publish full data on the operation of the program so that the success or failure thereof can be assessed and steps taken to render it more effective. We call on the cognizant Congressional committees to obtain and publish relevant information and to exercise their influence to render the program truly useful.

II

We further urge that the Civil Service Commission of the United States take new steps not only to continue to combat or prevent discrimination against employees but also to foster the employment of minority group civil service employees, their promotion to higher positions in the career civil service, than has hitherto been attained, and the correction of earlier acts of discrimination which have prevented in numerous individual cases promotions and advancement of civil service employees belonging to minority groups in the same manner and to the same extent as their white majority fellow employees.

III

We protest the harassment of public servants who devote their best efforts to the promotion of equal employment opportunity in business, industry and Government for employees belonging to minority groups. Instead of senatorial censure they deserve the support and commendation of the National Administration, of Congress and of all citizens intent upon ending discrimination in employment and all other aspects of public and private life. We commend in particular Clifford Alexander, the former chairman of the Equal Employment Opportunity Commission for his efforts to promote equal employment opportunity in accordance with the laws of the United States and hope that as a member of the EEOC he will continue his efforts in the cause of fair employment for all.

HOUSE OF REPRESENTATIVES—*Wednesday, June 4, 1969*

The House met at 12 o'clock noon.

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

God be merciful unto us and bless us; and cause His face to shine upon us.—Psalm 67: 1.

O Thou who art the bright sun of the world sending Thy light unto all Thy creation, shine Thou upon our hearts as we pray this moment, driving away the darkness of evil and enabling us to walk without stumbling, to live without soiling our lives or the lives of others, and to serve our country without fear and with fidelity.

Consecrate with Thy presence the way our feet may go, the way our minds may think, and the way our hearts may feel, that our work may be well done and our lives be filled with the glory of Thy spirit.

Bless our Nation with the grace of Thy favor, our leaders with the greatness of Thy wisdom, and our people with the goodness of Thy love.

In the spirit of Christ we pray. Amen.

THE JOURNAL

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

AMENDING RAILROAD RETIREMENT ACT TO BAR DISCRIMINATION ON BASIS OF SEX

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

Mr. DANIELS of New Jersey. Mr. Speaker, I introduced a bill yesterday to bar discrimination on the basis of sex by the Railroad Retirement Act. This act provides that men who have 30 years of service under the act may not retire with a full annuity until they are 65 years of age. Women on the other hand may retire without loss of annuity if they have 30 years service at age 60. This is discrimination and it is illegal, I contend, under the Civil Rights Act of 1964.

Last week I cosponsored a House resolution which would amend the Constitution to prohibit discrimination against women because of their sex. Now I have introduced a bill to bar discrimination against men. Equal pay for equal work is a principle I have always supported. Similarly, fringe benefits should be the same for male and female workers who have made equal contributions to a retirement system.

Mr. Speaker, earlier this year I reintroduced legislation to provide for optional retirement after 30 years of service under the act regardless of age. This bill, H.R. 1040, is now pending before the Interstate and Foreign Commerce Committee. I mention this bill because in no way do I want the RECORD to show that I intended the bill I have introduced today to be a substitute for H.R. 1040. Rather, today's bill is intended to bring the Railroad Retirement Act into compliance with the view that men and women who make similar contributions should receive equal benefits. I shall continue to fight for earlier retirement rights for all persons—men and women alike who are covered by the act.

THE WORLD-FAMOUS REPUBLICAN CONGRESSIONAL BASEBALL TEAM

(Mr. CONTE asked and was given permission to address the House for 1 minute.)

Mr. CONTE. Mr. Speaker, I would like to take this opportunity to inform my colleagues, on both sides of the aisle, that the world famous Republican congressional baseball team held its first practice Tuesday morning.

Again this year, our untarnished record in the rollcall congressional baseball game is on the line. But if Tuesday's practice is any indication, my Republican comrades need not fear for the honor and the glory of the Grand Old Party.

Although our distinguished and illustrious ranks have been diminished by the loss of Congressman Don Rumsfeld to OEO, the depth and talent of the Republican sluggers have been strengthened considerably by the addition of Representatives WILMER "VINEGAR BEND" MIZELL, BARRY GOLDWATER, JR.—who will be playing right field—LOWELL WEICKER, and WILLIAM WHITEHURST.

Such a panorama of athletic prowess, including such veteran base-stealers and home-run hitters as "MIDAS-MITT" MICHEL, "RAPID" DON RIEGLE, "ALL-AMERICAN" MATHIAS, among many others, has never before been fielded for the rollcall baseball game.

My only hesitation is that the fans at R. F. K. Stadium, on June 17, after watching us demolish the Democratic baseball team, will be very disappointed watching the Senators and the Orioles.

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

Mr. CONTE. I am glad to yield to the gentleman from Florida.

Mr. HALEY. In case of emergency, would you consider shifting Congressman GOLDWATER over to left field?

Mr. CONTE. Maybe center field but never left.

POSTAL REFORM LEGISLATION

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

Mr. DERWINSKI. Mr. Speaker, while I willingly joined the gentleman from Nebraska (Mr. CUNNINGHAM) in cosponsoring postal reform legislation, I feel it necessary to make practical comments on the legislative status.

Yesterday the Postmaster General commenced his presentation before the House Post Office and Civil Service Committee and it was apparent that he has a real selling job to do.

In my judgment the House Post Office and Civil Service Committee will eventually bring forth a bill providing for reform of the Post Office Department. Many provisions will undoubtedly differ from the proposal submitted by the administration. I intend to work within the committee to bring out a practical bill.

Earlier in this session I introduced H.R. 9640 to prohibit political influence with respect to appointments, promotions, assignments, transfers, and designations in the postal field service and to revise the laws governing the appointment of postmasters. I will offer sections of that proposal as amendments to the postal reform measure.

It is my judgment that the bill will be subject to considerable revision on the floor of the House. The Postmaster General has effectively described the archaic structure of the Department. In his presentation he provides basic arguments for reform of the Post Office. The upgrading of postal service with emphasis on modern techniques is certainly in the public interest.

HEALTH AND SAFETY IN THE BUILDING TRADES AND CONSTRUCTION INDUSTRY

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

Mr. McDONALD of Michigan. Mr.

Speaker, today I am confident the House will pass 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. I will support this legislation not only as a Representative who recognizes the need to protect construction workers under Federal contract, but also as a member of a building trades union and as a contractor.

Due to my past experience, I can speak of the many injuries and deaths I have personally witnessed at construction jobsites. In fact, I have narrowly escaped serious injuries myself on several occasions. I find it most alarming that never less than 2,300 construction workers have been killed and never less than 209,000 have been disabled during any given year since 1959.

Furthermore, it is estimated that in 1969 alone, work accidents will cause a loss of approximately $3 billion. In light of these shocking figures I wholeheartedly concur with Secretary of Labor Shultz when he indicated his support of legislation "which recognizes the Federal Government has a special obligation to those who work on Government contracts and extends safety and health protection to the one remaining class of workers who do not have the benefit of those protections."

For these reasons, I plan to vote for H.R. 10946.

THE PRESIDENT'S SPEECH AT THE AIR FORCE ACADEMY

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

Mr. EDWARDS of Alabama. Mr. Speaker, today President Nixon is making a speech at the Air Force Academy in Colorado, which, in my opinion, should command the attention of every American and of all the world.

It sets forth, as well as I have seen anywhere, just what it is that this country is trying to do. He makes clear that we are prepared for new initiatives in the control of arms. He stresses the civilian control of our defense establishment, and he encourages the responsible critics who reveal waste and inefficiency in defense procurement.

But he demonstrates true and badly needed leadership when he states:

> I believe that defense decisions must be made on the hard realities of the offensive capabilities of our adversaries, and not on our fervent hopes about their intentions.

I hope that the thrust of this speech will be conveyed into every home in America and will be carried throughout the world in the most vigorous manner possible, not only by the commercial news people but by the U.S. Information Agency as well.

In my judgment this speech today, along with the President's remarks on college disorder yesterday, go a very long way toward restoring a sense of leadership to the Presidency—a sense of leadership in both domestic and international affairs for which America and the world have been crying out these past several years.

POSTAL REFORM

(Mr. SCOTT asked and was given permission to address the House for 1 minute.)

Mr. SCOTT. Mr. Speaker, my purpose in asking for a special order on Monday next is to talk with the membership of the House with reference to the various bills now before our Post Office and Civil Service Committee to reform the postal service.

I have considerable concern about proposals that would eliminate civil service protection and benefits for approximately one-fourth of all our civil service employees, more than 700,000 employees of the Post Office Department.

Mr. Speaker, there are a number of matters in my opinion about which the Members of the House should be cognizant before commitments are made by the Members for or against the Postmaster General's proposals.

I am also concerned about to whom the proposed corporation would be responsible. I think the people of this country look to Congress to protect their interests in this field. The purpose of the special order is to discuss these matters. I would ask any of my colleagues who are interested to join with me in that discussion at that time.

MRS. KATHERINE HARROLD'S SUGGESTION THAT MAIL AND PACKAGES TO SERVICEMEN IN COMBAT AREAS BE SENT WITHOUT CHARGE

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

Mr. JACOBS. Mr. Speaker, Mrs. Katherine Harrold, of Indianapolis, Ind., is one of my constituents who, in fact, is an elected public official herself.

It is with considerable pride that I pay tribute to her today for contributing the excellent idea which has taken form in the legislation I have just introduced.

Mrs. Harrold's very logical idea is that those who supply the servicemen to go into combat areas be permitted to send mail to them, including reasonable sized packages, without charge.

If this legislation should become law, and it certainly should, Mrs. Harrold will have become the benefactress of every American who has a loved one serving in the Armed Forces where there is danger.

PERMISSION FOR COMMITTEE ON POST OFFICE AND CIVIL SERVICE TO SIT DURING GENERAL DEBATE TODAY

Mr. DULSKI. Mr. Speaker. I ask unanimous consent that the Committee on Post Office and Civil Service may be permitted to sit during general debate today. We have cleared this with the Postmaster General and he feels he has sufficient time this afternoon to attend the meeting. Second, it has been cleared with the ranking minority member of the Post Office and Civil Service Committee.

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

There was no objection.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 74]

Adams	Eckhardt	Moss
Anderson, Ill.	Edmondson	Murphy, Ill.
Andrews, N. Dak.	Fascell	O'Konski
Ayers	Flynt	O'Neill, Mass.
Barrett	Ford, Gerald R.	Ottinger
Bates	Foreman	Patman
Berry	Friedel	Pepper
Bevill	Fulton, Tenn.	Philbin
Blatnik	Gallagher	Pickle
Bray	Gettys	Podell
Brock	Gray	Powell
Brown, Calif.	Green, Pa.	Price, Tex.
Brown, Ohio	Gubser	Randall
Burke, Fla.	Hagan	Rivers
Cahill	Hanna	Ronan
Camp	Harvey	Rooney, Pa.
Carey	Hays	Rosenthal
Celler	Hébert	St. Onge
Chappell	Helstoski	Sandman
Chisholm	Horton	Scheuer
Clark	Johnson, Calif.	Sebelius
Clausen, Don H.	Kirwan	Slack
Conyers	Koch	Springer
Cowger	Kyros	Stafford
Culver	Langen	Steed
Daniel, Va.	Lennon	Stephens
Davis, Ga.	McKneally	Sullivan
Dawson	Macdonald, Mass.	Thompson, Ga.
Dent	Miller, Calif.	Tiernan
Dickinson	Mills	Wilson, Bob
Dorn	Mollohan	Wilson, Charles H.
Downing	Morgan	Winn
	Morse	Young

The SPEAKER. On this rollcall 333 Members have answered to their names, a quorum.

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

PROFESSIONAL PHOTOGRAPHY WEEK IN AMERICA

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 77) to authorize the President to designate the period beginning June 8, 1969, and ending June 14, 1969, as "Professional Photography Week in America."

The Clerk read the title of the Senate joint resolution.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 77

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, as a tribute to the importance of professional photography in American life and in recognition of Photo Expo, the largest photographic exhibition

ever held in the United States, the President is authorized and requested to issue a proclamation designating the period beginning June 8, 1969, and ending June 14, 1969, as "Professional Photography Week in America", and calling upon the people of the United States and interested groups and organizations to observe such week with appropriate ceremonies and activities.

Mr. McCLORY. Mr. Speaker, I am pleased to give my support to the adoption of Senate Joint Resolution 77. It has been said many times that one picture is worth a thousand words. Certainly the photograph, and particularly the photographs of the skilled professional photographers of America, have informed and enlightened the citizens of our Nation.

Next week, the professional photographers of America are meeting in New York City where "Photo Expo," the largest photographic exhibition ever held in the United States, will also take place.

It is entirely fitting that the House of Representatives has acted today to adopt Senate Joint Resolution 77 sponsored by my colleague and the minority leader of the other body—Senator EVERETT M. DIRKSEN.

The adoption of this resolution gives assurance that a Presidential proclamation will be issued to commemorate the week beginning June 8, 1969, and ending June 14, 1969, as "Professional Photography Week in America." I am confident that the President's message will be gratefully received by all in attendance at the professional photographers meeting taking place in New York City.

Mr. Speaker, I take this occasion also to extend my congratulations to Professional Photographers of America, Inc., and its distinguished president, Earl G. Stanton, as well as to the other officers and members of this organization. It is the world's oldest and largest association of professional photographers, with its headquarters in my State of Illinois.

Mr. Speaker, I salute the professional photographers of America.

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

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

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 further 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 further consideration of the bill H.R. 10946, with Mr. HANLEY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Before rising on yesterday the Committee had agreed that the bill would be considered as read and open to amendment at any point.

AMENDMENT OFFERED BY MR. PERKINS

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

The Clerk read as follows:

Amendment offered by Mr. PERKINS: On page 3, line 7, after the word "financial" strike the comma

The amendment was agreed to.

AMENDMENTS OFFERED BY MR. ERLENBORN

Mr. ERLENBORN. Mr. Chairman, I offer a series of amendments, all of which have been agreed to by the majority and the chairman of our committee, and ask unanimous consent that they be considered en bloc.

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

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. ERLENBORN: On page 2, line 23, after the word "section" insert the following: "after an opportunity for an adjudicatory hearing by the Secretary"

On page 3, line 4, strike the words "a violation" and insert in lieu thereof the word "noncompliance"

On page 3, line 5, after the word "Secretary" insert the following: "after an opportunity for an adjudicatory hearing by the Secretary"

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

On page 5, line 6, strike the following: "The Court shall have jurisdiction to affirm the action of the Secretary or to set it aside"; and insert in lieu thereof the following: "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."

Mr. ERLENBORN. Mr. Chairman, I offer this series of amendments en bloc on behalf of my colleague, the gentleman from Illinois (Mr. ANDERSON). Yesterday in debate on the rule Mr. ANDERSON explained these amendments that he intended to offer. Because the unavoidable absence of the gentleman from Illinois from the House has made it impossible for the gentleman to offer these amendments, I am offering these amendments on his behalf.

The amendments were thoroughly discussed yesterday during debate on the rule. These are mainly technical amendments to provide for an adjudicatory hearing by the Secretary before he determines noncompliance, and gives the court additional authority not merely to sustain or reject the findings of the Secretary, but would give the court authority to modify and enforce the decree as modified.

Mr. Chairman, as I stated in offering these amendments en bloc, they have been agreed to by the chairman of our committee, and I urge the adoption of the amendments.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Illinois (Mr. ERLENBORN).

The amendments were agreed to.

Mr. STEIGER of Wisconsin. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in the last session of the 90th Congress, I rose in support of H.R. 2567, legislation covering the same subject matter as the legislation we are considering today. At that time, I stated that while I was in full support of the urgent need and purpose of construction safety legislation, I expressed reservations as to the particular language of the legislation as proposed at that time.

Today, we have before us H.R. 10946 which I submit is a considerably more complete piece of legislation overcoming the reservations that I previously held.

Substantial direct and indirect costs that are the result of high on-the-job accident rates comprise extremely significant but most often ignored items in the bid-cost structures of the construction industry. The excessively hazardous nature of construction work, also is cited as a justification for the generally higher wage scale relative to comparable skilled crafts and I might say that there is considerable merit to such a position. Some unions have required premium or hazard rates for particularly hazardous jobs. On this rationale alone H.R. 10946 can bring significant economic improvements in addition to the incalculable benefits from preventing human suffering.

Accident rates in the construction industry have historically been substantially higher relative to rates in other major industries. Over the years, disabling injuries in the construction industry have comprised about 11 percent of all disabling injuries due to industrial work accidents and have constituted about 20 percent of all industrial deaths.

It is also noteworthy that the construction industry in 1967 lost almost 33 million man-days of work due to disabling injuries during that same year, 1967, only 5,160,000 man-days were lost due to strikes in the construction industry.

The industry's high accident rate is directly reflected in exceptionally high expenditures per man-hour for workmen's compensation premiums. According to a very recent study by the Bureau of Labor Statistics of employee compensation, building construction contractors in 1965 made expenditures of 11 cents per man-hour for workmen's compensation premiums or about 2.5 percent of total employee compensation. This 11 cents amounted to 3 cents an hour more than employer expenditures for unemployment compensation which was 8 cents per man-hour. During that same year, 1965, insurance premiums in manufacturing were only 3 cents per man-hour.

While impressive efforts of individual safety-conscious contractors can be cited, the typical safety program is still fairly limited. Typically because jobs are usually of short duration, there is a tendency to overlook hazardous conditions and gamble on the risk that nothing will happen. Despite a degree of effort by contractor associations, unions, and insurance companies, some contractors do not follow approved safety practices. The

extent of coverage, adequacy of enforcement and recency of standards of State safety codes vary widely and mitigate against industrywide programing.

Safety experts contend that the construction industry, because it is so nomadic in employment structure and ever changing in working conditions, can only achieve effective accident prevention by systematic efforts and national standards. The Federal Government which expends a major percentage of construction dollars annually on its projects is the natural leader in reducing accidents in the industry. By the Federal Government assuming the leadership role in its construction activities it may reasonably be assumed that the benefits of its programing efforts will produce a valuable spin-off effect on the entire industry.

I would like to dwell for a few moments on the specific provisions of H.R. 10946.

First what is its coverage? Its coverage is limited to those Federal construction projects wherein the Davis-Bacon Act and other similar wage acts apply. It does not cover, and the report specifically states this, anything that is solely in the nature of a Federal loan guarantee or insurance including loan guarantees or insurance issued by the FHA and VA for individual home ownership.

Second, what does it authorize the Secretary of Labor to do? Briefly it allows the Secretary to establish safety and health standards but only after he has coordinated them with a statutorily established advisory board and has held public hearings. I am particularly pleased by the provision establishing the advisory board which is contained in this bill. This board is a reality because of my efforts and the support of the subcommittee. Further, it directs the Secretary to offer programs of safety education and training to employers and employees. It requires him to collect accident and injury data to measure the program's needs and results.

It also authorizes the Secretary to inspect Federal construction activities and seek compliance. Should the Secretary find it necessary he may resort to one of several legal sanctions to gain compliance. He may seek compliance under the Administrative Procedures Act before a hearing examiner or he may seek injunctive measures through the district courts or he may elect to seek to place the noncomplying contractor on the Comptroller General's list restricting the individual contractor from bidding on future contracts for 3 years. Also, the Secretary, if he finds it necessary may recommend to the contracting Government agency that the agency cancel the existing contract.

H.R. 10946, at the same time, provides the contractor with measures of appeal at every stage of any compliance action the Secretary may elect to use. An employer charged with noncompliance of the proposed law or regulations would be given full opportunity to be heard under the Administrative Procedures Act. If the Secretary seeks compliance in the district courts, the contractor would be afforded due process of the courts including the right of judicial appeal.

Another major intent of this legislation which the committee highlighted in its report was to utilize such State assistance in the administration of the act as is possible.

In closing, I would like to cite the position of the President on the need for construction safety legislation.

President Nixon in a letter dated April 20, 1969, to Mr. C. J. Haggerty, president of the Building and Construction Trades Department, AFL–CIO stated:

Our changing economy and social structure requires new measures and new methods of administration. For example, stronger construction safety laws are needed to stop the needless annual toll of lost lives, injuries and loss of wages.

Mr. Chairman, one of the points which has been under consideration during discussion of H.R. 10946 is that part which relates to the Secretary of the Department of Labor consulting with the Advisory Committee on Construction Safety and Health. I received a telegram from the commissioners of the Department of Industry, Labor, and Human Relations of the State of Wisconsin in which they urged an amendment to include requirements to have a full-time paid safety standards board to include State agency representatives with board empowered to use voluntary Advisory Committee in addition to Labor Department staff.

Mr. Chairman, I rise at this time to inquire of the chairman of the committee, the gentleman from Kentucky (Mr. PERKINS), or the gentleman from New Jersey (Mr. DANIELS), as to whether or not the language found on page 5 of the bill which states that three such representatives "shall be selected on the basis of their professional and technical competence and experience in the construction health and safety field," would encompass the capability of enabling a State representative to serve as a member of that Advisory Committee?

Mr. PERKINS. Mr. Chairman, if the gentleman will yield. There is no doubt in my mind. It is the intention of the committee that the language is broad enough to permit the representative from a State to serve as one of the public members on this tripartite Advisory Committee.

Mr. STEIGER of Wisconsin. I appreciate the comments of the gentleman from Kentucky.

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

Mr. STEIGER of Wisconsin. I yield to the gentleman.

Mr. DANIELS of New Jersey. I would like to read and call to the attention of the gentleman from Wisconsin the remarks of the gentleman from Illinois (Mr. ANDERSON) which appeared in the CONGRESSIONAL RECORD of June 3, 1969, on page 14572 wherein he addressed his remarks particularly to the subject matter that the gentleman from Wisconsin has raised.

The remarks are as follows:

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.

Mr. STEIGER of Wisconsin. I appreciate the contribution of the gentleman from New Jersey. I simply took this time to make sure the record is clear. I think it would be agreed both on our side and on the majority side that the State representatives clearly would be eligible to serve as a part of the tripartite board.

Mr. DANIELS of New Jersey. I certainly do agree with the gentleman's interpretation in that regard.

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

Mr. REID of New York. Mr. Chairman, I move to strike out the last word and rise in support of the bill.

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

This bill would authorize the Secretary of Labor to promulgate Federal safety standards on Federal construction projects after public hearings and consultation with an advisory board, and would thereby extend to workers in the construction industry protection which is already provided to employees of Federal suppliers and service contractors.

In 1968, approximately 2,800 construction workers were killed on the job—this is the highest death rate for an industry in the United States. Over 20 percent of the workers killed yearly and over 11 percent of the workers disabled in on-the-job accidents in the United States are in the construction industry. The frequency rate for construction accidents is nearly double the national average.

This bill, insofar as it will raise safety standards for construction workers on Federal projects, will also reduce the number of serious construction accidents and the number of injuries to employees. I hope that the Congress will later enact the full occupational health and safety legislation to insure safe and healthful working conditions for all employees in this Nation; certainly this bill is a good beginning—but broader legislation is vital.

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

Mr. Chairman, I take this time to direct a question to the gentleman from Illinois (Mr. ERLENBORN).

A short time ago the gentleman introduced a number of amendments which were agreed to and the gentleman made the statement that they were agreed to by both the majority and the minority members of the committee.

Yesterday one of our colleagues, the gentleman from Illinois (Mr. ANDERSON) talked to me about certain amendments. Were these the amendments which the gentleman from Illinois (Mr. ANDERSON), spoke to us about yesterday?

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

Mr. SAYLOR. I am happy to yield to the gentleman.

Mr. ERLENBORN. The answer is "Yes."

Mr. SAYLOR. I thank my colleague.

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

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

Mr. Chairman, I rise in enthusiastic support of this bill which is designed to promote health and safety in the construction industry on all Federal, federally financed, or federally assisted projects. I joined in cosponsoring this legislation after coming across some very disturbing statistics.

I understand that last year, in 1968, there were over 2,800 construction workers killed in this country. In that same year, over 230,000 construction workers were injured. No other industry has such high death and injury figures, and the main reason why these figures are so high is because there is not a good safety program in this industry.

Some States, including my home State of New York, have fairly good safety laws, but most States have a problem of enforcement because of their limited resources, and the demands which are made upon their budgets from other quarters. It seems clear to me, however, that generally one would have to concede that construction safety laws in this country are wholly inadequate.

