The members of the debate team supporting the ABM are:

Charles Lerch, Institute of Defense Analysis.

Richard Fryklund, Special Advisor to the Deputy Secretary of Defense.

Members of the opposing view are:

Dr. George Rathjens, Professor of Political Science, M.I.T.

Dr. Jeremy Stone, author, member of Council, Federation of American Scientists.

Robert Goralski of NBC News will be the moderator of this debate.

We deeply regret the silence of our elected and appointed Virginia leaders. Although the ABM vote is scheduled for mid-June, we sincerely hope that the Town Meeting will be the beginning of an 11th hour intense round of discussions and hearings on this most controversial and critical of issues.

Sponsoring Groups: Langley Hills Friends Meetings, New Democratic Coalition of No. Va., Northern Virginia Action Committee, Northern Virginia Clergy and Laymen Concerned About Vietnam;

Parkfairfax Citizens Association;

Support Christian Action House Church of the Little Falls Presbyterian Church;

Spectrum, George Mason College;

Virginia United Methodist Board of Christian Social Concerns, and Washington Area SANE.

HOUSE OF REPRESENTATIVES—*Tuesday, June 3, 1969*

The House met at 12 o'clock noon.

Rabbi Louis Kaplan, Congregation Ohev Shalom, Nether Providence, Pa., offered the following prayer:

Lord:
In commencing this session of the House of Representatives,
Begin we must by expressing gratitude for being alive.
Even as we have risen from sleep,
Rouse us, too, we pray from our shackles of yesterday—
The fetters of ignorance, resistance to worthwhile change,
Yielding complacency, inertia, and other shortcomings.

Aid us to attain a healthy discontent
Now concerning what we have done, as well as a
Determined and renewed enthusiasm for what we can do.

Joining high resolve with noble goals,
Understanding with genuine compassion,
Spur these leaders, especially to translate
The Biblical challenge "to do righteousness and justice"
Into legislation enabling more
Children and adults, in this Nation and elsewhere, to
Enjoy their "unalienable rights" in the human family.

THE JOURNAL

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

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

MESSAGE FROM THE SENATE

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

H.R. 684. An act to amend title 38 of the United States Code in order to make certain technical corrections therein, and for other purposes;

H.R. 2718. An act to extend for an additional temporary period the existing suspension of duties on certain classifications of yarn of silk;

H.R. 2940. An act for the relief of Henry E. Dooley;

H.R. 10015. An act to extend through December 31, 1970, the suspension of duty on electrodes for use in producing aluminum; and

H.R. 10016. An act to continue until the close of June 30, 1971, the existing suspension of duties for metal scrap.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested.

S. 83. An act for the relief of certain civilian employees and former civilian employees of the Bureau of Reclamation;

S. 275. An act for the relief of the village of Orleans, Vt.;

S. 499. An act for the relief of Ludger J. Cossette;

S. 728. An act for the relief of Capt. Richard L. Schumaker, U.S. Army;

S. 901. An act for the relief of William D. Pender;

S. 1010. An act for the relief of Mrs. Aili Kallio;

S. 1193. An act to authorize the Secretary of the Interior to prevent terminations of oil and gas leases in cases where there is a nominal deficiency in the rental payment, and to authorize him to reinstate under some conditions oil and gas leases terminated by operation of law for failure to pay rental timely;

S. 1236. An act for the relief of Homer T. Williamson, Sr.; and

S.J. Res. 112. Joint resolution to amend section 19(e) of the Securities Exchange Act of 1934.

ELECTION TO COMMITTEE

Mr. GERALD R. FORD. Mr. Speaker, I offer a privileged resolution (H. Res. 431) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 431

Resolved, That Barry M. Goldwater, Jr., of California, be and he is hereby elected a member of the standing committee of the House of Representatives on Science and Astronautics.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR SUBCOMMITTEE ON URBAN GROWTH, COMMITTEE ON BANKING AND CURRENCY, TO SIT TODAY DURING GENERAL DEBATE

Mr. ASHLEY. Mr. Speaker, I ask unanimous consent that the Subcommittee on Urban Growth of the Committee on Banking and Currency may have permission to sit during the session this afternoon during general debate.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

TRIBUTE TO THE LATE TRUMAN WARD, MAJORITY CLERK

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I join with other Members of Congress and congressional employees in mourning the passing of the majority clerk of the House of Representatives, Mr. Truman Ward. Mr. Ward passed away this past Sunday. This fine gentleman was born and raised in Clarke County, Miss., the district which I represent. He served the Members of Congress with great devotion and loyalty. He held the position of either majority or minority clerk for some 48 years. Mr. Truman Ward assumed his duties in 1921 at the age of 29. In talking of his work on Capitol Hill, Mr. Ward recently pointed out there were no longer any Members of Congress still serving that were here when he first came to work. We will all certainly miss his warmness to people, his professional ability, and the outstanding service he rendered to his country.

I am sure all Members of Congress join with me in sending our sincere condolances to Mr. Ward's wife, daughter, three sons, and 12 grandchildren. Members of Congress may pay their respects to Mr. Truman Ward's family at the Joseph Gawler's Sons Funeral Home from 2 this afternoon until 9 tonight. The funeral will be held at 11 tomorrow morning in the sanctuary of the Capitol Hill Metropolitan Baptist Church.

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

Mr. MONTGOMERY. I yield to my colleague from Mississippi.

Mr. ABERNETHY. Mr. Speaker, we were all saddened on learning that our good friend and valuable employee, Truman Ward, had passed away.

I had not been a Member of this body but for a day or so when I first became acquainted with Truman. In fact, he went to the trouble of making a personal visit to my office that we might get acquainted. Then and there he made suggestions and gave me the benefit of counsel which I as a new Member found most helpful. This was typical of Truman Ward. He was unselfish. He was tender and kind. He was never too busy to advise with me or other Members about the printing needs of our offices. He did a good job for all of us.

Truman was good to the employees, too. Scores of them found their way to and secured employment on Capitol Hill through his personal efforts. For all who

called on him he gladly and happily rendered favors and services to the full extent of his capacity.

We will miss Truman. Yes, we will miss him greatly. And as time moves by we shall never forget him or the service he rendered as a faithful employee on Capitol Hill.

His family has our sympathy.

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

Mr. MONTGOMERY. I yield to the majority leader, the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, I am sure all of my colleagues were saddened as I was, to learn of the death on Sunday of Mr. Truman Ward, clerk of the majority room in the House of Representatives. A familiar figure among Members and employees of the House of Representatives, Truman Ward joined the House staff in 1921, shortly after coming to Washington. As clerk of the majority room, he performed countless services for Members and staffs. As many know, not only did he serve the printing needs of Democratic Members but he also functioned as an unofficial placement officer for Capitol Hill employees.

All of his friends on Capitol Hill and in the House of Representatives will miss Truman. Mrs. Albert joins me in extending to Mrs. Ward and his family our deepest sympathy.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the minority leader, the gentleman from Michigan.

Mr. GERALD R. FORD. I share the expression of the gentleman from Mississippi and others concerning Truman Ward. Although I did not know Mr. Ward intimately, I am very familiar with his loyalty, his ability, and his total devotion to the legislative branch and, more particularly, the House of Representatives. I join with others in expressing to his family our deepest sympathy in this hour of sadness.

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

Mr. MONTGOMERY. I yield to the majority whip, the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, I would like to associate myself with the remarks that have been made about Mr. Ward. I can think of no one who has served the Members of the House who could be better described as almost irreplaceable. Truman Ward, in his quiet, efficient way, was tremendously helpful to all of us in the operation of our offices, the preparation of printed material, the securing of office help, guiding new employees, and in many other ways, too numerous to recount. I join with all the others in expressing condolences to his family, and I trust that we will be fortunate enough somewhere within that family to find a successor.

Mr. MONTGOMERY. I thank the gentleman from Louisiana, and all others who have spoken, for their remarks.

Mr. McCORMACK. Mr. Speaker, I am sure that the fact of the tragic passing of Truman Ward has already come to the attention of his legion of friends among the Members of this House. He died on Sunday, June 1, after a lifetime spent in the service of the House of Representatives. Last rites are to be held tomorrow, Wednesday, at the Capitol Hill Metropolitan Baptist Church, Sixth and A Streets NE., at 11 a.m., and interment will take place at National Memorial Park.

He was born 76 years ago in Enterprise, Miss., and, after spending his early years and young manhood there, he came to Washington to serve the House of Representatives in 1921. What a record of dedicated, devoted, and enthusiastic service he set during his lengthy career as a faithful steward of the interests of the Members of this Chamber.

Equal to his dedication to the House, however, was his devotion to his religion. He joined the Capitol Hill Metropolitan Baptist Church in 1922 and was a member of its board of deacons from 1943 until his death. His fellow church members, like his fellow employees of the House, and like the Members of the House, lament his loss for myriad reasons. They will miss his friendly presence among them. They will have lost his desire to be helpful which was combined with the practical ability needed to be very helpful indeed. They will have been deprived of his unfailing cheerfulness, his abundant energy, his understanding of his fellow man, his scrupulous integrity, and his profound religious belief.

Those of us who have, over the years, sought his assistance, can testify to these qualities which made him universally popular. He had an intuitive understanding of the needs of Members in the production of their newsletters and other printed communications with the constituents of their districts. To that intuitive understanding was coupled the distilled wisdom of almost a half century of experience in the legislative process at the national level.

There was very little about the Congress of the United States that Truman Ward did not know, and it speaks well for this institution to which we are all devoted that this knowledge induced in him an incontestably high regard for the House of Representatives and for its Members and employees.

Truman Ward was truly a man whom we shall greatly miss in our daily tasks, both as a friend and as an utterly competent and thoroughly obliging employee of the House. To his widow, Gladys, and to his three sons, we offer the assurance, in these hours of grief, that we are well aware that this House will not be served by his like again. We say to him, from the very depths of our hearts, "Well done, thou good and faithful servant."

Mr. PICKLE. Mr. Speaker, regardless of which side of the isle we occupy, all of us have lost a friend. Truman Ward, clerk of the majority room, died Sunday.

For nearly 48 years, Mr. Ward served the Hill. Somehow, the press room will continue—but it will not be the same. All of us can remember the times that Truman Ward pulled out a print job under impossible deadlines.

Most of us owe him a great deal. I cannot recall how many of my assistants that Truman Ward has "trained." I wonder how many people on the Hill owe their jobs to this white-haired gentleman who greeted everyone with "Good morning, Judge."

More than a printer, Truman Ward was a person who cared about his fellow man. He was one of our living traditions. For the 76 years of his life, Truman Ward was an example to all of us. We shall miss him.

Mr. CHARLES H. WILSON. Mr. Speaker, I am deeply saddened to learn of the recent passing of our good friend and invaluable aide, Truman Ward. Over the years he smoothed the road in many ways by helping Members to effectively communicate thoughts, ideas, and activities to millions of constituents across the country. At a time when lack of communication is being blamed for all sorts of problems, Truman's friendly and helpful office certainly did a great deal to assure that we could effectively communicate with voters on vital issues.

For 48 years, as clerk of the majority room, Truman Ward's good humor and generous assistance made him an extremely popular Capitol Hill figure. We shall miss him. A native of Enterprise, Miss., he began his remarkable Washington career in 1921 and served continually the needs of Congress until his death. In addition to his work as majority printer, Truman was an able and willing helper to dozens of staff members, newcomers, and friends seeking jobs and guidance in Washington. He was always a welcome and needed port in a storm during the political turmoil that is so much a part of life in Washington; above all, he was a good friend. To Gladys Ward and the other members of his family, I extend my sympathies at the loss of this fine and well respected man, Truman Ward.

GENERAL LEAVE TO EXTEND

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the life, character, and public service of the late Truman Ward.

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

There was no objection.

PERSONAL EXPLANATION

Mr. FISH. Mr. Speaker, on June 2, 1969, while I was unavoidably detained at an important meeting in my district the House took two rollcall votes on H.R. 763 to provide for a study of State laws concerning the governing operations of youth camps, and on H.R. 693 to provide that veterans 72 years of age shall be deemed unable to defray hospital expenses.

I request that it be made a matter of record that had I been present, I would have voted in the affirmative on both bills.

PERMISSION FOR SUBCOMMITTEE ON HOME FINANCING, COMMITTEE ON BANKING AND CURRENCY, TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, on behalf of the gentlewoman from Missouri (Mrs.

SULLIVAN), I ask unanimous consent that the Subcommittee on Home Financing of the Committee on Banking and Currency may sit during general debate today.

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

Mr. HALL. Mr. Speaker, reserving the right to object, may I ask the distinguished majority leader, in view of this request, if we are going to proceed to the Hill-Burton bill and discussion and debate thereof today, or is that to follow on another day?

Mr. ALBERT. That is to come probably tomorrow.

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

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

There was no objection.

FIRST ANNUAL REPORT OF THE RADIATION CONTROL FOR HEALTH AND SAFETY ACT OF 1968—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-126)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

To the Congress of the United States:

In accordance with Section 360D of the Radiation Control for Health and Safety Act of 1968 (Public Law 90-602), I am herewith transmitting to you the first annual report on the administration of this Act. This report, prepared by the Department of Health, Education and Welfare, describes activities undertaken to carry out the purposes of this Act during the 1968 calendar year as well as plans for further implementation of the Act during the current year.

RICHARD NIXON.

THE WHITE HOUSE, *June 2, 1969.*

PRIVATE CALENDAR

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

FRANK KLEINERMAN

The Clerk called the bill (H.R. 3377) for the relief of Frank Kleinerman.

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

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

There was no objection.

PEDRO IRIZARRY GUIDO

The Clerk called the bill (H.R. 5000) for the relief of Pedro Irizarry Guido.

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

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

There was no objection.

JOHN VINCENT AMIRAULT

The Clerk called the bill (H.R. 2552) for the relief of John Vincent Amirault.

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

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

There was no objection.

PROVIDING FOR REFERRAL OF CLAIM OF JESUS J. RODRIGUEZ

The Clerk called House Resolution 86, providing for referring the bill (H.R. 1691) to the Chief Commissioner of the Court of Claims.

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

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

There was no objection.

CAPT. JOHN W. BOOTH III

The Clerk called the bill (H.R. 1808) for the relief of Capt. John W. Booth III.

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

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

There was no objection.

MRS. BEATRICE JAFFE

The Clerk called the bill (H.R. 1865) for the relief of Mrs. Beatrice Jaffe.

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

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

There was no objection.

MRS. AILI KALLIO

The Clerk called the bill (H.R. 1999) for the relief of Mrs. Aili Kallio.

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

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

There was no objection.

MRS. EZRA L. CROSS

The Clerk called the bill (H.R. 4744) for the relief of Mrs. Ezra L. Cross.

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

H.R. 4744

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 8119 to 8122, inclusive, of chapter 81 of title 5, United States Code, relating to "Compensation for Work Injuries," are hereby waived in favor of Mrs. Ezra L. Cross of Flint, Michigan, and her claim for compensation for the death of her husband, Ezra L. Cross, a former employee of the Agency for International Development, who died on September 30, 1961, shall be acted upon under the remaining provisions of such chapter in the same manner as if such claim had been timely filed, if she files such claim with the Department of Labor (Bureau of Employees' Compensation) within six months after the date of the enactment of this Act.

Benefits shall accrue by reason of the enactment of this Act from a period beginning not more than five years from the date of death of Ezra L. Cross, such period to be determined by the Bureau of Employees' Compensation; except that hospital, medical, funeral, and burial expenses which are deemed reimbursable shall not be reduced by operation of this limitation.

With the following committee amendment:

On page 2, lines 4 through 10, strike the language contained therein and insert:

"No benefits shall accrue by reason of the enactment of this Act for any period prior to the date of enactment; except that hospital, medical, funeral, and burial expenses which are deemed reimbursable shall not be reduced by operation of this limitation."

The committee amendment was agreed to.

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

COMDR. EDWIN J. SABEC, U.S. NAVY

The Clerk called the bill (H.R. 5419) to provide relief for Comdr. Edwin J. Sabec, U.S. Navy.

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

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

There was no objection.

ALFRED LORMAN

The Clerk called the bill (H.R. 3006) to fix date of citizenship of Alfred Lorman for purposes of War Claims Act of 1948.

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

H.R. 3006

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of the War Claims Act of 1948, Alfred Lorman, a former citizen of Austria, shall be deemed to have become a citizen of the United States on June 22, 1944, the date that he became eligible to take the oath of allegiance to the United States, and the Foreign Claims Settlement Commission shall receive and determine such claim in accordance with all other provisions of War Claims Act of 1948, as amended, and the award, if any, made by the Commission shall be paid by the Secretary of the Treasury from the War Claims Fund.

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

AMALIA P. MONTERO

The Clerk called the bill (H.R. 6375) for the relief of Amalia P. Montero.

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

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

There was no objection.

LT. COL. EARL SPOFFORD BROWN

The Clerk called the bill (H.R. 6377) for the relief of Lt. Col. Earl Spofford Brown, U.S. Army Reserve, retired.

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

H.R. 6377

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Earl Spofford Brown, lieutenant colonel, United States Army Reserve (retired), [redacted], is relieved of all liability for repayment to the United States of the sum of $3,522.81 representing the amount of overpayments in longevity pay received by him for the period from June 1, 1942, through May 31, 1961, while he was serving as a member of the United States Army, resulting from administrative error on the part of Army personnel.

SEC. 2. The Comptroller General of the United States or his designee shall relieve disbursing agents of the Army, Navy, and Air Force from accountability or responsibility for any payments described in section 1 of this Act, and shall allow credits in the settlements of the accounts of those officers or agents for payments which are found to be free from fraud or collusion.

SEC. 3. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury, not otherwise appropriated, to the said Earl Spofford Brown, the sum of any amounts received or withheld from him on account of the overpayments referred to in section 1 of this Act. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person, violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

On page 2, lines 12 and 13, strike "in excess of 10 per centum thereof".

The committee amendment was agreed to.

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

MAJ. CLYDE NICHOLS

The Clerk called the bill (H.R. 6850) for the relief of Maj. Clyde Nichols, retired.

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

H.R. 6850

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Major Clyde Nichols (United States Air Force, retired) of Chattanooga, Tennessee, is relieved of liability to the United States in the amount of $3,836.09, representing overpayments of base pay received by him for the period beginning April 1, 1953 and ending December 31, 1962, as a result of inclusion by the Air Force, through administrative error, for pay purposes of three years and nine months of service by the said Clyde Nichols as a midshipman in the United States Naval Reserve. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Clyde Nichols an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, with respect to the indebtedness to the United States specified in the first section of this Act.

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

With the following committee amendments:

On page 1, line 6, after "base pay" insert "and flight pay".

On page 1, line 7, strike "April 1, 1953" and insert "December 18, 1954".

On page 2, line 13, strike "in excess of 10 per centum thereof".

The committee amendments were agreed to.

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

MRS. VITA CUSUMANO

The Clerk called the bill (H.R. 1462) for the relief of Mrs. Vita Cusumano.

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

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

There was no objection.

MISS JALILEH FARAH SALAMETH EL AHWAL

The Clerk called the bill (H.R. 1707) for the relief of Miss Jalileh Farah Salameth El Ahwal.

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

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

There was no objection.

JAMES HIDEAKI BUCK

The Clerk called the bill (H.R. 2208) for the relief of James Hideaki Buck.

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

H.R. 2208

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, James Hideaki Buck may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Howard J. Buck, a citizen of the United States, pursuant to section 204 of the Act.

With the following committee amendment:

On page 1, line 8, strike out the word "Act." and insert in lieu thereof the following: "Act: *Provided,* That the natural brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

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

FRANKLIN JACINTO ANTONIO

The Clerk called the bill (H.R. 2224) for the relief of Franklin Jacinto Antonio.

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

H.R. 2224

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Franklin Jacinto Antonio may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Mr. and Mrs. Cal Carinio Jacinto, citizens of the United States, pursuant to section 204 of the Act.

With the following committee amendment:

On page 1, line 8, strike out the word "Act." and insert in lieu thereof the following: "Act: *Provided,* That the natural brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

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

FRANCESCA ADRIANA FATTA (MILLONZI)

The Clerk called the bill (H.R. 2536) for the relief of Francesca Adriana Fatta (Millonzi).

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

H.R. 2536

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

With the following committee amendments:

On page 1, line 4, strike out the name "Francesca Adriana Fatta (Millonzi)" and insert in lieu thereof the following: "Francesca Adriana Millonzi".

On page 1, line 8, strike out the word "Act." and insert in lieu thereof the following: "Act: *Provided,* That the natural brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendments were agreed to.

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

The title was amended so as to read: "A bill for the relief of Francesca Adriana Millonzi".

A motion to reconsider was laid on the table.

RUEBEN ROSEN

The Clerk called the bill (H.R. 2890) for the relief of Rueben Rosen.

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

H.R. 2890

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Rueben Rosen shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee.

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

MARTIN H. LOEFFLER

The Clerk called the bill (H.R. 3165) for the relief of Martin H. Loeffler.

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

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

There was no objection.

ALEKSANDAR ZAMBELI

The Clerk called the bill (H.R. 3166) for the relief of Aleksandar Zambeli.

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

H.R. 3166

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Aleksandar Zambeli, who was lawfully admitted to the United States for permanent residence on July 8, 1962, shall be held and considered not to be within the classes of persons whose naturalization is prohibited by the provisions of section 313 of the Immigration and Nationality Act.

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

RYSZARD STANISLAW OBACZ

The Clerk called the bill (H.R. 3167) for the relief of Ryszard Stanislaw Obacz.

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

H.R. 3167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Ryszard Stanislaw Obacz, who was lawfully admitted to the United States for permanent residence on January 29, 1964, shall be held and considered not to be within the classes of persons whose naturalization is prohibited by the provisions of section 313 of the Immigration and Nationality Act.

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

YOLANDA FULGENCIO HUNTER

The Clerk called the bill (H.R. 3172) for the relief of Yolanda Fulgencio Hunter.

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

H.R. 3172

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

With the following committee amendment:

On page 1, line 7, after the names "Mr. and Mrs. William Foster Hunter," strike the remainder of the bill and insert in lieu thereof the following: "a citizen of the United States and a lawfully resident alien, respectively, pursuant to section 204 of the Act: *Provided,* That the natural brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

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

CHO JOHNNY

The Clerk called the bill (H.R. 3188) for the relief of Cho Johnny.

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

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent that Calendar No. 84, H.R. 3188, be recommitted to the Committee on the Judiciary.

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

There was no objection.

MARIA DA CONCEICAO EVARISTO

The Clerk called the bill (H.R. 3376) for the relief of Maria da Conceicao Evaristo.

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

H.R. 3376

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212(a)(25) of the Immigration and Nationality Act, Maria da Conceicao Evaristo may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such Act: *Provided,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act: *Provided* further, That this exemption shall apply only to a ground for exclusion of what the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

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

HARRY BUSH

The Clerk called the bill (H.R. 3560) for the relief of Harry Bush.

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

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

There was no objection.

MISS MARIA MOSIO

The Clerk called the bill (H.R. 5107) for the relief of Miss Maria Mosio.

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

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

There was no objection.

VISITACION ENRIQUEZ MAYPA

The Clerk called the bill (H.R. 6389) for the relief of Visitacion Enriquez Maypa.

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

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

There was no objection.

CHOI SUNG JOO

The Clerk called the bill (H.R. 9979) for the relief of Choi Sung Joo.

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

H.R. 9979

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Choi Sung Joo may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Mr. and Mrs. Gerard J. Byrne, citizens of the United States, pursuant to section 204 of the Act. Section 204(c) of the Immigration and Nationality Act, relating to the number of petitions which may be approved, shall be inapplicable in this case.

With the following committee amendment:

On page 1, line 8, strike out the word "Act." and insert in lieu thereof the following: "Act: *Provided,* That the natural brothers or sisters of the beneficiary shall not, by

virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

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

NORIKO SUSAN DUKE (NAKANO)

The Clerk call the bill (S. 537) for the relief of Noriko Susan Duke (Nakano).

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

S. 537

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Noriko Susan Duke (Nakano) shall be held and considered to be within the purview of section 323(c) of such act.

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

ERNESTO ALUNDAY

The Clerk called the bill (S. 648) for the relief of Ernesto Alunday.

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

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

There was no objection.

RODRIC STEWART PENCE (JOO, JAMES)

The Clerk called the bill (H.R. 3044) for the relief of Rodric Stewart Pence (Joo, James).

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

H.R. 3044

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Rodric Stewart Pence (Joo, James) may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Rodric H. and Barbara Ann Colline Pence, citizens of the United States, pursuant to section 204 of the Act. Section 204(c) of the Immigration and Nationality Act, relating to the number of petitions which may be approved, shall be inapplicable in this case.

With the following committee amendment:

On page 1, line 8, strike out the word "Act", and insert in lieu thereof the following: "Act: *Provided,* That the natural brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

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

JAMES F. WEGENER

The Clerk called the bill (H.R. 1828) to confer U.S. citizenship posthumously upon James F. Wegener.

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

H.R. 1828

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That James F. Wegener, a native of Canada, who was scheduled to become a ctiizen of the United States through naturalization on May 27, 1968, shall be held and considered to have been a citizen of the United States at the time of his death on May 10, 1968.

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

GIUSEPPE DELINA

The Clerk called the bill (H.R. 3373) for the relief of Giuseppe Delina.

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

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

There was no objection.

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

PROMOTION OF HEALTH AND SAFETY IN THE BUILDING TRADES AND CONSTRUCTION INDUSTRY

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 427 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 427

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10946) to promote health and safety in the building trades and construction industry in all Federal and federally financed or federally assisted construction projects. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois (Mr. ANDERSON) and, pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 427 provides an open rule with 1 hour of general debate for consideration of H.R. 10946 to promote health and safety in the building trades and construction industry in all Federal and federally financed or federally assisted construction projects.

It is the purpose of H.R. 10946 to promote health and safety standards in the construction industry, to rectify the serious oversight in existing Federal statutes which presently provide safety standards to protect workers in supply and service industries under Federal contract, and to correct these problems by authorizing the Secretary of Labor to set standards which contractors and subcontractors would be required to meet on Federal, federally financed, or federally assisted construction.

Suppliers, service contractors, construction contractors—these three categories constitute the great bulk of Government contractors. In all three cases, it is public policy that their employees must be paid the prevailing wage in the area in which they are employed. In two of the three cases safe and healthful working conditions must be provided for the employees. Only construction has no Federal safety or health standards or protection for workers performing Federal contracts.

H.R. 10946 would amend the Contract Work Hours Standards Act by requiring the contractor or subcontractor contracting for any part of the work to assure that any laborer or mechanic or other employee shall not be required in the performance of a contract to work in any place or under any working conditions which are unsanitary, hazardous, or dangerous to his health and safety. It further requires the Secretary to develop and promulgate as a part of the legislation minimum safety and health standards with appropriate consultation with an advisory committee.

The Contract Work Hours Standards Act applies to any contract involving the employment of laborers or mechanics:

First, on a public work of the United States; of any territory; or District of Columbia;

Second, to which the Federal Government—including any Federal agency or instrumentality—any territory, or District of Columbia, is a party, or which is made for or on behalf thereof; or

Third, which is financed in whole or in part by loans or grants from the Federal Government and to which Federal laws providing wage standards for such work apply.

The Secretary or his representative is authorized, for purposes of programing and enforcement, to inspect places and practices of employment, issue such orders and make such findings of fact as are necessary to carry out the intent of the legislation, and gain compliance with the safety and health regulations adopted as a part of this section. To carry out these provisions and to permit court review, the Secretary and the U.S. district court shall have the authority and jurisdiction provided by the Walsh-Healey Act.

In violation cases the Secretary would be authorized to use certain administrative procedures and, where necessary, to seek injunctions.

An employer charged with noncompliance would be given full opportunity to be heard, and the contractor would be

afforded due process of the courts including the right of judicial appeal.

In the event the Secretary determines noncompliance, the governmental agency for which the contract work is done shall have the right, upon notification by the Secretary, to cancel the contract, and to enter into other contracts for the completion of the contract work, charging any additional costs to the original contractor.

The Comptroller General is directed to distribute to all Government agencies the name of each violator transmitted to him by the Secretary and, unless the Secretary recommends otherwise, the violator is prohibited the awarding of a contract for a 3-year period.

A big portion of the estimated $3 billion which accidents cost the construction industry every year could be saved to the industry and its customers by the investment in an effective Federal construction safety program.

The legislation concerns only Federal construction contracts or federally financed contracts; therefore, the Federal Government has the responsibility for protection of the lives of workers employed on its projects.

Enactment of the legislation can be expected to—

First, reduce the number of serious accidents;

Second, provide minimum national uniformity in safe work practices;

Third, reduce contractor liability by meeting accepted safety standards;

Fourth, reduce contract costs through improved operational efficiency;

Fifth, improve competitive status of companies through reduced costs;

Sixth, improve the safety skills throughout the construction industry by training workers on Federal projects who then move on to private construction projects;

Seventh, assist States to upgrade their safety posture through improved national programing; and

Eighth, save the Government millions of dollars in construction costs.

In 1968, 2,800 construction workers were killed on the job, which is the highest annual death rate for any one industry in the United States.

During the last 10 years, in each year there has never been less than 2,300 construction workers killed per year.

In the last 10 years there has never been less than 209,000 construction workers disabled per year. The construction industry includes 4 million workers and another 20 million workers who are dependent on this industry.

The annual economic dollar value of this industry to the gross national product is over $90 billion.

Mr. Speaker, I urge the adoption of House Resolution 427 in order that H.R. 10946 may be considered and enacted by an overwhelming vote.

The SPEAKER. The Chair recognizes the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill which is commonly referred to as the construction safety bill became embroiled in some controversy last year, I believe it was in August or perhaps in September, when an effort was made to bring up a somewhat similar bill, although I wish to point out I think this bill is substantially different in many respects when the effort was made to bring up the construction safety bill under suspension of the rules.

At that time some of us, including myself, took to the well of the House and objected to the consideration of this legislation under a procedure which would bar the offering of any amendments. We did so, not because we disagreed with the very important principle of trying to implement better working conditions and assure safety for construction workers, but because we felt the language of the bill was somewhat loosely drawn and particularly with respect to the manner in which these standards would be drawn up by the Secretary of Labor was veiled in some doubt.

