it is simply not true that the existence of the ships would lead to more global involvement. They fail to see, they say, how 30 ships—the bulk of them based in this country—could possibly be more provocative than the thousands of ships of the Sixth and Seventh Fleets, already deployed around the world.

The Navy hopes, through the FDL construction program, to work a major revolution in the way ships are constructed in this country. A key to the revolution is the proposal to give the contract for the whole 30-ship fleet to one manufacturer—the same way in which the contract for the C–5A was given to one firm.

OTHERWISE OCCUPIED

But the three firms in the final running for the contract—Lockheed, General Dynamics and Litton Industries—are all primarily involved in aero-space construction rather than shipbuilding, although all three also have shipyards. Some of the operators of conventional shipyards aren't happy with the way things are turning out—especially since the FDL fleet is being described as a $2 billion program.

The FDL will be about the size of a small aircraft carrier, but will need a crew of only about 37 men.

## SUPPORT OF TITLE IV OF H.R. 5710

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. PATTEN] 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 Oklahoma?

There was no objection.

Mr. PATTEN. Mr. Speaker, a growing need exists in this Nation for more social workers, programs, and facilities, and title IV of a bill being considered by the House Ways and Means Committee—H.R. 5710—would help provide them through Federal aid.

Because New Jersey is the most urbanized State in the country, its social needs are not only more numerous, but more complex.

To help cope with the problems created by heavy urbanization, legislation should be passed this year to improve the preparation of those who plan to enter the social field—and even for some already in it.

Most colleges, universities, and social schools face the frustrating problem of limited financial resources and are in urgent need of assistance. I believe that the Federal Government should bear some of the costs of developing, expanding, or improving undergraduate and graduate programs.

The U.S. aid proposed in title IV of the bill now under consideration would help meet part of the increased faculty and administrative personnel and improvement of present facilities.

The Graduate School of Social Work of Rutgers, the State university of New Jersey, would be one of the higher education institutions to benefit from the program. Many others throughout the Nation would also gain.

One of several letters I have received urging my support came from the dean of the Rutgers Graduate School of Social Work, Dr. Werner W. Boehm, who wrote me that title IV would "materially contribute to the improvement of the quantity and quality of manpower in social welfare." And I have a very deep respect for Dr. Boehm's judgment.

Mr. Speaker, I am convinced that if title IV of this fine bill—H.R. 5710—is approved, social problems would be attacked with greater effectiveness and success, strengthening our Nation in one of the most sensitive, important, and far-reaching fields.

## LEGISLATION TO AUTHORIZE PROGRAMS THAT WILL PERMIT THE MARKET SYSTEM TO WORK MORE EFFECTIVELY FOR WHEAT AND FEED GRAIN

Mr. ALBERT. 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 Oklahoma?

There was no objection.

Mr. ST GERMAIN. Mr. Speaker, I am offering legislation that will have the effect of finally permitting the wheat and feed growers of this Nation to get away from price supports and Government loans.

If ever there was a time when we can turn farmers loose from controls and expensive Government programs, certainly that time is now.

The saving involved—more than $2 billion from the Federal Treasury—is

tremendously important, but perhaps of greater significance is the opportunity it will give wheat and feed grain farmers to produce more efficiently and for the marketplace.

While I represent a New England constituency, where price supports are of no importance, I must emphasize that every private farmer poll I have seen over the last few years has shown dramatically that the farmers of the major producing areas of this country feel overwhelmingly they want to be turned loose to produce.

I fear too many Agriculture Department officials are looking at today's farmer as if he were that farmer of those dark days of 1929. Times have changed much since that time, and so have farmers and farming. Let us not look backward to the extent that we are blinded in thinking of the future.

In my opinion, the most economical and best quality food can be obtained by consumers only if farmers are allowed to produce for the market, not for a Government warehouse. American agriculture is the most efficient the world has ever known. It has made this progress in spite of Government farm programs.

Let us help farmers refine their methods even more by doing away with farm programs that cripple and impede.

Doing away with price supports for wheat and feed grains is a most serious step after all these years of Government "help." But, this bill would help farmers make the transition by using a Government agency to insure private loans which farmers could obtain from their banks, or others, on their crops.

Most farmers now use banks to finance purchase of cattle, machinery, and supplies. They do this without Government insurance. This legislation would insure the loans they would make to get wheat and feed grain crops into the ground, but the Government would be out of the expensive business of storing the commodities.

This legislation is strongly supported by the American Farm Bureau Federation, by far the largest farm organization in the Nation. It is a result of an affirmative decision by Farm Bureau's duly elected voting delegates. It represents a real grassroots sentiment which we in this Chamber should heed.

## ESTABLISHMENT OF FEDERAL RESEARCH LABORATORY IN PROVIDENCE, R.I.

Mr. ALBERT. 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 Oklahoma?

There was no objection.

Mr. ST GERMAIN. Mr. Speaker, all of us are very concerned about the carnage that take place on our Nation's highways, claiming some 50,000 citizens annually.

I am very pleased, therefore, that a Federal research laboratory, devoted exclusively to studying the behavior of automobile drivers, is being established in Providence, R.I.

This laboratory, which will specialize in researching the human factor in the causes of automobile accidents, was brought about through the efforts of my friend and colleague, the late Representative John E. Fogarty.

The laboratory will be operated by the injury control program of the U.S. Public Health Service and I have great expectations as to its contribution toward reducing the carnage on our highways.

In an effort to familiarize my colleagues with this matter, I insert into the RECORD news articles pertaining to this laboratory that have appeared in the Washington Evening Star, the New York Times, the Providence Sunday Journal, and the Providence Evening Bulletin:

[From the Washington Evening Star, Mar. 31, 1967]

### SAFETY SEARCH MAKING SENSE

(By Charles Yarbrough)

Without a crusading author and the harsh glare of publicity, the search for greater highway safety has finally turned in the right direction.

Buried five paragraphs down in a release from the United States Public Health Service on federally-staffed driving simulator studies is this understatement of the campaign:

"Much more needs to be learned to teach people how to stay out of accidents in the first place."

Research getting under way at the Health Service's newly-organized National Center for Urban and Industrial Health in Providence, R.I., is expected to "produce important information on driving behavior patterns and aid in establishing standards for driver licensing and improvement."

It marks the first time that the government has stepped in with individually-designed electronic driving simulators and devoted time exclusively to the human aspects of auto accident causation.

Can you imagine the results if a "callback" system would be introduced to bring in faulty motorists?