I was surprised to learn that although Federal law provides protection to workers in the service and supply industries doing contract work for the Government, there are no Federal laws providing similar protection to workers in the construction industry doing similar contract work. I feel that this oversight in the law must be corrected and this bill would provide protection to construction workers on Federal contract projects.

Provisions have been written into my bill providing for administrative safeguards and judicial review to protect contractors from arbitrary and discriminatory actions by the Secretary of Labor in enforcing the safety program.

I feel this legislation provides an approach to the problem which will be fair to all parties and which will provide the construction workers on Federal, federally assisted and federally financed projects with the protection they need.

I believe enactment of my bill will reduce the number of serious accidents and greatly decrease the number of deaths of construction workers. It can also be expected to save the Government millions of dollars each year through reduced construction time and costs. At the present time accidents and deaths delay project completion dates, increase contractor liability and injury compensation costs, and the consequence is that increased costs are passed on to the Government through higher contract costs.

H.R. 10946 would reduce contractor liability when the contractor meets accepted safety standards, and there would be fewer accidents and deaths and therefore fewer job delays. There would also be improved operational efficiency and improved competition through reduced costs.

Enactment of this legislation would also encourage States to have similar construction safety programs if they do not already have one, and other States that already have such a program would be encouraged to improve it.

The bill will provide for minimum national uniformity in safe work practices on all Federal contract projects.

I am happy to note that the House Education and Labor Committee has unanimously reported the construction safety bill. I hope this legislation can soon be passed by the House, as each day's delay means more men killed or disabled for lack of an adequate safety program. I urge my colleagues in the House to give overwhelming support for this much-needed legislation.

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

Mr. Chairman, I would like to ask the chairman of the committee, the gentleman from Kentucky (Mr. PERKINS), a question which has to do with his understanding of the use of a word which is on page 6, line 1 in subparagraph (2) which says:

> The Advisory Committee shall advise the Secretary in the formulation of construction safety and health standards and other regulations.

I would like the distinguished gentleman from Kentucky, the chairman of the committee, to tell me what the congressional intent is with regard to the use of the word "shall" in this instance?

Mr. PERKINS. Mr. Chairman, if the distinguished gentleman from Louisiana will yield, the committee used a mandatory word and not a discretionary one. When we used the word "shall," we intended that before the Secretary formulates any construction, safety and health standards that he must first consult the advisory committee.

The Advisory Committee "shall" advise the Secretary. That is mandatory. If the Secretary should attempt to formulate safety and health regulations without first consulting the advisory committee, his action would be null and void.

Mr. WAGGONNER. I thank the gentleman. I have just one further question. We had a situation similar to this with regard to a provision written into the highway beautification bill several years ago where the Secretary of Transportation was supposed to consult with the State officials, which he did, and then totally ignored them. It is not intended that these people on this advisory committee be totally ignored as they were in that instance; is it?

Mr. PERKINS. We did not use the word "may" which would give some discretion, we use the word "shall." It is mandatory that the Secretary consult the Advisory Committee before regulations are formulated.

Mr. WAGGONNER. I thank the gentleman.

Mr. EILBERG. Mr. Chairman, I rise today to add my voice to those who have spoken in support of the bill we are considering today to promote health and safety in the building trades and construction industry. This legislation is in my opinion absolutely essential.

I am alarmed that in 1968 over 2,800 construction workers were killed and no other workers, including miners, suffered greater loss of life. This shocking statistic is placed in sharp relief by the fact that construction workers suffered 20 percent of all work-connected deaths in 1968. Construction workers also suffered a higher disability rate than workers in any other industry when, in 1968, over 230,000 were disabled. This means that construction workers suffered at least 10 percent of all disabling injuries on the job.

The need for the legislation we are now considering is dramatized further by the fact that the construction industry injury frequency rate of 32 million man-hours was higher than any other industry with the exception of underground coal miners who had a rate of 36. Also, construction workers lost 33.5 man-days of work due to injuries which is almost equal to the man-days lost nationally in all strikes in 1967. The construction accident cost was $3 billion in 1968 and this was 50 percent of the national wage loss due to accidents. Since about $91 billion will be spent in 1969 on construction—10 percent of the gross national product—I think the bill we are now considering is absolutely essential to the health and welfare of the many construction workers across this Nation.

I have carefully studied H.R. 10946 and I would like to take this opportunity to congratulate the chairman and members of the committee on a job well done. In this bill they have provided an effective approach to the problem while at the same time providing the contractors with appropriate safeguards against arbitrary action by the Department of Labor in enforcing its provisions.

During the 90th Congress, I was disappointed that similar legislation did not pass when it failed to receive the required two-thirds vote necessary to pass under a suspension of the rules. Passage of this legislation today will not bring back the 10 construction workers who have been killed every day for the past 10 years but it will protect their sons from the same fate.

It is clear to me that we must act to provide construction workers with the safety and health protection that they need, especially when they are working on Federal, federally financed or federally assisted construction projects. I believe this is an area of primary responsibility for the Federal Government.

Contrary to what many of the contractors who testified before the Education and Labor Committee would have us believe, safety programs in the construction industry are not nearly what they must be. I know that some Federal agencies such as the Corps of Engineers and the Bureau of Reclamation do have good safety programs. But these two agencies are exceptions to the general rule. The fact is that there is no system of uniform standards among the Government agencies and there is a general lack of will to enforce what standards that do exist.

It is important to note that this legislation will not only benefit construction workers but will be of invaluable assistance to contractors as well. It will reduce injury compensation costs, improve efficiency, lower contract costs, improve competition and reduce contractor liabil-

ity when the accepted safety standards are met.

H.R. 10946 establishes a training and education program in the field of safety and health for the construction industry. My understanding is that this program will be limited to the projects which are covered by the bill. But, nevertheless, it will surely generate improved training and educational programs by contractors and labor organizations. Through the program, additional materials and information will be available on safety techniques and training methods and, as a result, the whole industry will benefit.

Further, I am pleased that this bill provides for a better reporting system for accidents and injuries and their causes than has been in effect previously. From my experience I know how important it is to have all the facts before you make a judgment and how necessary it is to know the cause before you can prescribe a remedy. Under the new reporting system which, under this bill, the Secretary is directed to initiate, more information will be available on accidents so that decisive measures can be taken to insure that they will not recur.

From the extensive hearings which have been conducted on the subject of occupational health and safety, it is apparent that the industry cannot do the job on its own. I don't think we can afford to let another year go by and with it ignore the thousands of construction workers who would be killed and disabled by our failure to take action to aid the construction industry in improving safety and health conditions for its workers. The need is too great and the human cost is too too high.

Some will no doubt say that safety programs cannot be legislated. I disagree. Congress legislated the Walsh-Healey Act in 1936 and 3 years ago the Service Contracts Act was passed. Back in the 85th Congress the Maritime Safety Act was passed.

The record of all the programs which were initiated as a result of this legislation has been one of success and improved working conditions for the workers covered by the legislation. I believe the same results can be achieved by passage of H.R. 10946 and I urge all my colleagues to join with me in voting for passage of this much-needed legislation.

Mr. BOLAND. Mr. Chairman, I want to express my support for H.R. 10946, a bill to promote health and safety standards in the building trades and construction industry.

In the area of labor legislation, the Federal Government has a role which it has not played often enough in recent years, that of setting an example by establishing high standards. Where it contracts with private contractors, it can set whatever standards justice dictates, for its pays the bill.

At present, for the three major categories of Government contractors, suppliers of goods, service contractors, and construction contractors, Federal law sets standards which require the payment to their employees of wages prevailing in the area in which they are employed. In two of the three categories, supplier contractors and service contractors, Federal law now also requires that safe and healthful conditions of work must also prevail for all employees. Only in contracts for construction is there no Federal requirement that safe and healthy working conditions be provided.

H.R. 10946 closes this gap. It does so by adding to the Contract Work Hours Standards Act a requirement that Federal and federally financed construction contracts contain a provision, applicable to any contractor or subcontractor contracting for any part of the work, assuring that any laborer, mechanic, or other employee shall not be required to work in any place or under any working conditions, which are unsanitary, hazardous, or dangerous to his health or safety.

This measure, Mr. Chairman, came from committee with bipartisan, unanimous support. Both H.R. 10946 and its companion measure, H.R. 10947, number among their sponsors members of both parties. The bill's objectives were endorsed by Secretary of Labor Shultz in testimony before the committee. Representatives of both labor and management also appeared in support of the objectives of the bill. Objections raised to earlier drafts of the bill, such as H.R. 3290, were considered and met in the committee considerations. H.R. 10946 is a joint effort to meet a problem—agreed to by practically all of the parties concerned.

Let me mention but two issues, where objections were met and clarifying language inserted in the bill. One concerned the scope of the law. The second clarified and delimited the authority of the Secretary of Labor to formulate minimum health and safety standards to assist contractors or subcontractors in meeting the bill's proposed requirements.

In the first instance, the question was raised whether the scope of the bill might not be construed as extending to cases where the Federal Government, by providing guarantees or insurance, only assists construction. Examples would be the Federal Housing Authority or the Veterans' Administration, who provide such assistance to foster individual homeownership.

The bill now clearly states that assistance cases are outside the scope of the law. Only construction financed in whole or in part by Federal loans or grants is within its scope.

The second instance concerns the authority of the Secretary of Labor. The bill now provides that he may promulgate health and safety standards only after public hearings and consultation with an advisory committee. The conduct of these hearings is formal and is required to be governed by the Administrative Procedure Act.

The Advisory Committee to assist the Secretary in formulating standards is tripartite in composition, with three representatives of contractors, three representing the building trades industry employees, and three representing the public. The public representatives must have competence in the field of construction safety. The rights of all parties are now safeguarded by the bill.

Mr. Chairman, there is one last point I wish to make. Some may have doubted that there was a need for such a bill. Do not the States have laws protecting the health and safety of all workers, including construction workers? Are there not well-established standards for such work? Why go through this involved process of having the Secretary of Labor devise and promulgate new standards?

In answer, Mr. Chairman, let me say that there are, today, no nationally accepted set of standards concerning safety in construction. Nor does the Secretary of Labor have, at present, authority to promulgate or enforce such standards, if they existed. The States are not doing an adequate job of enforcing such standards as they have. And the standards they have are not themselves adequate.

Allow me to cite some of the information brought out in the course of the consideration of this bill, H.R. 10946, in support of my statements, and of the bill.

According to the National Safety Council, over 20 percent of the workers who are killed each year in accidents, on the job, are killed in construction work. Over 11 percent of the workers disabled in such accidents are maimed in the construction industry. The frequency rate for on-the-job accidents is almost twice the national average for all industries. Measured in terms of severity, the number of days lost to accidents, construction has a higher figure than any industry with but three exceptions, mining, lumbering, and marine transportation.

Last year, there were 2,800 construction workers killed on the job. This was the highest death rate for any industry. There can be no question but that Congress can act to reduce these figures. It has the power to do so, and it thus cannot avoid the responsibility. We must act to pass H.R. 10946.

The CHAIRMAN. Under the rule, the Committee rises.

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, pursuant to House Resolution 427, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on engrossment and third reading of the bill.

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

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

MEDICAL FACILITIES CONSTRUCTION AND MODERNIZATION AMENDMENTS OF 1969

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 428 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 428

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. 11102) to amend the provisions of the Public Health Act relating to the construction and modernization of hospitals and other medical facilities by providing separate authorizations of appropriations for new construction and for modernization of facilities, authorizing Federal guarantees of loans for such construction and modernization and Federal payment of part of the interest thereon, authorizing grants for modernization of emergency rooms of general hospitals, and extending and making other improvements in the program authorized by these provisions. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order the amendments in section 2, page 2, lines 23 through 25, and page 3, lines 1 and 2, and on page 5, lines 8 through 23, recommended by the Committee on Interstate and Foreign Commerce, now printed in the bill. 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.

The SPEAKER. The gentleman from Indiana is recognized for 1 hour.

Mr. MADDEN. Mr. Speaker, House Resolution 428 provides an open rule with 2 hours of general debate for consideration of H.R. 11102, Medical Facilities Construction and Modernization Amendments of 1969. The resolution also provides that it shall be in order to consider without the intervention of any point of order the amendments in section 2, page 2, lines 23 through 25, and page 3, lines 1 and 2, and on page 5, lines 8 through 23.

The reasons for waiving points of order against certain sections of the bill are: In the bill as introduced, the authorization of loan guarantees—page 2, section 2—applied only to nonprofit private facilities. The bill was reported amended to include also in this section "public" facilities and the question of germaneness might be raised. Points of order are waived against the language in subsection (b) on page 5 because it constitutes an appropriation in a legislative bill.

H.R. 11102 would extend for 3 years the present program of matching grants to the States for construction and modernization of health facilities, with some modifications in the present program. It would establish a new program of Federal guarantees for loans made for construction or modernization of public or nonprofit private hospitals and other health facilities, with an added provision for an interest subsidy on such loans.

Since the inception of this program, slightly over $3 billion in Federal funds have been matched by slightly over $7.2 billion in non-Federal funds, leading to the construction or expansion of over 9,800 facilities. These projects have provided 425,000 inpatient care beds in hospitals and nursing homes, and have provided approximately 2,800 other health facilities such as public health centers, diagnositic and treatment centers, and rehabilitation facilities.

There is a present need for an additional 85,007 acute care hospital beds, 893 public health centers, 164,430 additional long-term beds, 872 diagnostic and treatment centers, and 388 rehabilitation facilities, with a total estimated cost of $5.3 billion. In addition, 455,130 acute and long-term care beds require modernization at an estimated cost of $10.5 billion.

This legislation would add to the existing program a new program of federally guaranteed loans, combined with an interest subsidy for construction and modernization.

It provides for not more than $300 million of guaranteed loans for each of the next 3 fiscal years. The amounts available for guaranteed loans are to be allocated among States under a formula which considers population, per capita income, and need for construction and modernization.

Under the guaranteed loan program, the bill provides that the Government will pay a subsidy on each loan of 3 percent on loans made to private nonprofit groups. Public hospitals and facilities are included in the guaranteed loan program; however, the interest subsidy is excluded.

The cost of the legislation would be for fiscal year 1971, $298.6 million; fiscal year 1972, $312.7 million; fiscal year 1973, $326 million—a total of 937.3 million for the 3 years.

Mr. Speaker, I urge the adoption of House Resolution 428 in order that H.R. 11102 may be considered.

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

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

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

What arguments were used before the Rules Committee in behalf of waiving points of order, particularly to page 5, lines 8 through 23? Does the gentleman recall the arguments made in behalf of waiving of points of order?

Mr. MADDEN. The authorization of the loan guarantee applies only to nonprivate facilities. The bill was reported amended to include also in this section public facilities, and the question of germaneness might be raised, and points of order are waived against the language in subsection (b) on page 5 because that constitutes appropriation on a legislative bill.

Mr. GROSS. I thank the gentleman for his explanation.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH).

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

Mr. Speaker, as stated by the distinguished gentleman from Indiana, House Resolution 428 does provide an open rule and 2 hours of debate for consideration of H.R. 11102, Medical Facilities, Construction, and Modernization Amendments of 1969, which we ordinarily refer to as the Hill-Burton Act.

The points of order were waived in accordance with the statement of the gentleman. In addition, there is a transfer of funds provided on page 5.

The purpose of the bill is to extend for 3 years the current program of matching grants to the States for use in the construction and modernization of hospitals and other health facilities. The bill also creates a new Federal program of loan guarantees with an interest subsidy for loans made for either the construction or rehabilitation of public or private nonprofit hospitals and other health facilities.

Authorizations contained in the bill total $937,300,000 over a 3-year period. Broken down they total:

Fiscal year 1971	$298,600,000
Fiscal year 1972	312,700,000
Fiscal year 1973	326,000,000

The program has been a success. Since its inception in 1946 over $10,000,000,000 in hospital and other health facilities have been constructed. Of this total expenditure about $3,000,000,000 has been Federal funds; the rest have come from local tax efforts and private gifts. The need is, however, great for continued effort.

The loan guarantee program will be continued under the bill, with a new provision—an interest subsidy of 3 percent. This will be available on loans to private nonprofit groups on construction loans for hospitals and health facilities. It is believed this will stimulate construction and rehabilitation of facilities.

Loan guarantees will also be extended to public bodies constructing health facilities or hospitals or modernizing existing ones. This is done to help them get funding at better rates and so to stimulate construction and rehabilitation efforts.

Current law permits a State to transfer all or part of its Federal funds for new hospitals to modernization of existing facilities if the State determines it is in the best interest to do so. This authority is continued by the bill to ensure flexibility in meeting the existing needs.

Mr. MOSS, Mr. DINGELL, and Mr. OTTINGER have filed additional views. They support the bill but will offer a series of amendments. They believe the funding formula should be modified to reflect the ever-increasing needs of urban America, and to ensure that the greater portion of the funds are used to meet this need. They also believe more stress should be laid on modernization of existing facilities by increasing funding for this purpose and by cutting back on new construction funds. They also propose an additional $15,000,000 for use in constructing of community diagnostic and treatment centers in urban areas.

The bill was reported unanimously by the committee.

Mr. Speaker, I urge adoption of the rule.

Mr. MADDEN. Mr. Speaker, I move the 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. STAGGERS. 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. 11102) to amend the provisions of the Public Health Service Act relating to the construction and modernization of hospitals and other medical facilities by providing separate authorizations of appropriations for new construction and for modernization of facilities, authorizing Federal guarantees of loans for such construction and modernization and Federal payment of part of the interest thereon, authorizing grants for modernization of emergency rooms of general hospitals, and extending and making other improvements in the program authorized by these provisions.

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

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. 11102, with Mr. ST GERMAIN 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 West Virginia (Mr. STAGGERS), will be recognized for 1 hour, and the gentleman from Illinois (Mr. SPRINGER), will be recognized for 1 hour.

The Chair recognizes the gentleman from West Virginia.

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

I should like to commend the gentleman from Indiana (Mr. MADDEN) and the gentleman from California (Mr. SMITH) for their explanation of the bill. I believe they went into it rather fully.

Mr. Chairman, the bill under consideration today is a good bill. It is one that has been carefully worked out both in the subcommittee and in full committee.

The Hill-Burton program has been in effect since 1946, and is one of the most successful Federal/State partnership programs on the books. Throughout its history, this program has been extended for relatively limited periods of time, ranging between 3 and 5 years, so that the Interstate and Foreign Commerce Committee has kept in very close touch with the program throughout its lifetime.

This year our Subcommittee on Public Health and Welfare held 4 days of hearings on this program, and then the subcommittee and the full committee held a total of 5 days of executive sessions on the bill.

I think it would be fair to say that all members of the committee support the bill, although a few members disagree with specific details, but support the overall program. The bill calls for appropriations totaling $937 million over a 3-year period for an extension of the existing program of matching grants for construction or modernization of facilities. In addition, the bill provides for a new program of guaranteed loans of up to $300 million a year. These loans would be made to either public or nonprofit private groups by private lenders for construction or modernization of health facilities. These loans would be guaranteed both as to principal and interest by the United States, and where the loan is made to a private nonprofit borrower, an interest subsidy would be paid, amounting to 3 percent of the unpaid balance of the loan per year.

Under the program originally enacted in 1946, over $10 billion of hospital and other health facilities construction has been carried out. Slightly over $3 billion in Federal funds have been matched by slightly over $7.2 billion non-Federal funds, leading to the construction or expansion of over 9,800 facilities. These projects have provided 425,000 inpatient care beds in hospitals and nursing homes, and have provided approximately 2,800 other health facilities such as public health centers, diagnostic and treatment centers, and rehabilitation facilities.

Mr. Chairman, information furnished by State agencies administering the program indicate a present need for an additional 85,007 acute care hospital beds, 893 public health centers, 164,430 additional long-term beds, 872 diagnostic and treatment centers, and 388 rehabilitation facilities, with a total estimated cost of $5.3 billion. In addition, 455,130 acute and long-term care beds require modernization at an estimated cost of $10.5 billion.

The reported bill would add to the existing program a new program of federally guaranteed loans, combined with an interest subsidy for construction and modernization of hospitals and other health facilities. This program would be in addition to the existing program administered by the Federal Housing Administration and the Department of Health, Education, and Welfare under which mortgages may be insured by the Federal Housing Administration upon payment of a premium for such insurance.

The principal advantage to be derived from the guaranteed loan program will be the substantial stimulation this program will give to private groups to obtain financing for new hospital construction. We anticipate that the full amount of guarantees will be utilized each year, providing a substantial increase in health facility construction and modernization. The initial budgetary impact will be relatively slight in comparison with the substantially increased construction and modernization which we believe will occur as a result of the combination of loan guarantees and interest subsidies contained in the bill.

With respect to the grant program, we believe it has demonstrated its value over the years, and should be continued as is provided in the bill.

Mr. Chairman, the extension and revision of title VI of the Public Health Service Act now pending before this House must be considered, and its final form determined, in the light of the fact that it is but one part, though an important part, of the Nation's overall health program. It is the point of departure in this Congress in our joint efforts to increase the efficiency, strengthen the capacity, and control the alarming rise in cost of our country's health care delivery system. The directions charted by this legislation can have a positive impact on each of these areas of legitimate Federal concern far beyond the initial impact of the dollars directly authorized.

Mr. Chairman, the program under this bill is badly needed. Our current national needs for hospital and other health facility construction and modernization are in excess of $16 billion. We feel that this bill will make a substantial contribution toward meeting this need and we recommend its approval by the House.

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

In the period immediately following World War II there was a great need for hospital beds in rural areas. Without such beds medical care for large portions of the population was nonexistent. Doctors willing to serve in smaller towns had no facilities with which to carry on the kind of medicine necessary. From that need came the Hill-Burton Hospital Construction Act which provided funds on a matching basis with States and towns. State plans setting priorities were required, and this created the pattern for operation of the act. It was a well conceived scheme to get the job done, and time has proved it so. Today great advances have been made toward meeting the need.

As time went on it became apparent that changing times called for changing emphasis in medical facilities and in the creation of several new kinds of facilities. The practice of medicine was changing along with business, Government, and the inclination for more people to crowd into metropolitan areas. Ideas about proper treatment were emerging which required new approaches to facility construction as well. As a result, Congress has added to Hill-Burton in recent years. In addition to traditional community hospital beds for those who need intensive care, long-term care facilities, diagnostic and treatment centers, and rehabilitation centers have been added. The program has proved a great blessing to the ill. It has helped millions of Americans back to good health through improved hospital care and expanded care facilities. More and more communities have worked these into the local health care plan. Aside from Hill-Burton, but certainly part of the same pattern and purpose, have been the facilities for community mental health and mental retardation which now include care for drug addicts and alcoholics.

Hill-Burton has not been standing still. It may not have charged off in new directions at the first suggestion of those with specialized problems which were peculiar to a small area, however. When the need for modernization of city hospitals was first brought to light, a modest start was made by providing some funds which could be used for this purpose. I

must point out that even the original law probably could have been interpreted to cover the situation adequately. The problem seemed to be that of competition for the funds at State levels. There is no doubt that many modernization projects are of such magnitude that to finance them would blot up all the funds available for an entire State. Large teaching hospitals are the backbone of the system for creating new health professionals without which no hospitals will be able to operate. Many of them are now very old and have been neglected or put off in the dizzy spiral of costs. That is recognized.

It is for that reason as much as any other that the levels of authorization have not been drastically reduced for construction in the bill before the House today. It is also for that reason that H.R. 11102 leaves it up to each State to decide whether rural beds are in great need. The presumption would be that only a positive determination of a present pressing need for rural hospital beds would keep the money from other, newer priorities.

There will be a great deal of discussion here today about a principle of allotting money to the States which has been present in the Hill-Burton scheme for a long time and which is known as the squaring factor. This means that to determine how much money is initially allotted to a given State, one must determine the population of the State and then square its allotment percentage after the population figure has been divided into the available funds. It will be said, no doubt, that this is unduly preferential to rural areas or at least unduly harsh on States with large populations. There is no doubt that the formula thus applied helps States like Kentucky, Louisiana, West Virginia, Tennessee, and my own State of Minnesota. That is because they are the ones that need help the most.

What happens when we remove the squaring factor? Fourteen States would lose more than one-half million in formula funds apiece. Two of them, Kentucky and Louisiana, also Puerto Rico, would lose over 1 million each. And who would gain? States like New York, California, Ohio, and Massachusetts would gain. The formula was intended to put the money where there was the least possibility of reaching the goal without it. Now those as has want a bigger cut. If they have large problems, and I am sure they do, they also have far better chances to meet them.