There was some doubt in our minds as to whether or not the provisions in the bill last year, as they dealt with the subjects of administrative review and judicial review, were adequate to assure due process for those who might become involved with the procedures or with the provisions of this law.

When you talk about the cancellation of a contract or when you talk about the possible blacklisting of a contractor for 3 years, you are talking about a very substantial right. I do not think anyone in this Chamber would deny or take issue with the fact that it is up to the Congress to draw legislation in such a way as to assure due process to anyone who may be subject to the terms of this act.

Mr. Speaker, I want to compliment the Committee on Education and Labor on the bill they are presenting for our consideration today, or which will be in order upon the adoption of this rule. I think they have answered the objections that we had to the legislation last year. I think in redrawing or redrafting the legislation and providing for an advisory committee which will be tripartite in nature with one-third of the representatives of the contractors, one-third from representation of organized labor and the building trades; and one-third representing the general public, these would include individuals from the States who are particularly qualified and have the expertise in this area of safety.

They have given us a mechanism, I think, whereby the Secretary of Labor can frame and proceed to promulgate standards for safety in the construction industry that will be realistic and will not impose an impossible burden of hardship.

They will reflect I think the concern that we all have for the safety of construction workers in our country and, yet, they will be the kind of standards which will not hamper and impede what is perhaps the most important basic industry in our country.

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

Mr. ANDERSON of Illinois. I am happy to yield to the distinguished chairman of the Committee on Education and Labor.

Mr. PERKINS. Mr. Speaker, I wish to compliment the distinguished gentleman from Illinois (Mr. ANDERSON) for the part that he has played in perfecting this bill, making it one which I feel everybody in this Chamber can support.

He has been very careful to see that due process of law has been afforded to every affected group, and no Member in the Chamber has been more interested in trying to work out a bill that would be equitable all the way around than the gentleman from Illinois. The gentleman from Illinois has offered several amendments that he has discussed with the subcommittee, particularly the gentleman from New Jersey (Mr. DANIELS). Those amendments are acceptable because we feel they make a better bill.

Mr. ANDERSON of Illinois. I thank the chairman. At this point I would like to indicate what those amendments are:

On page 2, line 23, after the word "section," we would insert the following words: "after an opportunity for an adjudicatory hearing by the Secretary."

Again, this language will carry out what I feel sure is the intent of the bills authors, that there should be a hearing for anyone affected by the provisions of this bill.

On page 3, line 4, an amendment that I shall offer would strike the words "a violation" and insert in lieu thereof the word "noncompliance," this is simply a change in language, a drafting change which I think is self-explanatory.

Again, on page 3, line 5, after the word "Secretary," I would insert the following: "after an opportunity for an adjudicatory hearing by the Secretary."

On page 4, line 23, we would strike "paragraph (1)" and insert the following: "subsections (b) or (d)."

This is to assure that the provisions of the bill which relate to administrative review and judicial review. They relate to both the possible blacklisting of a contractor and to the cancellation of the contract.

The last amendment which I will offer has been discussed with the chairman, the gentleman from Kentucky (Mr. PERKINS), and the gentleman from New Jersey (Mr. DANIELS), and to which they have both agreed:

On page 5, line 6, we would strike the following language:

> The Court shall have jurisdiction to affirm the action of the Secretary or to set it aside.

And insert in lieu thereof the following language:

> The Court shall have power to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part, the order of the Secretary or the appropriate government agency.

I think these amendments serve to carry out, as I have said, the intent of the drafters and to insure the rights of administrative and judicial review.

I do wish to raise one other point while I have the floor, and that is on page 6 of the report the committee makes the statement that some governmental agencies, such as the Corps of Engineers and the Bureau of Reclamation, have good safety programs. This is true, and I have with me some statistics on the Corps of Engineers that indicate very clearly that

for fiscal 1968, for example, the Corps of Engineers had a record, a frequency rate of 4.61, and what that means, that is the number of lost-time accidents per million man-hours of work, or the number of days charged. They had during fiscal 1968 a frequency rate of only 4.61, and the average for the entire construction industry, I am informed, was 13.21. So it is true that the Corps of Engineers does have—and these figures make it very clear—a very excellent program at the present time, and I do want to take this time to express the hope, and indeed to try to have this as a part of the legislative record surrounding the passage of this bill, which I support, that in promulgating standards, the Advisory Committee will certainly take into consideration the very fine record of safety that the Corps of Engineers, the Bureau of Reclamation, and some of these other Government agencies have already established, and that they will do nothing, either by inadvertence or design to interfere with or to compromise the existing standards of safety which we feel are very good and very high.

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

Mr. ANDERSON of Illinois. I am glad to yield to the chairman of the committee.

Mr. PERKINS. I think the Members of this body recognize the great safety record of the Corps of Engineers.

The Department of Labor certainly would be derelict if it failed to consider and benefit from the experience of the Corps of Engineers and the standards developed by the Corps that have worked out so well.

I agree with the gentleman from Illinois that it is the intent of the committee that those safety standards be seriously considered. Most contractors are already familiar with the standards and there need be no radical changes involved.

Mr. ANDERSON of Illinois. Mr. Speaker, I am very pleased that the distinguished chairman of the committee agrees with me in that regard and that we have this as a definite part of the record we are making on this legislation.

Because of the changes which have been made, many of the people who talked to me last year were deeply concerned that there were not adequate safeguards in the legislation for administrative and judicial review.

I think people like the Association of Plumbing and Heating and Cooling Contractors and some others have said to me they are in favor of this bill, in favor of this legislation. I think it important to note that at this time as well.

I have one other point I want to make, and then I will be pleased to yield to the gentleman.

I note on page 4 of the report, I believe in the fourth paragraph down from the top of the page, the committee has stated:

> A provision of the Walsh-Healey Act provides for the use of such State and local officers and employees as the Secretary of Labor find possible to assist in the administration of this act. The committee deems it wise for the Secretary to utilize such assistance where he finds competent, trained, and qualified State personnel to exist.

I am very pleased the committee undertook to put that language in the report, because again one of the concerns some of us had was that in dealing with a $91 billion industry—which is what it is said the construction industry represents, with fully one-third of the labor force of this country either directly in construction or dependent upon the construction industry—we are talking about a very significant segment in the economy. We certainly do not want to create any great, gigantic, ever-burgeoning bureaucracy in Washington to oversee the whole construction industry. We do not want hundreds of people on the payroll if we can avoid it. Therefore, I was pleased to note the committee's concern with this problem and the suggestion that the Secretary in carrying out the standards, in implementing the provisions of this act, will utilize the services of State and local personnel that are qualified to police safety standards. It pleases me, because I think it will help avoid setting up, as I have said, what otherwise would be a very top-heavy bureaucracy in Washington trying to oversee the entire construction industry.

So, Mr. Speaker, I support the adoption of the rule that would make consideration of H.R. 10946 in order, and with the acceptance of the amendments which I have detailed here for the House, and which the chairman has indicated he accepts, and likewise the chairman of the subcommittee has indicated he accepts, I feel this is a good bill and one which I can and will support.

Mr. PERKINS. Mr. Speaker, will the gentleman yield further?

Mr. ANDERSON of Illinois. I yield to the distinguished chairman of the committee.

Mr. PERKINS. Mr. Speaker, I think I have made it clear that, as far as my committee is concerned, we do accept the amendments mentioned by the gentleman from Illinois.

There is one further amendment I would like to ask the gentleman from Illinois about. On page 3 of the bill, there is a minor technical amendment in line 7. After the word "financial", we see a comma. That comma should be deleted. The words "financial guarantee" should not be separated by a comma.

I think the gentleman will agree to that deletion.

Mr. ANDERSON of Illinois. The gentleman from Kentucky has previously discussed that technical amendment. I would certainly agree that the amendment should be accepted.

Mr. MADDEN. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. DULSKI).

(By unanimous consent, Mr. DULSKI was allowed to speak out of order.)

CONGRESS MUST SET GUIDELINES FOR FUTURE REDISTRICTING

Mr. DULSKI. Mr. Speaker, a bipartisan group of New York Members of the House are joining me today in sponsoring legislation to establish guidelines for future congressional redistricting.

No guidelines exist in law now and it has become essential that Congress act in the light of the many harassing court challenges which have resulted from the original one-man, one-vote ruling of the Supreme Court of the United States.

Our proposal is to set a leeway for each district of 2½ percent in population above or below the mean average for the districts in a State. In New York State, for example, the mean average for the 41 districts under the 1960 decennial census was 409,324.

As the court decisions stand today, new congressional districts must have zero variance from the mean average. This is ridiculous and completely unrealistic—yet this is the way the court decisions have left the situation in the absence of legislative directive.

If the States are to avoid endless harassment after the redistricting upon the basis of the 1970 decennial census, it is mandatory that Congress enact legislation to install reasonable guidelines in law.

It is not the job of the court to set the guidelines, it is the job of Congress. The endless court challenges which have faced New York and other States in the past several years make indelibly clear the necessity for putting specific guidelines into law.

It should be noted that the courts seem to be attributing greater validity to census data than is the Census Bureau itself.

The Census Bureau itself acknowledges that its population headcount in 1950 and 1960 was only 97 percent accurate.

What is more, today's extremely mobile population makes census figures outdated before they are compiled officially. Thus the Court's zero-target—or as the Court says: "absolute equality"—is actually unattainable across the board.

Setting a 2½-percent variation allowance is within the range of census data accuracy and will permit the States to have slight leeway that can avoid much disruption to normal geographic lines.

The Supreme Court's ruling in April this year forced the State to begin preparations for another million dollar congressional reapportionment of the State for the 1970 election.

The Court ruled that the State's 1968 redistricting did not meet the Court's zero-variance interpretation, although the redistricting plan was approved at the time by a lower Federal court.

Our bill also includes a section aimed at avoiding the necessity for another redistricting in New York in advance of the 1970 decennial census.

It provides that any State whose present districts in Congress are within 10 percent of the average shall be considered the district for the November 1970 election. New York meets this criteria, with a variance of about 6 percent each way based on the 1960 census—the only basis for statewide redistricting.

I recognize that for New York to avoid the new redistricting for the 1970 election, even under the provision of this bill, New York would have to ask the Supreme Court to set aside its earlier ruling in the light of the legislation.

Whether the Court would agree remains to be seen, but I believe the effort should be made since the special redistricting will cost the State about a million dollars and will be done on the

ridiculous basis of census data that is nearly 10 years old.

New York State will need to redistrict again on the basis of the 1970 census because the State is expected to lose one or more districts under national reapportionment.

The most important job for Congress—and the sooner the better—is to put specific guidelines in law so that New York and other States will know exactly in their 1971 redistricting what is the maximum variance from the State average.

Cosponsors of the bill with me—all New York Members—include: Mr. ADDABBO, Mr. BIAGGI, Mr. BINGHAM, Mr. BUTTON, Mr. FARBSTEIN, Mr. HALPERN, Mr. HASTINGS, Mr. HORTON, Mr. KING, Mr. MCEWEN, Mr. OTTINGER, Mr. PIKE, Mr. POWELL, Mr. STRATTON, and Mr. WOLFF.

Mr. MADDEN. Mr. Speaker, I move that previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. PERKINS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10946) to promote health and safety in the building trades and construction industry in all Federal and federally financed or federally assisted construction projects.

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

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 10946, with Mr. HANLEY in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the rule, the gentleman from Kentucky (Mr. PERKINS) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. ERLENBORN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, I yield myself 8 minutes.

Mr. Chairman, the bill, H.R. 10946, to promote health and safety in the building trades and construction industry in all Federal and federally financed or federally assisted construction projects, is a bill most worthy of your support.

Some people have been laboring under the impression that construction safety legislation is not necessary since they allege construction workers are already protected under the Walsh-Healey Act or the Service Contracts Act. I want to set the record straight right now, before saying anything further in support of the legislation: Our committee has found that construction workers presently are not protected by any Federal safety or health laws. The result of this lack of protection is that thousands of men are being needlessly killed or disabled each year.

The Walsh-Healey Act was enacted in 1936. It provided that employees of supply contractors doing contract work for the Federal Government would be provided safe and healthful working conditions. In 1966 we enacted the McNamara-O'Hara Service Contracts Act to provide similar protection to employees of service contractors doing Federal contract work. But in the case of construction workers the law is silent on the question of the safety of their working conditions while doing similar work under Federal or federally assisted contracts. This is a serious oversight, and the time has come to correct it.

The matter of construction safety is not new to the Congress. Hearings were held by our committee during the 90th Congress on legislation similar to that before us today, and a construction safety bill was reported out late in the 90th Congress. Unfortunately, it was reported too late in the second session to be granted a rule, and it was brought up on the suspension calendar. Because of certain technicalities and questions which were raised during the House debate, the bill failed to get the required two-thirds vote to pass under suspension of the rules. But the bill did receive a solid majority vote.

The Select Subcommittee on Labor of our committee, however, did not base its action this year on the hearings during the 90th Congress. Under the leadership of my able friend and colleague, the gentleman from New Jersey (Mr. DANIELS), the subcommittee again explored the need for this legislation and it held 3 days of hearings on the original construction safety bill, H.R. 3290, which was introduced at the beginning of this Congress. All interested parties were given an opportunity to testify or submit statements. Testimony was also taken from the Secretary of Labor, Mr. Shultz, and the Under Secretary of Labor, James Hodgson.

The legislation received the support of the Department of Labor and the unanimous bipartisan support of the Select Labor Subcommittee and the full House Education and Labor Committee. The clean bill, H.R. 10946, which was reported by the committee, was cosponsored by 31 committee members, including myself.

Our committee carefully studied the questions which were raised during the debate last year on this same issue of construction safety, and we feel the grounds for criticism of the legislation have been eliminated in H.R. 10946.

I believe we have a good bill here. It provides the construction worker with the protection he needs and deserves while providing at the same time, substantial protection to construction contractors from possible arbitrary action by the Secretary of Labor in enforcing the safety and health standards required by the legislation.

Thirty-six years have passed since the Walsh-Healey Act was enacted. The Congress recognized at that time the need to act to protect certain workers. Three years ago we enacted the Service Contracts Act to protect another group of workers. In each case the Congress acted to aid workers it had a special responsibility and obligation to protect since they were doing work under Federal or federally assisted contracts. We have a similar obligation to construction workers. When I think of the thousands of men who have been killed or disabled on Federal jobs because we did not act 36 years ago to protect them, I become all the more determined to act now to do what we should have done long ago.

I want to emphasize that this legislation is only related to the protection of construction workers on Federal or federally assisted projects. The bill is not a comprehensive bill for the entire construction industry, but only that segment of the industry engaged in contract work for, or assisted by, the Federal Government.

There has been concern in some quarters over how the Secretary will go about setting up the safety and health standards required by H.R. 10946. As my colleagues are aware, Mr. Speaker, the Secretary of Labor already has similar authority under the Walsh-Healey Act and other safety laws. This legislation provides however that he will be required to consult with an advisory committee made up of representatives of the construction industry, representatives of workers primarily engaged in the construction industry, and the public. This advisory committee will advise the Secretary in his formulation of the safety and health standards. The bill also provides that the Secretary can appoint special advisory and technical experts or consultants to aid him in carrying out the functions of the committee.

In writing this construction safety legislation, our committee endeavored to be fair to all parties concerned. We did our best to give everyone the opportunity to be heard on the matter, and we carefully considered each suggestion from industry, labor, and committee members, as to exactly how the problem should be approached and what language should be used.

My colleagues on the committee on both sides of the aisle have agreed with me on the need for immediate action by the Congress in this area. I urge the Members of the House to join us in supporting and passing H.R. 10946.

Mr. Chairman, we have a bill here today that everyone in this Chamber should support. It will save thousands and thousands of lives and should be enacted.

Therefore, Mr. Chairman, I urge the members of this committee to enthusiastically support this legislation.

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

Mr. Chairman, as you are all aware, the mood of this Nation and its people is fast moving toward seeking those values that have basic fundamental meaning. The mood seems to be saying we will consider nothing except those things that are for individual human good. In other words, everything we plan, create or do should be solely aimed at human values, not material values but human values.

We are considering today legislation that reaches toward the thinking and demands of this Nation's people. H.R.

10946 is legislation dealing in human values. It establishes procedures which will go a long way toward protecting people from death and injury while they are engaged in earning a living and raising a family.

In this, the most technically advanced Nation in the world, we are still in the comparative dark ages when it comes to protecting workers on the job. The workforce of any nation and particularly the United States is its greatest asset. Its skills are America's strength and greatness and the skilled construction worker among the most prized.

Yet last year at least 2,800 skilled construction workers were killed and at least a quarter of a million disabled. I use the term "at least" because we do not even have a system to accurately record the deaths and disabling injuries in the construction industry.

I do not intend to discuss costs of this tragic happening, for as I said earlier, this is legislation dealing with human, not materialistic values.

Construction workers employed by contractors performing work on Federal projects are the only workers who are not protected from accidental death and injury by Federal law. All other workers employed under Federal contract at least have some statutory safety and health protection, inadequate as we know some of it to be.

H.R. 10946 represents legislation which I believe to be in a form that President Nixon meant when he said in October 1968:

> I believe better occupational safety and health are needed on both Federal and State levels. A good place to begin would be with proper uniform safety standards on all Federal Construction.

It is my view that when protective legislation is normally drawn up there is a tendency to draft language that is punitive in nature rather than corrective. In the case of safety and health, the trend is normally toward punishing the employer rather than attempting to assist the employer in approaching the problem of accident prevention in a constructive fashion.

H.R. 10946 is not formed in a punitive sense. Rather, it directs the Secretary of Labor toward administering the law from an accident prevention programing posture rather than a punitive enforcement approach. To be more specific it directs the Secretary to:

Educate and train in accident prevention techniques;

Establish Federal safety and health standards after full consultation with those involved with the industry;

Establish an Advisory Board to consult with and assist the Secretary in administering the construction safety and health program;

Collect, analyze, and publish accident data for program guidance and industry use;

Requires the use of the Administrative Procedures Act and public hearings in the development of standards of safety and health; and

Provides in those instances where formal compliance action is found necessary, full administrative and judicial review to the contractor involved.

I believe that H.R. 10946 stands as a model piece of safety and health legislation which will serve to answer our concern of preventing the tremendously high loss of life and injuries to the construction workers.

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

Mr. ERLENBORN. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would ask the gentleman if there are any financial costs in connection with this proposed legislation, either now or anticipated in the future?

Mr. ERLENBORN. I am not certain what the gentleman from Iowa means by "financial costs." Does the gentleman mean the cost of enforcement, of fines against the industry?

Mr. GROSS. That is right. The cost for this legislation.

Mr. ERLENBORN. There is no authorization for an appropriation. I suppose obviously that any place where we have the administration of an act, and where we have people who are on the payroll involved in its administration that there are some costs, but they are not identified in this instance by any separate authorization or appropriation.

Mr. GROSS. There is no indication that I could find as to the number of man-hours necessary to administer this proposed legislation.

The gentleman has no estimate of that either, is that correct?

Mr. ERLENBORN. I have no estimate.

Mr. DANIELS of New Jersey. Mr. Chairman, if the gentleman will yield I will be glad to respond to the questions posed by the gentleman from Iowa.

Mr. ERLENBORN. I will be glad to yield to the gentleman from New Jersey.

Mr. DANIELS of New Jersey. Mr. Chairman, I thank the gentleman for yielding.

As the chairman of the Select Subcommittee on Labor which conducted the hearings, I would like to respond to the inquiry of the gentleman from Iowa by stating that I have been advised that approximately 25 percent of the 4 million construction workers are employed on Federal projects, so that would represent approximately 1 million such workers. The cost of administering the safety and health aspects of this bill are estimated to be approximately $2 per person, so that this would come to a total of approximately $2 million per year.

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

Mr. ERLENBORN. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman from New Jersey stated that it will cost approximately $2 million per year from the Federal Treasury for the administration of this law. Am I correct that that is what the gentleman states; that it will cost $2 million from the Federal Treasury for the administration of this law?

Mr. DANIELS of New Jersey. The gentleman is correct, it will cost the Federal Government $2 million to properly administer the law.

Mr. GROSS. I thank the gentleman for yielding.

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

Mr. ERLENBORN. I yield to the gentleman from Iowa.

Mr. GROSS. Is there $2 million budgeted?

Mr. ERLENBORN. I would have to answer the gentleman from Iowa and say, in my opinion, it is not budgeted since the bill has not been passed and it has not been considered in the budget for the Department for this year.

If the gentleman from New Jersey has any other information, I will be happy to yield to the gentleman.

Mr. DANIELS of New Jersey. The gentleman's understanding is absolutely correct.

Mr. ERLENBORN. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Illinois has consumed 7 minutes.

Mr. SCHERLE. Mr. Chairman, last year when the construction safety bill came before the House under suspension of the rules, I voted against it, because, in my judgment, it was not satisfactory. I felt that it was full of loopholes, that there were question as to just what it covered and whether there were administrative safeguards and protection for all parties.

Today, however, I am a cosponsor of the construction safety legislation under consideration. The bill before us is a good bill, a workable bill, and a fair one.

I support this legislation because there are provided definite guidelines in the standards and safeguards for the prime contractors as well as workers. Such safeguards were lacking in the bill defeated by the 90th Congress. I support its passage particularly with the inclusion of my amendments which include judicial review. This legislation is not punitive in design. It makes a positive approach to the problem while providing the mechanism for the effective enforcement of the legislation.

Although I did not participate directly in the hearings held during the 90th Congress, since I was on another subcommittee at that time, it disturbed me to learn that since those hearings, deaths and injuries have increased. Last year alone, more than 2,800 construction workers died on the job and some 230,000 were disabled. Hopefully a good safety program can be established and those statistics will decrease in the future.

This legislation limits the Federal Government's major area of responsibility to its own contract work. It does not provide for an overall construction safety program. Instead, it relates only to Federal, federally assisted, or federally financed construction projects, and the States are still free to run their own safety programs without any interference from the Federal Government.

The Nixon administration realizes the value of the construction industry to this country, and it is aware of thousands of injuries and deaths each year in this industry which might be avoided with a safety program. Secretary of Labor Shultz and Under Secretary Hodson appeared before our subcommittee, and they endorsed construction safety legislation.

I hope the House will act favorably on H.R. 10946.

Mr. PERKINS. Mr. Chairman, I yield 15 minutes to the gentleman from New Jersey (Mr. DANIELS).

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

Mr. DANIELS of New Jersey. I am happy to yield to the gentleman from Ohio.

Mr. FEIGHAN. Mr. Chairman, I am pleased to join my distinguished colleague, the chairman of the Education and Labor Committee, Mr. PERKINS, and members of the committee in support of the committee's bill, H.R. 10946, legislation to promote health and safety in the building trades and construction industry in all Federal and federally financed or federally assisted construction projects.

During the past 50 years Congress has enacted a number of laws dealing with occupational safety, but these are generally limited in scope and effectiveness; the same can be said of State statutes that deal with this subject. At present there are federally established safety standards for certain employee groups such as longshoremen and railway workers, while the construction and building trades industry has no Federal safety or health standards or protection for workers performing Federal contracts.

The startling statistics of death rates and injuries revealed by the Building Trades and Construction Department of the AFL-CIO are proof of the urgent need to provide effective health and safety regulations for those persons working on Government contracts. With 2,800 construction workers killed in 1968, the construction industry represents the highest death rate for any industry in the United States. Over the past 10 years, we have witnessed an annual average of 209,000 injuries in this industry. These figures are approximately twice the average rate for all of industry and show a comparable lack of improvement.

With such appalling facts confronting us, the need is apparent for the legislation we are considering here today. H.R. 10946 assures that provisions will be made to grant the necessary health and safety protection to construction workers on Federal projects by authorizing the Secretary of Labor to set standards which contractors and subcontractors would be required to meet on federally financed construction. This bill would insure that no employee would be required to work under any conditions which were unsanitary, hazardous or dangerous to his health and safety.

Under the provisions of H.R. 10946, the Secretary of Labor, after consulting with a nine-member advisory committee, which includes members representing contractors, construction workers, and the general public, would be required to set minimum safety and health standards for Federal or federally aided construction work. The Secretary is also authorized to inspect places and practices of construction employment and to seek compliance with the safety standards through the U.S. district courts if necessary.

In the event of noncompliance with the safety standards, the Federal agency for which the work was being done, is authorized to cancel the contract of any contractor of subcontractor, and to enter into other contracts while charging any additional cost to the original contractor.

The bill prohibits the awarding of contracts, for a 3-year period, to any contractor found guilty of noncompliance. A contractor may be blacklisted only after a formal agency hearing, and he maintains the right to petition the U.S. Court of Appeals for a review of the ruling. If the ruling is sustained, the contractor may, after complying with the safety requirements, petition the Secretary of Labor before the end of the 3-year period to be removed from the blacklist.

To assure a well-rounded safety and health program the bill authorizes the Secretary of Labor to set up programs for the education and training of employers and employees in the construction industry. The Secretary is also authorized to require reporting of construction injuries and their causes and costs.

Improving occupational health and safety has been a subject of increasing concern to me. During the last Congress and again this year, I joined several of my colleagues in sponsoring broad occupational health and safety legislation in the belief that maximum on-the-job protection should be guaranteed to every worker. The legislation we are considering today covers only those workers on federally assisted projects but it is an encouraging step in what I hope will be a genuine Federal commitment to safe and sanitary working conditions throughout industry.

In the near future, the Education and Labor Committee will begin hearings on the Occupational Health and Safety Act of 1969. It is my hope that these hearings will result in the enactment of an effective and far-reaching measure which would extend protective coverage to all our industrial workers. In the interim, however, we have the opportunity to demonstrate our support for an excellent bill in H.R. 10946, and our endorsement of improved safety and health standards in the federally financed construction industry.

Mr. DANIELS of New Jersey. Mr Chairman, I rise in support of H.R. 10946, the construction safety bill. As chairman of the Select Subcommittee on Labor, I had the privilege of conducting the hearings on this legislation, and I strongly urge the enactment of H.R. 10946.

In 1936 Congress acknowledged its responsibility to protect the health and safety of workers employed on Federal contracts in the supply industry by passing the Walsh-Healey Act.

Then in 1965, with the passage of the Service Contracts Act, Congress further delineated its responsibility for insuring safe working conditions for laborers engaged in the service industry on Federal or federally financed projects.

To date, the third major contractor with the Federal Government—the construction industry—has never been required by Federal statute to insure that laborers employed on Federal construction contracts have safe and healthful working conditions. This bill recognizes that the Federal Government does have a special obligation to protect this one remaining class of workers when working on Federal contracts.

In testifying before the select subcommittee, Secretary of Labor Shultz stated:

> I favor enactment of legislation along the general lines of H.R. 3290, which recognizes the Federal Government has a special obligation to those who work on Government contracts and extends safety and health protections to the one remaining class of workers who do not now have the benefit of those protections.

The death and disability statistics illustrate the urgent need for this bill. Since 1959, deaths in the construction industry have never been below 2,300. The 1968 death total of 2,800 represents the highest in any industry in the United States. Since 1959 there has never been less that 209,000 construction workers disabled per year.

The preponderance of the testimony before the subcommittee supported the principle of the Federal Government—as opposed to State government—enforcing safety standards under provisions of this bill because these Federal standards would apply only to Federal or Federally financed construction contracts.

This bill carefully enumerates procedures for promulgating and enforcing Federal safety standards under the provisions of the Administrative Procedures Act. An aggrieved party may seek relief in the U.S. district courts. The Select Subcommittee on Labor considers that these measures will provide the contractor and subcontractor with adequate safeguards against arbitrary or discriminatory action by the Secretary of Labor while simultaneously encouraging the development of uniform safety standards on Federal construction projects.

I would like to briefly review the major aspects of this bill. Every contractor or subcontractor on Federal or federally assisted construction projects would be required, as a condition of his contract to assure that no laborer or contractor employed in the performance of the contract would have to work under unhealthy, hazardous, or dangerous working conditions.

In setting minimum health and safety standards, the Secretary of Labor will consult with a nine-member Advisory Committee. The Committee will include three representatives of the construction industry, three representatives of employees primarily engaged in the construction industry, and three public representatives who will be selected by the Secretary on the basis of their professional and technical competence and experience in the field of construction safety and health. The purpose of the Advisory Committee will be to advise the Secretary in the formulation of construction safety and health standards and other regulations.

Before promulgating any standards, the Secretary must also hold a formal public hearing under the provisions of the Administrative Procedure Act.

The bill authorizes the Secretary of Labor to make inspections, hold hearings, issue orders, and make decisions to

gain compliance through the U.S. district courts if necessary.

If the Secretary of Labor determines that a contractor or subcontractor is in noncompliance, the agency for which the work is being done would have the discretion under the legislation to cancel the contract and enter into other contracts, charging the additional cost to the original contractor. Where the contract is financed in whole or in part by loans or grants made, guaranteed or insured by the Federal Government, the agency responsible would have similar discretion to withhold the assistance.

The legislation also provides for a blacklisting procedure by which the awarding of Federal contracts could be prohibited for up to 3 years to any contractor blacklisted for willful or grossly negligent failure to comply with the safety standards. But such blacklisting could only occur after a formal agency hearing, and the blacklisting could be terminated by the Secretary before the end of the 3-year period upon a finding that the blacklisted party will comply responsibly with the standards. In any case, the blacklisted contractor could appeal to the U.S. court of appeals under H.R. 10946 for relief from the blacklisting penalty.

I want to emphasize that we feel this legislation provides for full administrative and judicial safeguards.

During the committee hearings there was widespread agreement that to assure a well-rounded safety and health program a training and education program was vital. H.R. 10946 directs the Secretary of Labor to establish programs for the education and training of employers and employees in the avoidance of unsafe and unhealthful working conditions covered by the provisions of the legislation.

The bill also authorizes the Secretary to require reporting of construction accidents and injuries on projects covered by the provisions of the legislation. With more complete data on accidents and injuries and their causes and costs, a more effective safety program, as well as a more effective education and training program, can be administered.

I want my colleagues of the House to understand that this legislation does not interfere with State safety and health programs for construction work. We are dealing only with Federal or federally assisted projects, and the States are free to require their safety and health standards on projects within their jurisdiction. What we have found, however, is that most States do not have adequate safety laws to protect construction workers, and the States that have fairly good laws lack effective enforcement.