The Health Service announcement says many types of drivers operating under various driving conditions will be tested.

(Would that include the driver who passed me at over 60 miles an hour on rain-slicked Memorial Parkway, his right arm draped across the top of the seat?)

"Drivers of both sexes will be studied in an effort to determine driver failures, and weaknesses that cause acidents."

(Will the simulator provide a small child to sit beside the mother as she crosses the solid, yellow line to pass going uphill on two-lane, hilly Highway 7?)

"With these simulators, research will be undertaken which has never been feasible on the highway. Drivers can be exposed to the most hazardous driving conditions; an accurate record of his immediate responses can be compiled."

(Do simulators leave skid marks as long as 30 feet, heading off George Washington Parkway in all directions?)

Out of a still-depressed automobile sales picture last week came the 50,000th Mercury Cougar delivery, less than six months after the car was introduced.

Lincoln-Mercury general manager E. F. Laux is forecasting sales of 11,000 for March, which would be 37 per cent better than February.

Appearance of the XR–7, the "fancied up" version of the Cougar, is partly responsible for the steady sales, according to Laux.

Results of sharp price cuts in the Rambler American are bringing smiles to otherwise straight faces at American Motors.

So is announcement that Kinney National Service, Inc., national car-rental agency, will buy 6,000 American Motors automobiles; 4,000 to be delivered this month; 2,000 more in May.

You may not see any multimillion, simultaneous response, but tomorrow has been set as "Winter Tire Removal Day" by the Rubber Manufacturers Association.

The association cautions against using winter tires in warmer weather because sustained high-speed driving results in a greater heat build-up than in conventional tires.

[From the New York Times, Mar. 27, 1967]

### NEW LABORATORY WILL TEST DRIVERS—FEDERAL FACILITY IS SEEKING GUIDELINE FOR LICENSING

PROVIDENCE, R.I., March 26.—The United States Public Health Service will open here tomorrow a research laboratory built about electronic simulators to study human factors in the causes of highway accidents.

The $900,000 facility, with an operating budget of $432,000 a year and a staff that will total 20 persons, will be operated by the Federal agency's newly organized National Center for Urban and Industrial Health. One of its goals is to develop guidelines that will assist the states in establishing driver licensing requirements under the National Highway Safety Act of 1966.

The first Federal project of its kind, it plans to examine the reactions of 1,200 volunteers annually in teen-age, middle age, elderly and handicapped categories of both sexes to every conceivable variety of highway hazards and emergencies. The subjects will be tested both while normally alert and while they are under varying conditions of impairment, such as fatigue, emotional stess and the influence of alcohol, amphetamines and tranquilizers.

The laboratory is built around two electronic driving simulators that cost more than $600,000. One, built by Radio Corporation of America, is an optical reduction system in which a long-distance test driver confronts a highway in miniature with model moving traffic and environmental elements. The other, built by Goodyear Aerospace Corporation with Philco equipment, televises highway situations onto a screen in front of a short-distance test driver.

#### PROGRAMED SITUATIONS

Subjects in both simulators will confront programed situations and their vigilance and reaction in responding through the driving controls they operate will be studied in detail by engineers and psychologists on the laboratory staff.

Dr. Richard E. Marland, chief of the health service's injury control program, said he hoped the research would develop data that would materially reduce the nation's traffic toll of 50,000 deaths and 3.5 million injuries annually. Up to now, he said, safety research has focused on highway engineering and the car manufacturer, not on drivers.

Dr. Robert K. McKelvey, an engineering psychologist who was chief of human factors research at the National aviation facility experimental center at Atlantic City, is director of the new laboratory.

The laboratory will pay nominal fees to volunteer test subjects. Many will be college students. The state Department of Health will assist in providing aging and physically impaired subjects.

Federal, state and local officials, educators and scientists, have been invited to attend an informal opening of the laboratory tomorrow. It will take until next fall, Dr. McKelvey said, to set up the research discipline necessary for full-scale operations.

[From the Providence Sunday Journal, Mar. 26, 1967]

### FATAL FAULTS DISCLOSED BY COMPUTER DRIVING

You're doing 50 miles an hour down a tree-lined street and there's a sharp curve ahead.

You wait until the last minute before making your turn, narrowly missing a truck parked by the roadside, and then floor it again.

A figure appears at your side window and a voice asks, "what do you think of it?"

The voice brings you back to reality. You're not driving 50 miles an hour, but sitting behind the wheel of a late model car parked inside a building. And that tree-lined street and truck were just images projected from a television camera in another room.

That it wasn't the real thing is fortunate, because you "theoretically" wiped out that truck, you learn.

This automobile is part of one of two driving simulators that were developed for the federal government for use at its new driving research laboratory in Providence.

SHORT-DISTANCE DRIVING TESTS

This particular simulator uses a closed-circuit television system to test driver behavior in short distances.

The driver starts the car as he would his own. Although he hears the sound of a motor (it is a tape recording), the ignition switch activates an analogue computer in another room. At the same time it activates a television camera in the other room and an image appears on a screen in front of the windshield of the car.

The television camera is suspended above a model replica of a small town. The equipment was constructed by the Goodyear Aerospace Corporation in Akron, Ohio, and the 12-by-18-foot model, built to scale, originally was a replica of that city.

Because of the angle of the lens on the camera, it appears to the driver that he is looking across the replica and not down on it.

As the driver presses down the accelerator, electronic impulses move the camera forward over the "road." The speed of the camera is controlled by the accelerator.

CREATES DRIVING CRISES

The steering mechanism of the car controls the movement of the camera. Because the camera can move laterally as well as forward, the "car" can go anywhere over the replica, as one "hot-rodder" found out recently.

The computer may be programmed to create many different driving situations, such as cars pulling out of side streets right in front of the camera, and it also records the driver's responses so that they may be analyzed.

The other driving simulator uses what scientists term an optical reduction system. It also uses a late model car, but instead of a television camera it uses a graphic camera lens mounted in front of the windshield. The camera lens is aimed down a 35-foot tunnel directly in front of the car. In the tunnel are five endless moving belts.

As in the other simulator, the test driver turns the key, activating the computer, and also the belts. As he presses down the accelerator, the belts move accordingly, but all at different speeds. The inner belts, which represent the road, move at a faster rate than the outer belts, which represent the roadside.

COLLISION, MANEUVERING TESTS

This simulator, designed and built by Weiser Associates Inc., for the RCA Data Systems Center, is primarily for testing driver behavior on long, straight roads. The computer can set up collision and maneuvering problems. And the test driver can change lanes, pass other automobiles, and even pull off on the side of the road.