It is very possible that no change in formula without massive Federal grants giving unreasonable percentages to large projects would solve the modernization problem of the big-city hospitals. An almost complete scrapping of Hill-Burton as we know it would result. There are those who argue that this is just dandy because the rural areas and smaller communities do not need help any more. That is strictly not so. The whole system of delivering health services is in a State of quiet—and in some corners not so quiet—revolution. Needs for new kinds of facilities and new systems, new equipment are going to continue and possibly increase everywhere. Big cities do not have a monopoly on health problems and they will not have. A complete shift in grant emphasis just is not the answer, and the bill which came from the committee recognizes that fact.

A new and very special program has now been included which we feel does attack the problem sensibly. Only by getting private funds involved will large modernization projects ever get off the ground. It has been difficult to interest private money in long-range loans based upon public or nonprofit operations of such institutions. No one should be blamed for this. It is a fact of life which we hope the bill can change. The new program would allow hospitals to borrow from private sources with a guarantee of that loan by the Federal Government, and in the case of nonprofit hospitals a further assist by way of an interest subsidy of 3 percent. We believe this method will prove cheaper to taxpayers. Over the 3-year period covered by this legislation loans up to a total of one billion eight hundred million dollars can be guaranteed. This is not hay.

If one has read the additional views to the committee report, he might get the impression that the use of grant funds for modernization is almost impossible or at best a dribble because the specific amounts assigned to modernization alone are smaller than those assigned to construction categories. To properly inform you on this point I wish to draw your attention to the fact that transfers among these various categories are possible at the discretion of the State authorities, where I certainly feel such discretion should lie. It is most interesting to note that the transfer authority is a one-way street. Funds may be transferred away from construction but not to it.

States can and should work out priorities for logical use of the grant funds which come to them. And if modernization is the problem, it can be so determined and handled accordingly. It is interesting to note, however, that only one of the big States has made any sizable or even significant shift of funds into modernization in the last 3 years although the authority has been there. The flexibility built into this program as found in the bill reported by the committee makes complete sense. It allows States to attack their individual problems but does not try to solve the internal bickerings by freezing the bulk of the funds in one category.

There are other innovations in the present bill which merit your attention because they demonstrate again the way the committee, and in past years the Congress, has tried to upgrade and streamline Hill-Burton. For one thing, the definition of "hospital" has been changed to eliminate some administrative roadblocks which have shown up. A project which wishes to include such things as home-care units and self-care units now must process its application through more than one channel. By including such items in the definition, a project may be treated as a whole and save considerable administrative duplication. Provision would now be required for extended care facilities in new projects.

The whole process for delivering medical services is being scrutinized under the partnership for health programs across the country. Many of these are just nicely getting underway. This bill makes it possible for such organizations, where in existence, to at least look over Hill-Burton projects. As time goes on we can and must bring all long-range planning and priority-setting machinery into gear. This is a first and very important step.

In my opinion the bill reported to this House by the Committee on Interstate and Foreign Commerce is a well considered, reasonable bill which gets at the problems of health facility construction in realistic terms and in a way which is fair to all of the wide variety of interests involved. I recommend its passage as reported.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma (Mr. JARMAN), the chairman of the subcommittee.

Mr. JARMAN. Mr. Chairman, H.R. 11102, the Medical Facilities Construction and Modernization Amendments of 1969, is the best of several alternative approaches in respect to providing Federal construction assistance in overcoming the present problems associated with the Nation's health facilities. In brief, these problems are essentially twofold: The extent of existing health facility capital needs, especially capital for modernization, and the need to encourage a better balance or mix of community health facilities, integrated in the functional sense. The Nation presently needs an additional 85,000 acute care beds, 893 public health centers, 149,413 additional long term care or extended care beds, 872 outpatient centers and 388 facilities for rehabilitation, at a total cost of $5 billion, at today's prices. However, the Nation's gravest health facility problem in terms of cost is to modernize or replace health facilities containing some 455,000 acute and long term care beds, at an estimated cost of $10.8 billion. Equally important, increased emphasis must be placed upon coordinated, community level health planning leading to a better balance or mix of community level health facilities and other health resources, integrated in the functional sense, capability of providing the full spectrum of facilities and services necessary to the continuity of patient care.

The bill properly addresses itself to this two-pronged problem by retaining those aspects of the existing health facility planning and construction program which have demonstrated their effectiveness in respect to these problems while, at the same time, changing and expanding the existing program in those areas where the need for such change and expansion has been clearly demonstrated. In summary, the bill would extend the authority for 3 years, the existing and proven portions of the grant program, provide new authority to administer a 3-year program of loan guarantees with interest subsidies, and loan guarantees, without interest subsidies. In addition,

the bill contains new authority for direct Federal grants to assist in the modernization of emergency rooms of general hospitals, as well as including several other overall provisions which would modify the existing program to deal more directly with specific health facility and health planning problems which have been clearly identified since the program's last extension in 1964.

For example, section 2 of the bill properly expands the Federal effort in dealing with the existing health facility needs through the creation of a 3-year $900 million loan guarantee program, with 3-percent Federal interest subsidies, which would assist privately owned nonprofit health facilities in both modernization and construction of additional health facilities. This alternative was selected after thorough consideration of all the facets connected with expanding the authority under the existing grant program to the extent necessary to have an appreciable impact on the Nation's health facility modernization and construction needs which are presently approaching $16 billion. Further, the interest subsidy provision will tend to reduce or at least slow the rate of ever-increasing individual patient-day costs since the payment of interest on loans will in part be assumed by the entire Nation rather than the individual patient.

At the same time the bill provides equally adequate loan guarantee assistance for the construction and modernization of publicly owned health facilities. Although interest subsidies would not be available to publicly owned health facilities, seeking loan guarantee assistance, publicly owned health facilities, unlike private nonprofit health facilities do have certain equalizing capital formation advantages such as their revenue or tax base, as well as the incentive of the tax-free status of the interest earned on their bonds.

The bill does not provide for direct Federal aid to health facilities which may be in need of emergency construction assistance since it was felt that the ongoing health facility planning efforts of the States were best able to determine where assistance is imperative, rather than through any direct Federal assistance program, which may or may not be compatible with a particular State's health facility planning effort. Further, the unnecessary proliferation of Federal health facility assistance program, especially when not a part of a State's ongoing planning efforts can frequently impede the execution of rationally developed State and community-level health plans.

The bill maintains the proper balance or quality of methods by which funds are allotted to the States by continuing the existing allotment formula for grant funds for new construction and continuing the health facility modernization need factor, as well as relative population and income in allotting modernization grants to the States. Recognizing further the merits of employing the health facility need factor, its use has been extended in the bill, along with relative population and relative income, in allotting loan guarantees to the States.

After lengthy consideration of the existing priority preference for the construction of additional health facilities in rural areas, it was agreed that each State could best decide, through their annual health facility plan, whether a rural area preference was in fact needed. Accordingly, the rural area priority preference was modified, to be made optional on the part of the States.

Section 3 of the bill provides the authority to administer a 3 year, $30 million authorization of direct Federal grants to assist in the modernization of emergency rooms of general hospitals. This provision, we feel, will have an affirmative impact upon the Nation's capability to deliver emergency health services to victims of highway and industrial accidents as well as other forms of mishaps. Since the provision provides for direct Federal project grants, it is expected that it would be administered in such a way to complement the State health facility planning efforts by seeking State agency consultation and assistance in its administration, especially as it relates to the States developing a State plan for emergency care services as a part of the State health facilities plan.

Section 13 of the bill is directed to assisting the further development of a coordinated community level health planning process, as well as insuring that the several community-level, federally assisted health facility and health planning efforts are mutually complementary. The section requires that the local areawide health planning agency bodies assisted under 314(b) of the Public Health Service Act be provided an opportunity to review the applications for assistance under the program. In the absence of a local areawide health planning agency assisted under 314(b), the State Community Health Planning Agency would be provided an opportunity to review applications for assistance under the program. In this way, we feel we have provided the basis for the necessary involvement of other health planning activities and at the same time have not placed upon the State agency administering this program and the project sponsors, an inordinately severe administrative burden.

The bill also recognizes the necessity for improving the continuity of care that is delivered to patients of general hospitals by requiring that general hospitals receiving assistance under this program agree to provide extended care services within the general hospital. However, since it is recognized that there may be some instances where it may not be possible or desirable for extended care services to be included in every general hospital assisted, there is adequate provisions for waiving this requirement.

Mr. Chairman, I urge the passage of H.R. 11102.

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

Mr. STAGGERS. Mr. Chairman, I yield 10 minutes to the gentleman from New York (Mr. OTTINGER).

Mr. OTTINGER. Mr. Chairman, I want to congratulate my respected chairman (Mr. STAGGERS) and the distinguished chairman of the subcommittee (Mr. JARMAN) for the generally excellent job they did with this bill. This legislation incorporates many advances and improvements. In the report, and in some provisions of the bill, moreover, the committee recognizes the unquestionable shift in health needs in this Nation from the rural areas, for which Hill-Burton was originally designed, to the urban areas.

In another major advance, this legislation makes a start toward use of Federal aid to improve delivery of health services to the people rather than the past emphasis which has been mostly on assisting hospitals and the medical profession without regard for how they are serving people. I am particularly appreciative of the new definition of "hospitals" to include extended care facilities. Many of our hospitals today are overcrowded because there are a great many people occupying acute care beds who should not be there. Old people and convalescents who need care but who are not sick and, therefore, do not need treatment are occupying beds designed for the critically ill. This is primarily the result of the lack of adequate extended care facilities.

Expanding the definition of "hospitals" to include extended care facilities will make it possible to create alternative facilities for such people. Because these facilities are less expensive to build and much less expensive to operate, we can also then make significant inroads on our soaring hospital costs.

The new emergency room provisions of the bill will go a long way toward meeting the need for these facilities.

The use of financial statements from the hospitals is going to help us a great deal in trying to hold down the tremendous rise in the cost of hospital attention.

Mr. Chairman, these are good provisions and deserve support. My quarrel with the bill as reported by the committee is that it simply has not gone far enough to keep up with the rapidly changing conditions in our Nation. It has not taken the basic step that will make its really good provisions effective.

For example, in spite of its advances, the bill would extend for 3 years the basic Hill-Burton formula which gives such tremendous advantage to rural areas and seriously slights our growing urban areas.

The old Hill-Burton formula may have made sense in 1946 when the crying need was for medical facilities to serve rural areas. But, as the committee properly points out, the Hill-Burton Act has done a tremendous job to meet this rural need so that we now are to the point where we have satisfied 90 percent of the needs of the country in terms of hospital facilities. Parenthetically, I think it wise to point out that many and perhaps most of the facilities that have been built are already obsolete and in desperate need of modernization.

The committee admits the rural emphasis of the existing program in the report on page 8, and says:

> The program, therefore, provided priorities in construction of new hospital bed capacity for facilities serving rural areas. . .

The committee claims that this rural emphasis of Hill-Burton funds distribution has now shifted. The fact is it has not. Some 70 percent of the Hill-Burton funds at the present time go to communities with populations under 50,000.

A table is provided on page 9 which is intended to show that Hill-Burton money presently is being spent with an urban emphasis. That table has one of the most remarkable definitions of "urban" I have ever seen. It includes under the category "other urban," communities between 2,500 and 50,000 population. "Rural," it defines as only communities of 2,500 and under. Using that definition, the report purports to show that the majority of funds has been spent in "urban" areas—busy metropolitan centers of 2,500 "citified" souls. I think that is clearly misleading.

A community of under 50,000 is really rural and a hospital built in such a community serves a rural population. Certainly a community of 2,501 people cannot be accurately described as urban. If you take the figures for "other urban" and put them where they belong, with those that are labeled "rural," it proves conclusively and dramatically that the great majority—some 70 percent of Hill-Burton funds—do in fact still go to rural communities. In fact, a large majority of the funds go to communities of under 15,000 population and a large majority of the funds go to build small, inefficient hospitals with between 30 and 50 beds.

Now, simple reason argues that this rural emphasis must be changed.

Furthermore, the bill extends this loaded and inequitable formula to all the new grant programs with the exception of the modernization program. It extends the rural formula to the diagnostic center program. It extends it to the programs for extended care and rehabilitation facilities. Thus, the effort to meet the real health needs of the Nation is diverted and frustrated by a 20-year-old special-interest formula that has long outlived its usefulness.

I am going, therefore, to offer an amendment to change the formula to that which is used presently for modernization. It is a fair and equitable formula that gives no special advantage to any region. It is based on population, per capita income, and need. Not only is this fairer, it will make it possible for us to start meeting the urgent, unmet health needs in this country today.

Another problem with this bill is the failure to recognize the changed health priorities in this Nation. The committee states in its report that 90 percent of the need for new hospitals in the country has been met. The committee admits in its report the need for modernization is the overwhelming need all over the country. All the testimony before the subcommittee confirmed the primacy of the need for modernization.

Today we have in the country a situation where one-third of our hospital beds are obsolete. On page 6 of the committee report, it is pointed out that the burden is growing at an appalling rate. The report states that an additional 41,000 hospital beds every year are being added to the obsolete category.

Page 4 of the committee report shows that the need for all new construction in the country is $5.3 billion whereas the need for modernization is almost double that or $10.5 billion, with some 455,130 hospital beds requiring modernization.

Yet, the committee set exactly the opposite priorities in its authorization. The committee reduced the funds for modernization from $65 million last year to only $50 million next year and increased the amount for new hospital construction from $130 million to $135 million. It also added another $100 million for new construction programs for other medical facilities.

The need is 2 to 1 for modernization; the program is more than 4 to 1 construction. If that is not topsy-turvy I do not know what is.

Now the committee says the bill has an expanded provision under which the State agency can shift funds from new construction to modernization. That is an improvement, but it certainly is not enough. First, the State agencies naturally are going to follow the priority set by the Congress. We have not got the right to ask them to do otherwise. Second, setting priorities is a responsibility that Congress should exercise. To rely on a State agency to correct our misset priorities is an abrogation of our constitutional responsibility.

We know what the needs are. We know what the priorities should be. Why are we afraid to specify that modernization should receive the largest proportion of the funds provided under this act?

The gentleman from Michigan (Mr. DINGELL) is going to offer an amendment which will in effect reverse these priorities without substantially changing the total amount of funds.

One of the greatest needs throughout the country today is for providing facilities that can deliver health services where the people are and where the need is greatest. That was what Hill-Burton did for the poor rural communities, principally in the South when the need was greatest there. Now the need is in our urban centers and particularly in the economically deprived sections within those urban centers. Can we do less than help them as we helped the rural areas before?—especially since our program would not favor the urban areas as Hill-Burton favored the rural areas, but would only treat all areas equally.

Through our magnificent programs of medical research, we have amassed a tremendous amount of knowledge as to how to treat illnesses and accidents and yet we have largely failed to deliver these services to the people who most need them.

While there are funds for diagnostic and treatment facilities provided in the committee bill, they are tied to the Hill-Burton formula with its rural bias. In addition, the diagnostic and treatment facilities that are provided have to be constructed in connection with an actual hospital service.

And there is the nub: Hospitals are not built in the impoverished urban centers.

The diagnostic facilities that are really needed should be built where the people are—not where the hospitals are. The committee bill does have a waiver provision for special situations. But what they consider as a special situation is in fact the rule. And the only way to meet the conditions as they are is to provide diagnostic and treatment centers separate from hospitals to serve our urban poor. This ought to be the predominant theme of our effort rather than the special exception under this provision.

My colleague from New York (Mr. FARBSTEIN) will offer an amendment that will add $15 million to this program, earmarked specifically for urban diagnostic and treatment centers that do not require physical connection with a hospital. The committee's $20 million for centers to serve other areas will be unchanged.

In 1966 we provided for comprehensive health planning agencies to develop community oriented plans for meeting the health needs of our States. These agencies are now set up in every State of the country. In some States they are doing a good job in coordinating the needs for new hospitals and other kinds of facilities, such as extended-care, treatment, and rehabilitation facilities. In other areas, they are getting started in this job.

One of the great problems we have with the soaring hospital costs that we are experiencing all over the country today is that we are using so many of our health resources inefficiently. We are building hospitals that do not really serve community needs and as often as not we are not using them well. A community will build a hospital because of pride in having a hospital, even though there may be a perfectly good hospital that is underutilized within a few miles of the proposed construction. We cannot afford that today.

Within the State of New York, the Blue Cross program has proposed a 49.3-percent increase that will go into effect next month. This is becoming an unbearable burden for our people. We have to start making optimum use of the facilities available and building only the kind of new facilities that will serve our real needs. This is especially true of acute-care hospitals which are the most expensive kind of health facility to build and operate.

Now in an area where coordination is so important, more consultation with comprehensive health planning groups, as provided in the committee's bill, is not enough. These comprehensive health planning groups were created in the 90th Congress to give local communities a greater role in developing their health facilities and services. The expressed purpose of the program is to coordinate health programs, to do away with waste and inefficiency in the delivery of our health facilities. Having established this program, it is important that we really use it. What should be required is not just consultation but a clear finding that any program funded under this act is "consistent" with the comprehensive health planning, if any, adopted by the local comprehensive health planning group.

The gentleman from Texas (Mr. ECKHARDT) will offer an amendment to that effect.

Lastly, there are within many communities of the United States today

really desperate situations with respect to the delivery of health services. The Public Health Service released a survey during the last Congress which showed that 143 communities were in such critical situation. These communities were served by health facilities reporting annual occupancy rates of better than 90 percent—in many cases better than 100 percent. They had no alternative service and were unable to use any of the existing aid programs. There is a tremendous need for alleviating these emergency situations through a program of direct grants and loans. Therefore, the amendment which I offered last year providing for $100 million in grants and $35 million in loans directly to the communities in most critical need will be offered. This proposal was approved by the committee in the last Congress and was added to the administration's "partnership for health" bill. Unfortunately, it was narrowly defeated in floor action. The gentleman from Rhode Island (Mr. TIERNAN) will offer the amendment this year.

The committee has provided a new loan guarantee program that does not follow the loaded Hill-Burton formula. There are many good features of this program, but I still have grave doubts about it. The principal difficulty, as recognized by the committee itself in its report, is the same as with all such loan programs: the person who pays the additional cost of interest on the loan is the patient. He has to pay these medical costs at a time when he can least afford to pay them, when he is sick or hurt and not producing income. I think we ought to be thinking more in terms of total direction for the future, in terms of extending the grant programs rather than the loan program.

I would like in closing to point out that the administration in its testimony on this bill actually supported all five of these amendments that will be offered. The Under Secretary of Health, Education, and Welfare, John G. Veneman, in his testimony before the Health Subcommittee on March 25 of this year, made the following remarks:

When the Hill-Burton Program was initiated, the country had less than 60 percent of the general hospital beds needed for the care of its people. The most critical shortages existed in rural areas, where many families lived hours away from lifesaving care. As a consequence, the program required a rural emphasis. It has served its purposes well. Today, despite rapid population growth, 90 percent of the nation's need for general hospital facilities is fulfilled, thanks in large measure to Hill-Burton. We believe now that the priorities have changed and the needs for today are basically two fold: (1) modernization or replacement of existing and obsolete acute-care facilities in hospitals; (2) expansion of kinds of medical facilities that cost less thus can help control skyrocketing medical costs.

His testimony called for the very programs that we are now proposing in these amendments. The amendment of my distinguished colleague from Michigan (Mr. DINGELL) will assure that the highest priority is given to modernization. The amendments of my colleagues from New York (Mr. FARBSTEIN) and from Rhode Island (Mr. TIERNAN) will help to fulfill the second priority.

Under Secretary Veneman did not stop there. He recommended that grants be made "on the basis of population, per capita income, and the need for the construction or modernization," replacing the outmoded Hill-Burton formula. My amendment would put this into effect.

Mr. Veneman also called for the establishment of diagnostic and treatment centers to serve the urban poor saying:

Facilities for ambulatory care services such as those provided by hospital out-patient clinics and separate health centers will help balance our entire health delivery system.

This would be achieved by an amendment to be offered by my colleague from New York (Mr. FARBSTEIN).

Further, Mr. Veneman recommended:

Each project seeking financial assistance under this (legislation) should be submitted for review and comment to the appropriate areawide planning agency created under the provisions of section 314(b) of the PHS Act. The State Hill-Burton plan should be approved by the State health planning agency created under section 314(a) before awards from the State allotment are approved and funded.

The amendment to be offered by my colleague from Texas (Mr. ECKHARDT) would carry out this recommendation.

Finally, he called for the establishment of a separate fund "reserved for direct project grants to be made by the Secretary after consultation with the States, for innovative projects or projects reflecting critical needs of national significance."

The program established by the amendment to be offered by my colleague from Rhode Island (Mr. TIERNAN) would conform to the program described in Mr. Veneman's testimony.

The testimony can be found on pages 21 through 25 of the report of the Subcommittee on Public Health and Welfare of the House Interstate and Foreign Commerce Committee on Hospital and Health Facilities Construction and Modernization, serial 91–8.

Obviously, the enactment of these amendments will go a long way toward bringing the proposed legislation in line with the recommendations of the administration.

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

Mr. OTTINGER. I will gladly yield to the gentleman from Kentucky.

Mr. CARTER. Mr. Chairman, I was interested in the gentleman's statement to the effect that 70 percent of the funds have been used in rural areas. I cannot find that in the report, and I wonder where the gentleman got such information.

Mr. OTTINGER. I got it from the committee report in the table on page 9. If the gentleman will add to the funds labeled "rural" those labeled "other urban," which the footnote indicates as representing communities with a population from 2,500 to 50,000, he will find they constitute 70 percent of the funds authorized.

Mr. CARTER. But in checking those funds I do not find that is so.

Mr. OTTINGER. Mr. Chairman, if the gentleman will add "other urban" funds to the funds labeled "rural" in the tables, he will find that.

Mr. CARTER. I see no reason to add the figures labeled that way, and I do not find these figures to bear out what the gentleman said.

Furthermore, in answer to what the gentleman said on this, I find there is yet a great need in rural areas for more construction. For instance, the commissioner of health of my State visited me today and told me they had requests for millions of dollars for new construction, and according to the present bill, only $4 million would be available, and if the amendment offered by the gentleman passes, my State would lose $43 million and other States would lose, and the gentleman's State of New York would gain.

Certainly I cannot agree with such an amendment, and I doubt the statistics submitted by the gentleman at the present time. I do not think the table will bear this out.

Mr. OTTINGER. Mr. Chairman, the statistics submitted are quite accurate. Furthermore, what I am proposing is only a shift in the emphasis of the program. The rural areas would not be eliminated. All we are proposing is to do away with the loaded formula which has given rural areas such an unequitable advantage. We are asking not that the more highly industrialized States be favored, but merely that they be treated equitably.

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

Mr. OTTINGER. I will be glad to yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Chairman, I commend the gentleman for his statement in one respect, and that is in criticizing the archaic practice of the Census Bureau in considering anything greater than 2,500 should be considered urban. I am not sure the count should be 50,000, but I am sure it is over 2,500.

For instance, suppose we have a district of 5,000 people and no district over 50,000, would the gentleman consider the need for a hospital in that area?

Mr. OTTINGER. Yes. We do not eliminate that. We try to change the emphasis. Today we have about 75 percent of our population living in urban areas.

Mr. HUNGATE. Is it not possible to have a hospital in a city of two or three thousand within 10 or 15 miles of a city of perhaps half a million?

Mr. OTTINGER. That is why we try to provide a requirement for coordination with the health planning agencies so that the needs of the surrounding communities and the central cities will be taken into account.

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

Mr. NELSEN. Mr. Chairman, I yield the gentleman an additional minute.

The CHAIRMAN. The gentleman from New York is recognized for an additional minute.

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

Mr. OTTINGER. I am pleased to yield to the gentleman from Minnesota.

Mr. NELSEN. Mr. Chairman, did I understand the gentleman from New York to say that the grant money for construction could not be used for modernization?

Mr. OTTINGER. I did not. I said there

was a provision for shifting funds from construction to modernization, but the priority we put on that is the reverse of the priority it should be. In other words, we provide $135 million for construction as against $50 million in the first year for modernization. That priority, we believe, ought to be reversed.

Mr. NELSEN. I just wanted to be sure we understood that. Under the Hill-Burton formula and under the authority granted to the States, moneys that presently are given for construction can be transferred to modernization under the authority granted to the States, under the authority set up by law of the Congress of the United States.

Mr. OTTINGER. That is correct. The States really should not be left to make this decision against the picture of a congressionally mandated priority of 2 to 1 in favor of new construction. They ought to be able to make these shifts in terms of the reverse.