Not only will this legislation save thousands of lives and prevent many more disabling injuries, but it will also save the Federal Government and the Nation millions of dollars—possibly even billions of dollars—each year in reduced accident costs, work delays, and improved operational efficiency.

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

Mr. DANIELS of New Jersey. I am happy to yield to the gentleman from Nebraska.

Mr. DENNEY. The thrust of this legislation is correct in that we want to establish safety for the million workers that are on federally assisted projects.

It seems to me a year ago we had quite a controversy on the floor concerning a bill similar to this one. Would the gentleman outline the differences between the bill his committee had under consideration and the bill we had here?

Mr. DANIELS of New Jersey. I will be happy to do so. The gentleman's colleague, sitting immediately behind him, enumerated the differences earlier today when he spoke on the rule.

Last year when this bill came to the floor under a suspension of rules, it did receive a majority vote, but it failed to obtain the necessary two-thirds vote. The principal objections as I understood them to be, were to the fact that it failed to provide adequate review under the Administrative Procedures Act or through judicial processes. In this bill today, the contractor, should he receive a stop notice or a cancellation of his contract from the Secretary of Labor, may ask for an adjudication either under the Administrative Procedures Act or by applying to the court.

In fact, before such a harsh and dreadful step as to cancel a contract is taken, the Secretary of Labor himself may also apply to the U.S. district court for an order.

Mr. DENNEY. In the select committee hearings was there any representative of the contractors' association that favored this bill?

Mr. DANIELS of New Jersey. The Contractors' Association did appear, but my recollection, if it is correct, is that it did not support it. The bill we have under consideration today, however, is a clean bill, different from the original bill. I can give the gentleman the number of the original bill.

Mr. DENNEY. The contractor would be required, if he received a cease-and-desist order, to have the expense of going to court?

Mr. DANIELS of New Jersey. Naturally, he would have to hire his own lawyers, but there are adequate protective measures in this bill not only with reference to cancellation of a contract but also with reference to blacklisting.

Mr. DENNEY. Under the Administrative Procedures Act is what the gentleman is referring to there? Is that correct?

Mr. DANIELS of New Jersey. That is correct.

The CHAIRMAN. The chair recognizes the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, because of some remarks I made earlier today when we were discussing the rule, I did want to add one bit of information to what I was discussing at that time; namely, the safety record of the Corps of Engineers.

The chairman of the committee at that time agreed with me they had a fine record, and in the promulgation of the new safety standards we hope that the advisory committee will do nothing to interfere with work already being done. In that respect, I would like to insert in the RECORD a copy of a news release of the Department of the Army, Office of the Corps of Engineers, as follows:

NATIONAL SAFETY COUNCIL AWARDS PRESENTED TO CHIEF OF ENGINEERS

Howard Pyle, President of the National Safety Council and former Governor of Arizona, today presented two Safety Council Awards of Merit to Lieutenant General William F. Cassidy, Chief of Army Corps of Engineers, for the safety records established in 1968 for Corps of Engineers contractor operations as well as work performed by its own civilian personnel.

In accepting the awards from Governor Pyle, General Cassidy said: "Safety and accident prevention always receive full attention at every echelon within the Corps of Engineers. This sustained interest is the real reason the Corps has earned these awards. I accept them on behalf of all of those whose work has helped make these awards possible.

"It is not only important that we design each project properly from the engineering standpoint, but we must build it with care to eliminate accidents during construction and assure safe operations during the life of the facility," General Cassidy added.

The Corps of Engineers own operations last year had an average accident frequency rate 60 percent better than the frequency of federal agencies reporting to the National Safety Council. The Corps severity rate was 35 percent better than that of all the government agencies.

During the same period, contractors working on Army Corps of Engineers projects registered an accident frequency rate 50 percent better than the construction industry's average, while their severity was 10 percent better, according to records maintained by the National Safety Council.

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

Mr. ANDERSON of Illinois. I yield to the gentleman from Kentucky, the chairman of the committee.

Mr. PERKINS. Mr. Chairman, I have visited numerous projects in the congressional district I represent on which the Corps of Engineers were supervising construction. They had their own engineer on the job even where the contract had been let to private contractors. A Member of Congress cannot even go on that job unless he has a helmet on his head and uses other equipment necessary for his safety.

I think it would be useful not only to the advisory committee, but also to the Department of Labor to consider the standards that have been set up by the Corps of Engineers. It would be unfortunate if the Department or the advisory committee failed to consider the safety standards of the Corps of Engineers considering their great safety record. We are all proud of that record.

Mr. ANDERSON of Illinois. Mr. Chairman, I am delighted the chairman shares my feelings in that regard.

Mr. DANIELS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from New Jersey.

Mr. DANIELS of New Jersey. I likewise wish to concur in the remarks of Chairman PERKINS with reference to the Corps of Engineers and the Bureau of Reclamation. According to the testimony, they have established wonderful safety standards, and it is hoped that this com-

mittee which will advise the Secretary of Labor will take into consideration the high standards they have already established. We hope they will do so, and we know they will do so, for they are directed by this bill to consult prior to the promulgation of any rules or standards.

I should like to take this opportunity to report that the bill was reported favorably by all the members of the subcommittee, and it was cosponsored by 31 of the 35 members of the full committee, and it was reported favorably with no objection whatsoever by the full committee.

Mr. ANDERSON of Illinois. Mr. Chairman, if I may I should like to conclude by saying that in taking favorable action, as I hope we will, on this measure, we should not in any way imply thereby that the industry has not been interested in the question of safety up to now or that somehow it has been completely derelict in this regard. Quite to the contrary, the Associated General Contractors have had a longstanding interest in safety and have pioneered safety in construction. The AGC "Manual of Accident Prevention in Construction" has been recognized for several decades as the guide for safety in the construction industry and has been reprinted in several foreign languages.

Five foreign nations have translated the AGC "Manual of Accident Prevention in Construction" for application by contractors in their efforts to reduce construction accidents. They are: Japan, Spain, Norway, Israel, Afrikaans—Netherlands—plus those nations comprising the Inter-American Construction Association where the translation has been prepared for the Inter-American Federation of the construction industry by the Inter-American Safety Council.

For years this document has been recognized by the American Standards Association as the standard for the industry.

I think it well, while we consider this subject, we do pause to give some recognition and to pay some tribute to the fact that the industry has not been derelict in its responsibility and has on its own initiative been trying to develop the standards that will promote safety within the construction industry.

Mr. PERKINS. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GAYDOS).

Mr. GAYDOS. Mr. Chairman, I wish to add my voice in support of H.R. 10946, a bill to promote safe working conditions on federally financed construction projects.

Within the next 40 years statisticians tell us that America must put in place as much construction as was put in place during the first 180 years of our existence as a nation. Already we are told that there is a critical shortage of skilled construction workers. That is why the Nation can no longer tolerate the frightening toll of accidents which cost the construction industry millions of lost mandays of work each year.

For every day of work lost through a strike, 8 days are lost through construction accidents. The loss in dollars and cents through these accidents, staggering as it is, can be estimated with some degree of accuracy, but who can measure the suffering and the anguish of a family bereft of its wage earner?

Like mining, construction work is inherently dangerous. The work environment is conducive to accidents. Consequently, like mining, construction work needs special safety attention.

Accidents in the contruction industry can never be eliminated completely, but we owe it to the men working in the construction industry, to their families, and to the Nation as a whole, to make every effort to eliminate those hazards which are preventable.

H.R. 10946 is a step in this direction. It is time that the Federal Government promulgated a set of reasonable and effective safety standards for the work it finances.

It seems inconceivable to me that there should be any argument on this score. Two thousand construction men are being killed each year and thousands of others are being permanently maimed and rendered unfit to follow the trade they know best.

This is a toll the Nation can ill afford, and that is why I am strongly in favor of passage of H.R. 10946. The welfare of the Nation dictates passage of this measure, my conscience dictates passage of this measure, and I urge its adoption promptly.

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

Mr. GAYDOS. I yield to the gentleman from Kentucky.

Mr. PERKINS. I wish to take this opportunity to compliment the distinguished gentleman from Pennsylvania (Mr. GAYDOS). As it happens, we have two distinguished members on our committee from the great State of Pennsylvania, Mr. DENT and Mr. GAYDOS. Mr. GAYDOS succeeded another outstanding Member, our former colleague, Congressman Holland.

During the brief period of time he has been on this committee, no member on the committee has worked harder than the gentleman from Pennsylvania (Mr. GAYDOS). He has been untiring in his efforts in behalf of safety, education, and other matters coming before the committee. He deserves much credit for his contribution to the legislation we are now considering.

Mr. GAYDOS. I thank the gentleman from Kentucky, the distinguished chairman of our committee, for his kind remarks. I want the gentleman to know that it has been my pleasure not only to be a member of this committee but of this subcommittee.

Mr. PERKINS. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, I rise in support of this bill. I am proud to be one of the cosponsors of this legislation, and I congratulate the gentleman from New Jersey (Mr. DANIELS) and the chairman of the full committee (Mr. PERKINS) for moving it through his committee.

It is perfectly proper that the Federal Government set the highest standards of safety on federally financed projects in the construction industry. The building trades constitute one-third of the American labor force either directly or indirectly affected by construction. Certainly the standards set on federally sponsored projects in safety will sooner or later have an effect on the entire industry There is no question but that this industry is one of the pillars of our whole economy. We are now reaching for a trillion-dollar economy in our country, and we all know that the building industry has played a key role in the growth of that economy. So I am pleased that we are today passing legislation which will improve safety standards particularly as we recall the statement made by the gentleman from New Jersey that last year there were more than 2,000 construction workers who suffered serious injuries engaged on federally sponsored projects.

So, Mr. Chairman, I am pleased to vote for this legislation. This is landmark legislation which will have wide results as we move along in raising the entire safety standards for the building trades and construction industry.

Mr. PERKINS. Mr. Chairman, I yield such time as he may require to the distinguished gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Chairman, the fundamental and rather simple purpose of H.R. 10946, the construction safety bill, is to provide safe workplaces for construction workers on Federal construction projects and on federally assisted projects. As a matter of public policy, manufacturing workers on Federal supply contracts have long been given this basic protection by the Walsh-Healey Act. More recently the McNamara-O'Hara Service Contracts Act provided Federal safety standards for workers providing services to the Federal Government. Since construction is much more dangerous than manufacturing, this legislation is a long overdue step in the direction of reducing the toll of unnecessary accidents to the workers of this industry.

Although this bill is essentially conservative in applying only to Federal and federally assisted projects, its passage and effective enforcement would make a big impact on construction deaths and injuries as well as carry out our undoubted obligation to protect the lives of workers on Federal jobs. Federal construction is a significant part of the industry's output. Good Federal safety standards would save many lives on Federal jobs; they would also have a multiplying effect which would save lives throughout the entire industry.

I and my colleagues have been impressed by testimony which has demonstrated beyond any doubt the urgent need to do something about preventing accidents in this industry. A current annual rate of 2,800 deaths and a quarter of a million injuries speaks for itself. And the trend is upward. If effective action is not taken, the record is going to get worse, not better.

The primary cost of these accidents of course is counted in lives lost, in severe injuries—in human suffering of all kinds. But there is also vast economic waste to the industry and to its customers, of which the Federal Government is a major one. Preventable accidents cost

this industry billions of dollars every year. A small investment in good Federal standards and good enforcement would pay big economic dividends to the industry and to our national economy. More important, it would save thousands of valuable lives and prevent untold human suffering.

Mr. PERKINS. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Chairman, I rise to support this legislation and to pay my respects and compliments to the chairman of the full committee and the chairman of the subcommittee and the ranking member on the minority side for their efforts to get this bill before us at this early date.

This bill has been controversial over a period of many years. However, like everything else, as time goes on we get a little more mellow and recognize the justice of something which a few years ago looked like an impossibility. We believe that this will help the industry and the building trades themselves. The building trades have deteriorated over a period of years simply because we have paid too little attention to them and to give them an opportunity to upgrade themselves and their trades. Without question the building trades are the backbone of our entire Nation's economy. Without the building trades all of us, with all of our colleges and universities at our disposal, would have very little to do, because it is the man who has to use his head and his hands and his heart who creates our basic prosperity in a democracy like ours which has an industrial economy.

I am sorry, Mr. Chairman, that I will not be here tomorrow to vote for this legislation, because I committed myself, after seeing the whip notice, to a meeting of a convention of the glass bottle workers and will be too far away to get back in time for a vote tomorrow at around 1 o'clock. However, I thought that the bill would come up for a vote today inasmuch as it only had an hour debate with little or no controversy. But due to a primary as I understand it in New Jersey and out of respect to the New Jersey Members, there will not be a vote on this measure today. I am hoping that there will be a unanimous vote on it, however, tomorrow.

Mr. Chairman, it is my opinion that the building trades ought to feel that they have the confidence of the Members of Congress in the kind of vote we can give to them tomorrow and hope that you certainly do that.

Again, let me say that this legislation is long overdue and I am happy to raise my voice in its defense and in support thereof.

Mr. PERKINS. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Michigan (Mr. O'HARA), who has done an awful lot of work on this legislation.

Mr. O'HARA. Mr. Chairman, I rise in support of this legislation.

First, I want to congratulate the chairman of the subcommittee, the gentleman from New Jersey (Mr. DANIELS), and the chairman of the full committee, the gentleman from Kentucky (Mr. PERKINS), for the outstanding work they have done on this bill.

Mr. Chairman, 9 months ago, the House considered, under suspension of the rules, a construction safety bill generally similar to the one under consideration today.

A clear majority of the Members present, and very nearly a clear majority of the membership of the House voted for that bill, and it only failed of passage because it was being considered under suspension of the rules.

The details of the bill we are considering today are somewhat different than those of last year's proposal.

I am given to understand that some of the objections which were advanced last year by the contracting industry have been met, and that this bill should be acceptable to all parties concerned. But the basic concept of this legislation has not changed, and I can say again what I said last year about that bill. To understand the context of this legislation is to understand the argument for it.

For three decades, Mr. Chairman, Government contracts for the supplying of goods to the United States have contained a clause requiring the contractor to provide his employees with safe and healthful working conditions, and to pay them not less than the prevailing minimum wage.

Contractors providing services to the United States have been under a similar obligation, and their contracts have contained a similar provision for nearly 5 years now.

Contractors who undertake to build or repair buildings for the U.S. Government have long operated under a similar requirement with respect to the prevailing wage but they have been, alone among Government contractors, free from any obligation to provide their employees with safe working conditions. And this has been true, Mr. Chairman, in spite of the fact that construction is, outside of mining, the most dangerous industry in the Nation.

This bill, like last year's bill, seeks nothing more than to place construction contractors on the same footing with other types of contractors in their dealings with their employees. This bill should pass, and I am convinced that it will pass. But I do want to add one thing to that statement.

I want to say most emphatically that this bill of and by itself, is not sufficient to meet the serious and growing problems of occupational safety and health in America.

There are pending before the Education and Labor Committee not less than four bills dealing with the broader question of general occupational health and safety. One of those bills is identical to one which was recommended over a year ago by President Johnson. Another is identical to the bill reported to this House by the Education and Labor Committee last summer, but never considered on the House floor. Two others are new bills, introduced by myself and the gentleman from New Jersey (Mr. THOMPSON) bearing a generic resemblance to last year's proposals.

We have not yet heard directly from the administration, but in the hearings, the Under Secretary of Labor said that he hoped the House would pass a construction safety bill, but not in lieu of a broader bill. His exact words were:

> In the view of the Department, it would thus appear that some sort of comprehensive approach toward improving the working conditions and practices of all industries, including, of course, the building and construction industry as a whole would be desirable.
>
> However, legislation along the lines of H.R. 3290, which is confined to providing safe and healthful working conditions for the one group of employees working under Government contracting authorities who are not presently protected by Federal law, would be a step forward. The Federal Government would thus round out its safety coverage of those who work under its contracting authorities.

I rise to second that hope today. This bill is a good one, and in and of itself, it will make the life and health of the construction worker, performing his trade on a Government contract, considerably safer. But unless we enact a broader bill, covering all employees, that vast majority of American working men who are subject now to serious hazards to their safety and health, will continue to be so exposed.

I want, then, Mr. Chairman, to take this opportunity to urge upon the gentleman from New Jersey (Mr. DANIELS) and upon all my colleagues, the importance of finishing the job so well begun, by enacting a comprehensive occupational safety and health act before another year passes and another 14,000 American workers are killed in on-the-job accidents.

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

Mr. PERKINS. Yes.

Mr. GROSS. What is this I have been hearing about putting over a vote on this bill until tomorrow?

Mr. PERKINS. I am sure that the gentleman can get that information from the distinguished Speaker. I understand, that he had made a commitment. We are ready, but the Speaker made a commitment and we must honor that commitment.

Mr. GROSS. Mr. Chairman, if the gentleman will yield further, I thought it worked very well last year when the leadership of the House insisted that business be carried on normally and as usual on all days. I thought that the past performance of the House in declaring certain days out of bounds as far as votes are concerned had been eliminated. I am surprised to hear that a vote today has been put over. I am wondering if this is to be the accepted practice from here on out, that votes will be put over from day to day without any notification to the Members of the House.

Mr. PERKINS. I am sure the gentleman from Iowa knows that I cannot answer that question. It has been the practice in the past to postpone votes—complete general debate and postpone votes when certain States were having primaries.

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

Mr. PERKINS. I yield further to the gentleman from Iowa.

Mr. GROSS. The gentleman has been here for the last year or two, I have seen the gentleman here quite consistently, and that has not been the practice in the last year or two.

Mr. PERKINS. I would respectfully say to the gentleman that it has been the practice for over 20 years.

Mr. GROSS. Does the gentleman know whether the old situation is going to be revived with this vote being put over, and whether there will be votes being put over when there is a primary for Illinois, or an Iowa primary?

Mr. PERKINS. Let me say to my distinguished friend that we had a primary last week, and no vote was put over for any Members from the Kentucky delegation. I presume that certain Members of the New Jersey delegation asked the Speaker to postpone the vote.

Mr. GROSS. Does the gentleman from Kentucky feel discriminated against?

Mr. PERKINS. No; I do not feel discriminated against.

The CHAIRMAN. The time of the gentleman has expired.

Does the gentleman from Illinois (Mr. ERLENBORN) have any further requests for time?

Mr. ERLENBORN. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 10946

A bill to promote health and safety in the building trades and construction industry in all Federal and federally financed or federally assisted construction projects

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Contract Work Hours Standards Act is amended by adding at the end thereof the following:

"SEC. 107. (a) It shall be a condition of each contract which is entered into under legislation subject to Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267), and is for construction, alteration, and/or repair, including painting and decorating, that no contractor or subcontractor contracting for any part of the contract work shall require any laborer or contractor employed in the performance of the contract to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health or safety, as determined under construction safety and health standards promulgated by the Secretary by regulation based on the record after an opportunity for an agency hearing. In formulating such standards, the Secretary shall consult with the Advisory Committee created by subsection (e).

"(b) The Secretary is authorized to make such inspections, hold such hearings, issue such orders, and make such decisions based on findings of fact, as are deemed necessary to gain compliance with this section and any health and safety standard promulgated by the Secretary under subsection (a), and for such purposes the Secretary and the United States district courts shall have the authority and jurisdiction provided by sections 4 and 5 of the Act of June 30, 1936 (41 U.S.C. 39). In the event that the Secretary of Labor determines noncompliance under the provisions of this section of any condition of a contract of a type described in clause (1) or (2) of section 103(a) of this Act, the governmental agency for which the contract work is done shall have the right to cancel the contract and to enter into other contracts for the completion of the contract work, charging any additional cost to the original contractor. In the event of a violation, as determined by the Secretary, of any condition of a contract of a type described in clause (3) of section 103(a), the governmental agency by which financial, guarantee, assistance, or insurance for the contract work is provided shall have the right to withhold any such assistance attributable to the performance of the contract. Section 104 of this Act shall not apply to the enforcement of this section.

"(c) The United States district courts shall have jurisdiction for cause shown, in any actions brought by the Secretary, to enforce compliance with the construction safety and health standard promulgated by the Secretary under subsection (a).

"(d)(1) If the Secretary determines on the record after an opportunity for an agency hearing that, by repeated willful or grossly negligent violations of this Act, a contractor or subcontractor has demonstrated that the provisions of subsection (b) and (c) are not effective to protect the safety and health of his employees, the Secretary shall make a finding to that effect and shall, not sooner than thirty days after giving notice of the findings to all interested persons, transmit the name of such contractor or subcontractor to the Comptroller General.

"(2) The Comptroller General shall distribute each name so transmitted to him to all agencies of the Government. Unless the Secretary otherwise recommends, no contract subject to this section shall be awarded to such contractor or subcontractor or to any person in which such contractor or subcontractor has a substantial interest until three years have elapsed from the date the name is transmitted to the Comptroller General. If, before the end of such three-year period, the Secretary, after affording interested persons due notice and opportunity for hearing, is satisfied that a contractor or subcontractor whose name he has transmitted to the Comptroller General will thereafter comply responsibly with the requirements of this section, he shall terminate the application of the preceding sentence to such contractor or subcontractor (and to any person in which the contractor or subcontractor has a substantial interest); and when the Comptroller General is informed of the Secretary's action he shall inform all agencies of the Government thereof.

"(3) Any person aggrieved by the Secretary's action under paragraph (1) may, within sixty days after receiving notice thereof, file with the appropriate United States court of appeals a petition for review of such action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary, who shall thereupon file in the court the record upon which he based his action, as provided in section 2112 of title 28, United States Code. The findings of fact by the Secretary, if supported by substantial evidence, shall be final. The court shall have jurisdiction to affirm the action of the Secretary or to set it aside. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(e)(1) The Secretary shall establish in the Department of Labor an Advisory Committee on Construction Safety and Health (hereinafter referred to as the 'Advisory Committee') consisting of nine members appointed, without regard to the civil service laws, by the Secretary. The Secretary shall appoint one such member as Chairman. Three members of the Advisory Committee shall be persons representative of contractors to whom this section applies, three members shall be persons representative of employees primarily in the building trades and construction industry engaged in carrying out contracts to which this section applies, and three public representatives who shall be selected on the basis of their professional and technical competence and experience in the construction health and safety field.

"(2) The Advisory Committee shall advise the Secretary in the formulation of construction safety and health standards and other regulations, and with respect to policy matters arising in the administration of this section. The Secretary may appoint such special advisory and technical experts or consultants as may be necessary to carry out the functions of the Advisory Committee.

"(3) Members of the Advisory Committee shall, while serving on the business of the Advisory Committee, be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including travel-time; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

"(f) The Secretary shall provide for the establishment and supervision of programs for the education and training of employers and employees in the recognition, avoidance, and prevention of unsafe working conditions in employments covered by the Act, and to collect such reports and data and to consult with and advise employers as to the best means of preventing injuries."

SEC. 2. The first section and section 2 of the Act of August 13, 1962, are each amended by inserting "and Safety" after "Hours" each time it appears.

Mr. PERKINS (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

Mr. PERKINS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. HANLEY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 10946) to promote health and safety in the building trades and construction industry in all Federal and federally financed or federally assisted construction projects, had come to no resolution thereon.

ROGERS INTRODUCES BILL TO AMEND SOLID WASTE DISPOSAL ACT

(Mr. ROGERS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Florida. Mr. Speaker, I am today introducing legislation to amend and strengthen the Solid Waste Disposal Act of 1965.

This bill, the "Resource Recovery Act of 1969," would extend the existing law for 3 years and add two new sections to the existing law.

First, the Secretary of Health, Education, and Welfare would conduct studies and investigations on economical means of recovering useful materials from solid wastes, recommended uses of such materials for national and inter-

national welfare, and the market of such recovery.

In addition, the Secretary would study appropriate incentive programs—including tax incentives—to assist in solving the problems of solid waste disposal as well as practicable changes in current production and packaging practices which would reduce the amount of solid waste.

Second, the Secretary would be authorized to make grants to any State, municipality, or interstate or intermunicipal agency for the construction of solid waste disposal facilities, with incentives for new and improved methods for dealing with solid wastes.

This second point is important to those States and communities that desire more modern facilities to handle their solid waste problems, but are financially unable to meet the cost of such facilities on their own.

Indeed, some of these States and municipalities participated in planning programs for solid waste management under the existing law, but the existing law does not provide for carrying this planning into actual construction of facilities.

Mr. Speaker, we are a nation of users, not consumers. We buy, we use, and we throw away.

It is estimated that within a few years, Americans will discard each year more than 30 million tons of paper, 4 million tons of plastics, 48 billion cans, and 26 billion bottles; more than 3.5 billion tons of solid wastes are being thrown away in this country every year and the annual cost of handling and disposing of these wastes amounts to $4.5 billion.

During the past 30 years, solid wastes have been deposited by mining, milling, and processing to the extent that some 7,000 square miles of land have been covered or damaged, an area six times the size of Rhode Island.

If future generations of American are to inherit adequate, economical supplies of our natural resources, we must move now to find new ways of reusing solid wastes.

WASTE OF WOMANPOWER

(Mr. PICKLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. PICKLE. Mr. Speaker, there is in this country a great waste of manpower, or more correctly, womanpower. Too often, the fine talents and acumen of the American woman is lost—even though they have completed their college education.

Among the women who choose to work, statistics indicate more than ever before are employed. However, these figures are misleading. The number is high partially because it is a reflection of our population growth. But the sad fact remains that women are not continuing their education and, consequently, are granted only second-rate jobs. There are dramatic exceptions, but they are few.

At the University of Texas recently, Mrs. Walt Rostow addressed a colloquim on the need for continuing education for women. Mrs. Rostow says that education is now at a "moment of lost purpose."

Women today, as well as other groups, are not utilizing education as effectively as in the past, Mrs. Rostow said.

More women are candidates for doctoral degrees, she noted, but the percentage is down. More women are employed, but "ask yourself what jobs they are doing," she said.

In an overview of education's role in American history, Mrs. Rostow credited it as one of three major "social escalators," and said that education helped to move the country from an underdeveloped to a mature economy.

However, now that the development goal has been reached, education seems to have "lost sight of its role," she said.

Viewing education from an optimist's position, Mrs. Rostow said that its influence is not ended. It is time for all groups involved, with emphasis on women, to "retool" for the new end, or purpose, education will serve in a mature society, she added.

The colloquium served as a planning phase for a proposed program of academic opportunity for mature women students. During small group discussions, the participants submitted suggestions and questions which will shape the program.

Dr. Alice Whatley, program director and assistant professor of home economics, said:

At this time the program is concerned with services. Many of these are already in existence on the campus, but often are unknown to the women.

She added:

We are concerned with preparing such a smooth pathway for the return to school that no woman can resist the temptation.

Dr. Bryce Jordan, UT Austin vice president for student affairs, extended an official welcome to the men and women invited to participate in the colloquium.

WHY SHOULD TAXPAYER SUBSIDIZE RACIST CALL TO ARMS OF INSURRECTIONISTS?

(Mr. MINSHALL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MINSHALL. Mr. Speaker, since when is the American taxpayer expected to subsidize the racist call to arms of such insurrectionists as Stokely Carmichael, FBI fugitive Eldridge Cleaver, and other militants as part of a Government-sponsored "adult remedial reading course"?

This is precisely what is recommended by the Urban Reports Corp. of Cleveland, Ohio, under contract with the Economic Development Administration.

The 188-page report, "A Survey of Remedial Educational Materials for Job Training Centers," currently is being circulated by Assistant Secretary for Economic Development Robert A. Podesta as a guideline for job training centers.

It is outrageous, and I am today writing to both the Secretary of Commerce and Mr. Podesta asking that the recommended booklist be withdrawn from circulation immediately and revised.

This is not a matter of book banning. The course in remedial reading ostensibly is to teach these people how to read, how to improve their literacy so that they can advance themselves economically. I do not buy the argument, given on page 174 of the document, that each book was "examined for its presentation, its relevance to young adults, its appeal to readers who are not 'hooked on books,' and who read on a seventh-grade level. Although some of the selections may seem more difficult, we believe that interest in the book will be a compelling force for comprehension."

By what authority does the Urban Reports Corp. and the Department of Commerce assume that an adult student, struggling to improve his reading skills, will "relate" better to the anti-American militancy of Cleaver's "Soul on Ice," Carmichael's "Black Power," or Lython's "The Goddam White Man"?

Why would he not relate equally well to George Schuyler's books, not one of which is listed? Schuyler is one of the most articulate, successful, and tough-minded Americans writing today, black or white. His life is a legend, brilliantly told in his autobiography "Black and Conservative." He has written extensively, including novels, on African culture and current African politics, areas in which American Negroes are voicing loud interest these days.

George Schuyler has devoted his entire life to helping build this Nation, not destroy it. Do not the job trainers feel their remedial reading students might relate to a Negro who grew up in America when Jim Crow laws were real and terrible and who helped beat down racial barriers through reason, hard work, and an unshakable love for our Nation, whatever its faults, and a determination to work within the framework of the Constitution to make it a better country for all people.

Whatever our remedial reading students want to read on their own time is their business. I repeat this is not a matter of book banning. "Soul on Ice" is a best seller, Leroi Jones, Carmichael, Malcolm X—their works are available on loan from public libraries everywhere.

My point is this: taxpayers everywhere, myself included, are fed up to the teeth with those who would destroy our country, who are trying to turn it inside out with violence and manufactured hatred, and we are particularly fed up with weakminded governmental agencies funding programs which encourage that sort of activity.

For the benefit of my colleagues I am including in the RECORD the complete list of books selected for adult remedial reading courses in job training centers. Many of them are of outstanding merit. Others are so obviously, appallingly militant that it passes understanding why they were included.

I am convinced that the Government can do better than encourage its adult students to cut their literary teeth on what often comes close to treason. The list follows:

Adamson, Joy. *Born Free.* (Bantam pap. ed.).

Archer, Elsie. *Let's Face It.* Lippincott.

Ashe, Arthur, Jr. *Advantage Ashe.* Coward-McCann.

Baldwin, James. *Blues for Mister Charlie.* Dial. (Dell pap. ed.).

Baldwin, James. *Going to Meet the Man.* Dial.