A reporter who recently took the test under twilight conditions scored a memorable record. In a matter of only a few minutes he piled into the rear of one car, side-swiped another and crashed head-on into a third car.

Admittedly, the engineers and technicians assigned to the laboratory had been playing games with him, setting up collision problems impossible to avoid.

But one of the psychologists present commented: "I think I note a little hostility there."

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[From the Providence Evening Bulletin, Mar. 28, 1967]

THE HUMAN FACTOR

Since 1965 the federal government has taken the official view that killing and maiming on the nation's highways is as much a "disease" as poliomyelitis or diphtheria. Its purpose was to run research on the cause of accidents so that cures may be found to prevent them. The job was turned over to the U.S. Public Health Service which conquered malaria and other virulent sicknesses.

In accepting the challenge, PHS has opened its first research laboratory in Providence. Electronic equipment costing nearly a million dollars has been installed in one of the abandoned buildings in the Brown & Sharpe Mfg. Co. complex, and the service has budgeted $432,000 a year to run down the equivalent of germs and viruses that cause highway injury.

Subject to detection, isolation and identification in the laboratory here are the practices of drivers that result in accidents. Two electronic driving simulators will be used in the process.

Volunteers of all age groups involved in driving will be tested in the simulators for long-distance and short-distance driving. They will be tested while normally alert and under varying conditions of impairment, such as fatigue, emotional stress and the influence of alcohol, amphetamines and tranquilizers. Every conceivable variety of highway hazards and emergencies will be flashed on the screen as they pretend to drive, and their reactions will be measured electronically.

Researching the human factor in highway casualites is the greatest challenge in PHS history. Malaria was controlled when the anopheles mosquito was detected as the carrier. It will not be so simple to discover why people behave the way they do behind the wheel.

The task is worth the effort. Close to 50,000 Americans are killed in highway accidents each year, and 3½ million are injured, many of them crippled for life. A scientific breakthrough leading to the control of such an epidemic would be one of mankind's greatest boons.

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## STATEMENT COMMEMORATING THE 24TH ANNIVERSARY OF WARSAW GHETTO UPRISING

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. GALLAGHER] 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 Oklahoma?

There was no objection.

Mr. GALLAGHER. Mr. Speaker, I was interested to note yesterday that Dr. Nathan Goldmann, president of the World Jewish Congress, has found that the Jewish people of Poland are generally accepted as equals in that country. It is ironic that such a statement should be made so close to the commemoration of one of the most brutal repressions of Jews in the history of the world.

During early April of 1943, Hitler decreed that the 60,000 Jews walled up in the ghetto of Warsaw, Poland, should be eliminated. On April 19 began simultaneously the brutal culmination of the extermination of the Jewish population of Warsaw and a heroic defense by 60,000 relatively unarmed Jews. The events speak for themselves.

In early 1940, after one of the fiercest seiges of World War II, Warsaw fell to the Nazi blitzkreig. Immediately afterward, the Nazis walled up what was to rise to a total of 450,000 Jews in a 1- by 3-mile section of the city. Any Jewish person leaving that section was shot on sight.

For the next 3 years, the people of the ghetto were slowly starved to death, with hundreds of thousands living on one bowl of straw soup a day. Periodically, the vile cattle cars would be filled from the ghetto for the final trip to Auschwitz and "final solution," the most hated and despicable phrase of our time.

By late winter of 1943, there were only 60,000 inhabitants of the former 450,000 remaining alive in the Warsaw ghetto.

On April 19, the Nazi storm troops moved into the ghetto area with tanks, armored cars, flamethrowers, heavy machineguns and grenades. The people of the Warsaw ghetto defended themselves with a few rifles and automatic weapons, homemade grenades and "Molotov" cocktails.

After initial defeat, the Nazis began to systematically burn the buildings of the ghetto. Many hundreds fought in the burning buildings until consumed by the flames rather than surrender. After the buildings disappeared, the Jews took to the sewers and kept up a steady and costly defense for days.

On May 16, the commander of the German troops stated the horror of the last 3 years:

The former Jewish quarter of Warsaw is no longer in existence.

Mr. Speaker, there rarely occurs such a valiant defense against such overpowering odds as at Warsaw 24 years ago. The events of those 3 weeks spur us to appreciate the freedoms we enjoy in America today and to recognize the deprivation of liberty that yet exists in other parts of the world.

In recognition of the Warsaw uprising let us renew our pledge and dedication to never rest in defense of liberty, both personal and national, throughout the world.

Dr. Goldmann has found that the Jewish people of Russia remain bound by prejudice and unequal treatment. No doubt there are other areas where minorities suffer by the ignorance of the majority. Let us in America never forget the plight of these oppressed peoples and forever extend to them our hands and hearts.

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## ELECTRIC CO-OPS FACE DOUBLE CHALLENGE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. ANDERSON] 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 Oklahoma?

There was no objection.

Mr. ANDERSON of Tennessee. Mr. Speaker, the nearly 1,000 rural electric

systems of the country, whose services are so invaluable to the development of that 97 percent of the total U.S. land mass which is designated as "rural," have reached a critical point in their development.

These systems financed by the Rural Electrification Administration face, not only persistent demands for services from new consumers—about 150,000 a year—but also pressures from their present consumers for more power.

REA anticipates that in 1981 the amount of power put into these systems will be nearly three times the 1966 input of more than 50 billion kilowatt-hours. This means, according to the Agency, that the systems are going to need $8 billion of capital for new and improved facilities in the next 15 years, or about twice the amount made available during the last 15 years. REA and its borrowers do not expect this huge amount of money to be provided through REA's direct 2 percent loan program. They say a supplemental form of financing to bring private financing into the program is essential and certainly in the public interest. I heartily agree.

For many years the Bloomington, Ill., Panagraph has been a spokesman for and a keen observer of our rural life. I would like to submit for inclusion in the RECORD an editorial from the pages of that newspaper, discusing a turning point in the life of rural electric cooperatives and endorsing a supplemental financing plan for the REA program:

[From the Bloomington (Ill.) Pantagraph, Mar. 2, 1967]

ELECTRIC CO-OPS FACE DOUBLE CHALLENGE

A turning point has arrived for rural electric cooperatives in the United States for two main reasons:

1. Time is running out for the "founding fathers," and new blood must take over to formulate policies to meet future needs.