Mr. NELSEN. Mr. Chairman, I yield 7 minutes to the gentleman from Kentucky (Mr. CARTER).

Mr. CARTER. Mr. Chairman, certainly I feel that the Hill-Burton Act has done a wonderful lot of good throughout our country, both in our cities and in our rural areas.

I know the need is great for improved medical care and for increased facilities both in our urban areas and in our rural areas. I feel that the present bill would expand the Hill-Burton Act to take care of such a need.

We have at the present time $135 million for new construction, in grants. I feel that this might well be increased, rather than that the formula be changed.

I want to bring to the attention of the Members, Mr. Chairman, that if the formula were changed 33 of our 50 States would lose money. Some would gain.

I must say that the need for more hospitals is evident not only in the rural areas but also in the urban areas. As I visit the hospitals throughout my district I find that even though they have had additions in the past few years they are still overcrowded, and patients are in the halls.

Just because a hospital is small does not mean it is inefficient. A hospital becomes an integral part of a community, and certainly it is appreciated by the people to whom it is a boon, a great help.

I certainly do not want to see the funds for the rural areas, or for 33 of our 50 States, diminished, as would be the case under the amendments which the distinguished gentleman from New York will offer later.

As for the comprehensive planning groups, of course, in that area we do have these groups in every State of our 50 States. But they are just starting. At the present time they have not reached the stage of competence, where they could take over the administration of Hill-Burton funds, such as the present groups in each State. It is my feeling that within the next 2 years, perhaps, these comprehensive planning groups can take over. Certainly their assistance is asked for under the present bill.

Of course, it has been brought out—and it is true—that the Hill-Burton Act will provide for diagnostic centers, usually within the hospitals but not necessarily so. These can be built outside the hospitals. Also, we have extended care units and rehabilitation centers, which will be extremely helpful and will lessen the load on our hospitals. That is the purpose of our extended care units.

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

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

Mr. FARBSTEIN. It is admitted there is an insufficient number of hospitals throughout the country, and especially in the rural areas. Instead of building hospitals, with the tremendous cost involved, does the gentleman not believe we would be better advised to build health care centers, wherein physicians would work and there would be treatment for those people who need hospital care when they cannot get hospital care because of the tremendous distances between them? Would they not get ample treatment in the health care centers, and, in those situations when a hospital is absolutely necessary, could they not then be transferred to the hospital?

They will serve the rural areas as well as the poor areas where they have large health care centers rather than hospitals.

Mr. CARTER. As it happens, the diagnostic and treatment center is not a place for hospitalization. You cannot do caesarian sections in such a place. You cannot take care of hemorrhaging patients in a diagnostic and treatment center. You cannot insure the aged and the infirm and people who are really sick. They must be in a hospital and must have hospital care. Such centers, of course, would be of help to any community anywhere, whether yours or mine, but they do not take the place of hospitals.

Mr. FARBSTEIN. Granted, but——

Mr. CARTER. I refuse to yield any further at this time.

To lighten the load on the hospitals in New York or Kentucky or anywhere else we must have extended care facilities, because all of our hospitals have been overloaded by older people on medicare who stay longer than the physicians want them to. Extended care units have been expanded and should be expanded in your city and mine.

Mr. FARBSTEIN. Will the gentleman yield further?

Mr. CARTER. Only for a question and not a speech.

Mr. FARBSTEIN. Using your own argument earlier, you said that the hospitals are being overloaded and you wanted the health care centers. Could not the health care centers take the place of those hospitals in those situations which did not involve the extended treatment that you suggest?

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

Mr. CARTER. I yield to the distinguished gentleman from Florida.

Mr. ROGERS of Florida. If the gentleman will read the bill, he will find these facilities are all provided for in the bill. If the State decides that it meets the problem in your State, it may be done there.

Mr. CARTER. A diagnostic and treatment center is not a place where you keep these patients. They are places where diagnoses are made and treatment is done on an outpatient basis. Of course in any physician's office we try to diagnose the illness and the treatment of patients. This is not a place for patients to stay. They are helpful and necessary, but they do not supplant a hospital.

Mr. FARBSTEIN. Will the gentleman yield further?

Mr. CARTER. For a short question and not a statement.

Mr. FARBSTEIN. In answer to the gentleman from Florida, is it not a fact that under the Hill-Burton Act, however, these centers must be tied to hospitals?

Mr. CARTER. That is absolutely not according to the law. It does not require that it be in a hospital.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NELSEN. Mr. Chairman, I yield the gentleman 2 additional minutes.

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

Mr. CARTER. I yield to the gentleman from Florida.

Mr. CRAMER. I am very obviously interested in doing what needs to be done with regards to encouraging the construction of adequate hospital facilities, particularly in view of medicare and the great demand for hospital beds, because most facilities in the country are being overtaxed. As I understand it, I ask my distinguished colleague, we presently have two basic programs in existence; namely, the Hill-Burton Act, which is a program of direct grant money, and then you have your title XV of the FHA insurance program, which was passed last year, which is the FHA insured program.

Mr. CARTER. Yes, sir.

Mr. CRAMER. I, for one, have been very critical of the fact that this emergency insurance program has not been tooled up. As far as I know, there has been one loan made to one hospital. It is my opinion they have been dragging their feet on this and perhaps even dragging their feet intentionally, in the hopes of getting this bill, which does not come into being until 1971, anyway, and they have been discouraging the use of tools now available for use in the FHA insurance program. Why else would only one project have been approved? In view of that, I will ask this question: On page 5 of the report it says:

> The committee does not feel that the program provided in this legislation should serve as a substitute for the existing FHA insurance program. Rather, the three programs (grants, guaranteed loans, and insured loans) should complement each other, with projects determined to have the highest priority qualifying for grants of guaranteed loans, or a combination of both, and projects having a lower priority under these programs receiving loan insurance.

What does that mean? For instance, let me give you a specific example: At the Cedars of Lebanon Hospital in Miami, Dade County, an area where there is a clear need to fill a 2,900-bed deficit, according to the 1969 Florida plan, Cedars of Lebanon has requested FHA insur-

ance. What happens to them now? That is question No. 1.

Question No. 2 is: What happens, or is it possible in the future to have this——

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

Mr. NELSEN. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. CRAMER. Mr. Chairman, if the gentleman will yield further, is it possible to have in the future under this language a combination which is possible today—FHA insurance and Hill-Burton funds? And why the low priority for loan insurance is what I want to know?

Mr. ROGERS of Florida. Mr. Chairman, would the distinguished gentleman from Kentucky yield?

Mr. CARTER. I would be happy to yield to the gentleman from Florida.

Mr. ROGERS of Florida. I am sure the gentleman from Florida (Mr. CRAMER) would want the State to determine the priorities. I am sure he would not disagree with this.

Mr. CRAMER. I agree with that.

Mr. ROGERS of Florida. Then, on that basic point we are in agreement, that the States should decide what areas have the greatest priority. It was stated this way because we felt that probably hospitals that are going to be built would probably want to have a higher priority in order to qualify for a direct grant under the Hill-Burton Act, under the State regulations or a guaranteed loan where they would have 3 percent of their interest paid. And, in fact, if they can qualify for either of those under the State plan, then they can come into the other and there would be a combination.

Mr. CRAMER. Mr. Chairman, if the gentleman will yield further, I would like to explain this, because this is extremely important and is a matter which I feel deserves a full explanation.

Do I understand that Dade County having a 2,800- or 2,900-bed deficit according to the 1969 plan, and there is a program to add 500 beds to Cedars of Lebanon and they are going to do it on the basis of an insured program under FHA, if they, in fact, get FHA insurance, does that 500 beds having been constructed under that program delete the possibility or remove the possibility of the additional beds being built under the Hill-Burton Act?

Mr. ROGERS of Florida. Mr. Chairman, if the gentleman from Kentucky will yield further, this change of priority, if any, has got to be determined by the Hill-Burton State agency.

Mr. CRAMER. At the present time they cannot?

Mr. ROGERS of Florida. No. In effect it would not bar them from building other beds under Hill-Burton if the State priority establishes their right. It would not bar them.

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

Mr. NELSEN. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. CRAMER. Mr. Chairman, if the gentleman will yield further, the point is this: How does the lower priority get into it? Let us assume the reverse of the Cedars of Lebanon approach, that a 500-bed hospital is built under the Hill-Burton Act. Can they go ahead in that same area and put up 500 more beds under this FHA insurance program?

Mr. ROGERS of Florida. Of course they could if sufficient State priority is established.

Mr. CRAMER. Under the present circumstances they cannot build the 500 beds with FHA insurance and Dade County still retain their priority for a grant under Hill-Burton. They could construct those 500 beds under the insurance provisions, but they have no right to 500 more beds under Hill-Burton according to present policy, as I understand it, and this causes a problem. It comes out of the Hill-Burton priorities by reducing the beds needed by 500; does it not?

Mr. ROGERS of Florida. I do not believe that is correct. Here is what would happen. Your Hill-Burton program is going to set your priorities throughout the area. These are concurrent programs that can be run and set up, and we are simply saying that if in your area they preferred qualifying or should prefer a higher priority, your hospital group may think that they would rather qualify under a direct grant; or, second, under a guaranteed loan before they go to FHA. This would be to their advantage to have a higher priority. I think this is what we are trying to say in the committee report.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. ROGERS).

Mr. ROGERS of Florida. Mr. Chairman, I want to say that the committee spent a great deal of time considering this legislation. We have tried to gear the legislation to meet the needs of today. I believe the committee has done an excellent job in doing this, and as the debate unfolds as we get into the 5-minute rule, I believe it will be evident that we have a very balanced program here to meet the health needs of this Nation, and that we are trying to bring about some innovations through this legislation that will reduce costs, and start a reduction in the cost of hospital care.

I believe that should be of primary importance to the Congress, as I believe it will be to the American people.

Mr. Chairman, I strongly support H.R. 11102, the Medical Facilities Construction and Modernization Amendments of 1969.

Your committee held 4 days of hearings in March on legislation recommended by the Department of Health, Education, and Welfare, on a bill introduced by the distinguished chairman of your committee (Mr. STAGGERS) and by myself with other members of the Subcommittee on Public Health and Welfare.

Following these hearings, there were three executive sessions of the subcommittee and two such sessions of the full committee before agreement on the bill was reached.

The bill before us represents much deliberation and I recommend its passage. It is a bill which is fashioned to meet the needs of today.

This bill will carry forward for 3 years the existing grant programs for construction and modernization of public or other nonprofit hospitals and public health centers, facilities for long-term care, diagnostic or treatment centers, and rehabilitation facilities.

Eight hundred and seventy million dollars would be authorized for these grant programs for the 3 fiscal years.

In addition, a new program has been adopted to better meet the needs for hospital beds in the Nation.

A guaranteed loan program, coupled with a subsidized interest program, would encourage private lending institutions to become more active in the realization of construction and modernization of hospitals and other health facilities.

The bill reported by your committee provides for not more than $300 million of guaranteed loans per year for each of the next 3 fiscal years, beginning July 1, 1970.

The interest subsidy would be a maximum of 3 percent. Total cost of this portion of the bill would be a maximum of $37.3 million for the 3 years.

In addition, your committee has provided for authorization of $10 million for each of the 3 fiscal years for the modernization of emergency rooms. There are many hospitals, particularly in urban areas, where emergency rooms have become, in effect, outpatient facilities for many residents. The situation is serious, and as a result, the emergency rooms are often unable to meet their intended purpose. This money is intended to help correct that situation.

Since 1946 Federal-State cooperation under this program has meant much to the citizens of this Nation in meeting our hospital needs. There is much more to do, but this bill will continue to move us forward in meeting our needs.

Mr. EDMONDSON. Mr. Chairman, I support this bill to authorize additional Federal grants and loan guarantees for construction and modernization of hospitals and other medical facilities, and commend the committee on its work.

The shortage of hospital beds set forth in the committee report is an acute national problem which Oklahoma shares with her sister States.

If we are to close the gap between facilities and public needs, this bill is essential. I have received literally dozens of letters from Oklahomans, who are close to this problem, certifying to the need for this measure.

I am sure it will be overwhelmingly approved.

Mr. CAMP. Mr. Chairman, I urge adoption of H.R. 11102 primarily because it is basically an extension of an already existing program at almost the same levels of financial commitment as they are at the present time.

Of significant importance is the loan guarantee program which will be of great benefit to those projects where direct grants are not sufficient and bond money is difficult to obtain. The loan program might salvage many projects that would not otherwise proceed.

The 3-year extension of the Hill-Burton program is essential to the comprehensive program of health and hospital planning for my district and the entire State of Oklahoma.

Mr. McKNEALLY. Mr. Chairman, I support H.R. 11102, the Medical Facilities Construction and Modernization Amendments of 1969.

Since 1946, when this program was originally enacted, literally hundreds of thousands of hospital and nursing care beds have been provided throughout the country. In addition, this program has made possible the establishment of many other health facilities such as diagnostic and treatment centers.

While these accomplishments are very gratifying, in that they represent the furnishing of a great majority of the Nation's hospital and health needs, there remains a substantial job to be done. This bill which extends the present program of matching grants for 3 years, and establishes a new loan guaranty program, is vitally needed to cope with the problems still confronting us.

However, since the enactment of the original legislation certain circumstances have changed. I refer to the formula for allocating funds to the States. Back in 1946, there was an urgent need to assist rural areas. Now that need has been met to a very great extent and the formula should now be revised to allocate the funds more evenly between rural and urban areas.

The gentleman from New York (Mr. OTTINGER) will offer an amendment to H.R. 11102 which will change the formula to bring about this needed change, and I support him in this endeavor. I trust that my colleagues will do likewise.

Mr. YATES. Mr. Chairman, H.R. 11102 is a vitally important piece of legislation. Its purpose is to stimulate the construction of new hospital facilities and the modernization of medical facilities already in being. The bill addresses itself to one of the most important aspects of the growing crisis in medical care, the lack of adequate medical facilities, particularly in urban communities.

While the progress that has been made during the last 20 years under the Hill-Burton program is heartening, it is not enough. The Public Health Service estimates that in the next 10 years more than $7.2 billion will be required to meet the projected need for new general hospital facilities. Despite the great gains made in recent years, the increased demand for hospital and related medical services all across the country can only be met by new construction. This bill provides funds for that construction.

But the most pressing need is in the area of modernization of existing medical facilities. The situation in many urban hospitals is critical, and unless some assistance is forthcoming it is going to get worse. As things stand today, nationwide, $10 billion is required to bring our health facilities up to acceptable standards. An additional $10 billion will be required over the next decade in the continuing fight against obsolescence. In Chicago alone, it has been estimated that $372.8 million is required for modernization, and that figure does not include current and future needs for additional beds. This bill does not provide all the funds that will be needed, but it is a start.

The need for modernization, especially in urban medical care facilities, is probably best understood in terms of cost. The soaring costs of medical care are such that in some instances it causes such worry that illnesses are aggravated. Dr. Robert Coles has stated before a Senate subcommittee that—

> People are sick and then become even sicker because of what has happened to them financially. . . . It is not only a financial disaster, but a severe psychological disaster.

Of all the various components of the medical care price index, daily hospital charges have increased the most dramatically. The postwar increase in hospital room rates, as shown in the Consumer Price Index, has been 441 percent, compared with 71 percent for all consumer prices, 125 percent for all medical care prices, and 107 percent for physicians' fees. The average rate of increase for hospital room rates has thus been more than three times that of the overall consumer price index.

By modernizing our existing hospital facilities, the productivity of nurses, doctors, and other medical personnel can be greatly increased.

Last August we passed the Health Manpower Act, which is designed to encourage careers in the health field. There is a drastic shortage of doctors and nurses—we are short 50,000 physicians and four or five times that many nurses. Modern facilities will make medical careers more attractive and individually more productive for all medical personnel—doctors, nurses, technicians, and all the other people connected with the medical care profession.

The health manpower situation is measured not only in numbers of employees, but in the amount of medical care each of those employees is able to dispense in the course of his workday. This bill will enable hospitals to modernize their services, increase their productivity, and improve their efficiency. It will improve the overall capability of our medical care delivery system, and the net result will be that we will begin to reach a point where we can hold the line on the escalating cost of illness.

It is important also to put this bill in the larger context of the urban crisis. The modernization of urban hospitals and other medical facilities will make it possible for them to extend their services to more and more citizens. This legislation will hasten the day when serious illness is no longer a tragedy for a middle income family, threatening their economic survival. Modern facilities will mean that the increased supply of health care services will be more accessible to the poor, thereby making some inroads into stopping the cycle of poverty.

Dr. Jack Geiger of the Tufts-New England Medical Center has referred to the health of the poor in the United States as "an ongoing national disaster." He went on to say that—

> The poor are likelier to be sick, and the sick are likelier to be poor. Without intervention, the poor get sicker and the sick get poorer.

It is incumbent on us to do whatever we can to avoid that situation. I urge support for the Medical Facilities Construction and Modernization Amendments of 1969. It is an important step in limiting medical care costs and increasing the amount of medical services available to those who require them.

Mr. HALPERN. Mr. Chairman, our Nation's hospitals are in desperate need of help. One-third of them are already said to be "intolerably obsolete"; the other two-thirds struggle to maintain a balance between the ever-increasing costs of ordinary medical services and the need for modernization of facilities. Even today's prohibitive costs for rooms and services have not been able to stem the tide. It is for this reason, Mr. Speaker, that I join my distinguished colleagues in rising to support the Medical Facilities Construction and Modernization Amendments of 1969.

Testimony received by the committee considering this legislation has clearly indicated the urgency of the problem. In my own city of New York the hospital review and planning council tells us that virtually every hospital facility in New York City requires extensive alteration, if not complete replacement. Ultimately, of course, if we fail to voice our support for this bill the cost will be paid in human terms. Can we in good conscience deny to any of our citizens the benefits of 20th century medical care in modern facilities?

We must remember too that the cost of not acting now will be paid by future generations. The fact that fully one-third of our hospitals are already woefully inadequate should be sufficient warning of what is to come if we do not act affirmatively on this legislation.

Clearly, the need is paramount and the results would be disastrous were we not to act. We will, of course, have the opportunity to consider amendments to improve various aspects of the legislation and I trust that the House in its wisdom will carefully consider any such amendments particularly the one by the distinguished gentleman from New York (Mr. OTTINGER), which I enthusiastically support and which I trust will prevail.

We are asked now to voice our support and our concern for the quality of hospital care throughout our Nation and I urge my colleagues on both sides of the aisle to join in support of this bill and to approve the strengthening amendments.

Mr. SKUBITZ. Mr. Chairman, I am proud to assert that I joined in the introduction of the Hill-Burton bill which is before the House today and was also instrumental in its development into its present form. It is the unanimous judgment of the Subcommittee on Health and Welfare that the provisions of H.R. 11102 as it was reported to the full committee contained a well-balanced equitable program for construction and modernization of the various kinds of health facilities needed throughout the country.

The whole problem of delivery of health services does and will require new and different facilities in every corner of the United States. No area or type of com-

munity has a monopoly on need. The bill before the House recognizes this fact by providing money for construction with a slight nod in the direction of the less populous States. But the bill also makes funds available for modernization and loan guarantees on a different formula which is less rigid and makes possible more liberal allocations to the areas with the older, larger hospitals.

The sums provided in this bill are just about what is being currently spent for these purposes. The only additions are for upgrading emergency rooms and the sums required to pay the interest subsidies on guaranteed loans. These two items account for $67 million out of a total of $937 million for the entire 3-year program.

A small change in the present law which may result in large improvements later is that which will hereafter require hospitals receiving assistance to annually report costs and charges. One reason the alarming spiral of hospital costs continues is the lack of sound information on its true causes. Information gathered under this provision may lead to reversal of this trend. Let us hope so.

H.R. 11102 is recommended to my colleagues in the House and I urge its passage.

Mr. HANLEY. Mr. Chairman, I rise in support of H.R. 11102, the proposed Medical Facilities Construction and Modernization Amendments of 1969 and in support also of several amendments which will be offered during consideration of the bill.

The Hill-Burton program, initiated in 1946, has been partially responsible for over $10 billion in hospital and other medical facilities construction. A Federal investment of just over $3 billion has been matched by about $7.2 billion in non-Federal funds, leading to the construction or expansion of over 9,800 facilities. These projects have provided 425,000 inpatient care beds in hospitals and nursing homes, and have provided nearly 2,800 other health facilities such as public health centers, diagnostic and treatment centers, and rehabilitation facilities.

While I fully support the basic purpose of the bill, I am disappointed that the basic approach of the Hill-Burton program has not been changed to reflect new needs and new priorities which have developed over the years.

Today, there is simply no justification for a rural orientation to this program. Clearly, urbanized States like New York have by far the greatest need for a Federal helping hand in the providing of first-class hospital facilities for their citizens. This has been a fact for some time now, but the program has not been changed to reflect this changing need. I feel that it should be changed, and I feel that States like New York can no longer afford to be shortchanged and slighted by Federal programs which Congress refuses to change to keep pace with changing needs and priorities in America.

Federal assistance for hospital construction began in 1946, and its chief priority, as indicated by the formula which allocated the funds, was to stimulate construction in rural, poor States. The point was made during the Interstate and Foreign Commerce Committee's hearings that the Hill-Burton program, as originally developed, has largely achieved its goals. Dr. H. Phillip Hampton, member of the Council on Legislative Activities of the American Medical Association, presented figures which indicate the need for immediate reevaluation of the Hill-Burton allocation formula. The data prepared by Dr. Hampton shows that in 1948, the eight States with the highest per capital income had an average of 3.92 hospital beds per 1,000 population, while the corresponding figure for the eight States with the lowest per capital income was 2.61. By 1966, however, the eight low-income States had completely caught up with the high-income States. The high-income States still maintained an average of 3.92 beds, but the figure for the low-income States had risen to 3.93 beds. In the face of this fact, it would be unreasonable to continue to allocate hospital construction funds with a formula heavily weighted in favor of the lowest income States.

The Hill-Burton program, which is administered in close cooperation with State agencies, requires a continuing and up-to-date supply of information about the needs of the various States for facilities and for modernization of existing facilities. The need for the construction of facilities continues, but it is outstripped now by the need for modernization. States have indicated that 455,130 acute and long term care beds require modernization at an estimated cost of $10.5 billion. These figures represent more beds and more money than have been involved in the whole 23-year history of the Hill-Burton program.

In New York State alone, it is reported that of the 358 general hospitals in the State, only 128 are acceptable by today's health standards.

It seems to me that the time has come to remove the rural, poor State orientation given to the Hill-Burton program in 1946 and to invest it with an orientation that recognizes that the critical construction and modernization needs are in the urbanized metropolitanized States.

There was a partial recognition of this in 1966 when Congress added to the program a separate category of modernization funds. These funds are distributed among the States in accordance with a formula based on population, the extent of need for modernization, and the financial need of the States as determined by per capital income. The law also permits the States to transfer funds allocated for construction into the State modernization program.

The problem is that while New York is getting its fair share of modernization funds, this fair allocation is not being extended to cover the construction grants where the bulk of the funds are. During fiscal year 1968 New York State, representing 9.1 percent of the national population, received only 6 percent of the funds appropriated for construction grants. However, it did receive 8.7 percent of the modernization money. The rub comes when we recognize that modernization funds, in fiscal 1968, represented only 18 percent of the Hill-Burton total. A fair share of 18 percent is not fair at all, particularly when we reflect on the fact, already stated, that modernization needs now exceed the total accomplishments of the program since 1946.

I believe that all of the funds allocated under the Hill-Burton program should be allocated with the formula which governs the modernization program. In this way, each of the States will have its fair share of the funds and will be in a position to determine for itself how its new construction and modernization needs are going to be met. I noted above that New York received in fiscal year 1968 approximately 8.7 percent of Hill-Burton modernization funds, it received only 6 percent of the far larger amount set aside for construction. The bill proposed by the Interstate and Foreign Commerce Committee recognizes the increasing priority for help in urban and metropolitan areas within each of the States, but it does not take the logical step of recognizing this need to be national in scope. The law limits the amount of Hill-Burton money New York and other urban States receive even while it pays lipservice to the pressing needs in urbanized States.

We hear a great deal today about the struggle going on within Congress, reflecting the divisions among the American people, to reestablish priorities so that areas where need is significantly and demonstrably greatest are given the most attention. In a small way, we can contribute to such a reordering by changing the Hill-Burton formula so that its funds can help where help is needed most.