Baldwin, James. *Nobody Knows My Name.* Dial.

Baldwin, James. *Notes of a Native Son.* Beacon Press.

Baldwin, James. *Tell Me How Long the Train's Been Gone.* Dial.

Beach, E. *Run Silent, Run Deep.* Holt. (pap. ed.).

Benjamin, Robert S. *Call to Adventure.* World.

Bishop, Elizabeth. *The Ballad of the Burglar of Babylon.* Farrar, Strauss, & Giroux.

Bonham, Frank. *Burma Rifles.* Crowell (Berkley Pub. pap. ed.).

Bonham, Frank. *Durango Street.* Dutton.

Bontemps, Arna. *Famous Negro Athletes.* Dodd, Mead.

Bontemps, Arna. *Lonesome Boy.* Houghton.

Bontemps, Arna. *Story of the Negro.* Knopf.

Bontemps, Arna. *100 Years of Negro Freedom.* Dodd, Mead.

Braitwaite, Edward R. *To Sir With Love.* Prentice-Hall.

Brown, Jim. *Off My Chest.* Doubleday.

Buckley, Peter. *Okolo of Nigeria.* Simon & Schuster.

Burden, Shirley. *I Wonder Why . . .* Doubleday.

Burgess, Leonard. *Rebound Man.* Franklin Watts.

Caldwell, Erskine. *In Search of Bisco.* Farrar, Strauss & Giroux.

Canaway, W. H. *A Boy Ten Feet Tall.* (Ballantine pap. ed.).

Carawan, Guy. *Ain't You Got a Right to the Tree of Life?* Simon & Schuster.

Carlsen, Ruth C. & Carlsen, Robert G. eds. *The Great Auto Race & Other Stories of Men and Cars.* Scholastic Book Services.

Carmichael, Stokely & Hamilton, Charles V. *Black Power.* Random House.

Carruth, Ella Kaiser. *She Wanted to Read.* Abingdon Press.

Chandler, David. *The Ramsden Case.* Simon & Schuster.

Chesnutt, Helen M. *Charles Waddel Chesnutt.* Chapel Hill.

Clark, Walter V. T. *The Oxbow Incident.* Gilberton.

Clarke, John Henrick ed. *American Negro Short Stories.* Hill & Wang (Amer. Century Series).

Clayton, Edward T. *Martin Luther King: The Peaceful Warrior.* Prentice Hall.

Cleaver, Eldridge. *Soul on Ice.* McGraw-Hill.

Cole, Ernest. *House of Bondage.* Random House (A Ridge Press Book).

Daley, Arthur. *Kings of the Home Run.* Putnam.

Davis, Sammy Jr. *Yes I Can.* Farrar, Straus & Giroux.

Davis, V. T. *The Devil Cat Screamed.* William Morrow.

Davidson, Basil. *A Guide to African History.* Doubleday (Zenith Books).

Davidson, Basil. *Black Mother.* Little, Brown & Co.

Davis, Russell & Ashabranner, Brent. *Strangers in Africa.* McGraw.

Davis, Russell G. & Ashabranner, Brent K. *The Choctaw Code.* Whittlesey House (div. of McGraw Hill).

Dobler, Lavinia & Brown, William A. *Great Rulers of the African Past.* Doubleday (Zenith Books).

Donovan, Robert J. *P.T. 109.* (Fawcett pap. ed.).

Doyle, Arthur Conan. *Adventures of Sherlock Holmes.* Globe Book (expressly written for 7–8 gr. reading level).

Duberman, Martin B. *In White America.* Houghton. (New Amer. Lib. pap.).

DuBois, W. E. *The Souls of Black Folk.* Smith, Peter (Fawcett pap. ed.).

Elman, Richard M. *Ill-at-Ease in Compton.* Pantheon Books.

Ellison, Ralph. *Invisible Man.* Random (New Amer. Lists, pap. ed.).

Elliott, Lawrence. *George Washington Carver, the Man Who Overcame.* Prentice-Hall.

Fair, Ronald L. *Many Thousand Gone.* Harcourt.

Fair, Ronald L. *Hog Butcher.* Harcourt.

Farman, A. L. ed. *Teen-Age Outer Space Stories.* Lantern Press.

Farmer, James. *Freedom—When?* Random House.

Felsen, Henry G. *Boy Gets Car.* Random.

Felsen, Harry. *Hot Rod.* Dutton.

Fleming, Ian. *Doctor No.* MacMillan. (New Am. Lib. pap.).

Fleming, Ian. *Goldfinger.* MacMillan (New Am. Lib. pap.).

Fleming, Ian. *Thunderball.* MacMillan New Am. Lib. pap.).

Forester, C. S. *The Last Nine Days of the Bismarck.* Little, Brown.

Garagiola, Joe. *Baseball is a Funny Game.* Lippincott.

Gibson, Althea. *I Always Wanted to be Somebody.* Harper.

Golden, Harry. *Mr. Kennedy & the Negroes.* World. (Fawcett pap. ed.).

Graham, Lorenz. *South Town.* Follett.

Graham, Lorenz. *North Town.* Crowell.

Graham, Shirley. *Brooker T. Washington.* Messner.

Graham, Shirley. *The Story of Phillis Wheatley.* Julian Messner.

Graham, Shirley. *There Was Once a Slave . . . the Heroic Story of Frederick Douglass.* Julian Messner.

Graham, Shirley. *Your Most Humble Servant.* Julian Messner.

Graham, Shirley & Lipscomb, George D. *Dr. George Washington Carver, Scientist.* Julian Messner.

Greene, Mary Frances & Ran, Orletta. *The School Children Growing Up in the Slums.* Pantheon Books.

Gregory, Dick. *From the Back of the Bus.* Dutton.

Gregory, Dick. *Nigger.* Dutton (Pocket book, pap. ed.).

Grey, Zane. *The Arizona Clan.* Watts (Large type ed.).

Griffin, John H. *Black Like Me.* Houghton. (New Am. Lib. Pap. ed.).

Guy, Rosa. *Bird at My Window.* Lippincott.

Hansberry, Lorraine. *A Raisin in the Sun.* (play). Random House.

Hansberry, Lorraine. *The Sign in Sidney Bruestein's Window,* (play). Random House.

Harte, Bret. *The Outcasts of Poker Flat & The Luck of Roaring Camp.* Regents Publishing.

Haycraff, Howard ed. *The Boys' Book of Great Detective Stories.* Harper.

Heinlein, Robert. *The Man Who Sold the Moon.* New Am. Lib. (pap. ed.).

Hemingway, Ernest. *A Farewell to Arms.* Scribner.

Hemingway, Ernest. *Hemingway Reader.* Scribner.

Hemingway, Ernest. *Short Stories.* Scribner.

Hentoff, Nat. *I'm Really Dragged but Nothing Gets Me Down.* Simon & Schuster.

Hentoff, Nat. *Jazz Country.* Harper (Dell paper).

Hershey, John. *The Algiers Motel Incident.* Knopf. Bantam Books. (paper ed.).

Huie, William Bradford. *Three Lives for Mississippi.* WCC Books.

Hughes, Langston. *Famous Negro Heroes of America.* Dodd, Mead.

Hughes, Langston. *The Best Short Stories by Negro Writers.* Little, Brown.

Hughes Langston. *The Best of Simple.* Hill & Wang. (Amer. Century Series).

Hughes, Langston. *The Book of Negro Humor.* Dodd, Mead.

Hughes, Langston. *The Dream Keeper & Other Poems.* Knopf.

Hughes, Langston. *The Panther & the Lash.* Knopf.

Hughes, Langston. *Something in Common & Other Stories.* Hill & Wang. (Amer. Century Series).

Hughes, Langston & Meltzer, Milton. *A Pictorial History of the Negro in America.* Crown.

Jackson, Jesse. *Anchorman.* Harper.

Jackson, Jesse. *Call Me Charley.* Harper & Row.

Jackson, Mahalia. *Movin' On Up.* Hawthorn Books.

Jones, James. *The Ice Cream Headache,* & Other Stories, Delacorte.

Jones, James. *The Pistol.* New Am. Lib. pap. ed.

Jones, Leroi. *Black Music.* Wm. Morrow.

Jones, Leroi. *Blues People.* (Apollo pap. ed.) Morrow.

Jones, Leroi & Neal, Larry. ed. *Black Fire.* Wm. Morrow.

Johnson, James Weldon *The Autography of an Ex-Coloured Man.* Knopf.

King, John T. & King, Marcel H. *Stories of Twenty-three Famous Negro Americans.* Steck-Vaughn Co.

King, Martin L. *Where Do We Go From Here?* Harper.

Knebel, Fletcher & Bailey, C. *Seven Days in May.* Harper.

Kugelmass, J. Alvin. *Ralph J. Bunche, Fighter for Peace.* Julian Messner

Lee, Harper. *To Kill a Mockingbird.* Lippincott.

Lee, Irvin H. *Negro Medal of Honor Men.* Dodd, Mead.

Lettau, Edward & Wakin, Edward. *At the Edge of Harlem.* Wm. Morrow.

Levy, Bill. *Return to Glory.* World.

Lewis, Claude. *Cassius Clay.* (Macfadden pap. ed.).

Lord, Walter. *A Night to Remember.* Holt. (Bantam pap.).

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A NATIONAL POLICY ON THE ARTS

(Mr. WIDNALL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WIDNALL. Mr. Speaker, soon the House will be considering amendments to legislation and appropriations concerning Federal participation in the arts. Coming before us once again will be the issues of the John F. Kennedy Center for the Performing Arts and the National Endowment for the Arts. In the past there have usually been severe limitations on debate and a lamentable absence of probative information when arts proposals are brought before us. It is opportune for us to start to gather some of the newly developing facts right now.

A highly qualified private citizen whose views on the arts deserve our thoughtful attention is M. Robert Rogers, the managing director of the Washington National Symphony Orchestra. Mr. Rogers was an adviser on the arts to President Eisenhower, who expressed his high regard in writing on several occasions. In recent years he has guided the privately organized National Symphony into becoming the best attended in the United States at its subscription concerts. If I may be permitted a prideful aside, I note that he is bringing his fine orchestra to my home State of New Jersey this summer, for three performances at the Garden State Center and one at the new Waterloo Village Festival of Music.

Our distinguished colleague across the Capitol, Senator DIRKSEN, called attention last Monday—page 13601 of the RECORD for May 26, 1969—to a provocative and cogent article by Mr. Rogers, "The Congress and the Arts," published in the Washington Post of May 25. I would like to commend to Congress a commentary broadcast by Mr. Rogers yesterday, June 2, over radio station WGMS AM–FM, Washington, D.C.:

A FORTHRIGHT NATIONAL POLICY ON THE ARTS

(By M. Robert Rogers)

Yesterday there was a commentary broadcast by Radio Station WGMS on the subject of Government subsidy of the arts. By implication, if not directly, the commentator called for the United States to spend $300-million a year on the arts so that our nation might keep pace with Canada in cultural development. This ambitious financial figure is attributed to Nancy Hanks, the president of the Associated Arts Councils which recently held its annual convention in Canada. She was quoted from The New York Times as saying, when it somes to Government involvement in the arts, "Canada is light years ahead of the United States."

These comments come on the eve of Congressional consideration of appropriations for the Kennedy Cultural Center and the National Endowment for the Arts. Thus, they appear to be directed at Congress. Since it is possible to be a champion of the arts and yet have opinions different from those heard yesterday, I have been invited to make some relevant remarks.

First, let us see how the figure of $300-million for the arts was derived. It is a simple projection, in ratio to population, of the $25-million that the Canadian government is said to allot annually for culture. The complaint is then made that our Congress last year authorized only $6-million for the arts. This happens to be the 1969 budget of the National Endowment for the Arts.

However, there is a lot more Federal funding of culture than is to be found in the Arts Endowment. Offhand I can think of at least ten executive departments or agencies which maintain arts activities. For example, the largest employer of musicians in Washington is not the privately supported National Symphony Orchestra. It is the Department of Defense, which pays for and operates the splendid bands and orchestras of the Army, the Navy, the Air Force, and the United States Marines.

The Departments of State, Interior, and HEW all have cultural budgets adding up into the millions. The Smithsonian Institution has plenty going in the arts, including a new Division of the Performing Arts. Under the Smithsonian banner is the virtually autonomous National Gallery of Art, and coming along is the Hirshhorn Gallery of Modern Art. Also vaguely under the Smithsonian is the increasingly expensive John F. Kennedy Center for the Performing Arts, which now has a price tag of more than $66-million and last week revealed that it is $20-million short of completion money.

In the TV-radio field, the USIA and the newly authorized Public Broadcasting Corporation produce cultural programs. Even the proverbially penurious District of Columbia has a modest budget for artistic activities. And, believe it or not, Congress itself has for some time been firmly in the performing arts by way of the celebrated concerts produced by the Music Division of the Library of Congress.

I suspect that it all adds up to considerably more than Canada's $25-million. However, I cite the facts—as opposed to the slogans of some promoters of the arts—not to suggest that the United States should stand still in the matter of Federal attention to the arts. Rather, I think it is important that Congressmen, as the elected representatives of the people, should have before them the most reliable information available when they consider proposals for extensions of the Federal role in support of the arts.

Hard facts in this field are not easy to come by, as the National Endowment officials recently admitted in testimony before Congress on March 27. They said, in part: "Research should be given the highest priority due to an appalling lack of concrete information in and about the arts."

It follows that the immediate priority for the Arts Endowment should be methodical and objective research that will lead to the basic information Congress needs in order to legislate intelligently. While the facts are being developed, it might be advisable for artists and arts executives with axes to grind for themselves and their organizations to keep their cool. Especially they should forbear from contributing further to the "explosion of words" that the Ford Foundation says is the only demonstration of a so-called cultural explosion in our land.

Presidents Eisenhower, Kennedy and Johnson have all agreed that the appropriate role in the arts for the Federal Government is to help create a national atmosphere in which the arts may become more accessible to all Americans.

One fact that needs no research is the high quality that major American arts organizations have achieved mainly through private means. In passing, it is pertinent to mention the high level of music programs originated day-in and day-out by WGMS, which is privately owned and operated by an American corporation, RKO-General. No publicly-operated Canadian radio station can touch it in its self-chosen, specialized field.

If Canada is indeed "light years ahead" of the United States in the matter of government subsidy, our northern neighbors are light years behind us when it comes to organized artistic endeavors like our established museums, symphony orchestras, and opera and ballet companies. With due respects, they have not yet produced a Winslow Homer, nor a George Gershwin, nor a Eugene O'Neill. Nor, either, a Van Cliburn, a Leontyne Price, a Duke Ellington. Neither Canada nor the United States, nor any other nation, can legislate genius into existence.

For us, a fitting national objective at this time is to air not so much for more artistic activity, but for the preservation and wider distribution of what we have. This requires a forthright, uncomplicated national policy on the arts—something we do not have. Perhaps the Nixon Administration will apply its talents to bringing sense and order into this highly variegated field.

LET US CARE FOR HIM WHO SHALL HAVE BORNE THE BATTLE

(Mr. DENNIS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DENNIS. Mr. Speaker, yesterday I voted against H.R. 693, a bill to amend title 38 of the United States Code to

provide that veterans 72 years of age or older shall be deemed to be unable to defray the expenses of necessary hospital and medical care, and for other purposes.

I wish to state my reasons for that vote; and in doing so I shall lay down certain general principles which guided my thinking in this matter and shall then apply those principles to the provisions of this particular bill.

Abraham Lincoln said in his second inaugural address:

> Let us . . . care for him who shall have borne the battle and for his widow and his orphan.

I certainly subscribe to that doctrine. On the other hand I am not convinced that every one of us who ever served in the Armed Forces is thereby forever after entitled to liberal public assistance in respect to his non-service-connected disabilities.

At the same time we are now in a severe governmental fiscal and budgetary crisis, coupled with spiraling inflation, ever-higher taxes, and most recent congressional action designed to keep and hold a $193 billion budgetary ceiling. This effort must obviously fail if we continue to increase expenditures even beyond those favored and requested by the executive departments.

I now apply these general principles to H.R. 693, and note the following:

First. Under H.R. 693 the previous requirement of inability to pay in order to obtain free Veterans' Administration hospital and domiciliary care for a non-service-connected disability is removed in the case of persons 72 years of age or older, by means of a conclusive legal presumption that all such persons are unable to pay.

In other words a millionaire veteran 72 years of age or older is now to be entitled to hospital care for a non-service-connected disability, at public expense.

He may thereby deny a bed to a younger veteran who is in fact unable to pay.

The objection to this is very well put in the letter to the chairman of the House Committee on Veterans' Affairs written by the Administrator of the Veterans' Administration and reproduced on page 5 of the committee report, as follows:

> This proposal presents a basic issue as to whether a veteran's advanced age alone should be considered a sufficient basis for an exception to the longstanding requirement that care at Government expense for *conditions wholly unrelated to his military service* may be furnished only to a veteran who is financially unable to provide necessary care for himself. If a veteran is well able to pay, there would seem to be no reason for distinguishing his case on the ground that he is older than some other veteran.
>
> Enactment of the bill would give the aged veteran who is able to defray medical costs access to a Veterans' Administration bed when otherwise he would not qualify and in some instances would deprive a younger veteran of prompt admission for needed care who is clearly unable to defray the cost. To this extent the bill is discriminatory. It would inspire unfavorable comparisons at the community level and subject the entire veterans hospital program to criticism. We are unable to recommend favorable consideration of this proposed amendment.

The Veterans' Administrator estimates a first year cost, as a result of this provision, of $1,825,000, and $3,650,000 per year by the third year, and thereafter.

I see no justification for this provision. As the Administrator says:

> If a veteran is well able to pay, there would seem to be no reason for distinguishing his case on the ground that he is older than some other veteran.

Second. Section 2 provides unlimited outpatient treatment for a group of about 144,000 veterans, at an estimated expense of $9,503,000 to $12,490,000 per year, which the Veterans' Administrator criticizes, in his same letter to the chairman of the committee, in the following language:

> The majority of this group are receiving increased monetary benefits because of *non-service-connected disabilities*. The proposed legislation would authorize unlimited outpatient treatment for this group but would not provide a similar benefit to *seriously disabled service-connected veterans* who are not entitled to the increased monetary benefit. Such preferential treatment of the non-service-connected veteran would represent an anomalistic departure from the traditional priority accorded service-connected veterans in matters of medical care. The Veterans' Administration does not favor this change in emphasis.

Third. Section 3 provides for increased outpatient furnishing of drugs and medicines at an estimated additional cost through fiscal year 1974 of $19,000,000, and is likewise opposed by the Administrator of the Veterans' Administration because it "poses a question as to how far the Government is prepared to go in granting medical services on a permanent basis for those whose disabilities originated in civilian life."

In view of the foregoing it is my judgment that H.R. 693 fails to meet or to satisfy the general principles I expressed at the beginning of these remarks, and I therefore voted "no."

THE NEED FOR AN OPEN MIND ON CONGLOMERATES

The SPEAKER pro tempore. Under previous order of the House, the gentleman from California (Mr. TUNNEY) is recognized for 10 minutes.

(Mr. TUNNEY asked and was given permission to revise and extend his remarks.)

Mr. TUNNEY. Mr. Speaker, in recent months a great deal of attention of the business world and of the legislative and executive branches of the Government has been focused on the growth of so-called conglomerate companies.

Such companies do not in themselves represent a new development, for nearly all of our large industrial concerns are to some extent diversified enterprises engaged in more than one type of business. What is new is that in recent years, through use of tender offers and other forms of mergers, the size and number of these companies has greatly increased. For example, in 1968 there were 4,462 reported mergers—50 percent more than in 1967. In 1968 there were 188 large companies having assets of $12.4 billion which were acquired by others. A significant portion of these mergers and acquisitions do involve the so-called conglomerate companies.

As a result, Congress plans to investigate the growth of these companies to explore whether legislation is needed to limit such growth while the Antitrust Division of the Justice Department has brought suit to test whether existing law covers such acquisitions.

Conglomerates have been criticized on the grounds that they concentrate too much economic power in a single economic enterprise. It is also stated that the individual components of these companies, supported as they are by the capital of the entire enterprise, gain an advantage over those of their competitors who are not parts of larger corporate entities. Further, it is said that when a company is taken over by a conglomerate its management and control is moved from the local community to a large financial center such as New York as a result of which local needs and interests come to be overlooked.

However, the conglomerates themselves make quite the opposite argument. They say that size alone does not make them bad, and that frequently large size makes for greater efficiency which through loss savings and lower consumer prices benefits the economy as a whole. Prof. Donald Turner, of Harvard, a former head of the Antitrust Division, has himself taken the view that size alone is not grounds to condemn an industrial company even if it has grown by merger. They further say that the companies they acquire tend to be those in need of modern management and financing—which is why the acquired companys' stockholders are willing to accept the conglomerate's offer—and that in providing such needed services they are actually made better able to compete. Thus competition is actually enhanced rather than restricted. They further contend that rather than harming the local communities in which acquired companies are located, ownership by a conglomerate actually helps them since the local business is strengthened by infusions of new capital and more efficient management. Indeed, many of the more successful conglomerates appear to have retained local management wherever they demonstrate competence to do the job.

I feel that the entire issue should be explored and I am glad that Congress in this session will give the matter its close attention. What I feel is most important is that we do not prejudge the case, but that we should wait till the evidence is all in. The criticisms of conglomerate companies have received wide publicity. It is time to make sure that the conglomerates themselves have an opportunity fully to present their side of the case. Then we can see whether or not they have made a useful contribution to the American economy. If, as I suspect it will, it develops that in some cases conglomerates are desirable while in others they are not, then we must take care to see that in prohibiting the bad we do not eliminate the good. We do not wish to have legislation become a shield for inefficient companies behind which they can continue to operate in a manner free from challenge by vigorous growing businesses. What we want is legislation de-

signed to maintain a free enterprise system, so ordered that competition and efficiency can grow and flourish, and so that small companies may have the opportunity to continue their participation in the economy.

CALIFORNIA WATER PROBLEMS—PERSPECTIVES AND PROSPECTS

The SPEAKER pro tempore (Mr. ALBERT). Under previous order of the House, the gentleman from California (Mr. SISK) is recognized for 30 minutes.

Mr. SISK. Mr. Speaker, on the 28th of February, before the Commonwealth Club of California in San Francisco, an excellent presentation on the California water plan was made by William R. Gianelli, the director of the California State Department of Water Resources.

Although I do not wish to convey the impression that I am personally in agreement with every statement made by Mr. Gianelli, I find that the speech gives us an outstanding overview of the basic concept of the California water plan and of the underlying philosophy behind it.

In view of the fact that all of the Members of Congress occasionally find themselves involved in California's water problems, I believe Mr. Gianelli's remarks would be helpful to all of the Members.

The full text of Mr. Gianelli's speech is as follows:

CALIFORNIA WATER PROBLEMS—PERSPECTIVES AND PROSPECTS

(By William R. Gianelli)

Mr. Chairman, I appreciate your kind words of introduction. I realize that my appearance this noon has received a considerable share of what the advertising experts call "advance billing". In fact, so vivid an image seems to have been built up that when your reception committee met me at the door they asked me where I had left my red costume and horns.

Since I have no desire to contribute to a masquerade, I came as I am. I intend to speak frankly and fully. I do so in the sure knowledge that the Commonwealth Club is interested in facts rather than fear, in firm accomplishment rather than fancy, and in reality rather than emotion.

As one of your members for many years, I have learned that your interest in public problems extends beyond personal preference, beyond narrow partisanship, sectionalism, or ideology. Therefore, I appreciate your invitation to be the speaker at the Friday luncheon. While it is an honor I share with all of the people in our Department of Water Resources, the role I play is somewhat different than theirs. This is because the definition of a "Director"—whether of a public agency or a symphony orchestra—is the fellow who stands up and faces the music.

I find, however, these days that the music is not being played as it was written. The notes are not ringing true. It is time we return to the original score and, as Al Smith used to say, take a good "look at the record".

A little over a month ago I stood on one of the levees on Sherman Island located in the Sacramento-San Joaquin River stream and watched floodwaters cover that island of the Sacramento-San Joaquin River stream system. It was one of those sights which left me with a most depressed feeling: to watch 10,000 acres of some of the finest agricultural land in the United States be flooded by 10 to 20 feet of water.

At the same time, I recalled some 35 years back when, as a teenage Sea Scout living in Stockton, I used to sail around the Delta channels in the summertime along with a number of friends whose parents farmed in the Delta area. In those years, these farmers were constantly worrying about the intrusion of ocean salt water in the Delta area in the summer and fall months due to lack of natural flows within the Sacramento-San Joaquin River stream system to repulse the ocean.

Then it occurred to me that these two observations, basically, were examples of California's water problems; namely, too much water in the wrong place at the wrong time; and, on the other hand, not enough water in the right place at the right time.

A few days after watching the flooding of Sherman Island last month, I had occasion to fly up and down the Sacramento and San Joaquin Valleys. I couldn't help being impressed that our own Oroville Dam, during the peak floodflow in January, was able to hold back some 143,000 cfs while discharging only 20,000 cfs. The flow past Oroville during the height of the high water was reduced to one-seventh of what it would have been if the Dam had not been there. The citizens of Yuba City and Marysville, many of whom were flooded out in 1955, had been protected from possible catastrophe this year.

Farther south. I flew over the site of New Melones Dam which has been authorized for construction by the U.S. Army Corps of Engineers, but upon which construction has not been started. I also flew over the site of New Don Pedro Dam on the Tuolumne River, which has just begun its preliminary construction phases under a joint agreement between the City and County of San Francisco and the Turlock and Modesto Irrigation Districts. If New Melones and New Don Pedro had been completed, the flood problems on the lower San Joaquin River would have been alleviated. We would not have had a levee failure at the junction of the Stanislaus and San Joaquin Rivers which resulted in the flooding of many hundreds of acres.

You may not realize that the big reservoirs which provide much needed flood control in the Sacramento and San Joaquin Valleys are multi-purpose reservoirs. They would not be in existence unless distant water users guaranteed the repayment of the water supply features. This is true on the Mokelumne River where Comanche Dam, built by the East Bay Municipal Water District, stopped the flood-waters of the Mokelumne River in the vicinity of Lodi this year. Comanche Dam exists because people in the East Bay Municipal Water District guaranteed and are paying for the water supply features of both the dam and reservoir.

In the vicinity of Modesto, downstream areas will be provided with flood control protection when New Don Pedro is completed, again primarily because the people of San Francisco are guaranteeing to defray the cost of the water supply features of New Don Pedro.

And so it is with the State Water Project's Oroville Dam. The people in the vicinity of Marysville and Yuba City are afforded flood control primarily because the State Water Project users in the north San Francisco Bay, the south San Francisco Bay, the San Joaquin Valley, and Southern California have guaranteed to pay the major share of the cost of Oroville Dam and Reservoir.

It is upon these concepts that the California Water Plan and the State Water Project have been conceived. Our job is to solve the imbalance in supply and, at the same time, to help meet flood control needs in the North and provide fishery enhancement and recreation generally as part of water projects.

The first beneficiaries of the State Water Project were Northern Californians, a fact which is often forgotten. Since 1962, water has been delivered to local contracting agencies in Alameda and Plumas Counties and, since 1965, to Santa Clara County. Recreational and economic benefits for the North come from the first three completed reservoirs of the five authorized by the Burns-Porter Act in the Upper Feather River Basin: Frenchman, Antelope, and Lake Davis. These projects are primarily for recreational and fish and wildlife enhancement.

In addition to the Northern California counties I mentioned as recipients of water through 1965, last year we delivered water to local districts in Napa, Stanislaus, Kings, and Kern Counties. Also under the $130 million fund set aside in the Davis-Grunsky Act, local agencies are receiving state loans or grants for local projects relating to domestic water supply and to fish and wildlife enhancement and recreation. Since 1959, 50 Davis-Grunsky projects have been approved. Thirty-nine of these are north of Fresno.

This is the way the original score was written and the way it was intended to be played when enacted by the Legislature in 1959 and ratified by the people in 1960. Many years of debate in the Legislature resulted in the design of a project which will benefit all Californians and which will deprive no area of the State to benefit another. Though the composition is clear, some critics have been introducing false notes. Propaganda has been widely disseminated in some areas of the State, including the San Francisco Bay area, that the State Water Project is a gigantic scheme to steal the water of Northern California for the benefit of Southern California and to leave the area north of the Tehachapi mountains a barren desert.

This untruth has been resurrected, dusted off, propped up, and masqueraded as if it were part of today's picture. Times have changed; no longer can we afford to look into a rear-view mirror. No longer can anyone stand before an intelligent audience and say that Northern California currently lacks surplus water. No longer can flood protection be denied. But, in the present realm of economics we must join water supply features with flood control features. We have arranged for federal funds to pay for the flood control features, and we have arranged for the water users to pay for the water supply. We have taken a statewide perspective because we are not divided by geography or commerce, or communication, and certainly not by problems.

The health, safety, and welfare of all Californians is our concern—from the Klamath Basin to the Imperial Valley. It should be a matter of pride that California leads the nation in making a statewide attack upon the problems of water resources and their developments. In the State of New York, four major departments and seven different divisions within departments have responsibilities for water supply. In New Jersey, the responsibility is spread over four departments and six divisions. In the region of which New York is a part, 13 federal agencies have planning responsibilities.

In the West, the trend is in the California direction, toward responsibility on a statewide basis and in a single department. It only confuses the picture to call for a return to the fractured pattern of the past. The clarity and simplicity of the California arrangement is being copied by Texas and Arizona, among other states.

In addition to our Department with major responsibilities in statewide planning and development of the State Water Project, the 1967 Legislature created the State Water Resources Control Board, combining the quasi-judicial functions of water rights and water quality. This Board is completely independent of our Department, its five members serving staggered four-year terms under appointments by the Governor. Last week your speaker made reference to these Board members particularly those from Northern California, stating that two of them were former members of our Department. This is

not true. The Chairman was a successful businesman and Mayor of St. Helena before he joined the Board; the Engineer is from Porterville having practiced as a successful consulting engineer in the San Joaquin Valley for over 25 years, and the third is a successful attorney from Placerville—none of these three has been associated with my Department as employees. Along with the other two members from Southern California, these three are most capable of protecting the State's interests in water quality and water rights in a completely objective manner. It is interesting to note the attacks on these people by those who have received or anticipated decisions not to their liking.