2. The financial demands of the future are so tremendous that the federal government can no longer provide 2 per cent money to meet all the needs. New methods of financing must be found or the cooperatives will wither on the vine.

Both of these factors are highly important to virtually every farmer and, through them, every individual in Central Illinois.

Both issues permeated the recent annual meeting of the Corn Belt Electric Cooperative here in Bloomington, the first by the questions asked about policy and the second by approval of a resolution favoring new financing.

Being human, those who organized and nurtured the rural cooperatives through the lean years are reluctant to give up their roles. They have not provided for continuity of policy development and management.

As a result some rural cooperatives face this double transition ill prepared to meet the challenges. They have not been able to conceive of the organizations as a growing, revolving, continuing organization which can and must get along without them.

Old policies are no longer sufficient. Old patronizing methods are no longer acceptable to the new generation of members. But this, of course, will change because it must.

The electric cooperatives face an estimated need of nearly $10 billion dollars in the next 15 years. This is almost twice as much as they have received in the 32 years since rural electric cooperatives were begun.

Money in this quantity is not available at 2 per cent and the national leaders of the cooperatives know it. In fact they cannot expect more than $300 million a year to apply toward the needed $700 million to keep abreast of demands.

Rural electric cooperatives have turned to Congress for permission to tap the private money market to fill in the gap in financial requirements. Their proposal is for the establishment of a bank, patterned after the Federal Land Bank, the Bank for Cooperatives and the Production Credit Association.

These were all authorized to meet the needs of farmers in the depression years. They have functioned well. The Federal Land Bank and the Bank for Cooperatives have repaid funds advanced to them from the U.S. Treasury and are now free of government aid. The Production Credit Association expects soon to pay off all U.S. Treasury advances.

The rural electrics want the same kind of financial system. They also want to keep 2 per cent loans, especially for the cooperatives in sparsely settled areas where need for service exists but where earning capacity is limited.

The conservative swing in Congress and the call for federal funds in Vietnam and elsewhere make the outlook for a double victory less than rosy.

Furthermore, the privately owned utilities see a golden opportunity to strangle the rural electric cooperatives. They are out in full force in opposition to both the bank setup and to extension of 2 per cent loans.

This is something of a switch for the private utilities. For years they opposed 2 per cent loans, to which they also were eligible, and urged that the rural electric cooperatives go into the open market. Now that the cooperatives are moving in this direction, the private utilities suddenly have discovered that this will mean stronger competition for them.

This should not be a political partisan issue. The good that rural electric cooperatives has done cannot be questioned. The fact that they filled an unmet need cannot be challenged.

However, they have grown up. They should rely more on the money market rather than unrealistic 2 per cent interest rates from a federal government already deeply in debt. There may be some exceptions as mentioned above.

Congress should empower the cooperatives to get this money through establishment of the proposed bank or some similar setup. We urge our own senators and representatives to support it.

Time and vigorous new leadership will take care of those who pioneered well in the rural electric field but who, in the process, have come to feel indispensable. It is unfortunate that this transition has coincided with the need for new financing. Private utilities won't overlook their double opportunity.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. MCDONALD of Michigan (at the request of Mr. GERALD R. FORD) 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. OLSEN, for 1 hour, today; to revise and extend his remarks and include extraneous matter.

Mr. UDALL, for 10 minutes, today.

Mr. SANDMAN (at the request of Mr. STANTON), for 5 minutes, on Tuesday, April 25, 1967.

Mr. HALL, for 30 minutes, tomorrow.

Mr. CRAMER, for 10 minutes, today, to revise and extend his remarks and include extraneous matter.

The following Members (at the request of Mr. ALBERT) to revise and extend their remarks and to include extraneous matter:

Mr. DENT, for 60 minutes, on Tuesday, April 25, 1967; to revise and extend his remarks and to 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. MCCARTHY.

(The following Members (at the request of Mr. STANTON) and to include extraneous matter:)

Mr. ROUDEBUSH.

Mr. MORTON.

(The following Members (at the request of Mr. ALBERT) and to include extraneous matter:)

Mr. ST. ONGE.

Mr. KEE.

## ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 52 minutes p.m.), the House adjourned until tomorrow, Thursday, April 20, 1967, at 12 o'clock noon.

## CONTRACTUAL ACTIONS, CALENDAR YEAR 1966, TO FACILITATE NATIONAL DEFENSE

The Clerk of the House of Representatives submits the following report for printing in the CONGRESSIONAL RECORD pursuant to section 4(b) of Public Law 85–804:

ASSISTANT SECRETARY OF DEFENSE,
*Washington, D.C., April 17, 1967.*

Hon. JOHN W. MCCORMACK,
*Speaker of the House of Representatives, Washington, D.C.*

DEAR MR. SPEAKER: In compliance with Section 4(a) of Public Law 85–804, the calendar year 1966 report on extraordinary contractual actions to facilitate the national defense is transmitted herewith.

Table I shows that 336 contractual actions were approved with a cost to the Government of $6,688,000, and that 88 actions were disapproved. Included in the number of actions approved are 85 actions for which a potential Government liability cannot be estimated because it is contingent on a major accident such as a nuclear explosion.

Table II lists the actions which have an actual or potential cost to the Government of $50,000 or more. Included in this list are the above mentioned contingent liabilities for which a potential dollar cost cannot be estimated.

In addition to the actions reported on the above tables, the authority of Public Law 85–804 was used to require a standard employee compensation clause in all contracts for construction work at the Cape Kennedy complex. The clause specified various items of compensation based on a Project Stabilization Agreement negotiated by and between

the Patrick Air Force Base Contractors Association, the Brevard (Fla.) Building and Construction Trades Council and the Building and Construction Trades Department, AFL–CIO. Adoption of this clause resulted from the President's Missile Sites Labor Commission recommendation that adherence to the money provisions of the Project Stabilization Agreement by all contractors and subcontractors performing construction work at the Patrick Air Force Base and Cape Kennedy complex will promote stability, efficiency and economy of performance of contracts which directly affect the national defense.