Mr. NELSEN. Mr. Chairman, I wish to insert at this point in the RECORD a letter I received from Mr. David M. Kennedy, the Secretary of the Treasury, addressed to Bob Finch, Secretary of Health, Education, and Welfare, expressing concern with respect to the loan guarantee and interest subsidy provisions in this bill. It was requested of me that this be made a part of the RECORD:

THE SECRETARY OF THE TREASURY,
Washington, June 4, 1969.

The Honorable ROBERT H. FINCH,
Secretary of Health, Education, and Welfare, Washington, D.C.

DEAR BOB: I am deeply concerned with the proposal by the House Committee on Interstate and Foreign Commerce that the Federal Government guarantee the payment to private investors of interest on obligations of public bodies which is exempt from Federal income taxation. Such a provision appears in the proposed new section 621(a) of the Public Health Service Act, which is incorporated in the Medical Facilities Construction and Modernization Amendments of 1969 (H.R. 11102) reported by the Committee on May 20, 1969.

The report of the Committee recognized that the Treasury Department opposes such Federal guarantees of tax-exempt obligations, and the report cited the arguments made against such guarantees in the 1962 report of the President's Committee on Federal Credit Programs: (1) the cost in tax revenues to the Federal Government would generally exceed the benefits of tax exemption received by borrowers; (2) such Federally-guaranteed tax-exempt securities would be superior to direct Federal obligations themselves, and their increasing

volume would adversely affect Treasury financing; and (3) the availability of increasing amounts of high-grade, tax-exempt issues would tend to attract funds from investors that should appropriately seek risk-bearing opportunities. The House Committee stated that it agrees with the substantial validity of these arguments, but was of the opinion that competing considerations outweighed them. In light of the problems in the tax-exempt market and the undesirable precedent which would be set by acceptance of this legislation, I feel that I must recommend against this action.

Encouragement by the Federal Government of an additional volume of tax-exempt obligations will add to the present extreme pressures on the tax-exempt bond market and will tend to increase the interest rates which all State and local borrowers will be required to pay. The municipal bond market is especially vulnerable to such competition from Federal programs because of the limited nature of that market.

Moreover, as you know, there is currently a great deal of sentiment in the Congress and elsewhere for tax reform, including the problem of tax-exempt interest on municipal bonds. While it is a very complicated problem, which I will not attempt to discuss here, I am sure you would agree that the Federal Government should not be adding to the problem by encouraging an additional volume of tax-exempt bonds through the device of a Federal guarantee.

My concern with tax-exempt guarantees goes beyond the hospital financing program. There have been many recent proposals for Federal guarantees of municipal bonds for a wide variety of capital projects for health, education, transportation, housing, and other public facilities. The Treasury Department has successfully resisted this proposed method of financing new programs, and it would be extremely difficult to approve this financing device for one purpose and at the same time hold the line against its widespread use in other areas—which I am firmly convinced would not only be bad tax and debt management policy but would be a great disservice to the States and localities themselves.

As you know, we have under active consideration a number of proposals to assist States and localities, ranging from revenue sharing plans to specific assistance to high priority programs such as the financing of health facilities. Moreover, we are considering other means of alleviating pressures on State and local financing in the tax-exempt bond market, and I believe it would be counter to our efforts in this regard if new programs of guaranteed tax-exempts were authorized now.

Sincerely,

DAVID M. KENNEDY.

Mr. SPRINGER. Mr. Chairman, the Hill-Burton hospital construction program has been with us now for nearly a quarter of a century. Starting with a limited goal—the creation of new hospital capacity in basically rural areas—it has been expanded gradually to meet the problems which have emerged. New kinds of institutions which are parts of or connected with hospitals have been added. New kinds of services have been provided for. Modernization of outmoded hospitals in larger communities has been recognized as a necessary activity if the whole hospital system within the States is to accomplish its goal of providing beds and at the same time providing trained health professionals and new techniques. Changes have been many while the structure of the scheme has remained intact. Like a certain automobile which I will not name, we have made changes only to make it better and not to make it appear like something new.

The Members of the House will recall that last year the Committee on Interstate and Foreign Commerce came forth with a bare 1-year extension of the Hill-Burton authority. There had been some new thinking on the problems of the bigger hospitals and how to assist them. The other body had turned out a piece of legislation which included a new method of financing large projects. The whole package hit at a very late date in the Congress when there was obviously no time to rush in with such a new idea and ask the House to accept it blindly although many members of our committee were attracted to it. The promise was made then that we would study the whole Hill-Burton program, including the new ideas, and bring legislation to the House fairly early this year.

Whether one considers this to be early could be questioned perhaps, but the committee has done its work and now presents what it believes to be a well-balanced program for the orderly continuance of Federal assistance in the field of hospital and related facility construction. There are new features to traditional grants and the addition of a loan program for the first time. Some features leave room for difference about their desirability, and that should be ironed out here this afternoon.

I would like to describe briefly, but fairly fully what I think we have here. First of all, the bill—H.R. 11102—continues grant assistance to the States for the construction of nonprofit and public hospitals, long-term care facilities, diagnostic, and treatment centers and rehabilitation facilities at the rate of $235 million a year for the next 3 years. That is about the amount being presently spent for these same items.

It would be difficult to make comparisons straight across the board because the law now combines construction and modernization money, and we have separated them this time. Money for modernization will be available for the last three types of facilities mentioned above, whereas it is presently available only for the modernization of hospitals. Although projects for modernization of these newer kinds of facilities may not be numerous, it should be recognized that they are, in many instances, part and parcel of older hospitals physically or organizationally, and as such may need upgrading if and when the parent institution makes such plans.

Modernization money is authorized at levels of $50 million, $55 million, and $60 million over the next 3 fiscal years. These amounts are misleading if considered entirely alone, however. First of all, a State may, if it feels it desirable or necessary, transfer money from construction to modernization. At least one State has done so in the past in significant amounts. That means that all of the money received under the formula can be used in modernization. In addition, the new program which I will mention later involving loans is expected to take up a great deal of the slack in this area.

Several very significant changes have been made which, like the subtle changes in the auto, are not very noticeable but designed to make it run better. One of these is a requirement that all projects for construction or modernization include definite arrangements for extended care. Hard core intensive care has proven to be of questionable benefit when the patient cannot have the benefit of extended care facilities. Either he loses ground because of less than adequate care of this type, or a badly needed bed is tied up for the purpose. The time to make such provision is when a project is planned. Extended care facilities often are an integral part of the hospital plant, but if this is not possible or practical they can be separated physically. The committee also found that there are now some organizations which wish to create extended care facilities within some communities. If these can be made available to the hospital upon a realistic contract basis, the requirement can be met.

Another change is brought about by revising the definition of a hospital. Because we have added new categories of facilities through the years, we have inadvertently created an administrative bottleneck. It is highly desirable that any project to build or expand a hospital should include provisions for all possible services. Extended care we will now require. Other kinds of services needed to make the most efficient use of bed space are things like self-care units, home-care services, and training of personnel. In the past such items have had to be the subject of separate applications and resulted in snafus caused by duplicating and overlapping administrative redtape. If it is, in fact, one project, and the services are desirable services for a hospital to offer, it should be considered as one. By this small change in the definition of a hopsital I think we have accomplished this goal.

Because of its beginnings Hill-Burton has always looked to the rural hospital as its primary objective. This is comforting to the small communities, but not at all realistic today. State agencies must assess the entire problem and establish practical priorities for the whole State. The bill before us frees these State agencies from giving special consideration to rural projects although they may do so if the situation warrants such action.

Comprehensive health planning under the Partnership for Health Act on a regional and areawide basis is beginning to show results in many places. Eventually such organizations will be scrutinizing overall health programs everywhere. The objective is coordination of facilities with all other aspects involved in the delivery of health services to the public. Certainly Hill-Burton projects are a major part in that puzzle. Surely the areawide planners should have a look at Hill-Burton projects as part of their education if nothing else and as part of their planning as it proceeds. Because such organizations were not yet widespread, it was considered premature to require complete coordination in all instances. The bill does provide that where areawide planning organizations exist, they shall have an opportunity to consider Hill-Burton projects and obviously to make suggestions. Eventually these two programs and

others as well should be in full gear. The committee felt that for this time any stiff requirement of full coordination would frustrate both programs, but it also serves notice that the planning function must proceed, and it recognizes the necessary connection between them.

Because Congress and the public are deeply concerned about the rising cost of health services, a provision was added to require full financial reporting by all hospitals receiving any kind of assistance under the act. It is hoped that by learning more about both costs and charges involved in hospital operation we may find some of the answers to the problem.

What might be described as a new program is the provision of grants for the upgrading of emergency rooms in larger hospitals. The bill provides $10 million a year for 3 years. Several publications have done what might be called exposés on the conditions in most emergency rooms. Poor equipment and inadequate help where probably the need is the most critical undoubtedly contribute to many deaths each year.

And now to turn to the really new feature of the bill—the provision of guaranteed loans and interest subsidies for both construction and modernization of health facilities. Costs being what they are, it is seldom possible for a State to furnish all of the grant money for an ambitious hospital project in a sizable community. Even if this were not so, the amounts required from the community to meet its share become forbidding obstacles. For some years there have been funds available through the Department of Housing and Urban Development which have been helpful in some cases. This program is not in any way touched by H.R. 11102. But a great need still exists.

The bill before us today would provide for the guarantee of funds up to $300 million in fiscal 1971, $600 million in 1972, and $900 million in 1973. Nonprofit hospitals could borrow money in the market for entire projects or to supplement grants. The loan and grant together must not exceed 90 percent of the project cost. Each State will have an allotment for guaranteed loans, and projects will require State approval for loan purposes in the same manner as for grants. If approved for a loan guarantee, the project can then also qualify for an interest subsidy of 3 percent. This should bring the debt service load within the reach of most groups. The income allowed for medicare and medicaid can hardly be expected to pay out for a large building or expansion program, but it can make fairly modest interest rates feasible.

All of these programs together—construction, modernization, emergency room, and interest subsidies—amount to $931.3 million over the next 3 fiscal years. It should be pointed out, however, that the only new spending will be for the emergency room projects—$30 million over 3 years—and interest subsidies—$37.3 million over the next 3 years. All other amounts are at or very close to current spending levels.

Recognizing that there are some small differences among us as to priorities and spending levels, I think we have a basically sound bill here that most Members can accept and support. It goes further than suggested legislation by the administration in that it continues the support for new construction, and thus makes available for both construction and modernization in the form of grants about the same amounts we have been spending. The committee did not feel that the magnitude of the problem now facing health facilities justifies radically new approaches at this time.

I feel certain that the sums appropriated under the authority granted in this bill will be carefully watched and judiciously used by the Department of Health, Education, and Welfare. I am certain that the objective of the administration is exactly the same as the objective of this body—to see to it that the American public has adequate health facilities and to use any authority it may have to that end. In the light of this conviction I can recommend this bill to my colleagues in the House and express my hope that we will pass it in substantially the form approved by the committee.

Mr. BOLAND. Mr. Chairman, almost 23 years ago, on August 13, 1946, President Truman signed into law the Hospital Survey and Construction Act. Cosponsors of that historic legislation were Senators Lister Hill of Alabama, and Harold Burton of Ohio. In the more than two decades since that date, the words "Hill-Burton" have been part of the language of, not only the hospital world, but also of the public at large. The Hill-Burton program stands as a striking example of what can be done with Federal assistance to private as well as public groups for the achievement of major public goals. That initial legislation and the program that followed evolved from the recognition that the health of the Nation is a national resource and that Federal leadership and financial encouragement were warranted in preserving and augmenting that resource.

One of the most remarkable aspects of the program is the way it has grown through the years to meet needs as they arose or were discovered. The 1946 bill simply authorized a survey of needs, a development of State plans, and a program of grants for the construction of hospitals and public health centers. In the 20 years since, other bills have extended the basic program and increased authorizations, and have included programs of planning and research and programs for the construction of other important health facilities—facilities such as nursing homes, diagnostic or treatment centers, rehabilitation units, chronic disease facilities. In 1964, Congress took a giant step when it authorized a broad new program for the modernization of obsolete facilities. I feel that a great part of the reason for the continuing success of the program has been its flexibility in responding to new needs as they have become evident.

Today we are preparing to take another major step into the future as we consider the bill before us, H.R. 11102, the Medical Facilities Construction and Modernization Amendments of 1969. I want to commend the Committee on Interstate and Foreign Commerce, whose members have done a fine job in bringing this comprehensive and innovative bill before us. The bill extends the aspects of the Hill-Burton program that have operated so successfully over the years, and initiates new programs to meet new problems confronting the health care facilities of our country.

The legislation, however, has two drawbacks of more than routine significance. The first—and most dramatic—is the bill's continued emphasis on the construction of rural hospital facilities at the expense of urban projects. The second is the continued emphasis on construction rather than modernization. I strongly support the proposed amendments seeking to reverse—or, at least, balance—these priorities.

The funding of new construction and modernization of hospital and other facilities is a difficult and critical area. This bill, besides extending the existing grants program, also creates a new program of federally guaranteed loans, combined with an interest subsidy for construction and modernization of hospitals and other health facilities. The grants program and this new program of loan guarantees and interest subsidies, when added to the program of FHA-insured mortgages for hospital construction enacted just last year, will present a strong and varied source of financing which will go a long way toward meeting our needs for construction and modernization.

The bill has several other far-reaching provisions. The one which requires that every hospital receiving a grant for construction or modernization must have arrangements for care of its patients who require such care in extended care facilities will help considerably to reduce the cost of care for patients and to free overcrowded acute-care beds where they are desperately needed.

The provision defining the proper relationship of State or areawide planning agencies regarding the opportunity to consider and comment on specific projects will help to bring much needed coordination and planning to the broad spectrum of health care.

The program of project grants for the modernization of hospital emergency rooms should assist these emergency rooms, which substitute for the family doctor in many areas of our society, to better cope with their increasing workload and responsibility.

Over two decades ago the Hill-Burton program led the way to new concepts and practices in Federal-State partnerships, grants to public and other nonprofit institutions, State and areawide planning for health facilities, hospital administrative research, and hospital design and construction standards. The patterns of operation established and refined through the years have served as models for other Federal programs, especially those that are State administered.

The bill before us today will allow the Hill-Burton program to pioneer anew with the proposal for a grant-and-loan plan for construction of new facilities, and modernizing and replacing obsolete hospitals. It provides new methods of financing to provide a massive attack on a prodigious problem. This new system of Federal aid will point the way to the future—both for Federal-State

partnership and for methods of meeting urgent needs speedily and efficiency.

I strongly urge the enactment of H.R. 11102.

Mr. REID of New York. Mr. Chairman, I rise in support of the Ottinger amendments, which would revise the formula for allocation of hospital aid funds under the Hill-Burton Hospital Act.

In 1946, when Hill-Burton was first adopted, there was a clear need for new health facilities in this Nation's rural areas. Today, in 1969, the needs of our urban areas are just as great—and yet we still spend approximately 70 percent of Hill-Burton funds in cities of less than 50,000.

In my judgment, the formula now being used to allocate hospital aid funds results in discrimination against the desperately crowded inner cities. The amendments being offered by my colleague from New York would end that discrimination by providing more money for modernization—which most city hospitals need—and shifting the now rural-based grant formula to one based on per capita needs.

An editorial in this morning's New York Times stated that these "amendments are an important beginning in putting the money where the need is most urgent." I commend the editorial to the attention of my colleagues.

Mr. BIAGGI. Mr. Chairman, I rise to add my voice to those supporting this vital bill for the construction and modernization of hospitals and other medical facilities throughout our land. The Hill-Burton hospital construction program has made an immeasurable contribution to the health of our Nation in the 22 years of its existence, and the enactment of the bill before us today will enable the program to draw new vigor for the important work of the future.

The section of the bill authorizing a new guaranteed loan and interest subsidy program will broaden the availability of financing for hospitals and other health facilities. Many more facilities requiring funds for construction, expansion, or modernization will be able to obtain such funds with this new program than otherwise could with just the existing grants program alone. This broader availability of financing is essential if this country is to progress on the road to good health care for all.

The part of the bill authorizing grants for the modernization of emergency rooms in hospitals will help to improve this increasingly important aspect of health care. More and more people are turning to the emergency room for the kind of care that used to be handled by the family doctor. The emergency rooms of our hospitals need assistance if they are going to be able to meet this growing reliance on their services. This section will provide that assistance.

This bill is perhaps the most revolutionary and innovative bill in the history of a revolutionary and innovative program. It does a great deal in changing the program to meet the changing needs of our time. I do feel, however, that it is not innovative enough and requires several more changes before it can really meet the most important problems facing us in the provision of health care. For this reason, I am happy to add my support to necessary amendments of H.R. 11102.

The first of the amendments is that which would change the formula by which construction funds are allocated to the States. The present formula utilizing the squaring factor discriminates grossly against the States with the greatest need. When the Hill-Burton program was first created back in 1946, its main purpose was to establish hospitals and health centers in the smaller, primarily rural communities across our Nation, for these were the areas which had the greatest obvious need. The use of the squaring factor which provided proportionately more aid for the low-income States containing these rural areas made sense at that time. Now, it is time we realize that the original purpose of the 1946 legislation has been largely met. Today it is the higher income States with large urban areas which have the greatest need. Few question this, but nonetheless the greatest proportion of the funds still go to the rural areas. If we look at the figures, we see that in fiscal years 1965 through 1968, almost 70 percent of the funds under the Hill-Burton programs were allocated to communities with populations of less than 50,000.

There can be little question that the existing allocation formula discriminates against highly urbanized States. My own State of New York is a case in point. Senator JAVITS, in his testimony before the committee, reported that his staff had figured that in 1965, New York State, with 9.4 percent of the Nation's population received 5.5 percent of Hill-Burton funds, while the State of Alabama with 1.8 percent of the population, received 4.7 percent of the funds. This inequity must not be allowed to continue. So I recommend that the squaring factor be eliminated, and that we substitute for it a new formula utilizing a test of need for facilities.

I also wish to support the amendment which would change the allocation of funds between new construction programs and modernization programs to bring them more in line with existing needs. Although there is incontrovertible evidence that modernization is the primary need in health facilities, this bill provides twice as much support for new construction as for modernization. This is unquestionably inequitable, and the allocations should be reversed.

The latest figures on unmet needs of health facilities based on a compilation of estimates developed by the individual States indicate an existing shortage of about 85,000 new general hospital beds with an estimated cost of $2.9 billion and over 164,000 long-term beds at an estimated cost of $1.6 billion. These are serious needs, but they are dwarfed in comparison with the needs for modernization. There are 240,624 general hospital beds in need of modernization at a cost of $7.2 billion and 214,506 long-term-care beds needing modernization at a cost of $2.1 billion. We have delayed a long time in doing enough to meet the needs for modernization and the costs have increased. If we continue to delay, the costs undoubtedly will continue to increase.

When a hospital is in need of modernization, this means that the facilities are in such condition that the hospital cannot do even an adequate job of caring for its patients. Again, to cite my own State as an example, in January of this year State Commissioner of Health Ingraham reported that only 128 of the 358 general hospitals in New York are acceptable by the health standards of today. Similar situations exist in many other areas of the country; and if we are going to attempt to remedy this problem, as we must, then we must put the Federal assistance where it truly belongs, in the modernization of obsolete facilities.

I give my full support to the amendment designed to correct what is possibly the most serious deficiency in our national health program—the lack of community diagnostic and treatment facilities to meet the health needs of our low-income metropolitan areas. Poor health is an important factor in maintaining the urban poverty cycle and there is presently a critical shortage of facilities to deal with the problem. This proposed amendment would provide $15 million in grants for the construction of community diagnostic or treatment centers which serve metropolitan areas with low per capita income.

Adoption of this amendment will benefit the hospitals in my congressional district. These hospitals are Albert Einstein, Bronx Municipal, Abraham Jacobi, Misericordia, Parkchester General, Pelham Bay General, Westchester Square, Bronx State, Montefiore, and Van Etten.

A fourth amendment which warrants support requires that all health facility funding under H.R. 11102 be consistent with comprehensive health planning programs established pursuant to Public Law 90–174. Congress created comprehensive health planning programs to provide a way for decentralizing health planning and coordinating health programs so as to do away with duplication and waste. This planning can never be effective unless the comprehensive health planning groups are given a meaningful role in developing health services in their respective States. The present bill fails to do this and the proposed amendment would correct this deficiency.

Finally, I support the amendment which establishes a program of direct assistance in the form of grants and loans to critical hospitals—hospitals so antiquated and overcrowded that they are unable to serve their communities and hospitals which are not getting the help they need under any other program. This amendment was supported by a Public Health survey which showed that at that time 143 of the Nation's private, nonprofit hospitals were in critical condition.

I strongly urge the enactment of these important amendments. With them added to the original bill, I feel that the Medical Facilities Construction and Modernization Amendments of 1969 will be able to adequately meet the problems of health care in our time.

Mr. GIAIMO. Mr. Chairman, I rise today in support of the Medical Facilities Construction and Modernization Amendments of 1969 and, more specifically, the newly proposed guaranteed loan program for hospital construction.

In my opinion, this innovative concept is absolutely vital to the future of health care service in America. I say this because I believe that this Nation's medical and hospital facilities are in desperate need of improvement. This country does not have adequate facilities to care for the sick and the injured. We can send a man to the moon, yet we cannot provide enough beds for our hospitals. We can waste millions of dollars on unworkable defense projects, yet the cries of the ill go unheeded. We can give away millions of dollars in subsidies to wealthy farmers, yet the poor of this country cannot get adequate health care.

This situation must be corrected, and I believe that this loan program can help.

The hospitals of this country want to accommodate all persons who are ill. They want to build, to expand, and to modernize, but they cannot get adequate funds or, in some cases, any funds with which to carry out these projects.

This measure would provide guarantees for $900,000,000 in loans for the construction and modernization of hospitals and other health facilities over a 3-year period. The record clearly shows why this is necessary. Over one-quarter of a million new hospital beds are needed.

This program would provide an impetus to private groups to obtain financing for construction and modernization. With the interest subsidy contained in this bill, the cost of a loan would be reduced considerably. As all Members of this body know, the prohibitive interest rates in this country are strangling the borrowers. For example, repayment of a loan of $10,000 at 7½ percent interest over 25 years will require interest payments totaling $12,170. How can we hope to encourage long-term borrowing for construction unless we ease this interest burden?

The Hospital of St. Raphael, which is located in my district, serves as a good case in point. This is a nonprofit hospital which needs to expand. This program could well help such a hospital by guaranteeing a loan and providing a needed interest subsidy. I am sure that all of you here have similar situations in your congressional districts. This bill will help to alleviate this problem.

This bill, I believe, would also help stem the ever-increasing cost of hospitalization. I have heard many comments and read many letters from constituents who are constantly complaining about the rising cost of medical care. The hospitals do not want to charge more money; they want to help those who cannot afford health service, but they have to have money with which to constantly improve their services and facilities. Where does this money come from? It comes from the patients. This proposal will take some of the financial burden away from them.

Mr. Chairman, we must act now, for the opportunity is here. Let us take this step. Let us give the American people a program that will benefit patients, doctors, hospitals and, in fact, everyone and everything connected with the business of keeping America healthy.

Mr. PEPPER. Mr. Chairman, I am greatly pleased by the action of this House today in considering the Medical Facilities Construction and Modernization Amendments of 1969, since this legislation extends and improves what is commonly called the Hill-Burton program initially recommended by the Senate Subcommittee on Wartime Health and Education, which it was my privilege to head during the early 1940's.

The hospital construction program was instituted to meet the desperate need to provide new facilities, primarily in the rural areas of our country which could least afford them. Today, we have the opportunity to take a significant step in recognizing that the hospital facility shortage has shifted from the rural to urban centers of population.

Although States would continue to receive allotments based on a formula affording the highest percentage to States with the least per capita income, the bill eliminates the mandatory rural priority of these funds in distributing grants and loans within the State.

This can have a very significant effect on urban areas within a State. In March of this year, I spoke at a fundraising drive for South Shore Hospital and Medical Center on South Miami Beach. The hospital is located in an area with a high concentration of those over the age of 60 and is in desperate need of expansion funds, as are most hospitals in the Greater Miami area.

At that time I called for a more urbanized attitude from the State's Division of Community Hospitals and Medical Facilities in the allocation of Federal-State Hill-Burton hospital construction and modernization funds. Up to now, the State has been locked into following the guidelines of rural priority as originally written into the Hill-Burton bill.