The Department's constituency embraces *all* Californians. Full "area of origin" safeguards are expressed in the California Water Code. This Code also includes the Burns-Porter Act. Under these safeguards, priority for its own water requirements is granted to an area of origin before supplies or exchanges can be made with regard to another area.

Similar safeguards for Delta water are also part of the law of this State. With respect to the Delta, the Legislature determined that a water supply sufficient to maintain and expand agriculture, industry, urban, and recreational development in the Delta was necessary. This determination controls policy for releases into the Delta and for export from the Delta.

The important point is that many Californians, including those from San Franicsco and the East Bay as well as Southern California, have exported water away from areas of origin. With nearly everyone dipping into the sources of water and exporting it, a statewide policy had to be nailed down in the law, and it was. Some critics cry that they lack legal protection, but this protection is clearly expressed in the law. Their real objection appears to be that we are carrying out a law which they do not like.

Those who criticize plans for the Peripheral Canal fail to discuss the whole story. There are many references to "taking *our* water" or "tapping the Sacramento's fresh water" at Hood and bringing it around the outside of the Delta. But, I fail to hear an honest discussion on how the Canal will actually be operated. It should be clearly pointed out that the Canal will be engineered to release fresh water directly into Delta streams and channels at eight different points on a regulated basis. We must recognize that merely increasing the flow of the Sacramento at the Delta's northern edge would fail to solve the *whole* problem of the Delta. To freshen water in the Delta's interior channels and streams, a westerly outflow is needed. Direct releases from the Peripheral Canal would provide this.

Peripheral Canal planning goes back many years. It was even part of the California Water Plan of 1957. Between 1961 and 1965, four plans were considered by an Interagency Delta Committee which included the Department, the Bureau of Reclamation, and the Corps of Engineers. Each plan was judged, not for how much water it would bring to the pumping plants on the southern edge of the Delta, but from those benefits which the Water Code says *must* be considered: water quality and supply in the Delta, flood control and drainage, the maintenance of fish and wildlife, and recreation.

The only plan which met all the objectives was the one providing for a Peripheral Canal skirting the Delta's eastern edge, but containing—as critics ignore—eight release gates for fresh water to be poured directly into the Delta's streams and channels.

At a public hearing before the California Water Commission, the Peripheral Canal was enthusiastically supported by commercial fishing and sportsmen's groups, by the Department of Fish and Game, and the Department of Parks and Recreation.

So, in evaluating the words of the fright peddlers, one cannot be too cautious. Sincerity can always be admired, but a narrow perspective is deplorable. Progress only exists in a rational atmosphere. Criticism that merely muddies the waters and makes a big splash, only exposes how wet the critics are behind the ears.

Now, let's take a look at facts about water quality in the Delta.

A preliminary water quality agreement has been reached by those most concerned: The Department, the Bureau of Reclamation, the Sacramento River and Delta Water Association, the San Joaquin Water Rights Committee, and the Delta Water Users Association. Their standards provide for water quality conditions throughout the Delta area which constitute a vast improvement over historic natural salinity conditions. The standards have been agreed to by groups that represent 90 percent of the agricultural interests in the Delta.

In addition, the Department has signed agreements with the City of Antioch and with the Contra Costa County Water District concerning the purchase of substitute supplies. The County interests represent over one-half of the assessed valuation within the County. Just last year, the Legislature created a Delta Water Agency with authority to negotiate with the U.S. and the State of California in order to assure an adequate water supply and suitable water quality and to implement the preliminary agreements reached.

I might add that, before I became Director of the Department, I was directly involved, as a private consulting engineer on behalf of Delta interests, in negotiations that led to the preliminary agreement on these water quality standards. These criteria, I firmly believe, are fair and equitable to all concerned. They give protection to the Delta water supply and guarantee adequate salinity control. I supported the proposal then, while on the other side of the fence, and I support it fully now as Director of Water Resources.

We feel that the Delta problem can most intelligently be dealt with from the standpoint of hydraulics rather than politics. Hydraulics involves theories of liquid motion. Politics involves the practice of perpetual emotion.

Our perspectives are statewide and our prospects are bright. We look beyond the flood control, the recreational, and the Delta environmental problems to future sources of water supply. Planning for future development of our North Coastal resources is a cooperative effort involving local, state, and federal efforts.

As part of our perspective, investigations of future water resources extend beyond conventional dam and reservoir. We are studying the possibilities of obtaining new water supplies through desalting sea water, waste water reclamation, improved watershed management, weather modification, and regional developments in the 11 western states.

Attention to local needs and cooperation with local and state agencies and the Federal Government are characteristic of our moves in these areas.

The Department's activity is carried on by a staff which consists of more than 1,000 graduate engineers, 1,000 technicians, and almost half as many administrative professionals. We have more than 400 construction inspectors and supervisors, an equal number of trades and maintenance craftsmen, and more than 770 office personnel.

Only myself and my 3 deputies are appointed by the Governor. We 4 are engineers and have had public service experience in state or federal water resource agencies totaling approximately 100 man-years. The Department's employees are all career public servants; they come from many areas of the State; they represent thousands of man-years of experience; and, they are problem-oriented in the best technical sense. They are professionals of broad perspectives.

The prospects facing California are strongly linked to the breadth of perspective we adopt. This is not a time for anyone or any group to become an emotional dropout from California's promising future. California has been described by one promising writer as "America tomorrow", "the direction in which America is heading", and a "prototype for the rest of the Nation". As a State, California contains 1 out of every 11 Americans. Californians enjoy the highest incomes and the most leisure, drive the most automobiles, and have the most color television sets, color telephones, swimming pools, backyard patios, and pleasure boats.

But we are also first in the serious things: our agriculture leads the nation; our economy is larger than any foreign country except Russia, West Germany, Great Britain, and France. California has 21 Nobel Prize winners in the sciences, a third of all living American Nobel Laureates in the Arts and Peace Prizes, and a quarter of the membership in the National Academy of Sciences. We have done more for ourselves in the field of water development than any other state and we're doing it in a way in which I believe our citizens can be proud.

We rejoice in these superlatives but, at the same time, we recognize the heavy responsibility that is implied. One of these responsibilities is that of carrying on intelligent discussions of public problems and issues including water at a high level and with full regard for the facts.

The problems of nature are the same everywhere, whether they involve battling disease, irrigating farmland or desert, exploring outer space or the inside of the atom. We expect differences. We know that what seems impossible—especially in controlling nature for man's benefit—is impossible only until somebody does it. Because California is a "somebody" state, and because we believe the direction of our efforts is uphill, we strive to be problem-oriented in our approaches. We will continue to do this—to seek healthful, constructive, and thoughtful public participation.

We appeal most of all for a broad perspective on the part of all Californians.

The statewide view must continue to guide us in California water development. We cannot afford to let narrow self-interest upset the plans made for all of the people.

We must move ahead under the concept that is pioneered in California law—a state water project which will benefit all Californians and which will deprive no area or interest to benefit another.

Viewed in the broad perspective that is proper, our prospects are bright for continuing water developments for water conservation and distribution, flood control, recreation and enjoyment of fish and wildlife.

WOUNDS INFLICTED BY LAW ENFORCEMENT IN BERKELEY

(Mr. EDWARDS of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, on Friday, Memorial Day 1969, an estimated 25,000 persons marched peacefully in Berkeley without serious incident. The peaceful march, I believe, was a return to sanity in that troubled city.

However, the wounds of Berkeley, wounds which have national implications, are deep. There has been a further division among the American public.

As illustrations of these divisions, I will include three recent newspaper ar-

ticles in this RECORD at the close of my remarks. The first is by Bob Gillette, science writer for the San Francisco Examiner. In an article published May 29, he discusses the wounds inflicted by law enforcement on May 15 in Berkeley. The second is by Nicholas von Hoffman and in the June 2 Washington Post he discusses the wounds and bitterness inflicted on a generation by the events in Berkeley. Mr. von Hoffman outlines the wise compassionate views of Fred Dutton, a member of the University of California Board of Regents and the former distinguished Assistant Secretary of State under President John F. Kennedy. In addition I would like to include in the RECORD an account of the gassing at Berkeley written by A. V. Krebs and published in the National Catholic Reporter on May 28, 1969. Finally, a young constituent of mine, a young man I know personally, wrote me an account of the actions of the police and National Guard in Berkeley. His remarks are significant as he had been called to active duty there. I am not revealing his name for obvious reasons, but the full letter is on file in my office and I am acquainted with him. I include his letter, changed only to protect him, in this RECORD.

It is my belief that it is time for us to seek new solutions to the campus crisis. It is time to realize we cannot govern our colleges by force. We cannot allow war to be declared between the generations.

There are answers, instead of violence. Let us address ourselves to those answers, instead of to recriminations.

The above-mentioned articles follow:

[From the San Francisco (Calif.) Examiner, May 29, 1969]

DOCTORS PROTEST BERKELEY SHOTGUNS

(By Bob Gillette)

Doctors who worked long hours tending the wounded in Berkeley after a bloody clash with police on May 15 are expressing anger and dismay at the use of shotguns to quell civil disorder.

The doctors believe the public does not fully appreciate the maiming power of fine birdshot and marble-sized buckshot.

And they fear that the debacle of two weeks ago may be repeated—tragically and unnecessarily—in response to a mass march planned in Berkeley tomorrow.

So far, the doctors say, the shotgun toll includes:

One death, three punctured lungs, two eyes blinded and a third damaged, a shatter-fracture of the lower leg and a ruptured bowel complicated by a massive internal infection.

INSANITY

Dr. Henry Brean, the chief radiologist at Herrick Hospital in Berkeley, and at Cowell Hospital on the university campus, said he is "one of many" physicians anguished by the human damage they have witnessed.

"I've got no brief for violence the kids committed," he said in an interview.

"But the indiscriminate use of shotguns is sheer insanity."

He asked rhetorically, "Hasn't anyone ever heard of firehoses?"

Another doctor, three surgeons who tried—and ultimately failed—to save the life of 25 year old James Rector, told The Examiner:

"Anyone here who has any sense of humanity has been horrified by what happened. As a resident of Berkeley and as a physician, I never expected to see these kinds of injuries in civilian life."

SOLD TO KILL

Another X-Ray specialist at Herrick Hospital, Dr. Klaus Dehlinger, observed that "Buckshot is sold to kill deer. That fact speaks for itself."

Brean and Dehlinger, who helped diagnose nearly all of the 40 to 50 wounded persons at Herrick and Cowell hospitals, emphasize that doctors are "not the organizing kind, not the protesting kind."

Nonetheless, half a dozen of the angry doctors have volunteered an eloquent protest: an inventory of major wounds.

The victims include five persons struck with double-? gauge buckshot pellets, a third of an inch in diameter. Only one victim of buckshot, James Rector, has been previously reported.

(Birdshot, a sixteenth of an inch in diameter, was the only ammunition authorized for use by Alameda County Sheriff Frank Madigan.

THE DAMAGE

Of the five buckshot victims:

One young man suffered a commutated, or shattering, fracture of the main bone in his left leg below the knee.

Four persons suffered wounds of the soft tissues. Among them was James Rector and a young man who sustained a ruptured bowel.

Ten persons admitted to Herrick Hospital had been wounded in the legs, arms, trunk and face with birdshot. One victim carried 125 pellets in his body, "and there may have been more," Dr. Dehlinger said, "That was all we could see in the X-rays."

Birdshot accounted for severe damage to the eyes of two persons. Some 130 persons were reported injured by gunfire, rocks, bottles. One policeman sustained a minor stab wound.

AN ACCOUNT

A surgeon at Herrick hospital, who asked not to be identified, gave this account of his view of the violence:

"I had just finished in surgery when it all happened, when the wounded began coming in.

"It was Thursday, and we were supposed to have an earthquake disaster drill Saturday. But a girl said on the public address system that the drill would go into effect immediately—and that this was not an exercise."

One of the arrivals was James Rector, shot at close range on Telegraph Avenue.

"This young boy had picked up three slugs—the sort of thing you'd expect from a machine gun.

"But it wasn't. It was buckshot from 30 feet. His belly was ripped apart."

WAYWARD SLUG

His spleen, part of his pancreas, and his left kidney were removed. He died four days later from a hemorrhage of the aorta, the main artery leading from the heart. Doctors later found that a wayward slug had nicked and weakened the great vessel.

The most seriously wounded survivor is now Alan Blanchard, a carpenter at the Telegraph Repertory Cinema in Berkeley.

Blanchard, the father of a five week old child, is under care at the University of California Medical Center.

Both his eyesockets were heavily damaged by birdshot, fired as he watched the melee from an apartment house sundeck.

George Pauley, his employer and co-owner of the cinema, said Blanchard is not an activist and has never been associated with street protests.

BENEFIT

To help defray Blanchard's medical expenses, Pauley plans to give him the box-office receipts from four shows a week—Friday and Saturday at midnight, and Saturday and Sunday matinees.

To augment the theater money, contributions to a trust fund for Blanchard and his family are also being sought.

It will be 10 days or more before doctors know the extent of Blanchard's blindness. Physicians at Herrick Hospital are fairly certain that it will be total.

[From The Washington (D.C.) Post, June 2, 1969]

BREEDING COP HATERS

(By Nicholas von Hoffman)

"A society that hates its young people has no future," says Fred Dutton, the only member of the University of California's Board of Regents to be with the students, the street people and the park. As such, he has a hard time on a board made up mostly by Ronald Reagan and a lot of multi-millionaires who, he says, "live in another world like the outer Patagonians."

"I'm basically a 'cop-out,' a conformist who wants to make the system work but I see the kids coming to us on the board and they can't get through to us. They get silence so I've been getting an education myself—the popular word is radicalization—because I see the older society beating up kids for no reason at all," says Dutton, a 45-year-old lawyer and straight politician who was appointed to the Board by former California Gov. Pat Brown.

When Fred Dutton says he's seen the older society beating up its kids, he's not using a figure of speech. He was at the Chicago Democratic Convention last summer and physically intervened to save some of them. Likewise a few weeks ago it was Dutton who raised a rumpus at a Regents' meeting, when he saw a policeman walk over to a white student who was talking to a black girl on a Berkeley lawn and clubbed him over the head. Neither the sergeant, nor the captain commanding the police detachment could give Dutton the name of the officer who did it.

Dutton is rare because he is an older person who has taken time to see how younger people are frequently treated. Few people have seen the photograph in the Black Panther Party newspaper of a California lawman drawing a bead with a shotgun on a single, fleeing, white, bearded youth. The student who took the picture is quoted as saying, "I was looking out the window Thursday afternoon and I saw some 50 people standing on the corner. Then they all started to run. The pigs came around the corner and one stood there like he was going to shoot. I never dreamed he would. The pig took his time aiming. The guy fell down in the street howling. The pig took off, and someone dragged the guy into the house. His right buttock and hip were bloodied from birdshot wounds."

The letters, pamphlets, pleas, cries and strangled gurgles coming in here from infuriated, impotent, "occupied Berkeley," are incredible and sad. Here's one from a young math instructor who was arrested after he told the National Guardsman to go love-off somewhere because they were bothering his girl while the two were walking to work: ". . . I soon discovered in conversation with fellow criminals that what I had done was far more serious than their crimes: two undergraduates had been arrested for giving the finger to a helicopter—one of them was riding on a bicycle while he was committing this criminal act, and his bicycle was arrested with him. It was in the paddy-wagon on the way to jail, too. Another undergraduate had picked up a used tear gas cannister for a souvenir. He was seen carrying it by a cop and was arrested. Another fellow was arrested for watching the arrest."

There's nothing especially unique about Berkeley except the use of guns by the police who heretofore have saved firearms for blacks. The hassling and hazing of kids, especially the more flamboyant middle and upper class kids, goes on all over the nation with the results that we're breeding 5 million cop haters. Pig is no longer a three letter

word for a four-footed animal and "oink" is becoming the real slogan of the Pepsi generation.

Many of us who're older are suffering from a King Lear complex. We're becoming obsessed with the notion that our sons and daughters are plotting to strip us of our gerontologically derived power and position and throw us out into the streets. So Fred Dutton remarks, "Joe Alsop says people like me are traitors to our own age group, but I think there's a whole bunch of people in their later 30's and early 40's who're being radicalized—people who were obedient and went off to Korea without asking themselves any questions."

There are some like that who're perking up and coming to life but there appears to be a stronger tendency in older people to inflict on the young what was once inflicted on them. Instead of remembering the miserable high schools, the sadness of their own conscription, the social arrangements that thwarted their own youthful sexuality, older people often say, "Well, I went through it, so why can't they?" What that statement really means is "I can't tolerate the idea of these young ones not suffering what I suffered. Make them go through it too."

The "it" they went through was a social processing that produced Richard Nixon and his silent majority, that docile, uncreative, tight-fisted mass who assent to anything any short-haired man in a business suit tells them to do. This is the ungenerous life of mildly paranoid home-ownership, and it is what the sons and daughters of the rich and near rich are objecting to, with the people's parks and their clothes and their sexiness. Fellows like the Attorney General pick this fact up and that's what makes him carp about permissiveness, but what's the point of having an affluent society if you can't loosen up and enjoy and enjoy some more. Puritanical social discipline is for times of scarcity and national emergency.

The kids in effect are saying, "Hey, there's plenty of money so let's pass the wealth around to everybody (blacks, Mexicans, old people) and have a good time. Man, don't give us this jive about national security, we know Ho Chi Minh isn't going to paddle over here in a rowboat. Relax, hang loose and dig your head and your body."

Fred Dutton knows this and that's why he says, "The park is cultural escalation. It's the kids telling us to keep our hands off their private lives, their shacking-up arrangements, their games. Harvard will have a park in eight months. This will be as important as the Free Speech Movement was. The park is symbolically very important."

But Fred Dutton can't get the message across to the Patagonian millionaires on the board of regents so there will be more fighting between the kids and the blue meanies.

[From the National Catholic Reporter, May 28, 1969]

WHY TEARS AND BLOOD OVER BERKELEY'S PEOPLE'S PARK?

(By A. V. Krebs)

BERKELEY, CALIF.—About 3,000 persons—most of them University of California students—had just finished a silent vigil for a young man who died after being shot by police in a Berkeley street battle.

The mourners decided to march the four blocks from where they were—Sproul plaza, the site of Berkeley campus protests—to a disputed piece of land called "People's Park," located in the university's south campus area.

But Berkeley police and California national guardsmen drove the students back onto the campus with volleys of tear gas, just as they had on the previous four days when the students tried to make the same march.

As the students returned to Sproul plaza, more lawmen formed a tight circle around its perimeter, and campus police took positions on the balcony of the nearby student union building.

Suddenly, a national guard helicopter swooped in over the tops of buildings and past the Campanile, the huge campus tower, and started billowing tear gas which was quickly blown to the ground by the 'copter's overhead rotor blades.

The campus police on the student union building joined in the tear gas attack, throwing large grenades of it at the students, who started fleeing.

Girls fell on the grass. Some screamed. Some threw up. Other students were chased into a nearby building and lawmen lobbed tear gas grenades in after them.

The tear gas drifted beyond the plaza. At the campus hospital, some patients had to be removed from their rooms, and one was placed in an iron lung after having some difficulty breathing. And, a group of small children in a university building received a strong enough dose to make them sick.

By the time the May 20 incident ended, 85 persons had been arrested.

The controversy and bloodshed at Berkeley are over a piece of land, about 150 yards long and 90 yards wide, located in a largely residential area. On one side are university dormitories and the school's long-range plans are to build student housing on it.

The university bought the land more than a year ago, paying just over a million dollars for it. At the time, it had a few old buildings on it, and some of Berkeley's hippy-type "street people" lived in them until the university tore them down. The lot was an eyesore.

Then about six weeks ago some students and some of the city's street people began cleaning the lot up, and clearing off the foundations left from the old buildings, and making it into a park.

They went out and panhandled about $700 from business places to buy things. They put down some sod, built play apparatus for children, put up a platform that can be used as a stage, and planted flowers, vegetables, and even a small corn field.

Some people, including Gov. Ronald Reagan, have charged the project was politically motivated, and that some of the students and street people undertook it to bring on a confrontation with the university.

But the students and street people say they really wanted a park. After completing some of the work, most of which they did on week ends, they held a dedication service, and named it People's Park.

"This is the first meaningful work experience of our lives," one of the park builders said.

But about a week after the clean-up campaign began, the university warned that it would soon be using the land for its intramural sports program. On May 14, it put up "No Trespassing" signs, and the morning of May 15 it installed an eight-foot-high chain link fence around the property.

Later, on May 15, the students and street people held a protest rally at Sproul plaza, and started a march on the park. This led to the violent clash with lawmen during which the young man, James B. Rector, was fatally wounded. More than 100 other persons were hurt.

Rector, who was from San Jose, had come to Berkeley to visit some friends. He was standing on top of a building watching the battle when he was hit.

Before he died, he told the doctor who treated him that he looked down from the rooftop and saw a policeman aiming a shotgun at him. He said he turned to run, and then was shot in the left side.

An autopsy revealed that Rector died from "shock and hemorrhage due to multiple gunshot wounds which perforated the aorta"—the main artery carrying blood from the heart.

The battle raged for much of the afternoon. Police said bottles, bricks and pieces of concrete reinforcing rods were thrown at them. They responded, first with tear gas and then shotguns. There also were claims they used .30-caliber rifles in a few instances.

By nightfall, more than 400 outside police officers were in the city, including San Francisco's tactical squad, which lent the law enforcement during the violence at San Francisco State. That evening Governor Reagan ordered the national guard in, and a curfew was imposed.

The Berkeley city council, meeting while national guardsmen stood guard in a circle around the city hall, called for a grand jury investigation of the controversy and the violence.

Ron Dellums, a black councilman, drew applause as he condemned "violence and brute force" and that "because of inabilities to solve problems a young man is dead." He said the city should "tell Governor Reagan that we are tired of Sacramento controlling us."

The governor, meanwhile, was telling newsmen in Sacramento that "the issues (in Berkeley) have become clouded and some may be misinformed or misled into belief in a so-called 'cause' which in reality is nothing more than a deliberate and planned attempt at confrontation."

The governor's office declined to say how many national guardsmen were called to Berkeley. One spokesman said revealing the number "might be advantageous to the enemy." Other estimates placed the total at about 2,000, and many of them were staying in People's Park.

The state's board of regents, who were meeting in Los Angeles during the Thursday gun battle, later affirmed that "we have full confidence in the Berkeley administration and the law enforcement agencies."

One regent, Fred Dutton, however, said he felt that "if the students developed the land with their own resources, then they should have their park."

During the helicopter tear gas raid, Father James Conway, a Paulist at the university Newman center, was standing in front of the center watching the fleeing students.

"I prayed a blessing two weeks ago in the People's Park that it would be a source of peace and brotherhood, not of bloodshed and violence," the priest said.

"Seeing now how the university administration and the city has reacted to the students and street people's simple desire for their own park, I should instead have asked for the surrounding community to be a source of peace and brotherhood."

DEAR DON: I was activated to serve in Berkeley California as a member of the National Guard. The situation that exists there can only be described as intolerable for the people of Berkeley. Upon returning to the Ninth District I became aware of your efforts to investigate the situation. I hope that what I observed may be of some help in your investigation or in obtaining one.

It became evident from the first day of arrival that the perpetrators of violence were the police and especially the Alameda Sheriff's department. They seemed to display a degree of vengeance and reprisal against the youth while performing their duty. The first day I was on guard duty on the street corner of a main intersection a long haired youth was passing. One of the Alameda Sheriffs tripped him then hit him across the back with his club. The youth did nothing wrong (other than walking down the sidewalk) to bring about the attack and the sheriff just laughed and walked away. When questioned the cop could give no rational explanation; he wore no badge number.

The next day I witnessed the Alameda sheriffs handcuff a youth (his hands to his ankles) rolled up the windows of a car, threw

him inside and then tossed in a tear gas grenade, and slammed the door. They kept him in there for ten minutes. The overreaction of the police was sickening to watch, on at least two occasions I observed gangs of officers beat a demonstrator or bystander. At one point an officer drew his shotgun and pointed it at a crowd of students by a building because one student had thrown a rock, he intended to shoot everyone in the crowd. Fortunately he was restrained by the Berkeley Police who seemed to be more restrained. On Monday night I was in the Berkeley Police Department Headquarters and overheard the following. The captain of police, "Tomorrow the quota is one hundred arrests you are to drive up in your squad car jump out and grab the nearest individual, and place him under arrest for failing to disperse. The arrest forms are already made out—just fill in the names." This plan was carried out by the police on Tuesday one of my friends was arrested while coming home from school two blocks from his residence. On Thursday the plan was repeated. We were told by our commanding officers to let straight individuals through our lines but to herd everyone with long hair into the Bank America parking lot. I feel that both these are adequate examples of violation of civil rights, by the police. We were also told by our company commander that the police were justified in their indiscriminate beatings and gassings because of the obtrusive language they had been subjected to. But our commander felt they were guilty of over reaction. I hope that you are enabled to get a federal investigation and it is able to come up with some findings that will put a cease to the violence perpetuated by the police. I am not alone many of my fellow guardsmen hold the same feelings of disgust. Any effort you make will be thoroughly appreciated. If you wish more detailed statements of what I observed please contact me.

Respectfully yours,

_____.

[From the San Francisco (Calif.) Examiner, May 29, 1969]

CoED'S VIEW OF UC RIOTING

(NOTE.—The following letter was written to V. M. Hanks, a San Francisco professional photographer, by his daughter, Penny, a sophomore at UC, Berkeley, expressing her views and opinions of problems in Berkeley. Penny's dormitory is near Sproul Plaza.)

MAY 25, 1969.

DEAR DADDY: It was so good talking to you the other night—sometimes wish we could talk more often, especially now with so much going on around me over here.

I wish also that you could actually be here to see the kind of things that are happening all around me. The whole thing is so confusing and so terrifying.

I feel that my own thoughts on the situation are the same basically as those of the majority of students at Berkeley. I'm young and idealistic I guess, as are most people here.

On the one hand I feel like my idealism (and that of most of my peers) is being exploited and twisted by radical student groups such as the SDS, and it makes me so angry. It seems you can't believe in a legitimate cause without someone using it as an excuse to try and rip down the structure of our society.

But what I've seen around here lately shows me there are changes which must be made—and soon.

This People's Park issue is not as I see it, the major concern of the majority now. Yes, I know that land belongs to the University and that people don't have a right to claim property which just isn't theirs.

Perhaps I would rather see a park there than a playingfield or whatever, but all I can do is voice my preference and hope to be heard. I understand fully that the property is not mine to "take over," and here again I know I speak for the majority.

MAIN CONCERN

What is the main concern now is the way the situation is being handled by our so-called "keeper of the peace."

I for one cannot attend the University that I love feeling like I'm part of "the enemy" in an occupied city. I have lived for the past while in fear, not of the student dissidents and demonstrators, but of our officers of the law.

For awhile now I've been afraid to go on campus, because I know that at any time I could be choked in a cloud of gas or pelted by gunshot, just on the way to or from school.

I'm not speaking from what I have heard, but rather from what I myself have experienced. I've seen some of the injuries done to people who've just happened to be in the right places at the wrong times.

A LIE

And I can tell you now that Alameda County Police Chief Madigan was lying when he said that only birdshot the size of BBs was used. I have helped dress the wounds of people who've been hurt, and I know. I haven't been outside in the middle of anything, but when someone comes to your "inside" gushing blood you just can't ignore it.

Daddy, I've breathed so much tear-gas I'm becoming immune to it. As casually as one would say "shut the window, please, it's cold," we say "shut the window, please, the gas is coming in."

TRAPPED

I've seen "crowds" of two people gassed inside of the quad of our dorm unit by police on the other side of the fence by the parking lot. I've also seen gas thrown and shots fired at people who are running away—in other words, already dispersed.

I've also seen police march and drive people up the street one way only to be met by another battalion of police at the other end and the people, who now can't possibly disperse, are gassed and-or-arrested en masse.

I have a friend who was shopping on Shattuck Avenue the other day (this boy is no more likely to be out provoking police than I am) and when he saw trouble ahead he asked an officer which way he should go to avoid it. The officer pointed him in the direction of a parking lot and when he neared it he was arrested along with hundreds of others.

HER FEAR

This kind of thing just can't go on. You've always taught us respect for law and order, but I feel that what's going on with the police here now is unlawful and certainly disorderly.

This is not to say I don't feel that there are certain violent demonstrators who should be arrested, but when someone like me who's been brought up as I have has to be afraid, not of student demonstrators, but of the police—then somewhere there's something wrong.

I only hope that people outside wake up in time to do something about it, before it's too late.

Love and confusion,

PENNY.

TITLE VI ENFORCEMENT

(Mr. EDWARDS of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, several weeks ago, I was dismayed to discover that the Department of Defense had awarded a contract to the Ingalls Shipbuilding Co., of Pascagoula, Miss., in violation of the Department's own regulations with respect to enforcement of title VI of the Civil Rights Act of 1964. The Department of the Navy awarded the contract even though equal employment opportunity deficiencies had been documented and no affirmative action plan existed which would correct the situation. On May 19, in telegrams to Secretary of Defense Laird and Secretary of Labor Shultz, who has responsibility for the Office of Federal Contract Compliance, I protested the award of the contract and urged that no further contracts be let until title VI regulations were complied with.

As a result of congressional protests, Department of Defense and Department of Labor representatives met with the Ingalls Co. on May 22 and Ingalls filed an affirmative action plan as required by law.

I consider this series of events very serious. It indicates that Federal agencies are not meeting their responsibilities to administer title VI evenhandedly and effectively. The Members of this Congress cannot assume responsibility for policing each contract awarded by the Department of Defense or any other Department to assure that there was compliance with Federal civil rights regulations. Surely, we have a right to expect that an agency of the Federal Government can and will enforce Federal laws against discrimination and its own implementing regulations fully and effectively.