Sincerely,

PAUL R. IGNATIUS,
*Assistant Secretary of Defense,*
*(Installations and Logistics).*

TABLE 1.—*Summary report of contractual actions taken pursuant to Public Law 85–804 to facilitate the national defense, January–December 1966*

[Dollar amounts in thousands]

| Department and type of action | Actions approved | | | Actions denied | |
|---|---|---|---|---|---|
| | Number | Amount requested | Amount approved | Number | Amount |
| Department of Defense, total | 336 | $8,156 | $6,688 | 88 | $2,288 |
| Amendments without consideration | 12 | 4,113 | 4,014 | 19 | 771 |
| Correction of mistakes | 157 | 3,084 | 2,097 | 51 | 1,224 |
| Formalization of informal commitments | 36 | 784 | 512 | 5 | 275 |
| Contingent liabilities | 85 | | | | |
| Disposition of property | 4 | | | | |
| Cancellation without cost | | | | | |
| Other | 42 | 175 | 65 | 13 | 18 |
| Army, total | 94 | 4,257 | 4,102 | 32 | 823 |
| Amendments without consideration | 2 | 3,668 | 3,668 | 5 | 301 |
| Correction of mistakes | 23 | 160 | 108 | 12 | 504 |
| Formalization of informal commitments | 22 | 265 | 265 | 2 | |
| Contingent liabilities | 4 | | | | |
| Disposition of property | 4 | | | | |
| Cancellation without cost | | | | | |
| Other (residual authority Dominican Republic) | 39 | 164 | 61 | 13 | 18 |
| Navy, total | 87 | 1,408 | 1,266 | 4 | 28 |
| Amendments without consideration | 7 | 130 | 130 | | |
| Correction of mistakes | 22 | 1,233 | 1,101 | 3 | 14 |
| Formalization of informal commitments | 5 | 34 | 31 | 1 | 14 |
| Contingent liabilities | 50 | | | | |
| Disposition of property | | | | | |
| Cancellation without cost | | | | | |
| Other (claims paid under residual powers) | 3 | 11 | 4 | | |
| Air Force, total | 78 | 2,179 | 1,051 | 36 | 1,279 |
| Amendments without consideration | 2 | 231 | 171 | 11 | 396 |
| Correction of mistakes | 40 | 1,488 | 689 | 23 | 622 |
| Formalization of informal commitments | 5 | 460 | 191 | 2 | 261 |
| Contingent liabilities | 31 | | | | |
| Disposition of property | | | | | |
| Cancellation without cost | | | | | |
| Other | | | | | |
| Defense Supply Agency, total | 77 | 312 | 269 | 16 | 158 |
| Amendments without consideration | 1 | 84 | 45 | 3 | 74 |
| Correction of mistakes | 72 | 203 | 199 | 13 | 84 |
| Formalization of informal commitments | 4 | 25 | 25 | | |

TABLE II.—*List of contractual actions with actual or potential cost of $50,000 or more taken pursuant to Public Law 85–804 to facilitate the national defense, January–December 1966*

| Name and location of contractor | Actual or estimated potential cost | Description of product or service | Justification |
|---|---|---|---|
| AMENDMENTS WITHOUT CONSIDERATION | | | |
| Army: | | | |
| Memcor, Inc., Huntington, Ind | $3,666,912 | AN/PRC-25 radio sets and related spare parts. | Continued deliveries are essential to meet requirements for southeast Asia. Failure to grant relief would almost certainly result in serious financial damage to this company. If this occurred, the Army would not be able to receive the items when required. In addition, procurement from another source would probably result in the loss of most of the amount already outstanding on loans to this company. |
| Navy: | | | |
| Memcor, Inc | 89,497 | Gyros for the MK 33, MK 37, and MK 44 torpedoes, bomb racks, transmitters, and altitude holding devices. | The contractor has suffered losses under defense contracts which have impaired its productive ability. Its continued operation for the performance of various Navy contracts is essential to the national defense. |
| Air Force: | | | |
| Central Technology, Inc., Box 231, Herrin, Ill. | 170,000 | Design and development of F-111 aircraft. | The contractor obtained R. & D. type contracts in order to establish a line of qualified products and in so doing incurred serious losses on a number of these contracts. Continued production is necessary to meet the scheduled test flight program. |
| CORRECTION OF MISTAKES | | | |
| Navy: | | | |
| Boeing Aircraft Co. (Vertol Division) | 853,738 | Helicopters | The contracts will be amended to provide for an additional amount to the contractor. This is to correct a mutual mistake based on the assumption that the starter engines would be Government furnished equipment instead of contractor furnished as called for in the specifications. |
| Federal Pacific Electric Co., 50 Avenue L Newark, N.J. | 59,653 | Engineering services | The additional engineering services provided by the contractor resulted from changes made in the specifications after equipment had been delivered and installed. This required considerably more services than had been provided for in the contract. |
| Air Force: | | | |
| Philco Corp., Western Development Laboratories, 3875 Fabian Way, Palo Alto, Calif. | 287,000 | Photogrammetric triangulation effort | This cost was authorized by letter contract but was inadvertently omitted from the definitive contract. |
| Douglas Aircraft Co., Inc., Missile and Space Systems Division 3000 Ocean Park Blvd., Santa Monica, Calif. | 71,079 | Operational development of missiles | To correct a mutual mistake where contractor was directed to accomplish changes in the contract without proper reimbursement. |

TABLE II.—*List of contractual actions with actual or potential cost of $50,000 or more taken pursuant to Public Law 85–804 to facilitate the national defense, January–December 1966*—Continued

| Name and location of contractor | Actual or estimated potential cost | Description of product or service | Justification |
|---|---|---|---|
| FORMALIZATION OF INFORMAL COMMITMENT | | | |
| Army: | | | |
| Douglas Aircraft Co., Inc., Charlotte Division, 1820 Statesville Ave., Charlotte, N.C. | $123,218 | Field engineers and field technicians to provide technical assistance, services and/or to install special modifications to Nike-Hercules missile system. | While a contract was being negotiated with the contractor the requirements were increased. Due to an urgent need for the services and further negotiation, the work was performed without a task order. Every effort was made to utilize normal procurement procedures but due to the urgency this was not practical. |
| Air Force: | | | |
| Aerojet-General Corp., Post Office Box 1947, Sacramento, Calif. | 60,555 | Production planning on Titan I engines. | The amount approved represents costs incurred by the contractor for his effort on the Titan I engines which was later canceled by the Government. |
| Shin Hyun III, Samdo Forrestry Co., 17-8 Ankukdong, Ching No Ku, Seoul, Korea. | 107,277 | Logs used in construction work at Suwon Airbase, Korea. | The contractor has been authorized reimbursement for logs taken during 1951 by the Air Force and for which payment was never received. This misunderstanding arose due to a dispute as to the owner of the property. |