Should today's amendments be approved here and by the other body, as I believe and hope they will be, and then signed into law, Florida and other States undergoing rapid urbanization will be in a position to give immediate attention to the need for new hospitals and, more importantly, hospital expansion in the cities.

In the Miami Beach speech, I had pointed out that it had been 10 to 12 years since Dade County—Greater Miami—had received priority treatment for Hill-Burton funds even though 25 percent of the State's permanent population lives there and a 40-percent shortage exists in the number of needed hospital beds. This does not even take into account the seasonal visitor, of which Greater Miami is fortunate to attract due to its favorable climate and other allurements.

With the final approval of the Medical Facilities Construction and Modernization Amendments of 1969, Florida will be able to consider setting up special unit area designations for areas of principal need such as Miami Beach and St. Petersburg. Also, hopefully, we will more adequately provide for additional hospital beds to accommodate the special needs of areas that host a large seasonal population.

We have come a long way since the Senate Subcommittee on Wartime Health and Education initiated a hospital construction program to meet the critical deficiencies which the committee uncovered in the Nation's hospital facilities. Much later we continued by adopting a medicare program to deal with the individual's inability to pay for adequate hospital care which was also documented by the studies of our committee.

My interest in health legislation matured during that experience with the subcommittee and it has continued through the enactment of many substantial health programs over the last quarter of a century.

I am, therefore, personally gratified to see this effort to meet the health needs of our people move forward by enlightened legislation such as is before us today.

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

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

The CHAIRMAN. The Clerk will read.

Mr. OTTINGER. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Fifty-two Members are present, not a quorum. The Clerk will call the roll.

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

[Roll No. 75]

Adams	Dickinson	O'Konski
Anderson, Tenn.	Fascell	Olsen
Andrews, N. Dak.	Flynt	Patman
Ashley	Ford, Gerald R.	Pepper
Ayres	Foreman	Philbin
Baring	Friedel	Pickle
Barrett	Gallagher	Podell
Bates	Gubser	Powell
Berry	Hagan	Price, Tex.
Bevill	Halpern	Randall
Blatnik	Hansen, Wash.	Rivers
Bray	Harvey	Ronan
Brock	Hays	Rosenthal
Broomfield	Hébert	Roudebush
Brown, Ohio	Helstoski	Sandman
Burke, Fla.	Horton	Schadeberg
Burton, Utah	Ichord	Scheuer
Cahill	Johnson, Calif.	Sebelius
Camp	Kirwan	Sikes
Carey	Kyros	Springer
Chappell	Langen	Stafford
Clark	Lennon	Steed
Clausen, Don H.	McKneally	Stephens
Conyers	McMillan	Teague, Tex.
Cowger	Macdonald, Mass.	Thompson, Ga.
Culver	Miller, Calif.	Watson
Daniel, Va.	Mills	Whitten
Davis, Ga.	Mollohan	Wilson, Charles H.
Dawson	Morgan	Winn
Dent	Morse	Young
	Moss	
	Murphy, Ill.	

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ST GERMAIN, 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. 11102, and finding itself without a quorum, he had directed the roll to be called, when 339 Members

responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

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

SHORT TITLE; DEFINITION

SECTION 1. (a) This Act may be cited as the "Medical Facilities Construction and Modernization Amendments of 1969".

(b) As used in the amendments made by this Act, the term "Secretary", unless the context otherwise requires, means the Secretary of Health, Education, and Welfare.

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

Mr. Chairman, I take this time to direct a question to the chairman of the committee.

In examining this bill which sets up a new structure for loans and grants to hospitals, I find absolutely no reference to the oldest of our labor acts, namely, the Davis-Bacon Act.

It has been my understanding that in all of the prior legislation covering the Hill-Burton program the contractors were required to comply with the provisions of the Davis-Bacon Act.

Can the gentleman from West Virginia explain to us why such a provision is not included in this bill?

Mr. STAGGERS. I shall be happy to do so, if the gentleman will yield.

Mr. SAYLOR. I would be happy to yield to the chairman for that purpose.

Mr. STAGGERS. I would like to explain to the gentleman that the Davis-Bacon Act is in the bill. I would cite to the gentleman the reply to an inquiry that I made of the Department of Health, Education, and Welfare just to clarify this point. The reply reads as follows:

DEAR CHAIRMAN STAGGERS: In reply to your inquiry, the provision of the Davis-Bacon Act applies to the loan guarantee provisions of H.R. 11102 as well as to the grant provisions of the same bill. Specifically, lines 24 and 25 of page 6 and lines 1 and 2 of page 7 state that the provisions of the Davis-Bacon Act will apply to the loan guarantee program.

The letter is signed by Dr. Harald Graning, Assistant Surgeon General.

Therefore, it is clear that Davis-Bacon is included in the bill.

Mr. SAYLOR. I want to thank the chairman of the committee for this information, because I think this will relieve the minds of a great many people who are concerned with whether or not the provisions of the Davis-Bacon Act were to be included in this act.

Mr. STAGGERS. The provisions of the act are specifically included.

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

Mr. Chairman, I take this time to inquire of the chairman of the committee concerning certain aspects of this legislation. My question, Mr. Chairman, is whether or not the committee by this legislation has made it explicitly clear, and has made it mandatory that under no circumstances could a project that might have been started but which is not yet completed and has not yet completed all the arrangements for a loan, receive benefits under the modernization program where there will be some subsidy of interest.

As I read the bill it does not make it clear that this type of situation could not be covered. Nor does it make it clear that a State agency could not certify to the Secretary such a project if indeed the State agency wished to do so. And I wondered if it was the intention of the committee that under no circumstances would any pending project be barred from relief under this legislation?

Mr. STAGGERS. Mr. Chairman, if the gentleman from New Hampshire will yield, the bill is not specific on this issue of the loan going back and being covered retroactively. Is that the part that the gentleman is talking about?

Mr. CLEVELAND. Yes; and I am talking, too, about situations which we have a project that may have already been started, but is not as yet completed, and has not completed all arrangements for its final loan. This would not be something that could go back 10 or 15 years, or even 3 or 4 years. The situation I have in mind would be where a project is caught right in the middle of this legislation.

Mr. STAGGERS. That would be an unusual situation. I doubt whether we are going to find many situations such as the gentleman refers to where construction has started and is going on today, with final completion of the loan to be made later.

I would say that my interpretation is that this would be entirely left up to the State agency as to what should be done in this case, but they would have to abide by the law.

Mr. CLEVELAND. It would be the understanding of the gentleman, then, that there would be some discretion in the State agency in regard to that type situation?

Mr. STAGGERS. They would have to obey what the law is. I hate to exactly interpret that right now, but I would say this: I just cannot conceive of any situation such as the gentleman refers to arising where you would have started a facility and you have not made final arrangements for funding, but I would say if there was such a situation it would have to come up before the State agency, and then the State agency would determine it according to the law.

Mr. CLEVELAND. If the State agency thought that some modernization project was worthy of support, even if it had started and perhaps made tentative arrangements for a loan, the State agency hands would not be totally barred by this bill to recommend interest subsidy for its loan. Is that a fair statement?

Mr. STAGGERS. I want to be as clear as I can, and I cannot make too much of a commitment, but I would say this: That the State agency would have to abide by whatever the law says. There are certain parts of the bill where I believe the State agency could make a discretionary judgment on it, but they would have to abide by whatever the law says.

Mr. CLEVELAND. Mr. Chairman, I thank the gentleman. His views have reassured me as to my particular concern and I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

LOAN GUARANTEES AND INTEREST SUBSIDIES FOR CONSTRUCTION AND MODERNIZATION OF HOSPITALS AND OTHER MEDICAL FACILITIES

SEC. 2. Title VI of the Public Health Service Act is amended by redesignating part B as part D; by redesignating section 621, 622, 623, 623A, and 625 (42 U.S.C. 291k–291o), and all references thereto, as sections 641, 642, 643, 644, and 645, respectively; and by inserting after section 610 (42 U.S.C. 291j) the following new part:

"PART B—LOAN GUARANTEES FOR CONSTRUCTION AND MODERNIZATION OF HOSPITALS AND OTHER MEDICAL FACILITIES

"AUTHORIZATION OF LOAN GUARANTEES

"SEC. 621. (a) In order to assist nonprofit private agencies to carry out needed projects for the construction or modernization of nonprofit private hospitals, facilities for long-term care, diagnostic or treatment centers, and rehabilitation facilities, the Secretary may, during the period July 1, 1970, through June 30, 1973, and subject to the limitations contained in this part, guarantee, to non-Federal lenders making loans to such agencies for such projects, payment when due of principal of and interest on loans approved under this part.

"(b) No loan guarantee under this part with respect to any construction or modernization project may apply to so much of the principal amount thereof as, when added to the amount of any grant or loan under this title with respect to such project, exceeds 90 per centum of the cost of such project.

"ALLOCATION AMONG THE STATES

"SEC. 622 (a) For each fiscal year, the total amount of principal of loans which may be guaranteed under this part shall be allotted by the Secretary among the States, in accordance with regulations, on the basis of each State's relative population, financial need, need for construction of the facilities referred to in section 601, and need for modernization of such facilities.

"(b) Any amount so allotted to a State, other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands, for a fiscal year ending prior to July 1, 1973, and remaining unobligated at the end of such year shall remain available to such State, for the purpose for which made, for the next fiscal year (and for such year only), and any such amount shall be in addition to the amounts allotted to such State for such purpose for such next fiscal year; except that, with the consent of the State, any such amount remaining unobligated at the end of the first six months of such next fiscal year may be reallotted (on such basis as the Secretary deems equitable and consistent with the purposes of this title) to other States which have need therefor. Any amount so reallotted to a State shall be available for the purposes for wihch made until the close of such next fiscal year and shall be in addition to the amount allotted and available to such State for the same period. Any amount allotted to the Virgin Islands, American Samoa, Guam, or the Trust Territory of the Pacific Islands for a fiscal year ending prior to July 1, 1973, and remaining unobligated at the end of such year shall remain available to it, for the purposes for which made, for the next two fiscal years (and for such years only), and any such amount shall be in addition to the amounts allotted to it for such purpose for each of such next two fiscal years; except that, with the consent of the Virgin Islands,

American Samoa, Guam, or the Trust Territory of the Pacific Islands, as the case may be, any such amount remaining unobligated at the end of the first of such next two fiscal years may be reallotted (on such basis as the Secretary deems equitable and consistent with the purposes of this title) to any other of such four States which have need therefor. Any amount reallotted to a State under the preceding sentence shall be available for the purposes for which made until the close of the second of such next fiscal years and shall be in addition to the amounts allotted and available to such State for the same period.

"(c) Any amount allotted or reallotted to a State under this section shall not, until the expiration of the period during which it is available for obligation, be considered as available for allotment.

"APPLICATIONS AND CONDITIONS

"SEC. 623. (a) For each project for which a loan guarantee is sought under this part, there shall be submitted to the Secretary, through the State agency designated in accordance with section 604, an application by a nonprofit private agency. If two or more such agencies join in the project, the application may be filed by one or more such agencies. Such application shall set forth all of the descriptions, plans, specifications, assurances, and information which would be required under the third sentence of section 605(a) (other than clause (6) thereof) with respect to applications submitted under that section, such other information as the Secretary may require to carry out the purposes of this part, and a certification by the State agency of the total cost of the project, and the amount of the loan with respect to which a guarantee is sought under this part.

"(b) The Secretary may approve such application only if (1) there remains sufficient balance in the allotment determined for such State pursuant to section 622 to cover the amount of the loan with respect to which a guarantee is sought under this part, (2) he makes each of the findings which would be required under clauses (1) through (4) of section 605(b) for the approval of applications for projects thereunder and he finds that there is compliance with section 605(e), (3) he obtains assurances that the applicant will keep such records, and afford such access thereto, and make such reports, in such form and containing such information, as the Secretary may reasonably require, and (4) he also determines that the applicant is otherwise unable to secure the amount of such loan upon reasonable terms and conditions, and that the terms, conditions, maturity, security (if any), and schedule and amounts of repayments with respect to the loan are sufficient to protect the financial interest of the United States and are otherwise reasonable and in accord with regulations, including a determination that the date of interest does not exceed such per centum per annum on the principal obligation outstanding as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States.

"(c) No application under this section shall be disapproved until the Secretary has afforded the State agency an opportunity for a hearing.

"(d) Amendment of an approved application shall be subject to approval in the same manner as an original application.

"(e) (1) The United States shall be entitled to recover from the applicant the amount of any payments made pursuant to any guarantee under this part, unless the Secretary for good cause waives its right of recovery, and upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payments with respect to which the guarantee was made.

"(2) Guarantees under this part shall be subject to such further terms and conditions as the Secretary determines to be necessary to assure that the purposes of this part will be achieved, and, to the extent permitted by subsection (f), any of such terms and conditions may be modified by the Secretary to the extent he determines it to be consistent with the financial interest of the United States.

"(f) Any guarantee made by the Secretary pursuant to this part shall be incontestable in the hands of an applicant on whose behalf such guarantee is made, and as to any person who makes or contracts to make a loan to such applicant in reliance thereon, except for fraud or misrepresentation on the part of such applicant or such other person.

"PAYMENT OF INTEREST ON GUARANTEED LOANS

"SEC. 624. (a) Subject to the provisions of subsection (b), the Secretary shall pay to each holder of a loan guaranteed under this part, for and on behalf of the hospital or other medical facility for which such loan was made, (1) one-half of the interest which becomes due and payable on such loan, or (2) if lower, the interest which would become so due and payable at an interest rate of 3 per centum. Each holder of a loan guaranteed under this part shall have a contractual right to receive from the United States interest payments required by the preceding sentence.

"(b) Contracts to make the payments provided for in this section shall not carry an aggregate amount greater than such amount as may be provided in appropriations Acts.

"LIMITATION ON AMOUNT OF LOANS GUARANTEED

"SEC. 625. The cumulative total of the principal of the loans outstanding at any time with respect to which guarantees have been issued under this part may not exceed the lesser of—

"(1) such limitations as may be specified in appropriations Acts, or

"(2) in the case of loans covered by allotments for the fiscal year ending June 30, 1971, $300,000,000; for the fiscal year ending June 30, 1972, $600,000,000; and for the fiscal year ending June 30, 1973, $900,000,000.

"LOAN GUARANTEED FUND

"SEC. 626. (a) There is hereby established in the Treasury a loan guarantee fund (hereinafter in this section referred to as the 'fund') which shall be available to the Secretary without fiscal year limitation to enable him to discharge his responsibilities under any guarantee issued by him under this part and for payment of interest under this part on the loans so guaranteed. There are authorized to be appropriated to the fund from time to time such amounts as may be necessary to provide capital for the fund.

"(b) If at any time the moneys in the fund are insufficient to enable the Secretary to discharge his responsibilities under guarantees issued by him under this part and for payment of interest on the loans so guaranteed, he is authorized to issue to the Secreary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary with the approval of the Secretary of the Treasury, but only in such amounts as may be specified from time to time in appropriations Acts. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act, as amended, are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Sums borrowed under this subsection shall be deposited in the fund and redemption of such notes and obligations shall be made by the Secretary from such fund."

GRANTS FOR MODERNIZATION OF EMERGENCY ROOMS OF GENERAL HOSPITALS

SEC. 3. Title VI of the Public Health Service Act is amended by inserting after part B (inserted by section 2 of this Act) the following new part:

"PART C—MODERNIZATION OF EMERGENCY ROOMS

"AUTHORIZATION

"SEC. 631. In order to assist in the provision of adequate emergency room service in various communities of the Nation for treatment of accident victims and handling of other medical emergencies through special project grants for the modernization of emergency rooms of general hospitals, there are authorized to be appropriated $10,000,000 each for the fiscal year ending June 30, 1971, and the next two fiscal years.

"ELIGIBILITY FOR GRANTS

"SEC. 632. Funds appropriated pursuant to section 631 shall be available for grants by the Secretary for not to exceed 50 per centum of the cost of modernization of emergency rooms of public or other nonprofit general hospitals. In order to be eligible for a grant under this part, the project, and the applicant therefor, must meet such criteria as may be prescribed by regulations. Such regulations shall be so designed as to provide aid only with respect to projects for which adequate assistance is not readily available from other Federal, State, local, or other sources, and to assist in providing modern, efficient, and effective emergency room service needed to care for victims of highway, industrial, agricultural, or other accidents and to handle other medical emergencies, and to assist in providing such service in geographical areas which have special need therefor.

"PAYMENTS

"SEC. 633. Grants under this part shall be paid in advance or by way of reimbursement, in such installments and on such conditions, as in the judgment of the Secretary will best carry out the purposes of this part."

EXTENSION OF DURATION OF EXISTING GRANT PROGRAMS; SEPARATE AUTHORIZATION FOR MODERNIZATION GRANTS

SEC. 4. (a) Section 601 of the Public Health Service Act (42 U.S.C. 291a) is amended by adding at the end thereof and below paragraph (b) the following new sentence: "In order to assist the States in carrying out such purposes, there are authorized to be appropriated—

"(c) (1) for grants for the construction of public or other nonprofit hospitals and public health centers, $135,000,000 each for the fiscal year ending June 30, 1971, and the next two fiscal years;

"(2) for grants for the construction of public or other nonprofit facilities for long-term care, $70,000,000 each for the fiscal year ending June 30, 1971, and the next two fiscal years;

"(3) for grants for the construction of public or other nonprofit diagnostic or treatment centers, $20,000,000 each for the fiscal year ending June 30, 1971, and the next two fiscal years;

"(4) for grants for the construction of public or other nonprofit rehabilitation fa-

cilities, $10,000,000 each for the fiscal year ending June 30, 1971, and the next two fiscal years; and

"(5) for grants for modernization of the facilities referred to in the preceding subparagraphs, $50,000,000 for the fiscal year ending June 30, 1971, $55,000,000 for the fiscal year ending June 30, 1972, and $60,000,000 for the fiscal year ending June 30 1973."

STATE ALLOTMENTS

SEC. 5. (a) Effective with respect to appropriations pursuant to section 601 of the Public Health Service Act for fiscal years beginning after June 30, 1970, section 602(a) of such Act (42 U.S.C. 291b) is amended to read as follows:

"SEC. 602. (a) (1) The Secretary shall make allotments among the States from the sums appropriated for such year under subparagraphs (1), (2), (3), and (4) of section 601(c) as follows: Each State shall be entitled to an allotment bearing the same ratio to the sums appropriated for such year under subparagraphs (1), (2), (3), and (4), respectively, of section 601(c), as the product of—

"(A) the population of such State, and

"(B) the square of its allotment percentage,

bears to the sum of the corresponding products for all of the States.

"(2) The Secretary shall, in accordance with regulations, make allotments among the States, from the sums appropriated under subparagraph (5) of section 601(c), on the basis of the population, the financial need, and the extent of the need for modernization of the facilities referred to in section 601, of the respective States."

(b) Effective with respect to allotments from such appropriations, section 602(b)(1) of such Act is amended by—

(1) striking out "$50,000" in subparagraph (A) and inserting in lieu thereof "$100,000";

(2) striking out "$100,000" in subparagraph (B) and inserting in lieu thereof "$200,000";

(3) striking out "$200,000" in subparagraph (C) and inserting in lieu thereof "$300,000";

(4) striking out "or for the modernization of facilities referred to in paragraph (a) or (b) or section 601," in subparagraph (C); and

(5) adding after and below subparagraph (C) the following new subparagraph:

"(D) $100,000 for the Virgin Islands, American Samoa, Guam, or the Trust Territory of the Pacific Islands and $200,000 for any other State in the case of an allotment for grants for the modernization of facilities referred to in paragraph (c) of section 601,".

(c) Effective with respect to allotments from such appropriations, section 602(e) of such Act is amended to read as follows:

"(e) Upon the request of any State that a specified portion of any allotment of such State under subsection (a), other than an allotment for grants for the construction of public or other nonprofit rehabilitation facilities, be added to another allotment of such State under such subsection, other than an allotment for grants for the construction of public or other nonprofit hospitals and public health centers, and upon simultaneous certification to the Secretary by the State agency in such State to the effect that—

"(1) it has afforded a reasonable opportunity to make applications for the portion so specified and there have been no approvable applications for such portion, or

"(2) in the case of a request to transfer a portion of an allotment for grants for the construction of public or other nonprofit hospitals and public health centers, use of such portion as requested by such State agency will better carry out the purposes of this title,

the Secretary shall promptly (but after application of subsection (b)) adjust the allotments of such State in accordance with such request and shall notify the State agency."

RURAL AREA PRIORITY

SEC. 6. Effective with respect to projects approved under title VI of the Public Health Service Act after June 30, 1970, section 603(a)(1) of such Act (42 U.S.C. 291c) is amended by striking out "rural communities and areas with relatively small financial resources" and inserting in lieu thereof "areas with relatively small financial resources and, at the option of the State, rural communities".

CLARIFICATION OF MEANING OF DIAGNOSTIC OR TREATMENT CENTER

SEC. 7. Effective with respect to projects approved under title VI of the Public Health Service Act after June 30, 1970, so much of the section of such Act herein redesignated as section 645(f) (42 U.S.C. 291o) as precedes clause (1) is ameded by inserting "(whether as inpatients or outpatients)" after "ambulatory patients".

AVAILABILITY OF EXTENDED CARE SERVICES TO PATIENTS OF GENERAL HOSPITALS

SEC. 8. Section 604(a) of the Public Health Service Act (42 U.S.C. 291d) is amended by striking out "and" at the end of paragraph (11), by striking out the period at the end of paragraph (12) and inserting in lieu thereof "; and", and by adding after paragraph (12) the following new paragraph:

"(13) Effective July 1, 1971, provide that before any project for construction or modernization of any general hospital is approved by the State agency there will be reasonable assurance of adequate provision for extended care services (as determined in accordance with regulations) to patients of such hospital when such services are medically appropriate for them, with such services being provided in facilities which are structurally part of or physically connected with, and under the supervision of the professional staff of, such hospital; except that if the State agency determines that it would be inadvisable to require that such extended care services be provided in facilities that are structurally part of or physically connected with such hospital, the Secretary may waive the requirement that such services be provided in such facilities."

PORTION OF ALLOTMENT AVAILABLE FOR STATE PLAN ADMINISTRATION

SEC. 9. Effective with respect to expenditures under a State plan approved under title VI of the Public Health Service Act which are made for administration of such plan during any fiscal year beginning after June 30, 1970, the first sentence of subsection (c)(1) of section 606 of such Act (42 U.S.C. 291f) is amended by striking out "2 per centum" and "$50,000" and inserting in lieu thereof "3 per centum" and "$75,000", respectively.

FEDERAL SHARE OF COST OF CONSTRUCTION

SEC. 10. Effective with respect to projects approved under title VI of the Public Health Service Act after June 30, 1970, the section of such Act herein redesignated as section 645(b) (42 U.S.C. 291o) is amended to read as follows:

"(b)(1) The term 'Federal share' with respect to any project means the proportion of the cost of such project to be paid by the Federal Government under this title.

"(2) With respect to any project in any State for which a grant is made from an allotment from an appropriation under section 601, the Federal share shall be the amount determined by the State agency designated in accordance with section 604, but not more than 66⅔ per centum or the State's allotment percentage, whichever is the lower, except that, if the State's allotment percentage is lower than 50 per centum, such allotment percentage shall be deemed to be 50 per centum for purposes of this paragraph.

"(3) Prior to the approval of the first project in a State during any fiscal year the State agency designated in accordance with section 604 shall give the Secretary written notification of the maximum Federal shares established pursuant to paragraph (2) for projects in such State to be approved by the Secretary during such fiscal year and the method or methods for determining the actual Federal share to be paid with respect to such projects; and such maximum Federal shares and such method or methods of determination for projects in such State approved during such fiscal year shall not be changed after such approval."

WAIVING OF RIGHT OF RECOVERY

SEC. 11. Section 3(b) of the Hospital and Medical Facilities Amendments of 1964 (Public Law 88-443) is amended by striking out the period at the end of paragraph (5) and inserting in lieu thereof a semicolon, and by adding after such paragraph the following new paragraph:

"(6) the provisions of clause (b) of section 609 of the Public Health Service Act, as amended by this Act, shall apply with respect to any project whether it was approved, and whether the event specified in such clause occurred, before, on, or after the date of enactment of this Act, except that it shall not apply in the case of any project with respect to which recovery under title VI of such Act has been made (or judicially ordered) prior to the enactment of this paragraph."

INCLUSION OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS

SEC. 12. (a) Subparagraphs (A), (B), and (C) of paragraph (1) of subsection (b) of section 602 of the Public Health Service Act (42 U.S.C. 291b) are each amended by inserting "the Trust Territory of the Pacific Islands," after "American Samoa,".