Mr. Speaker, I insert at this point in the RECORD copies of my telegrams to Secretaries Laird and Shultz and the responses of their Departments which indicate that the original contract was let with total disregard for the law of the land:

Hon. MELVIN R. LAIRD,
Secretary of Defense,
The Pentagon,
Washington, D.C.:

I have been informed that the Department of Defense recently awarded contracts totalling $128 million to the Ingalls Shipbuilding Company of Pascagoula, Mississippi. Further, I understand that the contracts are expected to be part of a series of negotiated contracts with the Ingalls Company. I am extremely concerned about this report because of the extremely poor record of this company in the area of compliance with Federal laws banning discrimination in employment. This record would ordinarily make Ingalls ineligible for Federal contracts by reason of Executive Order 11246. I therefore ask that you inform me whether the Ingalls Shipbuilding Company filed a written affirmative action plan spelling out in specific terms the steps it would take to comply with Federal laws regarding nondiscrimination by Federal contractors. If such a plan was filed, I would appreciate you forwarding it to me. In addition, please keep me informed as to whether the Department of Defense intends to award further contracts to this company and as to the safeguards that will be required.

DON EDWARDS,
Member of Congress.

Hon. GEORGE P. SCHULTZ,
Secretary of Labor,
Department of Labor,
Washington, D.C.:

I have been informed that the Department of Defense has recently awarded contracts

totalling $128 million to the Ingalls Shipbuilding Company of Pascagoula, Mississippi and that this company is in violation of Federal laws banning discrimination in employment by Federal contractors. I also understand that further contract awards for the Ingalls Company are expected. Please advise me as to whether the letting of the original contracts was cleared by the Office of Federal Contract Compliance. If such a review was not undertaken, please advise me as to what action you now intend to take with respect to the contracts already awarded. In addition, please advise me as to what action you intend to take with respect to the additional contracts for Ingalls which are now in the pipeline.

DON EDWARDS,
Member of Congress.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., May 27, 1969.

Hon. DON EDWARDS,
House of Representatives,
Washington, D.C.

DEAR MR. EDWARDS: Secretary Laird has asked that I respond to your telegram of May 19, 1969 regarding a recent contract award by the Department of the Navy by the Ingalls Shipbuilding Corp. of Pascagoula, Mississippi. As indicated in your telegram, this contract was awarded by the Navy without completing our required pre-award compliance check on equal employment opportunity matters. Our inquiry into this matter has revealed that the award was made on May 1, 1969 and our new requirement for completing pre-award checks for negotiated contracts became effective on January 31, 1969. Prior to that time we required such checks only on formally advertised contracts in accordance with Department of Labor regulations. This company was selected as a source for negotiation of the contract in question in May, 1968 and negotiations on the final form of agreement had been in progress for almost one year. During final stages of these negotiations the Navy Department neglected to apply our new pre-award regulations to this contract.

At the time of this award, the company had submitted an extensive written affirmative action plan to the Contracts Compliance Office of the Federal Maritime Administration and discussions were in progress to develop a supplement to this plan. We are pleased to report that on May 22, 1969 representatives of Ingalls Shipbuilding Corp., The Maritime Administration, the Department of Labor and the Department of Defense met and completed an acceptable written supplement to the original copy of the company's affirmative action plan. Accordingly, the Ingalls Shipbuilding Corp. has now been formally determined eligible for this award.

This Department cooperated closely with other agencies in communicating to the company the urgent necessity for immediate resolution of this problem. We believe that this action is consistent with our obligation to fully carry out the equal employment opportunity program provided in Executive Order 11246 and related Department of Labor regulations.

Please accept our assurance that steps have been taken within the Department of Defense to reiterate and emphasize to all procurement contracting officers their obligation to complete pre-award checks on all contracts in excess of one million dollars in value.

A similar response has been transmitted on May 24, 1969 to Senator Edward M. Kennedy. We hope that this is fully responsive to your inquiry and are pleased to report on the resolution of this matter.

Sincerely,

L. HOWARD BENNETT,
Acting Deputy Assistant Secretary, Civil Rights and Industrial Relations.

U.S. DEPARTMENT OF LABOR,
Washington, D.C., May 23, 1969.

Hon. DON EDWARDS,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN EDWARDS: This is in response to your telegram regarding the Ingalls Shipbuilding Company contract.

It is our understanding that the Navy as the contracting agency in this case, erred in not following the established procedure of consulting with the Maritime Administration before issuing the contract in question. The Maritime Agency is the Government's compliance agency for the shipbuilding industry. Had the Navy done this, it would have learned that the Ingalls Company did not at the time of contract issuance have an approved Equal Employment Opportunity affirmative action program to correct deficiencies on record. Such a program had earlier been submitted by the Ingalls Company to the Maritime Administration but it was still under review and discussion at the time the contract was let.

On learning of this circumstance, the Company was advised that its contract was subject to cancellation and action was immediately taken to reach a compliance understanding. Following a series of conferences between Government and Ingalls Company officials an affirmative action program meeting Government standards and requirements has now been approved and agreed to. Maritime Administration, DOD and OFCC officials participated in these meetings.

Inasmuch as the Ingalls Company now has an approved affirmative action program to correct deficiencies, no further action at this time is necessary with respect to additional contracts for which the Ingalls Company may be considered. However, the compliance agency will be conducting periodic checks of the Ingalls Company to see to it that it remains in a compliance posture.

Sincerely,

J. D. HODGSON,
Under Secretary of Labor.

"WEDDING" OF UNION PACIFIC AND CENTRAL PACIFIC RAILROADS—ROLE OF REV. DR. JOHN TODD

(Mr. CONTE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CONTE. Mr. Speaker, last month marked the 100th anniversary of the "wedding" of the Union Pacific and the Central Pacific Railroads at Promontory Point, Utah, which signified the completion of the transcontinental railroad.

One of the more interesting highlights of this unique event in American history is the role which Rev. Dr. John Todd, of Pittsfield, Mass., played on this momentous occasion.

The Berkshire Eagle, in a special report on May 10, detailed this fascinating story. Under permission to extend my remarks, I would like to insert the following excerpts from that story into the RECORD:

REV. DR. TODD'S 315TH WEDDING

(NOTE.—Just 100 years ago today the pastor of the First Church put the brakes on a brawl.)

(By Morgan Bulkeley)

One hundred years ago today the picturesque wedding of the Union Pacific and the Central Pacific railroads was performed on a bleak, sage-brush plateau at Promontory Point, Utah, with the Rev. Dr. John Todd of Pittsfield officiating. In a real sense, a divided nation became one.

Best man for the Union Pacific was its vice president, Thomas Clark Durant, a native of Lee; and representing the Central Pacific along with its president, Leland Stanford, was its vice president, Mark Hopkins of California, whose wife later retired to the ancestral home in Great Barrington as "America's richest widow and mistress of 50 millions."

The Great Day of May 10, 1869, . . . saw the fruition of an almost impossible dream: the joining of the Atlantic and the Pacific by railway. The obstacles had seemed insurmountable. They include the quite probable risk of failure, post-Civil War uncertainties, currency inflation leading to exorbitant prices for labor and material which has to be transported to remote frontiers, Indian perils, the Rocky Mountains, legal and congressional battles and investigations, company dissentions and astronomical financing problems.

For the Rev. Dr. John Todd, it was the 315th wedding he had performed since he came to Pittsfield Jan. 1, 1842, as minister to the First Congregational Church. He had come his own hard way since borrowing a pair of shoes at age 6 to attend his father's funeral. He graduated from Yale in 1818 and, after Andover Theological Seminary, served as pastor in Groton, Northampton and Philadelphia.

One news dispatch from Promontory Point bemoaned his long prayer over the golden spike and described him as "a distinguished but unspectacular country parson from the East." The reporter did not know Dr. Todd's long story and must not have heard his short prayer.

His biographer says: "The county of Berkshire was to him the most beautiful region in the world. In all this region he was recognized as a kind of bishop, taking the lead from sheer weight and energy of character." Shortly after his pastorate of 31 years began, he confessed: "I actually had my toes touched with frost in the pulpit." But later the Lord evened things up by burning the Bulfinch Church, and his house to boot. He found his Pittsfield neighbors "a great, rich, proud, enlightened, powerful people. They move slowly but tread like the elephant . . . are a very critical audience . . . have 10 times more intellect than all my other places."

Dr. Todd was the noted author of the best-selling "Student's Manual" of his day and of other books including "Serpents in the Dove's Nest." He was a fanatical temperance leader who vowed he would never again lecture in the old Union Church after a theatrical company played "The Reformed Drunkard" there. Yet, cryptically, he is purported to have thanked a friend for a jar of brandied peaches: "I don't care much for the fruit but enjoyed the spirit in which it was given."

At the time of the great railroad completion, the 69-year-old Dr. Todd was retired, and his many friends and parishioners had sent him "with quite a party from Pittsfield" on a trip to the West Coast where he was received "as a kind of holy fossil to be handled with care." It was entirely happenstance that he made the first transcontinental train trip and discovered the section from Omaha to San Francisco surprisingly shortened from three months by way of wagon to one week.

It was lucky circumstance for all those present at Promontory Point on May 10, 1869, that the Pittsfield pastor happened along. For virtually alone he gave dignity to an occasion that might otherwise have been a champagne fiasco in the national eye.

The date had been set for Saturday, May 8, but two days before that, 400 disgruntled workers had shunted the luxurious car of Dr. Durant onto a Piedmont siding where they threatened his life if he wired for soldiers rather than for their $80,000 in back

pay. The money arrived next day, and he was released, but the ceremony had to be postponed until Monday. This gave more time for celebration and carousal.

About 20 tents and some wooden shacks comprised the ephemeral little junction that mushroomed from grass and sagebrush. There was no water nearer than eight miles, but no one cared. In the night the muddy street at 5,000 feet above sea level had turned to ice. The cold kept visitors shuttling between the town's five saloons and the potbellied stoves in their railroad cars. The "Hell-on-Wheels town" began to roll with its confusion of law and lawlessness, officials and ruffians, millionaires and penniless coolies, wives and camp followers. A lynching was narrowly averted.

Monday dawned clear and sunny. The many conflicting accounts seem to agree on little else but that on the abiding presence of the Wasatch Mountains. Old glass-plate photos show two railroad grades with tracks, sidings and switches, a telegraph line, and an anachronistic 20-star flag flying from a telegraph pole. (There were 37 states at the time.) More than 20 newspapers had one or more reporters present, and these variously concluded that between 500 and 3,000 attended the shotgun wedding. The only foresight was shown by Dr. Todd, who left a copy of his two-minute prayer at Ogden for telegraph to President Grant and the nation.

Finally Dr. Durant's shining Pullman chugged in, and the velvet-frocked VP stepped into the mud to shake hands with Stanford and Hopkins leading the Central Pacific's delegation. Several unexpected companies of the 21st Infantry Regiment en route to California also disentrained just in time to partly control the pressing crowd, and their band struck up a lively tune. The white-haired Dr. Todd was seen descending with a delegation of Mormon saints just as the coolies from the West and the paddies from the East laid the last ceremonial laurel tie, predrilled to receive the four commemorative gold and silver spikes. Wires were so connected that each blow of the sledge would be reported in most of the larger cities coast to coast.

The crowd pushed in so that very few could actually see and hear what happened. Two Wells Fargo stages on their last run arrived just in time to mark the passing of one era and the beginning of another. At 12:25 p.m., the majestic Dr. Todd intoned his two-minute invocation: "Now on this beautiful day, in the presence of these lonely hills and golden summits, we render thanks that Thou hast by this means brought together the East and the West, and bound them together by this strong band of union. . . . Bless the waters that wash the shores of our land, the Atlantic of thy strength and the Pacific of thy love . . ." The telegraph tapped out: "At last we have done praying; the spike is about to be presented."

HOW RELIABLE IS OUR NEWS?

(Mr. WHITEHURST asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WHITEHURST. Mr. Speaker, all too often in recent years the reporting by members of the news media has been filled with inaccuracies which have been either embarrassing or positive harm has occurred. A particularly poignant article was recently published in the American Legion magazine entitled "How Reliable Is Our News." The authors, Roscoe and Goeffrey Drummond, themselves respected members of the press, have exposed several cases of false reporting or distorted news writing. Mr. Speaker, I think the article ought to be reprinted in the RECORD and wish to insert it at this time:

HOW RELIABLE IS OUR NEWS?

(By Roscoe and Geoffrey Drummond)

(NOTE.—A famous columnist and his son wrestle with false images of America and distortions of issues put before the people by the press, TV and political and intellectual leaders—and wonder where it will take us.)

The peaceful processes of democratic government are in serious jeopardy in the United States today. We'd better look long and carefully at what's happening—and do something about it—before it's too late.

It was about a year ago that Life magazine put this caption on a somber and foreboding editorial: "Wherever We Look, Something's Wrong."

That's fair comment. There's much that's wrong and much that needs to be corrected.

But what is most wrong and most needs to be corrected is a false image of America which is being imposed upon the American people by much of its mass media—the image that wherever you look, nothing's right.

This distorted image is a perilous disservice to the nation.

Have no doubt about it, such a continuously projected image leads to national impotence.

It tends to produce such a sense of helplessness and hopelessness that public support for what needs to be done weakens and wanes.

If we are to succeed in freeing the aggrieved, the frustrated and the impatient from the temptation to yield to violence, they must be able to see that the democratic process in America has worked, is working and can be made to work even better.

But much of the media is undermining confidence in democratic institutions by making government almost always look as bad as it sometimes is.

We are not appealing for a Pollyanna to guide television or radio or the press. We are not appealing for counter distortion. We are not advocating government censorship. We are not proposing to break the mirror of a free press because so much of the image it is presently reflecting is out of focus.

We are appealing for perspective and balance and for a wider awareness by the media that they have a responsibility to do more than sell bad news because it is more exciting. They have a responsibility to use that precious guarantee of the Bill of Rights—freedom of the press—to help democracy work better at a time when it must be near its best to survive. Without it there will be no freedom of the press for anybody.

Ponder these bleak words from John W. Gardner, former Secretary of Health, Education and Welfare and one of the most thoughtful commentators on the state of the nation:

"Our honored tradition of dissent has undergone an unprecedented debasement. Protest has become a disorderly game for 12-year-olds. Reasoned debate has given way to bullhorn obscenities. The loudmouth and the hothead reign unchallenged.

"Among the dissenters today we hear a few with a special message. They say, 'we don't need reform, we need revolution. The whole system is rotten and should be destroyed.' "

They are a minority, a minute minority, and some of them don't really believe what they say. But don't let this be reassuring. There is a deadly peril imbedded in it. The peril is that if any large number of Americans are induced to accept the false image of their nation—the image that wherever you look, virtually nothing is right—then we will be standing at the brink of national impotence, political lethargy and the pervasive conviction that nothing can be put right because so much is wrong.

This is why it is so vital to see how this false image is being spread.

It is being spread by many commentators willing to distort and slyly conceal in order to manipulate our opinions.

It is being spread by much of the mass media which make trouble their favored client. They have so long accepted the premise that bad news produces readers and viewers and good news produces only boredom that they have neglected to examine whether this premise isn't out of date and whether it is adequate to enable today's democracy to function as it must function to survive.

And, finally, these false images in which, wherever you look, nearly everything is wrong—because what is right is too widely ignored—are promoted by a range of purposeful destructionists who think that the Bill of Rights is for burning for everybody but themselves and whose goal is to tear the nation apart without offering any idea of how they want to put it together again—if it could be put together again.

In watching for distortions in the press, it is a fair question to ask why relevant material was omitted in two recent book reviews of the late Robert F. Kennedy's recently published "Thirteen Days," dealing with the Cuban missile crisis. In each case the same omission permitted conclusions which the full facts could not support.

One review was by David Schoenbrun in the New York Times Book Review. The other was by Prof. John Kenneth Galbraith in Book World. In the first case the late Adlai Stevenson is made to appear to be a martyred dove, wrongly abused in the highest councils of President Kennedy's Adminstration. In the second case a similar conclusion is implicit, though not so clearly stated.

Read normally, by the normally informed reader, these reviews would seem pretty innocent and persuasive. But when read closely by one whose work brought him in contact by most of the facts, then their tactic emerges.

Here is the subtle paragraph from Mr. Schoenbrun, former CBS radio and TV correspondent in Paris and Washington and now a free-lance newspaper ad magazine writer:

"Stevenson . . . alone suggested we accept Khrushchev's offer of a trade-withdrawal, our missiles in Turkey against their missiles in Cuba, for which he was soundly chastised . . . Why are the doves always considered less patriotic, less courageous than the hawks?"

Who would say that is not a reasonable question—at least from the facts as Schoenbrun stated them?

To the same point, here is the way Harvard Professor Galbriath, economist and National Chairman of Americans for Democratic Action, wrote it in his Washington Post Book World review:

"In contrast, the man who calls for caution, a close assesment of consequences . . . must have great courage. He is a real hero and rare. . . . In particular, it was Adlai Stevenson who was willing to trade some obsolete nuclear weapons in Turkey . . . for similar action by the Russians in Cuba."

But the facts are not as stated and the facts Schoenbrun and Galbraith should have stated, to be honest with their readers, were explicitly set out in the Kennedy book they were reviewing.

Here they are verbatim, and the italicized words show what was omitted by the two reviewers:

"(Stevenson) at the Saturday meeting strongly advocated . . . that we make it clear to the Soviet Union that if it withdrew its missiles from Cuba, we would be willing to withdraw our missiles from Turkey *and Italy and give up our naval base at Guantanamo Bay.*"

Obviously there is a considerable difference

between proposing that "we trade some obsolete nuclear weapons in Turkey" and the actual proposal Stevenson advanced, that we also abandon nuclear weapons in Italy and give up the base at Guantanamo Bay.

President Kennedy rejected this proposal, not with any implication that Stevenson was considered "less patriotic," as Schoenbrun wrote, but on the ground that the United States "could not abandon Guantanamo Bay under threat from the Russians."

Stewart Alsop of Newsweek was the first to spot the revealing omissions in these two reviews and he offered this warning to future unwary readers:

"The reasonably sharp-eyed reader will note how in both reviews the suppression of a vitally important fact makes it possible to suggest a false conclusion. This is symptomatic of a larger phenomenon—the tendency of liberal-intellectuals to transform into nonfacts all facts that do not fit neatly into the current fashionable liberal-intellectual dogma . . . Adlai Stevenson, in the Pavlovian world of the liberal-intellectual, was a certified Good Guy. Therefore it is not necessary to examine what he actually proposed—it must have been good.

"The Pavlovian tendencies of the liberal-intellectuals constitute a serious political phenomenon. They are politically influential, especially in New York where most American opinion is manufactured. . . . It could turn out to be a very serious matter for President Nixon who is, in the Pavlovian liberal world, a certified Bad Guy."

Take another example of the art of switching facts. Early in his campaign for the 1968 Democratic Presidential nomination, Sen. Eugene McCarthy advocated that the best way to end the Vietnam War was for the United States to pressure the elected South Vietnamese government to accept, without any elections, members of the Viet Cong into a coalition as a pre-condition to peace.

Vice President Hubert Humphrey retorted sharply. He said that's like "putting a fox in the chicken coop"—putting unelected Communists into a coalition government so they could later stand for election as part of the government.

Now, a year later, Senator McCarthy is musing in a conversation with Look Senior Editor Joseph Roddy, and Roddy records it as follows: ". . . (Senator McCarthy) knew he had had some effect on the stand the U.S. took now in Paris. 'I didn't ever ask them to do what I *said* they should do,' he insisted. 'I only asked them to do what they would *have* to do.' He knew the National Liberation Front would have to be represented in peace talks, and he had said so a year back. 'Now, we've agreed to put Humphrey's fox in the chicken coop. But a year ago, we all knew that would have to be done. Why did they wait the year?' "

Sounds pretty farseeing, doesn't it? McCarthy showing how right he was all along and now proved so by events—with Humphrey's phrase thrown back at him with apparently telling effect.

But is it true? Is there something missing, a misplaced fact, which makes McCarthy's words seem devastatingly conclusive because of a crucial omission?

There is a distortion; there is an omission. Probably you have already noticed it. Humphrey did not say that having the National Liberation Front (political arm of the Viet Cong) represented in the Paris peace talks would be like putting a fox in the chicken coop. Humphrey, as did President Johnson, always said the Viet Cong could be represented at the conference table, but what Humphrey opposed was putting unelected VC into the government of South Vietnam as a condition for settling the war.

But, as reported in Look, McCarthy took Humphrey's opposition to an enforced, unelected Communist coalition and applied it to the peace talks and thus sought to show that Johnson (together with Nixon) had wasted a year by not "putting Humphrey's fox in the chicken coop" much earlier.

No reader of Look, a year later, should be required to spot the switch.

Here's another example. At a Congressional hearing before the Joint Economic Committee, a well-known professor of economics was testifying on the annual report of the President's Council of Economic Advisers. He tore it apart. He could find nothing good to say about any of it. He would summarize statements he attributed to the Council and then proceed to show how utterly untenable they were.

When the President's chief economic adviser read this testimony later, he scratched his head in disbelief. He couldn't recall any of the views which this very quotable professor so easily tore apart as ever having been put into the report in the first place. So he wrote the witness a letter asking him if he would cite the passages from which he had so vigorously dissented. He got his answer right back. It said in effect: "My Dear Friend . . . Surely you've been around Washington long enough not to be naive. You know I can't cite the reference which you request. I was only having a little fun."

It may have been fun for the professor. It may not have hurt the standing of the Chairman of the Council of Economic Advisers. But do you think many of the nation's lawmakers knew that their witness was tossing imaginary balls in the air to see how they would bounce? How many TV viewers and newspaper readers, when they got a headline like, "Professor Deprecates Economic Report," realized that he was making things up in order to tear them down—and that it was just fun and games?

It is not amusing. It is evil. One antidote is: Readers, be aware.

The mass media are beginning to examine themselves with more than ordinary critical detatchment. Usually the press goes after everything and everybody but itself. There is a new mood, at least a beginning mood, of self-examination and self-questioning. That's good.

Alan L. Otten, one of the knowledgeable and perceptive writers for the Wall Street Journal, put some facts forthrightly in an article on the pervasive public dissatisfaction with much reporting.

"Almost everyone these days," he wrote, "has his favorite story about inaccurate or distorted reporting in newspapers and magazines, on TV and radio."

Then he listed a wide range of complaints. He told of a neighbor who taxed him with the fact that so many reporters showed surprise that President Nixon was handling his job so well. "Why should they be surprised," he asked, "except that they have been wrong about him for years?" Wallace supporters felt most of the press wholly unfair. Humphrey often found his campaign speeches buried at the bottom of the accounts of militant protesters who were heckling him. The critics went on and on.

"Skepticism about news stories is, of course, nothing new," Otten continued. "For decades, the far left decried the Capitalist press, and more recently, the far right weighed in with attacks on major newspapers and magazines and broadcasters as corrupt cohorts of 'the Eastern liberal Establishment.'

"Now, however, more and more ordinary middle-of-the-roaders seem to be joining the extremists in proclaiming 'you can't believe a word of it.' "

This is a serious credibility gap, a widening credibility gap between the media and the public. It should give the media concern. This lack of credibility grievously impaired the effectiveness of President Johnson. Since a credible, fair-minded, responsible, fair-reporting press in all its forms is essential to democratic government, any wide and continuing credibility gap between press and public cannot fail to impair the functioning of our free society.

This is why it is vital to look at what's happening.

Something dangerous is happening and no one has put his finger on it more earnestly than W. Willard Wirtz, former Secretary of Labor, who during his years in public life became deeply concerned by the gap between what he saw as reality in American life and the image of American mirrored in the media.

The Overseas Press Club of America, made up mostly of U.S. correspondents who have served abroad, asked Mr. Wirtz to lay it on the line—and he did. Here is the way he sees it:

"First, if the idea of democracy should ever be invalidated, it would be because it came about that more and more people knew less and less that was true about more and more that was important.

"Second, this is the direction of things today.

"Third, the responsibility for this lies significantly, though not by any means entirely, with the mentors of the mass media."

This kind of indictment has been made before and neither the press nor the nation has fallen apart.

Is it any different today than before?

It is. It is so different that the survival of a free press and the survival of democratic government in America is at stake.

Why? Why are the stakes so great today?

Because in the past most of the criticism of the media came from extremist minorities or from those who had a grudge or a special bias of their own. But today, as the Wall Street Journal article pointed out, "more and more ordinary middle-of-the-roaders seem to be joining with the extremists in proclaiming 'you can't believe a word of it.' " What Otten is saying here is that there is developing a mass distrust of the mass media on the part of rank-and-file viewers, readers and listeners. This is why the media must stop, look and listen.

The situation is different today because we are confronted with such very acute and lacerating national problems—racial tension, rising crime, poverty in the midst of plenty, unlivable and almost ungovernable cities—that unless the media reflect a true and balanced picture of the nation, democratic government will falter and we will have neither the unity nor the spirit to do what is needed. When "more and more middle-of-the-roaders proclaim that 'you can't believe a word of it,' " then a confused and distrustful public opinion is the easiest prey to the extremists and the distructionists.

What's wrong? We wonder if too much of the media isn't continuing to practice an outdated and, in today's world, a dangerous and self-defeating journalistic theory—the theory that bad news gets readers and viewers and good news turns them off, that conflict sells and news of things going rather well bores?

At any rate, the mirror which much of the media holds up to the nation has so many built-in distortions that the reflection is almost constantly out of focus, a false image of America in which, wherever you look, nearly everything is wrong.

This isn't telling it like it is; it is telling it like it isn't. The worst is magnified; the best comes into view like what you see through the wrong end of a telescope.

Isn't this what is causing many to wonder if the media aren't greatly overplaying the draft-card burners, the drug addicts and the lovers of four-letter words, and underplaying the generation of students now harder at work than ever before and demonstrating it by manning the Peace Corps to the brim?

Isn't this what is causing many to ask why the media give such alert attention to every

incident of isolated indecency and immorality at a Job Corps camp. And did it without putting it in the context of tens of thousands of inherently decent but previously dead-end kids—many of whom are being pulled back at these camps from what would otherwise have been lifetime commitments to indecency and immorality?

Isn't this part of what is causing two dangerous trends in the United States—more and more middle-of-the-roaders proclaiming they can't believe a word they read and many others tending to accept as true what is substantially distorted.

These effects, ominous unless checked soon, imperil the media themselves and impair the functioning of democratic government.

Whose side is the press on in the cause of racial justice, Willard Wirtz asked the reporters, and his answer was:

"Any self-righteous answer about neutrality on the side of truth leaves the question of what ethic there is—except selling more papers—for giving daily front-page advertising to any white supremist or nonwhite racist who coins an ugly phrase—while there is only occasional notice on the inside page of the rest of a nation's throwing off the shackles of centuries' bondage of bigotry.

"This overstates it. But not much.

"Nobody wants the press to play Pollyanna. But why shouldn't the causes of riots, be covered as fully as their consequences?"

A Duke University student wrote his parents that he had pleaded with a national TV network to cover a significant, campus-wide student protest which turned out to be highly successful. The network said no. It looked to be too peaceful. It was—and hardly anybody knows about it.

It seems evident that the character of oral and printed journalism is changing and the talent is not equal to the change. The trend is away from old-style, straight reporting and toward much more interpretive and analytical reporting. This can be valuable if there is no other purpose than to bring out the meaning of the news, but it needs great skill and maturity on the part of the reporter and a degree of objectivity which many of today's ideologically oriented reporters disdain.

During the past year it was frequent that a major speech by the Secretary of State or the Secretary of Defense or some other public official, dealing with the complex problems of peace and security, was dominated by an account of a few student militants with pictures of the pickets in an adjoining front-page column and the speaker's main point buried in the "continued" part of the story.

This is coverage which distorts and hurtfully fails to inform.

Recently several hundred editors and correspondents were guests of the Department of State at a wide-ranging, two-day background briefing at which the new top officials of the Department spoke. Toward the end of the first day two or three of the guests, well-known for their opposition to much of U.S. foreign policy, got up during the question period and attacked the speakers as "banal" and "untruthful." This was a minor incident in the proceedings but it dominated news stories the next day.

Following is a shocking case of inaccurate, in absentia, unverified reporting and editorial writing which explains why "more and more middle-of-the-roaders proclaim that 'you can't believe a word of it.'"

Mr. Fred L. Hartley, president of the Union Oil Co., whose firm's drilling produced the oil leak off the Santa Barbara coast, was testifying before a Senate subcommittee.

He was quoted the next day in The New York Times, which reported he had said: "I'm amazed at the publicity for the loss of a few birds." This made Mr. Hartley seem complete calloused.

He didn't say it—either to the Committee or to anyone else. It doesn't appear in the transcript of the testimony. The New York Times wasn't even present during the period of Hartley's testimony when he was supposed to have said it. Another reporter filled him in—on what wasn't said.

The Times reporter didn't check.

The same misquotation—or imagined quotation—appeared later in the Wall Street Journal. It wasn't checked.

It appeared in Time magazine. It wasn't checked.

David Brinkley picked it up—without checking it.

Finally, the Washington Post wrote an editorial using the non-quote as a real quote with a title which read: "The Loss of a Few Birds." [It said, in part, "for sheer insensitivity, blind and arrogant, this seemed unbeatable."]

Hartley wrote quite a few letters to the editors protesting being "maligned by a grossly inaccurate quotation." In the end, Union Oil bought ad space in about 100 papers to tell the truth. Let it be said that the Post, the N.Y. Times, The Wall Street Journal and Mr. Brinkley all publicly apologized after Mr. Hartley and his company started their war of protest.

It certainly seems to many that too much of the media give more than due attention to the militant and violent destructionists, particularly those non-student leaders who go under the deceptive title of "Students for a Democratic Society" who want to demolish our democratic society to see if something else wouldn't be nice to have.

But all responsibility for the out-of-focus image of America does not belong to the media.

There are other causes and they, too, bear upon whether democratic government is going to survive in the United States or be stifled by national confusion and impotence.

Too few people are drawing the necessary line between civil rights and civil wrongs and too few leaders either among the political liberals or the academic community are speaking out against those who want to use freedom of assembly for themselves only and deny it to others.

The Christian Science Monitor said in an editorial more than a year ago:

"To date the forewarners of possible McCarthyism (Joe McCarthyism) have been shown to be largely wrong. Free speech, free disagreement, free protest are strong and open in the United States. This is no small victory in times of such tension and disagreement. Let nothing come along to spoil it."