CONTINGENT LIABILITIES

Provisions to indemnify contractors against liabilities on account of claims for death or injury or property damage arising out of nuclear radiation, use of high energy propellants, or other risks not covered by the contractor's insurance program were included in 84 contracts (the potential cost of these liabilities cannot be estimated). Items procured are generally those associated with nuclear-powered vessels, or nuclear armed guided missiles, or experimental work with nuclear energy.

| Name of contractor | Number of contracts | | |
|---|---|---|---|
| | Army | Navy | Air Force |
| Aerojet General Corp. | ------- | ------- | 5 |
| AVCO Corp. | ------- | 2 | ------- |
| Boeing Co. | ------- | ------- | 5 |
| Cutler Hammer | ------- | 1 | ------- |
| General Dynamics Corp. | ------- | 3 | ------- |
| General Electric Co. | 2 | 13 | ------- |
| Hercules, Inc. | ------- | 1 | 5 |
| Honeywell, Inc. | ------- | 2 | ------- |
| International Diary Engineering Co. | ------- | 1 | ------- |
| Lockheed Electronics Co. | ------- | 1 | ------- |
| Martin Co. | ------- | ------- | 3 |
| North American Aviation, Inc. | ------- | 8 | 7 |
| Northrop Corp. | ------- | 1 | ------- |
| Ocean Systems, Inc. | ------- | 1 | ------- |
| Raytheon Co. | ------- | 3 | ------- |
| Reynolds Submarine Services Corp. | ------- | 1 | ------- |
| Ryan Aeronautical Co. | ------- | ------- | 2 |
| Sperry Rand Corp. | ------- | 1 | 1 |
| Thiokol Chemical Corp. | ------- | ------- | 4 |
| United Aircraft | ------- | 1 | ------- |
| Westinghouse Electric Corp. | ------- | 9 | ------- |
| Zurn Industries | ------- | 1 | ------- |
| Total | 2 | 50 | 32 |

In addition to the above, special indemnification clauses will be included in all MAC Air Transportation Contracts when the Civil Reserve Air Fleet (CRAF) has been activated.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

667. A letter from the Chairman, Federal Reserve System, transmitting the Annual Report of the Board of Governors of the Federal Reserve System, for the year 1966, pursuant to the provisions of section 10 of the Federal Reserve Act, as amended; to the Committee on Banking and Currency.

668. A letter from the Secretary of Health, Education, and Welfare, transmitting the Annual Report of the Advisory Council on State Departments of Education, for the fiscal year ending June 30, 1966, pursuant to the provisions of Public Law 89–10; to the Committee on Education and Labor.

669. A letter from the Comptroller General, transmitting a report of need to strengthen controls over use of modified live virus vaccines in the hog cholera eradication program, Agricultural Research Service, Department of Agriculture; to the Committee on Government Operations.

670. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting a report on extraordinary contractual actions to facilitate the national defense, for the calendar year 1966, pursuant to the provisions of Public Law 85–804; 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. SISK: Committee on Rules. House Resolution 442. Resolution providing for the consideration of H.R. 2508, a bill to require the establishment, on the basis of the 18th and subsequent decennial censuses, of congressional districts composed of contiguous and compact territory for the election of Representatives, and for other purposes (Rept. No. 196). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARING:

H.R. 8740. A bill to amend the Mineral Leasing Act with respect to limitations on the leasing of coal lands imposed upon railroads; to the Committee on Interior and Insular Affairs.

By Mr. BRAY:

H.R. 8741. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to consolidate certain provisions assuring the safety and effectiveness of new animal drugs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BYRNE of Pennsylvania:

H.R. 8742. 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.

H.R. 8743. A bill to exclude from income certain reimbursed moving expenses; to the Committee on Ways and Means.

By Mr. CLEVELAND:

H.R. 8744. 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.

H.R. 8745. A bill arranging for orderly marketing of certain imported articles; to the Committee on Ways and Means.

By Mr. DANIELS:

H.R. 8746. A bill to amend section 4(e) of the Fair Labor Standards Act of 1938 to require the Secretary of Labor to investigate the effect of foreign competition on domestic employment when a complaint is filed by an employer or labor organization; to the Committee on Education and Labor.

H.R. 8747. A bill to amend the Fair Labor Standards Act of 1938 to establish procedures to relieve domestic industries and workers injured by increased imports from low-wage areas; to the Committee on Education and Labor.

By Mr. EILBERG:

H.R. 8748. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

H.R. 8749. A bill to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes; to the Committee on the Judiciary.

H.R. 8750. A bill to provide compensation to survivors of local law enforcement officers killed while apprehending persons for committing Federal crimes; to the Committee on the Judiciary.

H.R. 8751. A bill to adjust the rates of basic compensation of certain employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 8752. A bill to amend the Federal Water Pollution Control Act to establish standards and programs to abate and control water pollution by synthetic detergents; to the Committee on Public Works.

By Mr. WILLIAM D. FORD:

H.R. 8753. 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. JOHNSON of California:

H.R. 8754. A bill to amend the Mineral Leasing Act with respect to limitations on the leasing of coal lands imposed upon railroads; to the Committee on Interior and Insular Affairs.

H.R. 8755. A bill to amend the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. LLOYD:

H.R. 8756. A bill to exempt from the antitrust laws certain combinations and arrangements necessary for the survival of failing newspapers; to the Committee on the Judiciary.

H.R. 8757. A bill to authorize construction of the Little Dell Dam and Reservoir project,

Salt Lake City, Utah; to the Committee on Public Works.

H.R. 8758. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. McCARTHY:

H.R. 8759. A bill to amend the Federal Water Pollution Control Act to establish standards and programs to abate and control water pollution by synthetic detergents; to the Committee on Public Works.

By Mr. O'NEAL of Georgia:

H.R. 8760. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to consolidate certain provisions assuring the safety and effectiveness of new animal drugs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PETTIS:

H.R. 8761. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

H.R. 8762. A bill to amend title II of the Merchant Marine Act, 1936, to create the Federal Maritime Administration, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. RANDALL:

H.R. 8763. A bill to amend the act of October 1, 1965 (79 Stat. 897); to the Committee on Interior and Insular Affairs.

By Mr. STEIGER of Wisconsin:

H.R. 8764. A bill to amend the Public Health Service Act to protect the public from unsanitary milk and milk products shipped in interstate commerce, without unduly burdening such commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. WATTS:

H.R. 8765. A bill to amend subsection (b) of section 512 of the Internal Revenue Code of 1954 by making it clear that the income, including subscription and advertising income, derived by an organization in carrying on any publication, such as a trade or professional journal, shall not be deemed to be unrelated business taxable income if the publication is substantially related to the purpose or function constituting the organization's basis for its tax exemption; to the Committee on Ways and Means.