(b) Paragraph (2) of such subsection is amended by inserting "the Trust Territory of the Pacific Islands," after "American Samoa,".

(c) Paragraph (1)(B) of subsection (c) of such section is amended by inserting "the Trust Territory of the Pacific Islands," after "American Samoa,".

(d) Paragraphs (1) and (2) of subsection (d) of such section are each amended by inserting "the Trust Territory of the Pacific Islands," after "American Samoa,".

(e) The section of such Act herein redesignated as section 645(a) (42 U.S.C. 291o) is amended by inserting "the Trust Territory of the Pacific Islands," after "American Samoa,".

(f) The amendments made by this section shall apply for purposes of part B of title VI of the Public Health Service Act and with respect to allotments (and grants therefrom) from appropriations pursuant to section 601(c) of the Public Health Service Act.

AREAWIDE AND STATE HEALTH PLANNING AGENCIES

SEC. 13. (a) Effective with respect to applications approved under title VI of the Public Health Service Act after June 30, 1970, clause (4) of the first sentence of section 605(b) of such Act (42 U.S.C. 291e) is amended by striking out "State agency and" and inserting in lieu thereof "State agency, opportunity has been provided, prior to such approval and recommendation, for consideration of the project by the public or nonprofit private agency or organization which has developed the comprehensive regional, metropolitan area, or other local area plan or plans referred to in section 314(b) covering the area in which such project is to be located or, if there is no such agency or organization, by the State agency administering or supervising the administration of the State plan approved under section 314(a), and the application is for a project which".

(b) Section 314(b) of such Act (42 U.S.C. 246) is amended by adding after the first sentence the following new sentence: "No grant may be made under this subsection after June 30, 1970, to any agency or organization to develop or revise health plans for an area unless the Secretary determines that such agency or organization provides means for appropriate representation of the interests of the hospitals, other health care facilities, practicing physicians serving such area, and the general public."

DEFINITION OF HOSPITAL

SEC. 14. (a) Effective with respect to applications approved under title VI of the Public Health Service Act after June 30, 1970, the section of such Act herein redesignated as section 645(c) is amended—

(1) by inserting after "nurses' home facilities," the following: "extended care facilities, facilities related to programs for home health services, self-care units,"; and

(2) by inserting a comma immediately before "operated" and inserting immediately before "but does not include" the following: "and also includes education or training facilities for health professions personnel operated as an integral part of a hospital,".

(b) Effective with respect to applications approved under title VI of the Public Health Service Act after June 30, 1970, the section of such Act herein redesignated as section 645(h) (42 U.S.C. 291o) is amended by inserting after "means a facility" the following: "(including an extended care facility)".

(c) Effective July 1, 1970, section 604(a) (3) of such Act (42 U.S.C. 291d) is amended—

(1) by inserting "(A)" after "shall include", and

(2) by inserting after "rehabilitation services, and" the following: "representatives particularly concerned with education or training of health professions personnel, and (B)".

FINANCIAL STATEMENTS FOR FACILITIES ASSISTED UNDER TITLE VI OF THE PUBLIC HEALTH SERVICE ACT

SEC. 15. Title VI of the Public Health Service Act is amended by adding at the end thereof the following new section:

"FINANCIAL STATEMENTS

"SEC. 646. In the case of any facility for which a grant, loan, or loan guarantee has been made under this title, the applicant for such grant, loan, or loan guarantee (or, if appropriate, such other person as the Secretary may prescribe) shall file at least annually with the State agency for the State in which the facility is located a statement which shall be in such form, and contain such information, as the Secretary may require to accurately show—

"(1) the financial operations of the facility, and

"(2) the costs to the facility of providing health services in the facility and the charges made by the facility for providing such services,

during the period with respect to which the statement is filed."

Mr. STAGGERS (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 West Virginia?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 23, immediately before "nonprofit" insert "public or".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 25, immediately before "nonprofit" insert "public or".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 3, line 1, insert "and of public health centers," immediately after "facilities,".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 3, strike out line 22 and all that follows down through and including line 7 on page 5, and insert in lieu thereof the following:

"(b) Any amount allotted to a State for a fiscal year ending prior to July 1, 1973, and remaining unobligated at the end of such year shall remain available to such State, for the purposes for which made, for the next two fiscal years (and for such years only), and any such amount shall be in addition to the amounts allotted to such State for such purpose for each of such next two fiscal years; except that, with the consent of the State, any such amount remaining unobligated at the end of the first of such next two fiscal years may be reallotted (on such basis as the Secretary deems equitable and consistent with the purposes of this title) to other States which have need therefor. Any amount reallotted to a State under this subsection shall be available for the purposes for which made until the close of the second of such next fiscal years and shall be in addition to the amounts allotted and available to such State for the same period."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 6, line 8, immediately before "nonprofit" insert "public or".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 7, line 6, insert after "(4)" the following: "in the case of an application made by a nonprofit private agency,".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 8, strike out line 24 and all that follows down through and including line 4 on page 9 and insert in lieu thereof the following: "(b), in the case of a guarantee of any loan under this part with respect to a nonprofit private hospital or other medical facility, the Secretary shall pay to the holder of such loan, for and on behalf of such hospital or other medical facility, the interest which becomes due and payable on the guaranteed loan at an interest rate of 3 per centum per annum."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 14, line 24, strike out "The" and insert in lieu thereof "For each fiscal year, the".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 15, line 11, strike out "The" and insert in lieu thereof "For each fiscal year, the".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 15, line 13, insert "for such year" after "appropriated".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 16, line 4, strike out "or" and insert in lieu thereof "of".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 18, strike out line 18 and all that follows down through and including line 1 on page 19 and insert in lieu thereof the following: "services being provided in facilities which (A) are structurally part of, physically connected with, or in immediate proximity to, such hospital, and (B) either (i) are under the supervision of the professional staff of such hospital or (ii) have organized medical staffs and have in effect transfer agreements with such hospital. If the State agency determines that it would be inadvisable to require that such extended care services be provided in facilities that are structurally part of, physically connected with, or in immediate proximity to, such hospital, the".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 20, line 22, strike out "shares" and insert in lieu thereof "share".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 20, line 25, strike out "or methods".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 21, line 2, strike out "shares" and insert in lieu thereof "share".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 21, line 2, strike out "or methods".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 22, line 17, strike out "part B" and insert in lieu thereof "parts B and C".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 23, line 19, insert "and" immediately after "facilities,".

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. OTTINGER

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

The Clerk read as follows:

Amendment offered by Mr. OTTINGER: On page 14, strike out line 24 and all that follows down through and including line 17 on page 15 and insert in lieu thereof the following:

"SEC. 602. (a) For each fiscal year the Secretary shall, in accordance with regulations, make allotments among the States, from the sums appropriated for such fiscal year under subparagraphs (1), (2), (3), (4), and (5), respectively, of section 601(c), on the basis of the population, the extent of the need for construction of the facilities referred to in such section (or, in the case of allotments from appropriations under such subparagraph (5), the extent of the need for modernization of such facilities), and the financial need, of the respective States."

The CHAIRMAN. The gentleman from New York is recognized in support of his amendment.

Mr. OTTINGER. Mr. Chairman, this amendment is the one which seeks to change the Hill-Burton allocation formula so that the urban States, containing the majority of the population and the greatest need, will be treated equally with the rural States.

Now, let me point out that this has nothing to do with the distribution of funds within a State. In other words, the fact that you live within a rural area of New York State would have no influence on the increase in funds you would receive under the revised formula. The money goes to the State agency, New York will get $3 million additional, and that will be applied by the State agency to the State's needs, regardless of whether a particular area in the State is rural or urban.

The original Hill-Burton formula, which this amendment seeks to change, is based on a squaring of the per capita income. This is a loaded formula which discriminates against the urban States in favor of the rural States. The result of that has been that 70 percent of the Hill-Burton funds have gone to rural areas, that is, communities with a population of less than 50,000. That is a different definition than the committee used in defining rural areas. The committee defined rural areas only as communities with 2,500 population or less, an exercise in creative definitions that defies reality.

The amendment is designed to change the method of figuring allotments to the States under the Hill-Burton program by removing the squaring factor and substituting a simple, unloaded formula which treats all States alike. The formula is the same as the committee has provided for modernization. Under it, you distribute funds according to population, per capita income and need.

At the time the Hill-Burton program was first enacted in 1946 there was no question but that the greatest need for construction of health facilities was in the rural Southern States. Thus the allotment formula enacted in the 1946 legislation provided for the squaring factors which resulted in allocating a disproportionately large share to those States.

When one sector of the country needed help, all of the sectors of the country joined to provide it.

But now the situation has changed. It is the urban States that are in trouble. The method of figuring the allotment percentage should be amended accordingly. Now when the rural Southern States needed help, we adopted a formula that favored them. You might think that now that the urban States are in trouble, we would propose a formula that gave them an advantage. But that is not what we are proposing. We are proposing a formula that treats all States equally. We do not ask for more than our fair share.

Secretary Veneman, Under Secretary of the Department of Health, Education, and Welfare, in testifying before the Health Subcommittee on March 25 of this year, specifically put the administration on record in full favor of this amendment. The Under Secretary said:

Grants should be made on the basis of population, per capita income, and the need for construction and modernization.

That is what this amendment would provide. I think it goes to the heart of the difficulty in the bill as the bill is presently constituted.

There is no question that there is a continuing need in the rural areas. Nor is there any question that the really concentrated need at the present time is in the urban areas, which at the present time get the least funds. The amendment would meet both needs fairly.

The excellent editorial in today's New York Times expresses the need well. I submit it for my colleagues' consideration:

[From the New York Times, June 4, 1969]

HELP FOR THE HOSPITALS

Nothing fails like yesterday's success. When Congress passed the Hill-Burton Hospital Act a quarter century ago, it made sense to direct the flow of Federal funds to rural areas in small towns, where there was then a critical shortage of medical facilities.

But in 1969, the hospital crisis is in the bigger cities. It is no longer logical to spend approximately 70 per cent of Hill-Burton funds in cities of less than 50,000. This rural formula has become nothing less than flagrant discrimination against the desperately crowded inner cities. It is equally illogical to devote two-thirds of the money to new construction and only one-third to modernization. Unlike the small towns of a generation ago, the big cities have hospitals. What they need is money to renovate them.

In response to these changed conditions, Representative Ottinger of New York plans to offer several amendments when the House of Representatives considers the renewal of the Hill-Burton Act today. His amendments would shift the rural-based grant formula to one based on per capita needs and would reverse the amounts authorized for hospital construction and hospital modernization respectively.

He would also have Congress provide $15-million for community diagnostic centers, require that all allocations of funds meet with the approval of a regional comprehensive health planning agency to avoid duplication or insufficient use of scarce hospital space, and permit the Federal government to give direct assistance to certain hospitals which have reached the stage of crisis.

Much more Federal money for the nation's urban hospitals is essential. A visit to any hospital waiting room or emergency ward would convince members of Congress of the desperate character of the conditions which now prevail. The Ottinger amendments are an important beginning in putting the money where the need is most urgent.

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

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

Mr. HALL. Mr. Chairman, I have not had a chance to study the gentleman's amendment. I would like to ask him if in any way his new formula would direct the allocation of Federal funds within the States, or does it just apply to the allocation to the States?

Mr. OTTINGER. It applies only to the allocation to the States, not within the States. It applies to the funds authorized under each section.

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

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

Mr. OTTINGER. The States are specifically given authority to switch funds between categories. The amendment in no way affects this. It only applies to the allocation of funds between the States.

Mr. HALL. Mr. Chairman, I have often made the statement that I support this program as long as the administration remains within the States as far as bed surveys and allocations of matching funds for beds within the various States remains there. But I would resist placing the administering of grants in the hands of a Federal arbiter. Can the gentleman answer yes or no that this does not place in the hands of a Federal arbiter the allocation of funds within a State, should his amendment pass?

Mr. OTTINGER. It would not in any way. It is a fixed formula to the States.

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

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

Mr. DINGELL. Mr. Chairman, if the gentleman has two States, both of which have grave need in the rural areas, and one of which has a large urban area

and one of which does not, is it the plan—the law as it now exists would discriminate particularly strongly against that State which might happen to have a large metropolitan area with great need and also has great need in its rural areas—so that in the State which would have great areas of need in urban areas, the rural areas would not be treated equally with the States which did not have those large urban areas? There would be double detriment to the States where the need might be as great both in rural and urban areas.

Mr. OTTINGER. The gentleman is absolutely correct.

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

(On request of Mr. ROGERS of Florida, and by unanimous consent, Mr. OTTINGER was allowed to proceed for 1 additional minute.)

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

Mr. OTTINGER. I yield to the gentleman from Florida.

Mr. ROGERS of Florida. Mr. Chairman, I think the House should not be given the wrong impression with this fact. There is not so much a rural or urban factor that is really important, but it is what the income is to the people, so the present formula for grants not for modernization, but construction under the guarantee program, but for the grant program is really geared as to whether it is a poorer State or a richer State. It is the poorer States that have been benefited by this formula, and I think that would be a more correct statement than saying whether it is rural or urban.

Mr. OTTINGER. The effect of the application of that formula is that 70 percent of the funds have gone to rural areas.

Mr. ROGERS of Florida. To the poorer State.

Mr. OTTINGER. Not only to the poorer States, but to rural areas.

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the amendment. The existing program contains two separate formulas for allocating funds: One is for new construction which uses the square of the allotment percentage, which is proposed to be amended by the gentleman's amendment; and another formula has been in the law since 1964, for allocation of modernization funds, which does not use the square of the allotment percentage, but is based on populations, per capita income, and need for modernization. This formula takes care of the needs of the more urban States.

Further, in the reported bill, the new loan guarantee program uses the formula the gentleman's amendment recommends, so that this takes care more adequately of the needs of the urban States.

In other words, the reported bill contains three formulas, one which is slanted toward the poorer States, and the other two slanted toward the urban States. I think that this is a pretty fair compromise, and therefore oppose the gentleman's amendment.

As the gentleman from Florida mentioned, the grant program has necessarily been toward those who are in need, the poorer States. It does not say, in those States, as to how the State agency shall allocate the funds. They can allocate the funds to the urban areas or to the rural areas. This has nothing to do with that.

This is only one of the three formulas. I hope the Members will understand this. The other two are actually slanted toward the urban areas of this country.

The loan guarantee program carries $300 million. I believe we have tried to be fair. The subcommittee did, and the full committee agreed with this. We still need some in the poorer States of the Nation.

Those agencies can allocate as they wish under this grant program. We have the construction program and also the loan program which are actually slanted toward the urban areas.

So, Mr. Chairman, I oppose the amendment.

Mr. NELSEN. Mr. Chairman, I rise in opposition to the amendment and move to strike the requisite number of words.

Mr. Chairman, I join the chairman of the committee in opposition to the amendment.

I wish to point out, I noted on the desk of one of my colleagues a letter pointing out his particular State would get more money under the proposed amendment. I did not receive a letter. My State would get $1 million less.

I want to point out that 32 States and Puerto Rico would lose under this amendment.

What the chairman of the committee has said, that the economic factors still need to be considered, is correct.

I also wish to point out that New York State, or any other State that would gain under this formula, must have in mind that under the guaranteed loan and interest subsidy programs they will have the need factor available to them, so that when they have the total package of the loan formula approach plus the need factor in the guaranteed loan they are going to do pretty well.

It seems to me this is a well-balanced program the way it is set up.

I wish to call attention to the question which was asked by my very distinguished colleague, Dr. HALL, relative to distribution within the States. The States will determine where the money goes, but someone in Washington will determine what the State will get. It will no longer be on a formula basis.

I want to call attention to the loan program I handled in REA. We had a formula; as a result a fairer distribution resulted.

Certainly when we go in the direction, as we do in the guaranteed loan, on a need factor, it seems to me we are applying two different rules of approach for two different situations and that in my judgment will be good and in the public interest.

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

Mr. NELSEN. I am happy to yield to the gentleman from New York.

Mr. OTTINGER. The formula which is provided I am proposing for construction is the same formula the committee approved for modernization. It is as much a fixed formula as the committee's formula. There is no room for discretion for the Secretary to decide whether money will go to one place or to the other. It is a fixed formula, based on population, per capita income, and need. The only difference is that it is fair. Every State gets treated the same.

Mr. NELSEN. You are revising the formula, however.

Mr. OTTINGER. That is correct. We are putting out a different formula, a simple, direct formula without any gimmicks to give an extra benefit to a special interest or locality.

Also, the loan guarantee program is not nearly as advantageous to the public as the grant program. The bankers may like it, but the people will not. Under the loan guarantee, the patient has to pay the interest, which will increase the hospital costs.

I am sure my friend from Minnesota would not dispute the economics of this situation. The hospital will have to pay the interest on the loan. And, of course, it will have to pass that cost on to the individual who uses its services. Now, the time when the individual uses the hospital's services is exactly the time when he can least afford to pay for it. He is sick or injured and he is, therefore, unable to work. The net effect of the loan program will clearly be to place the expense on the man who can least afford to pay for it. A grant program is financed by all of the taxpayers. They are taxpayers because they are producing income. Thus, the investment through a guarantee program is a little like an insurance policy. When we have the money, when we are producing income, we contribute a little bit to create and support the facilities that we will need if we are taken ill or are hurt.

Mr. NELSEN. I thank the gentleman for his observation, but I still feel the approach we have made in this bill is the better one. I do oppose the amendment as proposed by the gentleman from New York.

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

Mr. NELSEN. I am happy to yield to the gentleman.

Mr. ECKHARDT. In discussing this bill and in looking at the effects, it seems to me under the new formula as proposed by this amendment the poor States would lose much more drastically and in much larger proportions than other States would gain. My State of Texas, for example, would gain somewhat by the change, but States that are strictly rural would lose extremely drastically. Therefore the amendment would have great impact on the poor States whereas aid to the rich States would tend to be in a lesser degree. Do you find that to be true?

Mr. NELSEN. I think that is true. Some of the States would lose a great amount. For example, Puerto Rico would lose $2 million. As you go down the line you will find that a $1 million loss is not uncommon, under the Ottinger amendment as set up in this bill.

Mr. ECKHARDT. And in those States there would be a larger proportion of losses than gains.

Mr. NELSEN. I think so. I have not

added up the score, but I think you are right.

Mr. HALPERN. Mr. Chairman, I rise in enthusiastic support of this amendment and commend the gentleman from New York, the very able and distinguished gentleman, for offering it. I associate myself with the views and the reasoning which he put forth in behalf of his amendment.

The amendment provides, in my opinion, the equity that this kind of legislation must have. I feel it will greatly improve the bill and I trust the amendment will prevail.

Mr. PUCINSKI. Mr. Chairman, I rise in support of this amendment.

I think that once and for all we ought to start recognizing in some of this legislation that 78 percent of our Nation's population is now centered in 12 major urban areas. That is where the need is the greatest. I have no objection, certainly, to a bill that will try to bring help to all of the communities of the country, but I think the gentleman is correct when he tries to redirect the formula into the areas of greatest needs, which are the 12 major urban areas. You are all aware of the fantastic out-migration from certain of the rural communities in the country into the large urban areas. I wonder how this House expects these urban areas to meet the rising medical needs and the other ever-increasing social problems that this migration is imposing on our large urban areas. We are one big Nation. We ought to start recognizing that we have some common problems, whether you are from an urban or a rural area. While we support and certainly intend to continue supporting assistance to the rural areas of this country, we ought to recognize that something as important as medical aid, the greatest need today exists in the 12 major urban areas where 78 percent of this Nation's population is concentrated.

The amendment offered by the gentleman from New York does not hurt the rural areas of this country, but it does address itself to the vastly increased problems in these areas of high concentration of social needs.

Mr. Chairman, I hope that the House will support the amendment.

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

Mr. PUCINSKI. Yes. I yield to the chairman.

Mr. STAGGERS. I do not know whether the gentleman was on the floor awhile ago when I stated that there were three formulas in the bill.

Mr. PUCINSKI. Yes. And I heard the gentleman say that.

Mr. STAGGERS. Two of them have definitely the greatest amount of money slanted toward the urban areas. The greater amount by far. We say after the overall sums go to the State, they can put it in any urban areas they have or other areas. However, we do have the other formula slanted more to the poorer areas. We tried to be fair and balance it in order to make our Nation more or less an integral country. We say that the urban areas need more, and we are trying to provide more for them.

Mr. PUCINSKI. I am well aware of the distinguished chairman's honest and sincere effort to make this a good bill. I have the highest respect for him and we all owe him a debt of gratitude. However, I find it very difficult to justify in my own mind the fact that a populous State like Illinois, with 10½ million people and one of the 12 large urban areas which have suffered this in-migration, receives only $4.5 million under this bill, while the State of Alabama—and I have no quarrel with the State of Alabama; it is a fine State—receives $4.1 million, with a much smaller population. When we look at the per capita needs of the great metropolitan areas such as Chicago and then look at the per capita needs of Atlanta, as well as other parts of the country, the disparity becomes very clear.

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

Mr. PUCINSKI. Yes, I yield to the gentleman from West Virginia.

Mr. STAGGERS. We have provided in the bill money for construction and loans. This is the grant program to the poorer States that cannot afford it. That is what we are talking about. When we get into those poor areas we say, "All right, distribute it as you see fit." If we did not do this your large cities would take everything we have. I am sure the gentleman would like to have equalization and what we are trying to do here is to balance the situation.

Mr. PUCINSKI. I think we ought to start facing up to one stark reality. The poorest communities of the Nation today are these 12 major areas that have suffered this fantastic impact of in-migration from rural areas of America. Based upon a per capita basis, whether it is the city of New York, whether it is the city of Chicago, whether is is the city of Detroit or whether it is the city of Boston, you will see the huge social problems that the taxpayers of those communities have to try to solve and finance from local taxes because of this tremendous migration.

I say to you that we ought to start facing up to the fact that the real problem is in the urban areas and try to bring them some meaningful help in dealing with the mounting problem.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. OTTINGER).

The question was taken; and on a division (demanded by Mr. OTTINGER) there were—ayes 42, noes 57.

Mr. OTTINGER. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. OTTINGER and Mr. STAGGERS.

The Committee again divided, and the tellers reported that there were—ayes 51, noes 75.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. TIERNAN

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

The Clerk read as follows:

Amendment offered by Mr. TIERNAN:

On page 12, at the end of line 2 add "; EMERGENCY FINANCIAL ASSISTANCE FOR COMMUNITY HOSPITAL SERVICES"; and at the end of line 6 add "AND EMERGENCY ASSISTANCE FOR COMMUNITY HOSPITAL SERVICES".

On page 12, line 21, strike out "under this part" and insert in lieu thereof "from appropriations made under section 631".

On page 13, line 8, strike out "under this part" and insert in lieu thereof "from appropriations under sections 631 and 634".

On page 13, line 11, strike out "of this part.'" and insert in lieu thereof "of those sections,"; and after line 11, insert the following:

"EMERGENCY GRANTS FOR COMMUNITY HOSPITAL SERVICES

"SEC. 634. (a) The Congress finds that certain public and nonprofit private hospitals in the several States are unable to meet the present urgent health service needs of the communities served by the hospitals or to participate in comprehensive health services programs or planning to meet future needs due to a critical lack of adequate facilities and services; that there do not now exist adequate sources of public or private financing to provide the direct emergency assistance needed to resolve this critical condition; and that this results in a serious threat to the health, welfare, and safety of the communities involved and of the Nation.

"(b) In order to provide emergency assistance to those hospitals found to be in critical condition as provided in subsection (c) and in the cases where the communities they serve would otherwise be deprived of needed health services, the Secretary is authorized to make direct emergency grants of up to 66⅔ per centum of the cost of any project to provide necessary facilities and services in accordance with the provisions of this section. No grant of assistance for any single project under this section may exceed 7½ per centum of the amount appropriated under this subsection. For the purpose of making emergency grants as provided in this section there is authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1970. Sums appropriated under this subsection shall remain available for obligation for the two fiscal years following the fiscal year for which they are appropriated.

"(c) Public and nonprofit private hospitals may qualify as critical hospitals and may be eligible for assistance under this section if the Secretary finds that—

"(1) the average rate of occupancy or the demand for necessary and essential facilities and services of such a hospital so far exceeds reasonable capacity that the community served is deprived of health services of a type and quality conforming to generally accepted standards;

"(2) full and effective use is being made of the existing facilities of the hospital and of other health facilities available to the community;

"(3) the needed assistance is not available from other public or private resources; and

"(4) the failure to provide the needed facilities or services constitutes a threat to the health, welfare, or safety of the community.