But something has come along to spoil it. We refer to the mounting instances in which the most extreme anti-Vietnam, anti-draft, anti-university, anti-almost-everything protesters resort to harassment and violence to prevent others from peacefully using the rights of free speech and assembly.

The Bill of Rights is a single garment. It can't be divided. Unless the right of the majority to expound its views and to assemble freely is protected from those who resort to force and disorder to suffocate public debate, we are undermining everybody's right to free speech and assembly—minority and majority alike.

It's happening.

Last year the Vice President of the United States, the Chairman of the Joint Chiefs of Staff, the Secretary of State, the Secretary of Defense, the U.S. Ambassador to the U.N. and the Secretary of Agriculture were all targets of violent, anti-free-speech demonstrators who either attempted to rough them up, overturn their automobiles, prevent them from entering an auditorium or stir up such jeering that they could hardly be heard.

The worst thing is that the nation has seen so much harassment and disdain for peaceful assembly that we have gotten used to it. Those who understand the Bill of Rights are neglecting to speak out. They even condone its callous violation.

Example: At the University of Wisconsin, two members of the Johnson Cabinet were hooted and heckled so raucously and so violently that the civil right of free assembly was turned into a civil wrong of a free-for-all and they couldn't finish their speeches to students who wanted to listen.

And what was the odd and disheartening response of such a supposedly civil libertarian as Senator McCarthy? Did he condemn this civil wrong? Did he say that now is the time for every man to come to the aid of the Bill of Rights? What he said was that spokesmen for the President of the United States ought to be able to find places other than college campuses to expound their views!

What better place for the exposition of controversial opinion than the college campus? What more appropriate place to practice free speech than the home of free inquiry?

On another occasion, an undergraduate at Columbia University maneuvered his way to a middle-row, front seat in the college hall where the Selective Service Director of New York State was—at the request of the students—to discuss the draft and its application to them. After the introduction and opening remarks, this young man rose to his feet, reared back and hurled a big, fat, mushy pie into the face of the speaker.

Some may have been disposed to laugh. We weep—and we hope others will join in crying, at least when we pause to realize that this act did not just smear the face of one individual; it stained the face of the Bill of Rights.

The heart of the matter is that in a free society, with free speech, peaceful assembly and the secret ballot, anyone who tries to hinder others from using these rights is undermining everyone's freedom, including his own.

If we are going to continue to turn peaceful assembly into a free-for-all, there will be more than pies thrown and the end of that road will be the assassination of the Bill of Rights itself.

Liberal columnist Max Lerner, who gives no comfort to the destructionists, wisely notes:

"The same college instructors who are shocked by the ax-handling minorities blocking Federal marshals from entering school buildings in Georgia and Alabama, will find themselves on the side of the bat-wielding minorities trying to close down a university building in San Francisco."

Now, if the central theme of this article is to be fully proved, it must be demonstrated with evidence that the image of America, which flashes so constantly before the minds of Americans, is, in fact, distorted—the image that wherever you look, hardly anything is right—and that what's right with America usually comes out muted and murky.

Has the democratic process in America been working and can it be made to work even better if we don't lose sight of what's right with it?

It can, but only if we get a truer image so that what's right can be seen in perspective.

The evidence of what's right with America is impressive and heartening. Here are salient samples; many more could be cited.

Racial Justice: More wrongs have been righted and more things which are just have been achieved in the past decade and a half than were accomplished over the 90 years from the end of the Civil War to the milestone decision of the Supreme Court in 1954, which laid the legal basis for complete racial justice and equality of opportunity.

Except for hard pockets of delay, public places are open on an equal basis, the right to vote is assured and black and white voter

are joining to elect Negroes to posts of high governing authority.

Human Welfare: In the last four years the federal government has invested twice as much in education as it invested in the previous century. It is now investing three times as much in health programs as it invested five years ago. Government and private enterprise jointly accept the proposition that "poverty has become intolerable in this country because it is unnecessary" (from a report by the National Association of Manufacturers), and are beginning to do more about it. Not enough? Of course not, but enough to provide the evidence of things to come.

American Youth: We should reject the idea that most young people and students have lost their way smelling flowers, smoking marijuana and storming around the campus. Alienated over politics? It only seems so. College students used the political process by springing to the aid of Senators Kennedy and McCarthy. Gravely aliented over the Vietnam war? Nobody likes war. Nobody wants to be drafted. But the desertion rate of GIs in South Vietnam is lower than it was in Korea and 50% lower than in WW2. We have, for the most part, a committed and compassionate younger generation. More than 300,000 college students are voluntarily helping the disadvantaged.

State of the Economy: The United States, including the government, has been managing in economic affairs with increasing wisdom. Not one of the bleak predictions that large-scale unemployment would follow the end of WW2 and that another depression would be upon us in the 1940's, in the 1950's, in the 1960's has come true; all have been proven wrong. Today, the U.S. economy is the most productive in the world. Khrushchev's boast that "we'll bury you" is ashes. Nixon is taking the hard decisions necessary to reduce inflation and there is evidence he will stay with them to the benefit of everybody.

Foreign Policy: There is a tendency among many to believe that the United States bungles just about every enterprise to which it puts its hand in foreign policy. False. All is not well in this turbulent world but everything has not gone wrong for this democracy of ours by any means; and we ought not to forget how much has gone right during all the postwar years when we've been acting to protect our own freedom by helping other nations protect theirs. There is no reason for defeatism or apology in a record like this:

(1) saved Greece and Turkey from being dragged behind the Iron Curtain; (2) rescued Western Europe by means of the Marshall Plan from the overhanging threat of Communist take-over; (3) saved West Berlin from the Soviet attempt to starve its two and a half million people into submission; (4) turned back the armed Communist aggression against South Korea; (5) acted to protect the independence of Lebanon and Taiwan, (6) struck from the hands of Nikita Khrushchev the instrument of nuclear blackmail in Cuba.

Every country whose safety from oppression we have helped secure—because our own safety was at stake—is a free and independent nation today. When we ponder these achievements in the cause of human freedom, we have every reason to shed the myth of helplessness and frustration.

All this and much more show that the American system of government by peaceful consent of the governed has been animate, vital and productive. One of the first requirements of making it more productive, more vital, more animate is to proclaim the story of what has been done, not hide the light under a bushel.

The purpose is not to promote smugness, not to slow needed reform with self-satisfaction, but to accelerate it by giving those who are understandably frustrated the evidence of things to come and a determination to use democratic institutions, not erode them through despair.

Consider these words from Washington Star writer Crosby S. Noyes:

"Where is that old fighting spirit that Americans were supposed to ingest with their breakfast cereal? As things are now going, we are well on our way to becoming a race of Pavlovian pessimists in which anyone who tries to sound the faintest note of encouragement is booted out of the hall.

"Somewhere in this large land, there are surely plenty of holdouts who still believe that we are capable of facing up to our problems and who are willing to come up with the resources, the talent and—yes—even the optimism to try."

There surely are—and let's make way for them.

TAXATION OF INTEREST ON MUNICIPAL BONDS

(Mr. SCHWENGEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SCHWENGEL. Mr. Speaker, the financial press on Tuesday, May 20, reported that Monday's markets had been a "shambles," bringing renewed price reductions on recent municipal bonds. That is almost "run of the mill news" now. A nearby county of considerable wealth, and experiencing continuing boom rates of development, has recently paid interest rates on new tax exempt bond issues that are higher than the rates paid 3 years ago on 10-percent-down home mortgages in that county. The neighboring metropolis, Baltimore, has bumped against a legal rate ceiling in issuing bonds for an essential addition to its water supply. The instances of high rates and thwarted community development could be multiplied by the hundreds, in a time period that goes back almost disastrously far. If the instances of high interest rates and thwarted development are not quickly made matters of history only—if they are allowed to continue into the future—then they will become disastrous indeed. New shopping centers, new apartment houses, new manufacturing plants will be built in many areas of the Nation. But the communities with inadequate water, sewers, roads, schools, libraries, hospitals, playgrounds, and other public buildings, will find life very unsatisfactory, and, of course, the commercial and industrial facilities will lose their value because they will not get the quality of employees they need, nor the transportation, nor the necessary public utilities.

The financial problems of the municipal governments demand resolution. Their resolution requires that the Federal Government shall not be so single minded about drawing off the maximum possible amount of the community's financial resources for Federal programs. The Federal Government must reduce the draft for its own account which it makes on the Nation's finances; and must assist the municipalties directly, as well as through reduction of competition, to obtain less expensive and more adequate financing of their own needs. In designing such actions, the Federal Government must not overlook the too long unmet demand for equitable sharing of tax burdens; the Congress must meet that demand in all of its restructuring of finances.

I have proposed a method of lowering the cost of municipal facilities, while making the Federal tax structure more equitable. My bill, H.R. 10035, would guarantee the payment of interest and principal on new bonds issued by municipal governments, to assure that they will be issued at the most favorable possible interest rates for such sizes and maturities of bonds. Then my bill H.R. 10035, would finance that guarantee, plus an interest subsidy to the municipality from tax revenues; Federal tax revenues would be increased, equitably, by taxing the interest received on new issues of municipal securities.

Most investors in new local bond issues are obtaining a higher net yield than could be obtained from taxable bonds of any sort. Municipal bonds always have subsidized the bank, the wealthy individual, or the corporation, which sought the highest net return with minimum risk from a long-term investment.

When new municipal bond issues become taxable, at the same time that the guarantee fund in my bill makes them even more safe than they have been in recent decades, the bonds will continue to attract investors among corporations and in the upper tax brackets among individuals. The taxes on interest income from municipal securities may well be close to 50 percent of that income. Taxpaying investors, of course, will demand higher gross yields—higher interest rates—from municipal bonds. But if the rates paid by the local government should increase by 2 or 2½ percentage points, bringing them above Federal bond levels and into the range of corporate bonds, the additional Federal revenues obtained from taxing that interest—revenues equal to 3 or 4 percentage points on the interest paid by the city—would provide an adequate fund for paying the local government more than the increase in interest charges.

My bill, in short, proposes to make the Federal tax system more equitable, and to apply the revenues obtained from a more equitable tax system, to lowering the net cost of essential improvements in community facilities.

ANOTHER "PRO" FOR SAFEGUARD

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, the enthusiasm and alacrity with which opponents of President Nixon's Safeguard missile defense system have attacked the deployment of antiballistic missiles have made the opposition appear more formidable than it is. This is particularly true with regard to the opposition of various scientists to ABM deployment. The Detroit News in an editorial in its May 27, 1969, edition notes that scientists are sharply divided on the ABM issue and that many of the most prominent nuclear physicists in the country are in favor of Safeguard. The editorial I have cited specifically takes

note of support given the Safeguard proposal by Dr. Albert Wohlstetter of the University of Chicago. Mr. Speaker, I place the Detroit News editorial in the RECORD at this point. The editorial follows:

ANOTHER "PRO" FOR SAFEGUARD

Foes of the proposed Safeguard missile defense system make sweeping claims of overwhelming scientific and scholarly opposition to that system. The truth is that scientists and scholars are sharply divided on the issue. Proponents of Safeguard are both numerous and distinguished.

The most recent scientific voice raised in behalf of Safeguard and in criticism of Safeguard's foes is that of Dr. Albert Wohlstetter, of the University of Chicago, long acknowledged to be one of the nation's leading nuclear strategists.

Dr. Wohlstetter not only finds Safeguard necessary to American security, but also finds the opponents mistaken and in some cases "plainly absurd." He puts his scientific reputation on the line by naming names and offering precise criticism of the opposition's arguments.

He charges that Dr. Ralph Lapp, former official of the Atomic Energy Commission, performed calculations containing "blatant errors" which were picked up and repeated by other scientists. He criticizes Dr. George Rathjens, a former disarmament official, for erroneous computations leading to a mistaken conclusion as to the effect of a surprise attack by Soviet missiles on American Minuteman missiles.

So the scientific debate is not one-sided. The fact is, you can find reputable men to quote on both sides of the great antiballistic missile argument.

What the matter boils down to, then, is a question of how much faith should be placed in the ability of the administration to reach sound decisions on the basis of the best information available to it.

Since Mr. Nixon probably has more complete information than the ABM foes possess, and since he is an intelligent man who usually deals realistically with the facts before him, we trust his decision.

Obviously, it would have been easier for Mr. Nixon to have avoided the ABM squabble. But he clearly believes the security of the nation is at stake and chooses to endure the criticism rather than gamble with American lives. This choice on his part constitutes the strongest argument of all for going ahead with Safeguard.

HEARINGS ON NATIONAL CREDIT UNION ADMINISTRATION

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, on June 17 the Banking and Currency Committee will begin hearings on H.R. 2 and its companion bill, H.R. 8445, which would create a National Credit Union Administration for the supervision and regulation of Federal credit unions.

This legislation has been introduced on a bipartisan basis by 23 members of the Banking and Currency Committee.

Witnesses for the first day of the hearings will be Secretary of Health, Education, and Welfare, Robert H. Finch, Commissioner of the Social Security Administration, Robert M. Ball, and J. Deane Gannon, Director of the Bureau of Federal Credit Unions. On June 18, representatives of credit union associations will testify. The committee will mark up the bill on June 18 and 19.

LOSS OF MR. LEON HERMAN, SENIOR SPECIALIST AT LIBRARY OF CONGRESS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, I was grieved to learn yesterday of the death of one of the outstanding employees of the legislative branch, Mr. Leon Herman, senior specialist at the Library of Congress, who passed away on Saturday, May 31, following a sudden heart attack.

Mr. Herman was an eminent and wise specialist on Soviet Communist economic affairs and he has been invaluable to the Joint Economic Committee in the staff assistance that he has rendered us on numerous occasions.

As a consultant to the Joint Economic Committee, he was responsible for planning and carrying out the numerous studies on the Soviet economy which the Joint Economic Committee conducted. These have had a major impact in promoting public knowledge and insights into the enigmatic Russian regime. He has been an adviser to our staff in connection with all of the hearings that we have held on the Soviet Union. Moreover, it was he who did the major work in planning and preparing the definitive two-volume study of the Joint Economic Committee entitled, "The Economy of Mainland China." At the present time, he was engaged in an up-dating of this pioneering study, as well as up-dating of our Soviet Union studies. A third examination in preparation, under his supervision, dealt with the economies of the Iron Curtain countries.

Leon Herman possessed a rare combination of talents which the committee came to admire and depend on. He had a vast knowledge of the Soviet Government, economy, and culture. He knew the language well and could familiarize himself with firsthand information. He was a first-rate economist and was, therefore, always able to make realistic appraisals of economic phenomenon. The committee and staff knew they could always rely on his wisdom and sound judgment. We shall miss him sorely.

He also served many other Congressmen and committees. In addition to the Joint Economic Committee, he aided the Senate Foreign Relations Committee and the Senate Judiciary Committee, as well as the Senate Aeronautical and Space Sciences Committee. His chapters in books, articles, and reviews in professional journals are too numerous to list. His most recent is a forthcoming article on COMECON to appear in Columbia University's World Business Review.

Mr. Herman served as adjunct professor at the American University's School of International Service. He has lectured widely and regularly, especially at the national, industrial, Army, Navy, and Air Force War Colleges. As in the past, Mr. Herman has been associated with the Council on Foreign Relations, the American Management Association, and the Committee for Economic Development.

Travel to the Soviet Union and in Eastern Europe was a frequent pattern of Mr. Herman's schedule. Notable were his trips with the Committee for Economic Development Exchange and with Senator JACOB J. JAVITS, of New York.

In a very real sense, the many committee studies that he helped us on will serve as monuments and reminders of his great capacity, skill, and humanity.

SECRETARY KENNEDY'S BANK TIES PREVENT A FIGHT AGAINST HIGH INTEREST RATES

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, late last evening I received a letter from the Secretary of the Treasury, David M. Kennedy, purporting to set out the Nixon administration's program to combat high interest rates.

Mr. Speaker, this is one of the most tepid answers I have ever received from a public official. It is as weak as dishwater and if it represents the extent of the administration's monetary policy then the American people are, indeed, in trouble.

Mr. Speaker, the Secretary of the Treasury—who has just come to Washington from the chairmanship of the board of the Continental Illinois National Bank of Chicago—says he "hopes and expects" his fellow bankers "will act responsibly within the context of the present situation of the credit markets."

This apparently is as far as the Secretary is willing to go in using the great powers of his office to head off another round of interest rate increases—increases in the prime lending rate charged by the big banks.

This is no more than a light tap on the wrist with a velvet hammer.

A Secretary of the Treasury is supposed to do more than sit around "hoping" that the banking industry will act "responsibly." He is charged with the responsibility of using the powers of his office to see that the banks do, indeed, act responsibly and in the public interest. "Hoping and expecting" are not enough from such a high official of the Federal Government.

David Kennedy does not have the courage to stand up and tell his banker friends that they have gone far enough in raising the prime rate. He does not have the courage to face his former colleagues in the banking industry and tell them in unmistakable terms that this administration will fight any attempt to raise interest rates, prime or otherwise. He does not have the courage to tell his friends "this is far enough—there will be no more gouging of the public by the big banks."

Past administrations, less banker-oriented, have forced the banks to stop interest rate increases. Members of this House, I am sure, recall that in December of 1964, President Johnson issued a stiff blast at the big banks and forced them to rescind an increase in the prime interest rate.

But this is too much to ask of David Kennedy, the banker.

Mr. Speaker, David M. Kennedy is a pitiful sight trying to carry out a public office while he is totally tied to the bank-

ing community through both personal financial arrangements and a lifelong set of associations and attitudes.

Once again, the public is seeing the danger of having a fox guard the henhouse in the White House.

David Kennedy cannot do his duty to the American public and at the same time earn financial rewards from the Continental Illinois National Bank. Continental Illinois National Bank is the Nation's eighth largest commercial bank and it is paying the Secretary more benefits each month than the Secretary is receiving in salary from the Federal Government.

And when he considers a question of demanding that the banks stop raising interest rates, he must balance this with the great financial rewards he is receiving from this same bank.

Can he really, in good conscience, say "no" to a bank that faithfully mails him a pension of $4,800 each month?

Can he say "no" to a bank that pays his health insurance and his life insurance each month?

Can he say "no" to a bank that has promised him $200,000 when he retires as Secretary of the Treasury?

Can he say "no" to a bank that has granted him a stock option worth $1.3 million to $1.5 million and which he has exercised while serving as Secretary of the Treasury?

Can he say "no" to a bank in which he continues to hold stock?

Can he say "no" to a bank in which he has participated in a $645,000 profit-sharing plan.

The Secretary of the Treasury is a kept man—kept by the banking industry which he has never left.

With this background, it is not surprising that he answers my request for action on interest rates with a weak watery letter that leaves the banks free to raid the public again.

In his letter, Mr. Kennedy discusses inflation and indicates that high interest rates are not the fault of the banks but says they are the result of "serious inflation and the expectation of rising prices in the future."

So in one fell swoop the Secretary absolves the banks of any blame for jacking up the cost of money. It is all the fault of that age-old bugaboo of the Federal Reserve and of Republican administrations—inflation.

It could not be, in the world in which David Kennedy lives, that the banks might be profiting from these high interest rates. In the world in which David Kennedy lives, the banks are benevolent institutions which raises prices only to save the country and to prevent inflation.

When the grocer raises his prices, he is contributing to inflation. But, in the never, never land of David Kennedy, the banker is fighting inflation when he raises prices.

This "Alice in Wonderland" view is traditional for the banks and their allies. The truth is that high interest rates add to the cost of every consumer item on the shelves. And the problem is intensified by the fact that many low- and moderate-income families must borrow to survive.

To fight inflation with high interest rates is just like using gasoline to fight a fire. High interest rates are themselves inflationary. Their cost is hidden in every item of the consumer price index.

Mr. Speaker, I hope the Secretary of the Treasury will take time to look at a recent speech of Leon Keyserling, former Chairman of the Council of Economic Advisers, in which he said:

> The rising interest rates, because people have to borrow, are just as much an element in the cost of living as the rising price of meat, or the rising price of bread, or the rising price of medical care, or the rising price of housing, of which the interest rate is a part.

Mr. Speaker, so long as the Nation's eighth largest bank has an insider in the Treasury Department, the chances of getting lower interest rates are slim. The Secretary's tepid letter makes it obvious that he will not turn his back on his friends and benefactors in the banking industry.

The Secretary says that he hopes the banks will act "responsibly."

Is it too much to hope the same of the Secretary of the Treasury?

ANTITRUST, FREE COMPETITION, AND MERGERS OF CORPORATIONS

(Mr. BURTON of Utah asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BURTON of Utah. Mr. Speaker, Alice in Wonderland was moved to exclaim, "curiouser and curiouser" when she saw the topsy-turvy conditions existing in her make-believe land.

Or maybe she had a vision of what would happen in Washington last week when the press reported on a strange flurry of secret and not so secret activities about economic reports and Government policy.

First there was a report, prepared many months ago by an eminent panel of economic authorities, at the request of the then President Johnson, and dealing with matters of antitrust, free competition and mergers of corporations.

Now this report was gotten up for President Johnson by a task force, as it is called, but never released by him. Who was it then, of all people, but an appointee of President Nixon, Mr. McLaren, the Assistant Attorney General, who last week made the report public. And, even more confusing, the report proposes the exact opposite of many actions taken by Mr. McLaren, in his dealings with the business community.

So much for that. But there is more.

Now it unfolds, according to a story in the Washington Star, as also reported by the Associated Press and Washington Post, among others, that a second task force, also made up of eminent economists and business executives, has prepared another report—this one at the request of President Nixon, and dealing with the question of economic competition, antitrust, and the like.

This report also discusses conglomerate mergers, and urges caution and care in moving against mergers, at least until more is known about their impact upon economic life in America.

And what has happened to this report? Well, it has not been made public. It is still a secret, although the Justice Department has confirmed the enterprise of the press and agreed that such a report, as prepared by a President Nixon task force, does exist.

What are we to make of it all?

What we have is a Republican-appointed official publicizing a Democratic-prompted report, and refusing to divulge a Republican-sponsored one, while at the same time, absolutely ignoring many of the basic findings of both reports.

This entire question of conglomerates is complex and thorny. Many in Government could stand at least a basic education about the matter—particularly when the sources are admittedly authoritative. And maybe an explanation from Mr. McLaren about what he is after, what his plans are, and how he justifies his actions.

I enter into the RECORD the following press comments about these economic reports:

[From the Washington (D.C.) Evening Star, May 22, 1969]

HAND OFF CONGLOMERATES, SECRET NIXON STUDY URGED

(By Stephen M. Aug)

A secret study made for President Nixon on antitrust policy strongly urged the Justice Department not to undertake action against conglomerate mergers, it was learned today.

"Vigorous action on the basis of our present knowledge is not defensible," said the study, made by a nine-member task force appointed by Nixon before his inauguration.

The recommendations by the group—made up of seven professors and two industry executives—appear to conflict sharply with the direction taken by the Nixon administration.

Richard W. McLaren, assistant attorney general in charge of the Justice Departments Antitrust Division, has filed three major cases so far to break up conglomerate mergers. He has said he is willing to risk losing some cases to find out how far present laws "will take us in halting the current accelerated trend toward concentration by merger."

The third suit was filed yesterday in Chicago to prevent the takeover of B. F. Goodrich Co., the nation's 82nd largest corporation, by Northwest Industries Inc., the 63rd largest. The government contended the merger, which has been vigorously resisted by Goodrich, would be anticompetitive and encourage the trend toward economic concentration.

The task force study also rapped the Federal Trade Commission and other regulatory agencies.

It said the FTC's undertakings in the antitrust area have done little to maintain and strengthen competition, its efforts to protect small businessmen have been inadequate, and it's "over-zealous enforcement of consumer-protection" laws has not helped consumers, but rather businesses "whose interest lies in protecting their market."

It urged Nixon to issue a general policy statement that would encourage agencies to permit greater competition in the industries they regulate.

Asked for comment on the report, McLaren said, "it's a different group and they came out with some different answers." He added, however, that he agreed with the task force on the need for greater competition in regulated industries and another proposal, an increase in price-fixing penalties, which it termed "largely nominal at present."

The task force "go-slow" approach is sim-

ilar in some ways to the attitude of Johnson administration antitrust lawyers, who declined to prosecute conglomerates—widely diversified corporations—on the grounds present laws would not support such challenge.

The Justice Department yesterday made public an antitrust policy study completed last summer at the request of former President Lyndon B. Johnson.

LEGISLATIVE PREREQUISITE

It recommends that if conglomerate mergers—those between companies in unrelated businesses—are to be fought successfully, further legislation is necessary.

Under existing law, it said, the detection of possible anticompetitive effects of conglomerate mergers "rests, in general, on factual and theoretical judgments that are more speculative" than those in merger cases involving firms in competing businesses.

It found also that the present merger movement—despite the already large and increasing activity—does not mean that concentration of economic activity into a few giant firms is imminent.

The report recommends legislation to channel merger activity into fields in which it would increase competition.

SOCIAL MATTERS INCLUDED

The Nixon task force urged the Justice Department "to resist the natural temptation to utilize the antitrust laws to combat social problems not related to the competitive functioning of markets."

"We seriously doubt that the Antitrust Division should embark upon an active program of challenging conglomerate enterprises on the basis of nebulous fears about size and economic power," it said.

The report said also that the Antitrust Division should not be burdened with such tasks as "combatting of organized crime or the achievement of general political goals." Atty. Gen. John N. Mitchell has suggested use of antitrust laws to combat organized crime.

In its criticism of regulatory agencies, the task force said there is generally "excessive rigidity, expensive review of economically trivial details, and frequent failure to achieve any important results."

CUBS ON ENTRANCE

While the commissioners should encourage entry of new firms into business, it said, "the practice is universally the opposite: to prohibit or ration with utmost severity the entrance of new firms."

It also urged more freedom in price competition—and assailed the agencies' common practice of approving minimum rates, saying they should instead concentrate on setting maximum rates.

Although it did not name the Interstate Commerce Commission, it singles out the trucking industry as one in which "there is no respectable case for economic regulation."

Among other key points, the Nixon task force:

Refused to endorse new legislation or use of existing law to deconcentrate highly concentrated industries—such as auto makers—by dissolving their leading firms.

GUIDE LINE SHIFT URGED

Called for revision of the Justice Department's merger guidelines, announced last year, which it termed "extraordinarily stringent, and in some respects indefensible."

The task force was directed by George J. Stigler, a professor of law at the University of Chicago. Other members were Ward S. Bowman, Jr., Yale law and economics professor; Roland H. Coase, University of Chicago economist; Roger S. Cramton, public regulations professor at the University of Michigan; Kenneth W. Dam, University of Chicago law professor; Raymon H. Mulford, president of Owens Illinois Glass Co.; Richard A. Posner, Stanford University professor; Peter O. Steiner, University of Michigan economist and Alexander L. Stott, vice president and controller at American Telephone & Telegraph Co.

[From the New York Times, May 22, 1969]

TRUST-LAW SHIFT URGED

(By Eileen Shanahan)

WASHINGTON, May 21.—Radical changes in the anti-trust laws that would permit the Government to break up large companies that dominate an industry have been recommended by a group of noted lawyers and economists. They were appointed by President Johnson to study the antitrust laws.

The report of the Johnson task force, which was made public today by the Justice Department also recommends legislation spelling out just what kinds of acquisitions may and may not be permitted by the large, widely diversified companies known as conglomerates.

Briefly, this portion of the report proposes that an acquisition by a conglomerate of a company that is among the top four in its industry would be prohibited but that an acquisition of a nondominant company would not be.

If the standards covering conglomerate mergers, as set forth in the task force's report, were enacted into law, some mergers that have recently been attacked by the Justice Department would be legal.

Other recommendations of the task force include a considerable relaxation of the prohibitions against price discrimination contained in the Robinson-Patman Act and considerable tightening of the rules concerning patent licensing.

The task force also proposed a number of other changes in the antitrust laws, including establishment of a 10-year limit on the ability of the Government to undo old mergers.

The task force, which was headed by Prof. Phil C. Neal of the University of Chicago Law School, was appointed by President Johnson in December, 1967, and made its report to him in July, 1968.

For reasons that have never been explained, Mr. Johnson refused to let the report be made public. It was made public today by the Justice Department with the specific concurrence of President Nixon. Richard W. McLaren, head of the Justice Department's anti-trust division, said that publication of the report "is not in any sense an official endorsement of it in whole or in part but is simply designed to make the report available for study and comment."

DIVERSE VIEWPOINTS

Despite Mr. McLaren's disclaimer, it seems likely that the report will have considerable influence, largely because of prestige of the task force members, who appeared to have been carefully chosen to represent all viewpoints.

Among the 12 members of the task force, there was only one who dissented from virtually all the major recommendations of the report. That was Prof. Robert H. Bork of Yale, who has long been known as an advocate of almost complete freedom to merge.

More limited dissents were registered by Paul W. MacAvoy, a professor of economics at Stanford and Richard E. Sherwood, who is in private law practice in Los Angeles.

The leading companies in the automobile, steel, computer and many other industries would have to be split up if the proposals of the task force to break up oligopolies were adopted.

The task force defines an oligopolistic industry (one dominated by a few companies) as one in which four companies have at least 70 per cent of the market.

VOLUNTARY STEPS

If such concentration is found to exist, after investigation by the Justice Department and the Federal Trade Commission, the oligopoly companies would be given a year to take voluntary steps—such as selling off assets—to reduce their degree of economic power, under the task forces' proposal.

If adequate voluntary action is not taken, the Government could then order steps, to be completed within four years, to reduce the market share of the oligopoly companies to a maximum of 12 per cent each.

Divestiture would not be the only permissible means of reducing market shares, although the task force indicated it would probably be the most common one.

But if an adequate reduction of concentration could be achieved through liberalized licensing arrangements or changes in contracts (pressumably including Government contracts) then this would be permitted.

As has been the case under present antitrust laws, the standards the task force would set up for disapproval of new mergers would be stricter than those for breaking up old companies.

There would be several different tests for the legality of new mergers—which would actually cover acquisitions by any large company and not just by conglomerates.

First of all, the acquiring company would have to have sales of $500-million or assets of more than $250-million for its acquisition of a "leading company" in an industry to be prohibited.