H.R. 8766. A bill to amend subsection (c) of section 501 of the Internal Revenue Code by making it clear that the tax exemption of a civic league or organization exclusively for the promotion of social welfare shall not be affected because of income, including subscription and advertising income, derived from carrying on any publication, such as a journal, which is substantially related to the purpose or function constituting the organization's basis for its tax exemption; to the Committee on Ways and Means.

By Mr. WILLIAMS of Pennsylvania:

H.R. 8767. A bill to control unfair trade practices affecting producers of agricultural products and associations of such producers, and for other purposes; to the Committee on Agriculture.

By Mr. WYMAN:

H.R. 8768. A bill to prohibit desecration of the flag; to the Committee on the Judiciary.

By Mr. BYRNES of Wisconsin:

H.R. 8769. A bill granting the consent of Congress to a Great Lakes Basin compact, and for other purposes; to the Committee on Foreign Affairs.

By Mr. THOMSON of Wisconsin:

H.R. 8770. A bill granting the consent of Congress to a Great Lakes Basin compact, and for other purposes; to the Committee on Foreign Affairs.

By Mr. O'KONSKI:

H.R. 8771. A bill granting the consent of Congress to a Great Lakes Basin compact, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SCHADEBERG:

H.R. 8772. A bill granting the consent of Congress to a Great Lakes Basin compact, and for other purposes; to the Committee on Foreign Affairs.

By Mr. LAIRD:

H.R. 8773. A bill granting the consent of Congress to a Great Lakes Basin compact, and for other purposes; to the Committee on Foreign Affairs.

By Mr. STEIGER of Wisconsin:

H.R. 8774. A bill granting the consent of Congress to a Great Lakes Basin compact, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ASPINALL:

H.R. 8775. A bill to increase the appropriation authorization for continuing work in the Missouri River Basin by the Secretary of the Interior; to the Committee on Interior and Insular Affairs.

By Mr. EILBERG:

H.R. 8776. 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. FRIEDEL:

H.R. 8777. A bill to amend the Railroad Retirement Act of 1937 and the Railroad Unemployment Insurance Act to provide for increase in benefits and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HOSMER:

H.R. 8778. A bill to prohibit desecration of the flag; to the Committee on the Judiciary.

H.R. 8779. A bill to amend title XVIII of the Social Security Act to permit payment to an individual for the charges made by physicians and other persons providing services covered by the supplementary medical insurance program prior to such individual's own payment of the bill for the services involved; to the Committee on Ways and Means.

By Mr. HUNT:

H.R. 8780. A bill to amend the Railroad Retirement Act of 1937 to provide a full annuity for any individual (without regard to his age) who has completed 30 years of railroad service; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of California:

H.R. 8781. A bill to provide for the exchange of certain lands in Shasta County, Calif.; to the Committee on Interior and Insular Affairs.

By Mr. MATHIAS of California:

H.R. 8782. A bill to provide for the establishment of a national cemetery in Kern County in the State of California; to the Committee on Interior and Insular Affairs.

By Mr. MATHIAS of Maryland:

H.R. 8783. A bill to amend the act of July 4, 1966 (Public Law 89-491); to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 8784. A bill to amend the act of July 4, 1966 (Public Law 89-491); to the Committee on the Judiciary.

By Mr. MULTER:

H.R. 8785. A bill to establish a Commission on Government Procurement; to the Committee on Government Operations.

By Mr. OLSEN:

H.R. 8786. A bill to amend chapter 3 of title 18, United States Code, to prohibit the importation into the United States of certain noxious aquatic plants; to the Committee on the Judiciary.

H.R. 8787. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. PICKLE:

H.R. 8788. 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. QUILLEN:

H.R. 8789. A bill to provide comprehensive rules for the District of Columbia dealing with interrogation which will fully protect the rights and interest of society and the criminally accused; to the Committee on the District of Columbia.

H.R. 8790. A bill to provide comprehensive rules dealing with interrogation which will fully protect the rights and interest of society and the criminally accused; to the Committee on the Judiciary.

By Mr. REES:

H.R. 8791. A bill to provide for U.S. participation in a special fund of the Asian Development Bank; to the Committee on Banking and Currency.

H.R. 8792. A bill to amend the Export Control Act of 1949; to the Committee on Banking and Currency.

By Mr. REINECKE:

H.R. 8793. A bill to strengthen the criminal penalties for the mailing, importing, or transporting of obscene matter, and for other purposes; to the Committee on the Judiciary.

H.R. 8794. 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 civil disturbance, and for other purposes; to the Committee on the Judiciary.

H.R. 8795. A bill to protect postal patrons from morally offensive mail matter; to the Committee on Post Office and Civil Service.

By Mr. ST GERMAIN:

H.R. 8796. A bill to repeal the authority for the current wheat and feed grain programs and to authorize programs that will permit the market system to work more effectively for wheat and feed grains, and for other purposes; to the Committee on Agriculture.

H.R. 8797. A bill to amend section 8(b)(4) of the National Labor Relations Act, as amended, with respect to strike at the sites of construction projects; to the Committee on Education and Labor.

By Mr. SMITH of Iowa:

H.R. 8798. A bill to regulate and prevent burdens upon Commerce among the States by providing a system for the taxation of money earned outside of a State; to the Committee on the Judiciary.

By Mr. STRATTON:

H.R. 8799. A bill to amend section 131 of title 23 of the United States Code relating to the control of outdoor advertising; to the Committee on Public Works.

By Mr. THOMPSON of New Jersey:

H.R. 8800. 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. TAFT:

H.R. 8801. A bill to exclude from income certain reimbursed moving expenses; to the Committee on Ways and Means.

H.R. 8802. A bill to amend section 7701 of the Internal Revenue Code of 1954 to clarify the tax status of certain professional associations and corporations formed under State law; to the Committee on Ways and Means.

By Mr. WALKER:

H.R. 8803. A bill to provide grants-in-aid to States for gold mining subsidies; to the Committee on Interior and Insular Affairs.

By Mr. WATSON:

H.R. 8804. A bill to amend section 3 of title 4 of the United States Code to prohibit the mutilation of the flag anywhere in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. WILLIAMS of Pennsylvania:

H.R. 8805. A bill to repeal the authority for the current wheat and feed grain programs and to authorize programs that will permit the market system to work more effectively for wheat and feed grains, and for other purposes; to the Committee on Agriculture.

By Mr. ANDERSON of Illinois:

H.J. Res. 515. Joint resolution requesting the Department of Defense to use butter in its rations; to the Committee on Armed Services.

By Mr. FRIEDEL:

H.J. Res. 516. Joint resolution to amend the joint resolution of March 25, 1953, relating to electrical and mechanical office equipment for the use of Members, officers, and committees of the House of Representatives, and to remove specific limitations on electric typewriters furnished to Members; to the Committee on House Administration.

By Mr. HORTON:

H.J. Res. 517. Joint resolution authorizing and requesting the President of the United States to issue annually a proclamation designating June as "Amyotrophic Lateral Sclerosis Month"; to the Committee on the Judiciary.

By Mr. McFALL:

H.J. Res. 518. Joint resolution requesting the Department of Defense to use butter in its rations; to the Committee on Armed Services.

By Mr. REINECKE:

H.J. Res. 519. Joint resolution to create a joint congressional committee to study and report on problems relating to industrywide collective bargaining and industrywide strikes and lockouts; to the Committee on Rules.

By Mr. ASHMORE:

H. Con. Res. 317. Concurrent resolution expressing the sense of the Congress with respect to the United Nations sanctions against Rhodesia; to the Committee on Foreign Affairs.

By Mr. COLMER:

H. Res. 441. Resolution amending the Rules of the House of Representatives relating to germaneness; to the Committee on Rules.

## MEMORIALS

Under clause 4 of rule XXII,

148. The SPEAKER presented a memorial of the Legislature of the State of Colorado, relative to amending the Highway Beautification Act of 1965, which was referred 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. ADDABBO:

H.R. 8806. A bill for the relief of Dr. Henry B. So; to the Committee on the Judiciary.

By Mr. BRASCO:

H.R. 8807. A bill for the relief of Girolamo Scardino; to the Committee on the Judiciary.

By Mr. FASCELL:

H.R. 8808. A bill to permit the vessel *Defiant* to be documented for use in the fisheries and coastwise trade; to the Committee on Merchant Marine and Fisheries.

By Mr. FISHER:

H.R. 8809. A bill for the relief of Maj. Hollis O. Hall; to the Committee on the Judiciary.

By Mr. GUDE:

H.R. 8810. A bill for the relief of Young Kwon Chun and Dong Seung Chun; to the Committee on the Judiciary.

By Mr. HUTCHINSON:

H.R. 8811. A bill for the relief of Cornelis de Geus; to the Committee on the Judiciary.

By Mr. LONG of Maryland:

H.R. 8812. A bill for the relief of Ilona Diaz; to the Committee on the Judiciary.

By Mr. MOORE:

H.R. 8813. A bill for the relief of Giorgio Biagini; to the Committee on the Judiciary.

H.R. 8814. A bill for the relief of Mrs. Annette Velia Marjorie Cable Biagini; to the Committee on the Judiciary.

By Mr. POLANCO-ABREU:

H.R. 8815. A bill for the relief of Dr. Newton Marten-Ellis; to the Committee on the Judiciary.

H.R. 8816. A bill for the relief of Dr. Guillermo Sardinas Perez; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H.R. 8817. A bill to grant commissary, post exchange, and ship's store privileges to Roswell Kelly; to the Committee on Armed Services.

# SENATE

## WEDNESDAY, APRIL 19, 1967

The Senate met at 11 o'clock a.m., and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Eternal God, in this hour of the world's deep distress we turn to Thee, mindful of our insufficiency. We are but broken reeds, lashed by wild winds that mock our boasting pride uttered in days of calm. The arm of flesh is futile. Thine alone, O Lord, is the greatness and the power and the glory and the victory. Thou only art as the shadow of a great rock in a weary land. We are humbly grateful that our America still stands with lamp held aloft, a beacon of freedom for all the earth.

Send us forth to waiting tasks, conscious of a great heritage worth living and dying for, and with a deathless cause that no weapon that has been formed can defeat.

We lift our morning prayer in the dear Redeemer's name. Amen.

## THE JOURNAL

On request of Mr. BYRD of West Virginia, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, April 18, 1967, was dispensed with.

## MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Jones, one of his secretaries.

## LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that statements made during the transaction of routine morning business be limited to 3 minutes, following the speech that is to be delivered by the distinguished Senator from Maryland [Mr. TYDINGS] under the order previously entered.

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

## RECOGNITION OF SENATOR TYDINGS

The PRESIDING OFFICER. Under the order previously entered, the Chair recognizes the Senator from Maryland.

## VALIDITY OF CONSTITUTIONAL CONVENTION PETITIONS REGARDING REAPPORTIONMENT

Mr. TYDINGS. Mr. President, several weeks ago the distinguished Senator from Wisconsin [Mr. PROXMIRE] and I called attention, on the floor of the Senate, to the clear possibility that we are approaching another chapter in the battle against malapportioned State legislatures. We noted that 32 State legislatures had, at that time, apparently petitioned Congress to call a convention to propose specific amendments to the Constitution dealing with legislative apportionment.

If two more State legislatures petition Congress for a convention dealing with any aspect of legislative apportionment, I expect that the same forces which were defeated twice during the 89th Congress in their attempts to authorize legislative malapportionment will rush back to the floor of the Senate demanding that Congress immediately call a constitutional convention. Their arguments, no doubt, will be deceptively simple. They will cite article V of the Constitution:

> The Congress . . . on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments.

They will contend that 34 valid petitions had been received, and that Congress must immediately call a convention.

Mr. President, we in Congress must be prepared for this new assault on the principle of one-man, one-vote. These latest tactics present gravely disturbing questions which have potential impact far beyond the apportionment issue itself. I should like to explore these questions today—before any resolution is before us in Congress—so that we might calmly examine the merits of the possible demands for a convention before the proponents attempt to stampede us into convening an ill-considered constitutional convention.

I wish to discuss two questions today. These are not the only questions regarding the validity or meaning of the petitions now before Congress, but I believe these questions have particular importance. The first question I wish to discuss today is, Should Congress regard as invalid petitions from malapportioned legislatures calling for a constitutional amendment to authorize malapportionment? In my judgment, the answer is "Yes." Both the distinguished Senator from Wisconsin and I took this position on the Senate floor several weeks ago. Today I shall spell out in somewhat greater detail my justification for this position.

I begin with the premise that a malapportioned State legislature abridges the fundamental rights of citizens living in more populous, underrepresented districts. As the Supreme Court stated,