A "leading company" is defined as one of the top four in an industry in which the top four companies have at least 50 per cent of the market. To meet the definition of "leading company" the concern in question would also have to have more than 10 per cent of the market and the market itself would have to involve sales of more than $100-million.

Under these tests, the Justice Department would not have been able to bring two of the three cases against conglomerate mergers that have been brought since the Nixon Administration came into power.

The acquisition of the Jones & Laughlin Steel Corporation by Ling-Temco-Vought, Inc., would be legal under the task force proposals, because J. & L. ranks only sixth in the steel industry.

The acquisition of the Canteen Corporation by the International Telephone and Telegraph Corporation also would probably be legal under the task force proposals because the top four companies in the food-vending market do not have 50 per cent of the market, nor do they in the narrower market line of in-plant feeding.

It appeared at first glance, however, that today's suit challenging the acquisition of the B. F. Goodrich Company by Northwest Industries, Inc. would still be possible, even if the task force proposals were written into law.

As for the Robinson-Patman Act, the task force proposed that no discriminations in price between different customers be considered illegal unless they (1) were systematic and part of a pattern of favoring larger customers, or (2) threatened the elimination of a "significant" competitor, or (3) involved discrimination of a geographical basis with sales below cost in some areas—the type of price discrimination by chain groceries that led to adoption of the Robinson-Patman Act in the first place.

The major proposal of the task force dealing with patents provides that, "if the patentee chooses to license others rather than exploiting the patent himself, he shall make such licenses available on nondiscriminatory terms to as many competitors as may desire it."

The task force would also require publication of all patent license agreements and

would ban enforcement of a patent against some infringers if the patent owner has not taken "reasonable steps" to enforce the patent against others.

[From Business Week, May 24, 1969]

THE SWITCH ON MERGERS: REPORT OF PANEL PICKED BY JOHNSON RUNS COUNTER TO NEW TACK ON CONGLOMERATES

President Nixon's chief antitruster, Richard W. McLaren, performed the unpleasant job this week of releasing a Johnson Administration task force report on the antitrust laws that was weak where he has been emphatically strong—but strong where he has been quietly weak.

The report, written last summer by a blue-ribbon panel of lawyers and economists headed by Dean Phil C. Neal of the University of Chicago Law School, was implicitly critical of the attack on conglomerates that got under way as soon as McLaren took office.

Using the argument that the giant diversified companies are dangerously increasing industrial concentration, the Justice Dept.'s Antitrust Div. has sued Ling-Temco-Vought, International Telephone & Telegraph, and this week Northwest Industries. The Neal group pointedly warned that any attack on conglomerates through the existing Clayton Act would have to be through a "contrived interpretation."

The Neal task force also proposed a major change in the patent laws to require equal treatment of licensees and rewriting of the Robinson-Patman Act.

It was only after a lot of public—and private—heat was applied that the Neal report saw the light of day. President Johnson ordered it early last year, during a short burst of public controversy about conglomerates. Delivered to the lameduck President in June, it was confined to the dustbin until it was picked up as a weapon by opponents of the Justice Dept.'s new look at conglomerates.

The last bit of pressure came from LTV's James J. Ling, whose company was selected as McLaren's first test case. Sitting on the same panel with the Republican head of the Antitrust Div. on Wednesday, Ling talked of a "still secret" report that would "exonerate the conglomerate movement of any monopolistic tendencies." He demanded that the report be released. Without comment, the Justice Dept. complied later in the day, handing out Xeroxed copies to reporters.

Alternative. Actually, the Neal group was not all that concerned with defending the conglomerate movement—or James Ling. Its real disagreement was only over whether existing law covered diversified mergers. Denying that the Clayton Act was adequate, it suggested that Congress draft a new law barring any company with assets of more than $250-million from acquiring any market leader in a concentrated industry, where four companies have more than 50% of the business.

The panel also urged Congress to write new legislation that would eventually lead to the breaking up of big companies in highly concentrated industries such as autos, flat glass, tobacco, and organic chemicals. The proposed law would allow courts to declare that an "oligopoly" existed in any industry where four companies accounted for more than 70% of sales. In such a case the companies would be given one year to reduce their share (presumably by spin-offs) to no more than 12%. If they did not do so voluntarily, the government could get a court order directing the required action within four years.

This is just the sort of head-on attack on oligopoly that McLaren's Democratic predecessors dreamed of—and occasionally proposed. But so far McLaren has viewed such a campaign as too disruptive even to be talked about.

[From the Washington (D.C.) Post, May 23, 1969]

CAUTION URGED WITH MERGERS

(By Morton Mintz)

A Nixon Administration task force report on competition warns against vigorous action on conglomerate mergers because of inadequate knowledge about them.

This finding runs counter to the policy of the Justice Department. Backed by Attorney General John N. Mitchell, Richard W. McLaren, Assistant Attorney General in charge of the Antitrust Division, has filed three suits to break up major conglomerate mergers.

A member of the task force said yesterday that the report is "ill-suited to the tastes of McLaren and Mitchell." McLaren had no comment and declined—at least temporarily—to release the report.

The head of the task force—seven professors of law and economics and two business executives—was University of Chicago Economist George J. Stigler. The group was appointed in January by then President-elect Nixon and submitted its report in March.

A member of the task force, asking not to be named, noted that the unit called for an immediate study of the financial operations of conglomerates in securities markets.

In a 10-month-old report released by the Justice Department Wednesday, a Johnson Administration task force staked out a different position on conglomerates—one intended to make acquisitions by these large diversified corporations consistently procompetitive.

The recommendation of the Johnson advisers: a law to prevent any large firm from acquiring any leading company in an industry in which four leaders have half or more of the market.

The Nixon task force member reached yesterday confirmed one publication's account of additional differences between the views of most of his colleagues and the Justice Department:

ORGANIZED CRIME

In an interview last Friday, McLaren said that steps have been taken to use the antitrust laws against "strong-arm" business methods—an idea McLaren and Mitchell discussed at their first meeting in January in New York City. But the Nixon task force said the Antitrust Division should not be responsible for tasks such as "combatting organized crime or the achievement of general political goals."

MERGER GUIDELINES

These were promulgated late in the Johnson Administration. McLaren said that he uses them, and hopes to enlarge them with "more specifics." But the Stigler group called them "extraordinarily stringent, and in some respects indefensible."

But the Stigler unit and McLaren agree on other points. Both want criminal antitrust penalties sharply increased from the present $50,000, for example. Both are concerned about ways to make regulatory agencies stimulate competition in the industries in their jurisdiction (the task force said that insofar as trucking is concerned, there is "no respectable case for economic regulation").

The most controversial recommendation of the Johnson consultants was for a law to attack existing industrial concentration by forcing "oligopoly" firms to reduce their share of the market to a maximum of 12 per cent. The Nixon advisers want no such legislation—or, for that matter, use of existing laws to dissolve dominant firms such as General Motors. McLaren, in the interview, indicated that his views were along similar lines.

[From the Wall Street Journal, May 23, 1969]

STUDY OF CONGLOMERATES FOR NIXON URGES NO ANTITRUST SUITS TO BAR THEIR MERGERS

(By Louis M. Kohlmeier)

WASHINGTON.—The growing conglomeration of antitrust studies of conglomerates includes a secret one made for President Nixon soon after his election last fall.

The Nixon study is thinner and less formal than most, but, like the others that have been finished thus far, it hasn't made any perceptible impression on its intended beneficiaries.

A major recommendation is that the Justice Department not sue to prevent conglomerate mergers—meaning those of companies that aren't competitors. "Vigorous action on the basis of our present knowledge is not defensible," the study asserts.

But Richard W. McLaren, the Chicago lawyer Mr. Nixon picked to head the Justice Department's Antitrust Division, has undertaken a crusade against large conglomerates, filing suits to stop them from taking over companies that are leaders in their industires. His targets have been among the nation's largest conglomerates—Ling-Temco-Vought Inc., International Telephone & Telegraph Corp. and Northwest Industries Inc.

PRESENT LAW SEEN SUFFICIENT

Mr. McLaren is trying to prove that big conglomerate mergers can be dealt with under existing antitrust law and thus there isn't any reason for Congress to enact a new law. His suits have been approved by his boss, Attorney General Mitchell, and Mr. Mitchell is perhaps closer to the President than anyone else in the Nixon Administration.

The Nixon study wasn't released by the Justice Department. The department's public information office confirmed yesterday that such a study had been made, but refused to release it, although the same office the day before had released the antitrust study that had been prepared last year for President Johnson, which he had kept secret.

The public information office defended its secrecy on the Nixon report by saying that it was more informal than the Johnson study and was written to be read in confidence by Nixon Administration officials.

Details of the study were confirmed elsewhere.

Both the Nixon and Johnson studies were headed by University of Chicago academicians. But there are differences between the two. George J. Stigler, University of Chicago Law School professor who headed the Nixon group, is generally regarded as a conservative on antitrust matters. Phil C. Neal, dean of the same school, headed the Johnson group and has a more liberal reputation.

The other members of the Nixon group were six professors of law or economics and two industry executives—R. H. Mulford, president of Owens-Illinois Inc., and Alexander L. Stott, vice president of American Telephone & Telegraph Co. The 11 other members of the Johnson group were professors or practicing lawyers.

On conglomerate mergers, the Nixon study group says "we seriously doubt that the Antitrust Division should embark upon an active program of challenging conglomerate enterprises on the basis of nebulous fears about size and economic power."

It also says antitrust laws shouldn't be used to combat "social problems," "organized crime" or for the "achievement of general political goals." Attorney General Mitchell has suggested using such laws to break up syndicated gambling rings and other operations of organized crime.

The Nixon task force is critical of the Federal regulatory agencies, which control private industries that in general are exempt from antitrust laws. It takes the agencies to task for "excessive rigidity, expensive review of economically trivial details and frequent failure to achieve any important results." And it criticizes them for using their licensing powers to restrict entry into regulated industries and for restricting price and rate competition in the airline, railroad and other industries.

The study singles out the Interstate Commerce Commission's regulation of the truck-

ing industry, saying "there is no respectable case for economic regulation" of trucking.

It also criticizes the Federal Trade Commission, saying its "overzealous enforcement of consumer-protection" laws hasn't helped consumers so much as it has protected some small businessmen. The criticism apparently relates to the FTC's enforcement of the Robinson-Patman Act which bars manufacturers from giving price discounts to big customers unless the discounts and other allowances also are made available to small retailers.

COMPARISON OF STUDIES

The Nixon group doesn't recommend any new legislation or the use of present antitrust laws to attack large companies in highly concentrated industries where a handful of corporations have the lion's share of total sales.

The Johnson group advocated a new Concentrated Industries Act to break up companies in "oligopoly industries" where four or fewer companies account for 70% or more of total industry sales. That group also proposed a new Merger Act to prevent large conglomerate companies from acquiring big corporations in concentrated industries.

President Johnson didn't propose any such laws to Congress and didn't disclose that they had been recommended. President Nixon has remained silent about his task force's report as his antitrust chief has attacked large conglomerate acquisitions.

A third antitrust study was recently completed by the antitrust section of the American Bar Association. It's a formal and voluminous document that brings antitrust laws up to date by tracing and explaining court interpretations of those laws in recent years. It doesn't contain recommendations, however.

CONGRESS TO USE REPORTS

All three reports will become part of the antitrust literature that Congressional committees will use later this year when they begin hearings on what, if any, new legislation is needed to deal with conglomerates and concentration.

In addition, Congress by September will have the benefit of at least two other studies. The FTC is studying conglomerate mergers. And the American Bar Association is studying the FTC, at President Nixon's request.

The House Antitrust subcommittee is makin its own study of conglomerates, and also is awaiting the FTC's study. The Senate Antitrust subcommittee, which already has held lengthy hearings on concentration and conglomerates, is awaiting the FTC report too.

[From Newsweek, June 2, 1969]

ANTITRUST: "LET'S TURN IT LOOSE"

For months there had been talk in conglomerate circles of a secret antitrust report prepared for President Johnson by a blue-ribbon task force of professors and lawyers under the direction of Phil C. Neal, dean of the University of Chicago Law School. The report, kept secret by the Johnson Administration, was said to recommend concentration of the Justice Department's fire on such giants as General Motors rather than on conglomerate mergers. In effect, it was rumored, the report would undercut the anti-conglomerate stand of President Nixon's antitrust chief, Richard W. McLaren.

Last week, almost a year after it had been submitted to the White House, the task force's report was made public—at the specific behest of McLaren himself, who went to Mr. Nixon and said, "Let's turn it loose."

The report's main target proved indeed to be the giants of what it called the "oligopolistic" industries, those where "monopoly power is shared by a few very large firms." It proposed a Concentrated Industries Act that would require divestiture of interests by companies dominating such fields as autos, steel and computers. In short, its message was break up GM, not Litton or Ling-Temco-Vought.

THE TERMS

But the conglomerates were by no means let off—certainly not to the extent they had hoped. The report recommended a second law, the Merger Act, that would prohibit the acquisition by "large" companies (i.e., with sales of more than $500 million or assets of more than $250 million) of "leading companies" in their field. Even so, the task force took a more lenient view of conglomerate mergers than McLaren has put on the record. "An active merger market," it said, "suggests a healthy fluidity in the movement of resources and management in the economy toward their more effective utilization." (Another, still-secret Presidential study apparently supports conglomerates even more forcefully.) Furthermore, the Neal study's proposed legislation—should it ever be enacted—would apparently invalidate the two major cases McLaren had already launched, one against the acquisition of Jones & Laughlin Steel by Ling-Temco, the other against the acquisition of the Canteen Corp. by the International Telephone and Telegraph Corp. Neither J&L, the sixth-largest steelmaker, nor Canteen, a food vendor, would meet the report's strict definition of what constitutes a "leading company."

Why had McLaren urged release of a report that, however musty and academic, could only make his life more difficult? McLaren's answer, as he put it in a cover letter transmitting the report to Congress, was that its publication "is simply designed to make the report available for study and comment." It was not, he took pains to point out, "in any sense an official endorsement" of the report. Certainly it was putting no brakes on McLaren's own merger-challenging course. On the same day the report was made public, his antitrust division took its third major anti-conglomerate action with the filing of a suit, in Chicago, to prevent the bitterly contested take-over by Northwest Industries, Inc., of B. F. Goodrich Co.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Messrs. MORGAN, GALLAGHER, JOHNSON of California, RANDALL, PEPPER, PICKLE, ANDREWS of North Dakota, STAFFORD, LANGEN, and HORTON (at the request of Mr. BOGGS), members of the Canada-United States Interparliamentary Group, for today and the balance of the week, on account of official business attending meetings of Canada-United States Interparliamentary Group.

Mr. AYRES (at the request of Mr. GERALD R. FORD), through June 13, on account of official business as U.S. delegate to ILO Convention.

Mr. DANIEL of Virginia (at the request of Mr. BOGGS), for Tuesday, June 3, and the balance of the week on account of Armed Services Committee business.

Mr. KYROS (at the request of Mr. BOGGS), for Tuesday, June 3, through Thursday, June 12, on account of official business.

Mr. BROWN of Ohio (at the request of Mr. GERALD R. FORD), through June 10, on account of official business in France and England as a representative of the House Committee on Interstate and Foreign Commerce on matters relating to transportation and communications—to wit: Railroad research centers at Vitry, France, and Derby, England; the French mail delivery service by air; air cushion cross-channel ship between England and France; the supersonic transport and other aviation developments, including the displays of two companies for his district, Grimes Manufacturing & Textron, Inc., at the International Air Show in Paris; and public and private broadcast communications facilities in France and England.

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. HALPERN, for 5 minutes, today; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. CAFFERY) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. TUNNEY, for 10 minutes, today.

Mr. SISK, for 30 minutes, today.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. PATMAN in four instances.

Mr. SCHERLE (at the request of Mr. ERLENBORN) to extend his remarks following Mr. ERLENBORN.

(The following Members (at the request of Mr. HASTINGS) and to include extraneous matter:)

Mr. HASTINGS.
Mr. STEIGER of Wisconsin.
Mr. PETTIS.
Mr. CEDERBERG.
Mr. SAYLOR.
Mr. RIEGLE.
Mr. BOB WILSON in three instances.
Mr. SCHWENGEL.
Mr. KLEPPE.
Mr. MATHIAS.
Mr. ASHBROOK.
Mr. ZWACH.
Mr. MCCLURE.
Mr. WYMAN in three instances.
Mr. BUCHANAN in two instances.
Mr. MIZELL.
Mr. AYRES.
Mr. DENNEY.

(The following Members (at the request of Mr. CAFFERY) and to include extraneous matter:)

Mr. EILBERG.
Mr. LONG of Maryland.
Mr. DADDARIO in two instances.
Mr. ASHLEY in three instances.
Mr. WILLIAM D. FORD.
Mr. ROSENTHAL in five instances.
Mr. O'HARA in three instances.
Mr. BROWN of California.
Mr. PICKLE in two instances.
Mr. HICKS in two instances.
Mr. ANDERSON of California.
Mr. SLACK in two instances.
Mr. CONYERS in three instances.
Mr. DANIELS of New Jersey.
Mr. GRIFFIN in two instances.
Mr. ZABLOCKI in two instances.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken

from the Speaker's table and, under the rule, referred as follows:

S. 83. An act for the relief of certain civilian employees and former civilian employees of the Bureau of Reclamation; to the Committee on the Judiciary.

S. 275. An act for the relief of the village of Orleans, Vt.; to the Committee on the Judiciary.

S. 499. An act for the relief of Ludger J. Cossette; to the Committee on the Judiciary.

S. 728. An act for the relief of Capt. Richard L. Schumaker, U.S. Army; to the Committee on the Judiciary.

S. 757. An act for the relief of Yvonne Davis; to the Committee on the Judiciary.

S. 901. An act for the relief of William D. Pender; to the Committee on the Judiciary.

S. 1193. An act to authorize the Secretary of the Interior to prevent terminations of oil and gas leases in cases where there is a nominal deficiency in the rental payment, and to authorize him to reinstate under some conditions oil and gas leases terminated by operation of law for failure to pay rental timely; to the Committee on Interior and Insular Affairs.

S. 1236. An act for the relief of Homer T. Williamson, Sr.; to the Committee on the Judiciary.

S. J. Res. 112. Joint resolution to amend section 19(e) of the Securities Exchange Act of 1934; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 684. An act to amend title 38 of the United States Code in order to make certain technical corrections therein, and for other purposes;

H.R. 2718. An act to extend for an additional temporary period the existing suspension of duties on certain classifications of yarn or silk;

H.R. 2940. An act for the relief of Henry E. Dooley;

H.R. 10016. An act to continue until the close of June 30, 1971, the existing suspension of duties for metal scrap; and

H.R. 10015. An act to extend through December 31, 1970, the suspension of duty on electrodes for use in producing aluminum.

SENATE ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to an enrolled bill and joint resolutions of the Senate of the following titles:

S. 1995. An act to provide for the striking of medals in commemoration of the 150th anniversary of the founding of the State of Alabama;

S.J. Res. 13. Joint resolution to provide for the reappointment of Dr. John Nicholas Brown as Citizen Regent of the Board of Regents of the Smithsonian Institution; and

S.J. Res. 35. Joint resolution to provide for the appointment of Thomas J. Watson, Jr., as Citizen Regent of the Board of Regents of the Smithsonian Institution.

ADJOURNMENT

Mr. CAFFERY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 4, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

824. A letter from the Comptroller General of the United States, transmitting a report on savings by routing cargo through the military port at Subic Bay in the Republic of the Philippines, Department of Defense; to the Committee on Government Operations.

825. A letter from the Director, Office of Economic Opportunity, Executive Office of the President, transmitting a draft of proposed legislation to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes; to the Committee on Education and Labor.

826. A letter from the Secretary of the Treasury, transmitting a report on the status of active foreign credits of the U.S. Government and of international organizations, as of June 30, 1968, pursuant to the provisions of section 634(f) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

827. A letter from the Secretary, Export-Import Bank of the United States, transmitting a report on the amount of Export-Import Bank insurance and guarantees issued in April 1969 in connection with U.S. exports to Yugoslavia, pursuant to the provisions of the Export-Import Bank Act of 1945, as amended, and the applicable Presidential determination; to the Committee on Foreign Affairs.

828. A letter from the Chairman, Interagency Committee on Mexican-American Affairs, transmitting a draft of proposed legislation to authorize appropriations for expenses of the Interagency Committee on Mexican-American Affairs; to the Committee on Foreign Affairs.

829. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in the case of certain aliens found admissible to the United States under the provisions of section 212(a)(28)(I)(ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

830. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to the provisions of section 212(d)(6) of the act; to the Committee on the Judiciary.

831. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to the provisions of section 244(a)(1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

832. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to the provisions of section 244(a)(2) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

833. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for the highway beautification program for the fiscal year ending June 30, 1971; to the Committee on Public Works.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO (for himself, Mr. ADDABBO, Mr. BIAGGI, Mr. BRASCO, Mr. BURTON of California, Mr. BUTTON, Mr. DONOHUE, Mr. FARBSTEIN, Mr. FRIEDEL, Mr. GALLAGHER, Mr. GILBERT, Mr. GONZALEZ, Mr. HORTON, Mr. KOCH, Mr. LEGGETT, Mr. MIKVA, Mrs. MINK, Mr. OTTINGER, Mr. PODELL, Mr. POWELL, Mr. ROGERS of Colorado, Mr. SCHEUER, Mr. WOLFF, Mr. CLARK, and Mr. PRICE of Illinois):

H.R. 11808. A bill to amend the Small Business Act to make crime protection insurance available to small business concerns; to the Committee on Banking and Currency.

By Mr. ASHLEY:

H.R. 11809. A bill to establish a National Commission on Pesticides, and to provide for a program of investigation, basic research, and development to improve the effectiveness of pesticides and to eliminate their hazards to the environment, fish and wildlife, and man; to the Committee on Agriculture.

H.R. 11810. A bill to prohibit the sale or shipment for use in the United States of the chemical compound known as DDT; to the Committee on Agriculture.

By Mr. AYRES (for himself, Mr. PERKINS, Mr. GERALD R. FORD, Mr. BELL of California, Mr. ERLENBORN, Mr. DELLENBACK, Mr. ESCH, Mr. STEIGER of Wisconsion, Mr. HANSEN of Idaho, and Mr. RUTH):

H.R. 11811. A bill to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes; to the Committee on Education and Labor.

By Mr. CAREY:

H.R. 11812. A bill to amend part B of title XVIII of the Social Security Act to include prescription drugs among the medical expenses with respect to which payment may be made under the program of supplementary medical insurance benefits for the aged, and to authorize the Surgeon General to make drugs available without charge to individuals eligible under such progarm in certain cases where such drugs are critically needed but are not regularly available; to the Committee on Ways and Means.

By Mr. COLLIER:

H.R. 11813. A bill to amend title 13, United States Code, to increase the penalties for wrongful disclosure of information by employees of the Bureau of the Census; to the Committee on Post Office and Civil Service.

By Mr. DANIELS of New Jersey (for himself and Mr. OLSEN):

H.R. 11814. A bill to amend the Railroad Retirement Act of 1937 to provide for equal treatment of men and women with respect to eligibility for annuities on the basis of age 60 and 30 years of service; to the Committee on Interstate and Foreign Commerce.

By Mr. DEVINE (for himself and Mr. KYL):

H.R. 11815. A bill to amend section 1461 of title 18, United States Code, relating to the mailing of obscene matter, to define obscene, lewd, lascivious, indecent, filthy, and vile, and for other purposes; to the Committee on the Judiciary.

By Mr. DINGELL:

H.R. 11816. A bill to establish a Joint Committee on Environmental Quality; to the Committee on Rules.

By Mr. DULSKI (for himself, Mr. ADDABBO, Mr. BIAGGI, Mr. BINGHAM, Mr. BUTTON, Mr. FARBSTEIN, Mr. HALPERN, Mr. HASTINGS, Mr. HORTON, Mr. KING, Mr. MCEWEN, Mr. OTTINGER, Mr. PIKE, Mr. POWELL, Mr. HANLEY, Mr. STRATTON, and Mr. WOLFF):

H.R. 11817. A bill to prescribe standards

for congressional redistricting, and for other purposes; to the Committee on the Judiciary.

By Mr. EDWARDS of Louisiana:

H.R. 11818. A bill to amend the Internal Revenue Code of 1954 to provide a basic $3,000 exemption from income tax for amounts received as annuities, pensions, or other retirement benefits; to the Committee on Ways and Means.

By Mr. ICHORD (for himself and Mr. HUNGATE):

H.R. 11819. A bill to provide for orderly trade in footwear; to the Committee on Ways and Means.

By Mr. KING:

H.R. 11820. A bill to amend title 28, United States Code, to establish certain qualifications for persons appointed as judges or justices of the United States; to the Committee on the Judiciary.

H.R. 11821. A bill to establish a Small Tax Division within the Tax Court of the United States; to the Committee on Ways and Means.

H.R. 11822. A bill to amend title II of the Social Security Act to increase to $3,000 the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title; to the Committee on Ways and Means.

By Mr. McFALL:

H.R. 11823. A bill to amend the laws under which Federal financial assistance is provided for schools in federally impacted areas, so as to include in the computations the number of children living in federally assisted low-rent housing; to the Committee on Education and Labor.

By Mr. McMILLAN:

H.R. 11824. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. MATSUNAGA (for himself and Mr. HOLIFIELD):

H.R. 11825. A bill to repeal the Emergency Detention Act of 1950 (title II of the Internal Security Act of 1950); to the Committee on Internal Security.

By Mr. MOLLOHAN:

H.R. 11826. A bill to provide additional benefits for optometry officers of the uniformed services; to the Committee on Armed Services.

H.R. 11827. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 11828. A bill to amend the Internal Revenue Code of 1954 to increase from $600 to $1,200 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. O'HARA:

H.R. 11829. A bill to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 11830. A bill to assure the safe passage of all students enrolled in institutions of higher learning, and for other purposes; to the Committee on the Judiciary.

By Mr. POLLOCK:

H.R. 11831. A bill to provide for an additional staff employee for each Member of the House of Representatives representing a congressional district which is the only congressional district authorized for an entire State; to the Committee on House Administration.

By Mr. PURCELL:

H.R. 11832. A bill to provide for the establishment of an international quarantine station and to permit the entry therein of animals from any other country and the subsequent movement of such animals into other parts of the United States for purposes of improving livestock breeds, and for other purposes; to the Committee on Agriculture.

By Mr. ROGERS of Florida:

H.R. 11833. A bill to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve research programs pursuant to such act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROONEY of Pennsylvania:

H.R. 11834. A bill to reclassify certain key positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. TAFT:

H.R. 11835. A bill to amend title 39, United States Code, to provide extra compensation for officially ordered or approved time worked by postal field service employees, on any day designated by Executive order as a national day of mourning; to the Committee on Post Office and Civil Service.

By Mr. TAYLOR:

H.R. 11836. A bill to provide additional benefits for optometry officers of the uniformed services; to the Committee on Armed Services.

By Mr. WILLIAMS:

H.R. 11837. A bill to require the termination for 1 full year of Federal financial assistance to colleges and universities which are experiencing campus disorders and fail to take appropriate corrective measures forthwith, and to require the termination for 1 full year of Federal financial assistance to teachers participating in such disorders; to the Committee on Education and Labor.

By Mr. BETTS:

H.J. Res. 756. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mrs. DWYER:

H.J. Res. 757. Joint resolution to authorize appropriations for expenses of the Office of Intergovernmental Relations, and for other purposes; to the Committee on Government Operations.

By Mr. KING:

H.J. Res. 758. Joint resolution proposing an amendment to the Constitution of the United States relating to the power of the Supreme Court to declare any provision of law constitutional; to the Committee on the Judiciary.

H.J. Res. 759. Joint resolution proposing an amendment to the Constitution relating to the appointment of members of the Supreme Court of the United States; to the Committee on the Judiciary.

By Mr. MINISH:

H.J. Res. 760. Joint resolution to provide for the issuance of a commemorative postage stamp in honor of Robert Francis Kennedy; to the Committee on Post Office and Civil Service.

H.J. Res. 761. Joint resolution designating January 15 of each year as "Martin Luther King Day"; to the Committee on the Judiciary.

By Mr. POLLOCK:

H.J. Res. 762. Joint Resolution to authorize the President to issue a proclamation designating the 30th day of September in 1969 as "Bible Translation Day"; to the Committee on the Judiciary.

By Mr. TALCOTT:

H.J. Res. 763. Joint resolution to provide for the designation of the period from August 26, 1969, through September 1, 1969, as "National Archery Week"; to the Committee on the Judiciary.

By Mr. WYMAN:

H. Con. Res. 281. Concurrent resolution, support of gerontology centers; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DOWNING:

H.R. 11838. A bill for the relief of Robah N. Browder; to the Committee on the Judiciary.

By Mr. EDWARDS of California:

H.R. 11839. A bill for the relief of Parviz Faramarzi; to the Committee on the Judiciary.

By Mr. FALLON:

H.R. 11840. A bill for the relief of Mrs. Maria Anastasia Mendoza and her minor children, Gavino Nora Mendoza and Maria Nora Mendoza; to the Committee on the Judiciary.

By Mr. KEITH:

H.R. 11841. A bill for the relief of Robert A. Pickering; to the Committee on the Judiciary.

By Mr. WYMAN:

H.R. 11842. A bill for the relief of Ludger J. Cosette; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

134. The SPEAKER presented a petition of Zora B. Hays, Asheville, N.C., relative to the Supreme Court, which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

PRIZE LETTERS CALL FOR RETENTION OF NATIONAL ANTHEM

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1969

Mr. SAYLOR. Mr. Speaker, each year the Anita, Pa., Post Office in Jefferson County sponsors a letterwriting contest for the sixth-grade class of the Parkview Elementary School. Dorothy J. Nelson is the postmistress at the Anita facility. With the assistance of the sixth-grade English teacher, Mrs. Zimmerman, the children choose a topic they wish to write on, do their own research, and submit letters for judging.

This year 29 letters were submitted on the subject of the national anthem. All the letters express very clearly my own feeling that it would be a terrible mistake for Congress to change our national anthem. I am sure that after reading the prize letters, Members of Congress will be as impressed as I am that these representatives of the younger generation are concerned with saving the valuable traditions of our country.

I have appended to my remarks, the