"(d) Any hospital seeking emergency assistance under this section shall apply to the Secretary, declaring itself to be in critical need of emergency assistance and setting forth—

"(1) evidence of eligibility under the provisions of subsection (c) in such manner and detail and with such supporting data as the Secretary shall require;

"(2) a detailed description of the project for which emergency assistance is being requested, specifying the deficiencies in health services that the project will correct, and how the project, if approved and completed, will—

"(A) meet the health services needs of the community it serves,

"(B) be coordinated with existing health services available to such community, and

"(C) be integrated with health services programs approved or planned for the community, State, or region in which the hospital is included;

"(3) the estimated cost of completing the project, set forth in such manner and detail as the Secretary shall require;

"(4) the amount of emergency assistance, under this section, that will be required to complete the project; the period of time during which such assistance will be utilized; the source and the amount of funds, other than the grant assistance requested under this section, but including any emergency loan requested under section 635, which will be used to complete the project;

"(5) reasonable assurance that adequate financial assistance will be available to support and maintain the added or expanded facilities or services after the project requested under this section is completed;

"(6) reasonable assurance that wherever any project for which assistance under this section is requested involves construction, all laborers and mechanics employed by contractors or subcontractors in the performance of such construction will be paid wages at rates not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a-5); and the Secretary of Labor shall have with respect to the labor standards specified in this paragraph the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F. R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c); and

"(7) agreement that the Secretary may exercise such review authority as he deems advisable in accordance with the provisions of subsection (b).

"(e) The Secretary may approve such application if he determines that—

"(1) the hospital making application for assistance is eligible for assistance under subsection (c), and that the hospital has complied with all relevant provisions of this section;

"(2) the project described in accordance with subsection (d) will help to correct existing deficiencies in health services available to the community, will help to enable the hospital to provide health services of a type and quality conforming to generally accepted standards and conforms to local, State, or regional health planning and programs;

"(3) sufficient funds are available from amounts appropriated under subsection (b) to make the grants of assistance covered by such applications; and

"(4) the project covered by such application is entitled to priority over other projects for which applications have been received under this section but which have not been approved under this subsection.

In making the determination under paragraph (4), the Secretary shall give special consideration to hospitals participating in health services development programs authorized under section 304.

"(f) For the purpose of determining whether a hospital is eligible for assistance under subsection (c) and whether an application conforms to the conditions for approval under subsections (d) and (e), the Secretary is authorized to visit any hospital submitting an application for assistance, to review any relevant records, and to make or request surveys of health facilities and services of the community served by the hospital.

"EMERGENCY LOANS

"SEC. 635. Any hospital unable to secure adequate funds to pay that portion of the project cost not covered by the emergency grant requested under section 634, may apply to the Secretary for an emergency loan and the Secretary is authorized to loan such a hospital up to 90 per centum of that portion of the project cost not covered by the grant provided under that section if (1) the Secretary determines that the hospital is unable to secure the needed funds from other public and private sources, and (2) the Secretary approves the requested emergency grant under section 634. No such emergency loan shall exceed 90 per centum of 33⅓ per centum of the total project cost approved by the Secretary. Each such loan authorized by this section shall bear interest at the rate of 2½ per centum per annum on the unpaid balance thereof and shall be repayable over a period determined by the Secretary to be appropriate, but not exceeding fifty years. In order to make the loans provided for in this section, there are authorized to be appropriated $45,000,000 for the fiscal year ending June 30, 1970. Sums appropriated under this section shall remain available for obligation for the two fiscal years following the fiscal year for which they are appropriated.

"SURVEY OF HOSPITALS AND COMMUNITY HEALTH SERVICES NEEDS

"SEC. 636. To carry out the purposes of sections 634 and 635, the Secretary shall conduct a survey of public and nonprofit private hospitals in the Nation and shall evaluate the type and quality of facilities and services available from such hospitals. Based upon this study, the Secretary shall establish and maintain criteria for determining generally accepted standards of health services and shall report the results of the survey and his determinations to Congress and the President no later than January 1, 1970. Thereafter the Secretary shall revise the survey and his determinations annually and shall report to the President and Congress at the beginning of each session of Congress. Such reports shall include estimates of the cost of meeting the emergency needs of critical hospitals, the availability of funds from public and private sources to meet such costs, and recommendations for additional appropriations under sections 634 and 635 if he finds that such are needed to meet emergency situations. For the purpose of preparing and maintaining the survey according to the provisions of this section, the Secretary is authorized to cooperate with and utilize the resources of such public and private organizations as he deems necessary and advisable.

"DEFINITIONS

"SEC. 636. As used in sections 634 and 635—

"(1) The term 'hospital' includes facilities furnishing domiciliary care.

"(2) The term 'project' includes additions to existing hospital plants, alterations, enlargement, or remodeling of existing buildings, equipment, instruments, and furnishings, and programs involving personnel."

Mr. TIERNAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. TIERNAN. Mr. Chairman, this amendment establishes a program of direct assistance in the form of grants and loans to critical hospitals, hospitals that are so antiquated and overcrowded that they are unable today to serve their communities, and hospitals that are not getting the help that they need under any other program in this bill.

Mr. Chairman, this amendment was supported by a public health survey in 1966 which showed at that time that there were 143 of the Nation's private nonprofit hospitals in critical condition. These 143 hospitals were located in 29 States throughout our country.

This amendment would provide for $100 million of direct grants and also loans from the agency loans of $45 million during the fiscal year 1970.

I would like to point out to the committee that these 143 hospitals which were referred to in the survey in 1966 had an occupancy rate at that time in excess of 90 percent of reasonable capacity.

They also found there were 1,289 hospitals that were then experiencing an occupancy rate of between 80 percent and 90 percent.

I would point out to the Members that this was in 1966 before medicaid and medicare was passed. The burden on our hospitals in my State alone and in your State as well today is double that.

For example, in 1966, there was not one hospital that came within the survey in my State. The Miriam Hospital, which is a general hospital, had an occupancy rate of about 112 percent of capacity as of August 1968.

The Roger Williams Hospital had an occupancy rate of 96.1 percent of capacity.

The Institute of Mental Health Hospital had an occupancy rate of 102 percent.

Mr. Chairman, these facts and these figures to me mean that we have to face up to the point that it is not a question of rural or urban—because these hospitals are all throughout our country today. That survey in 1966 showed that 29 of our States were in this situation.

Mr. Chairman, I urge support of this amendment and I think it is most needed at this time. It would provide for a very modest program—a program, I think, which will show great results and great benefits to all of the people in the country.

Mr. Chairman, I urge the acceptance of this amendment and the passage of the bill as amended.

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the amendment, reluctantly.

Mr. Chairman, I know that the gentleman who has offered the amendment has a very good purpose in doing so, but I would like to point this out. The committee agreed on this amendment 2 years ago and it was taken out of the bill here on the House floor when the partnership for health program was up.

The bill that we have before us today is a complete self-contained program and meets the Nation's needs within the limits of our budgetary situation. To provide a new program of project grants would, in my opinion, be a mistake at this time. This amendment to this bill was offered in the Committee on Interstate and Foreign Commerce some weeks ago and the committee overwhelmingly rejected the amendment. I supported that action in committee and I now urge the defeat of the amendment.

Mr. Chairman, when the moneys are allocated to the States in the programs that we have, it certainly can go to these critical areas and hospitals immediately. That would be up to the judgment of and under the jurisdiction of the State agency.

So, as I say, I reluctantly oppose the amendment offered by the gentleman.

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

Mr. STAGGERS. I yield to the gentleman.

Mr. NELSEN. Mr. Chairman, it is also true, is it not, that the private nonprofit

hospitals which were referred to come under the terms of this bill and get a loan guarantee plus interest subsidy; is that not also true?

Mr. STAGGERS. That is true.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. Chairman, I rise in support of this amendment. It is identical to the amendment I offered last year to the partnership for health program, which was adopted by the Committee on Inerstate and Foreign Commerce, and narrowly defeated in the Committee of the Whole House on the State of the Union.

In my opinion, the amounts of money that we are allocating for our medical facilities under this bill are really very inadequate. In fiscal 1971 it amounts to a mere $298 million in all of its provisions. We weigh that against $6.8 billion for agricultural subsidies. We weigh it against $5 billion for highway construction, primarily out of the Highway Trust Fund. We weigh it against approximately $4 billion for space. The priorities of this country just do not seem to make sense, when desperate health situations in communities all over the United States are not being adequately taken care of.

The medical facilities situation is truly desperate in many communities. We had articles in our newspapers in New York City that showed people having to wait an average of 8 hours in city clinics in order to be able to see a doctor, people actually dying while sitting in the chairs waiting to get X-rays. What we do here, recognizing the fiscal problems facing the country and the tremendous inflationary threat we have, is to provide a relatively modest amount, $100 million additional in grant money, to go to those communities that have the most critical needs. The criteria under which this money is to be allocated is very carefully set out in the amendment.

I would like to read it to you because it really puts money where it counts. This is subsection (c) on page 3 which states as follows:

(c) Public and nonprofit private hospitals may qualify as critical hospitals and may be eligible for assistance under this section if the Secretary finds that—

(1) the average rate of occupancy or the demand for necessary and essential facilities and services of such a hospital so far exceeds reasonable capacity that the community served is deprived of health services of a type and quality conforming to generally accepted standards—

That means you have to have a community that is not being adequately served with health facilities. Continuing to read—

(2) full and effective use is being made of the existing facilities of the hospital and of other health facilities available to the community—

So there can be no duplication of facilities under this provision. Continuing—

(3) the needed assistance is not available from other public or private resources; and

(4) the failure to provide the needed facilities or services constitutes a threat to the health, welfare, or safety of the community.

What paragraph (4) means is that in order for a community to receive this money, there must be a finding that there is a threat to the health, welfare, and safety of that community. It means that without this provision, communities suffering that kind of threat will not get the help that they need. We have this critical need. We do not have sufficient funds to cover all the critical needs of this country. The Public Health Service survey, to which the gentleman from Rhode Island referred, showed 143 communities that were in a desperate situation at that time, 2 years ago. At the present time I assure you those 143 communities, and others besides, are in even worse shape.

I urge the House to provide at least a small amount to the areas that are in critical need under the provisions of this amendment.

In support of this, I submit for the RECORD, the report prepared for the last Congress by the Surgeon General on the need for this legislation. It will do a great deal to dispel a lot of misapprehensions that seem to be current regarding the needs of hospitals and the best way to make health care available at reasonable cost to the people who need it:

REPORT BY SURGEON GENERAL WILLLIAM H. STEWART

1. How many hospitals in the Nation are presently overcrowded? What percentage of these are overcrowded primarily due to inadequate or antiquated facilities and what percentage due primarily to improper use of facilities?

Specific data regarding the number of "overcrowded" hospitals are not available. On an overall national basis, nonfederal short-term general hospitals show an average occupancy of 76 percent—an average considerably below an "overcrowding" level. However, within communities, an even within individual hospitals, overcrowding does exist. For example, one or more hospitals within a single community or area may be running at a very high occupancy rate whereas other hospitals in the same community are running at low occupancy. Within a single facility, one or more nursing units may be overcrowded whereas others, particularly in the obstetrical and pediatric services, may be only partially utilized

The most recent survey accepted by the Public Health Service indicates that 143 of the Nation's private and nonprofit hospitals may be classed as critically overcrowded since they experience average annual occupancy rates of 90% or more of reasonable capacity and since there are not adequate alternative facilities available within the communities they serve.

Another 1289 hospitals serving similarly deprived communities experience occupancy rates of between 80% and 90%, substantially above the national average. It should be realized that in order to average out to 90% a hospital may experience actual occupancy in excess of 100% at certain times. Because of the wide variety of administrative methods and operating standards, it is not possible to set an acceptable occupancy rate that leaves room to accommodate seasonal and other fluctuations; however, any hospital experiencing an average annual occupancy rate of 90% or more exceeds the safe limit.

Not all of the overcrowding can be ascribed to lack of adequate facilities. In some cases, improved administrative procedures could speed patient turnover and more efficient use of facilities. In such cases, the occupancy rate could be reduced without expanding facilities.

Areawide and community planning groups are seriously concerned with this problem and are developing solutions appropriate to their local needs. Such solutions may take a number of different directions. The appropriate one for one community may be to stimulate greater use of the low occupancy facilities. In another community, because of the poor condition of a low occupancy facility, the high occupancy facility may be expanded and one or more of those with low occupancy abandoned.

The obsolescence of a hospital is not usually directly related to the factor of overcrowding. In fact, the converse is more generally the rule. The public is to an increasing degree demanding care in facilities they think appropriate and to the extent they have a choice they select the modern hospital. It is true of course that quality care facilities may be structurally or functionally obsolete and still run at extremely high occupancy rates.

However, even where the hospital is not physically overcrowded, obsolescent facilities and services can produce the same result as overcrowding by overtaxing the hospital's ability to meet the needs of the community.

2. How many hospitals are presently without treatment and service facilities appropriate to the needs of the communities they service?

There is no question that some communities are now deprived of some essential services or facilities. The survey released last year pinpointed 97 communities, served by 143 hospitals, that were critically short of one essential: bed space. However, this was only *one* survey dealing only with *one* problem.

We are aware of certain key problem areas, but there has not been comprehensive survey of facilities and there is consequently no accurate gauge of how many hospitals lack facilities appropriate to the needs of the communities they serve.

Specific reports from hospitals and some areawide planning agencies show the need for expansion or addition of certain services within a given community or area. Because of the scattered nature of such information at this time, the data have not been compiled on a national basis. Vastly differing circumstances and requirements of individual communities would make a national summary *of available* statistics highly unreliable and misleading, rather than helpful as a planning tool. For example, one community may find it desirable to provide care for certain chronic diseases through a home care program, which is not based in a hospital, whereas another community with the same essential problem may find it desirable to provide such service in a nursing home or in some instances from the outpatient department of the hospital. Other communities may plan to provide care for such patients in a general hospital even though such action results in higher costs to the patient and to the community in general.

Determining the needs of a community or area for health service facilities and services is the most serious and difficult problem in the health field today.

Individual hospitals and health service facilities are unlikely to have the resources to take the kind of broad assessment of total community needs and alternative facilities that may be available. In their individual planning and programming efforts, they may in some instances undertake diagnostic or treatment procedures or services which they are not staffed or equipped to provide and the result may be expensive and ineffective duplication of services.

For this reason, the Public Health Service has given a high priority to the activation of support of areawide planning agencies, working in cooperation with State agencies, which have as their primary purpose the

establishment of service, bed, and facility needs of communities and hospitals within a given area. The Public Health Service also provides technical assistance to and support of Hill-Burton State agencies in an effort to improve the planning process.

The Public Health Service does not now have the authority that would be needed to compile and maintain a truly meaningful evaluation of the inadequacies of facilities or services available to specific communities.

3. How many hospitals need renovation and/or modernization?

Hill-Burton State agencies report that 3,327 of the 6,716 existing general hospitals have 272,000 beds which are functionally or structurally obsolete and in need of modernization or replacement. These 272,000 beds represent more than one-third of all existing general short-term beds in the country. All told, some 70,000 beds require complete replacement; the balance require modernization to correct structural or functional deficiencies of the physical plant.

This does not automatically mean, however, that replacement or modernization of the beds is the only answer or even the best answer. Development of alternative care facilities, earlier preventive treatment, increased and more readily available outpatient services—all of these may offer a better solution to a given hospital's problems. In addition, we are convinced that improved hospital operations—including the use of automated systems, improved administrative and treatment techniques, and better physical planning and utilization may greatly offset the need for support of a greatly increased effort in health services research and development, consistent with the President's intentions to establish a National Center for Health Services Research and Development.

By making the results of such research available to hospitals, health service facilities, and local, State and regional planning groups, the Public Health Service can make great strides in helping those hospitals with adequate funding improve and modernize their facilities and services. However, the Public Health Service does not now have the authority to offer direct assistance to hospitals that lack the financial resources to apply the results of the research to their operations.

4. What is the most critical need facing hospitals in general—staffing, better administrative methods, wider use of alternative care resources or what?

As the question indicates, hospitals are faced with multiple problems and because of the significance of efficient hospital operation to total health care, the approach of the Public Health Service has been comprehensive in attempting to solve such problems.

Staffing of professional and technical positions in hospitals is a continuing problem. Training programs geared to the attraction of promising persons into the health field are operated by the Public Health Service, and in addition, grant programs for the construction of facilities to train health professionals, technicians and technologists have been in operation for the past few years.

The application of better administrative methods, including automated techniques and systems, to hospital operations has been a primary goal of the Public Health Service for several years. The Public Health Service has supported to the extent the Congress has made funds available research, development and demonstration projects which hold promise of improving administrative and operational methods employed by hospitals. We believe a substantial increase in such research is required, and legislation recommended by President Johnson and now pending in Congress would authorize a much expanded research and development program in the whole field concerned with delivery of personal health service.

The use of alternative care services and facilities is not only of real significance, but is essential in, delivering efficient and economical comprehensive health care. Many patients occupying expensive acute general hospital beds could be given adequate care in long-term care beds which are more economical to construct and operate. Similarly, some patients could receive adequate care on an outpatient basis rather than being admittted to an expensive acute general bed. Better planning of services for communities and areas and a more sophisticated approach by physicians to the economical utilization of all community health facilities are some of the factors which will contribute to improvement of this situation. The pending conference on rising medical costs to be held June 27 and 28, 1967, will address itself in part to this problem.

However, as we have pointed out before, the effective application of the results of Public Health Service studies depends, in part, upon the availability to the hospital of adequate financial resources. The Public Health Service now has no authority to render direct assistance to individual hospitals or communities that may be facing emergency situations with inadequate financial resources.

5. What is the role of the hospital in a total community medical program? Is the hospital as we know it becoming less important or perhaps less efficient than alternative health care systems or is it becoming more important as the "core" facility in a balanced network of community medical services?

In most communities the hospital has become or is becoming the focal point or core unit for comprehensive health services. Despite its many shortcomings, the hospital is a more efficient health care unit than alternative care facilities, and as the primary facility through which health services are provided its importance, significance, and influence in health care matters within communities will continue to grow.

It is quite possible that hospitals and health facilities serving some communities may not have had the financial resources to keep pace with this changing pattern of community use and, consequently, some communities may not have available the full and necessary range of health services. This was indicated in the survey of hospitals referred to earlier.

6. What resources does the Public Health Service have for helping hospitals to improve their services?

A wide variety of resources are provided by the Public Health Service for helping hospitals to improve their services. Extramural and intramural research programs pertaining to the design, organization, and operation of hospitals are operated by the Public Health Service as well as a program aimed at stimulating experimentation and innovative design and construction. In addition, professional and technical staff are available to provide consultation and informational assistance to hospitals in many areas of hospital operation. Moreover, a highly competent staff of architects and engineers is available to provide assistance regarding the design and functional layout of new hospitals or the expansion, replacement, or modernization of existing facilities. Also, the Public Health Service operates grant programs to assist in the construction of facilities to train physicians, nurses, dentists, pharmacists, and other types of professional, technical and paramedical personnel essential to hospital operation. The Public Health Service also operates programs geared to attracting promising persons in the health field and thus increasing the availability of trained professional and technical health personnel. Finally, mention must be made of the substantial contributions from the basic research programs on specific diseases as administered by the National Institutes of Health.

The Public Health Service does not now have authority to provide any direct financial assistance to hospitals in implementing improvement programs.

7. What are the limitations on your resources for assisting hospitals?

The resources of the Public Health Service for assisting hospitals are appropriate and adequate, within the limits of present authority and funding. At the same time, however, it should be recognized that most health professionals are in short supply and some difficulties are encountered in recruiting experienced staff to deliver technical assistance and consultation regarding such matters as hospital operations, health facility planning, and health service and facility research, particularly at salary levels available for Civil Service employees.

The Public Health Service does not have authority for direct emergency financial assistance to hospitals or health facilities, even if they are in critical condition.

8. Are the existing mechanisms for planning and funding for hospital services flexible and responsive enough to meet the changes in patient population brought about by suburban growth and the dramatic changes in population in our central cities?

Because certain provisions in the existing mechanism for planning and funding of hospital construction projects do not appear to be responsive, the President in his Health Message of February 28, 1967, informed the Congress that a National Advisory Commission on Health Facilities would be appointed to study our needs for the total system of health facilities, and to consider the future and possible redirection of the Hill-Burton program. For example, the present formula structure of the Hill-Burton legislation probably would have to be modified to make a substantial impact on the tremendous backlog of hospital modernization needs, particularly the needs of the quality care hospitals located in our more urban centers of population. Such problems as this together with others which may not be responsive to current problems will be the subject of intensive study by the National Advisory Commission to be appointed by the President.

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

Mr. Chairman, I rise in support of this amendment, which would establish a program of direct financial assistance to hospitals in critical need. It authorizes $100 million for an emergency fund for the fiscal year 1970 and, as the gentleman from New York (Mr. OTTINGER) pointed out, it is directed toward emergency situations. Two years ago the Committee on Interstate and Foreign Commerce itself reported out, as part of its Partnership for Health Act in that year, a similar provision, and in view of the fact that the committee supported it then, I would hope that the committee would support it now.

The impetus for the committee's action came from a survey by the Public Health Service which showed that 143 private and nonprofit hospitals were seriously overcrowded and that the communities in which these hospitals were located were unable to provide alternative health care facilities. The 143 hospitals cited by that study had an annual average occupacy rate of 90 percent of their capacity; 1,289 other hospitals studied were experiencing occupancy rates of between 80 and 90 percent substantially above the national average.

Even though the program of emergency assistance was not accepted on the floor, nevertheless the committee's instincts were right in bringing it to the

floor, and 2 years later the conditions which then prompted the committee to report it out favorably are considerably more acute. As a matter of fact, the additional burdens placed on hospitals as a result of expanding medicare and medicaid coverage assures that the demand on hospital services will continue to outstrip the ability of private and public hospitals to keep pace with the demand.

In the city of New York, Harlem Hospital, the major health care facility in Harlem, has been almost forced to close because of the critical financial condition which it faces. It simply does not have the money to provide the services to meet the health needs of the residents of the community. Since the crisis in that hospital is similar to that faced by other hospitals in New York City, Harlem residents have no adequate alternative for health and medical services.

This amendment would provide direct emergency grants up to 66⅔ percent of the project cost in the situation where there is a direct threat to the health, safety, and welfare of the community. It is essential to have this kind of emergency funding, especially where there are no alternative health care facilities.

I respectfully disagree with the chairman of the committee, who said that funds for this purpose might be available under the present law or other provisions of this bill. However, funds would not be available for emergency projects to provide services which are essential to meet the health needs of community residents.

This amendment would make them available for that purpose also, and I urge its approval in order to prevent further deterioration of health care services.

Mr. ROGERS of Florida. Mr. Chairman, I rise in opposition to the amendment.

As the chairman of the committee has said, this amendment was considered very carefully by the full committee and it was overwhelmingly rejected.

The picture has changed a great deal since 1966. We have had medicare come in. For instance, depreciation costs are now reimbursable from the medicare program. We have allocated funds in this bill to take care of all sorts of situations: To build new hospitals, to build long-term care facilities, to build diagnostic and treatment facilities, and for the modernization of facilities and the emergency room facilities.

But in addition to those funds, we have also provided a guarantee loan program of $300 million for the first year, to go up to $600,000,000, and then $900,000,000—$300 million additional for 3 years—so that adequate funds to meet these needs can be made available. It is a State decision under the State Hill-Burton program.

This amendment would change that whole approach and allow the Secretary to come in, no matter what the State plan is, and do whatever he desires.

We do not think that is good administration, and the committee has rejected it. I would urge this body to reject overwhelmingly the amendment, just as the committee itself did.

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

Mr. ROGERS of Florida. I yield to the gentleman from New York.

Mr. OTTINGER. The committee report states the present need for new construction is $5.3 billion and modernization $10.5 billion, or a total of $15.8 billion, whereas over a 3-year period the committee has provided only for approximately $987 million.

Mr. ROGERS of Florida. Mr. Chairman, if the gentleman will permit me, that figure does not even include the loan guarantee program.

Mr. OTTINGER. An additional $300 million.

Mr. ROGERS of Florida. Per year, which is almost another $1 billion right there.

Mr. OTTINGER. It still does not come anywhere near the needs.

Mr. ROGERS of Florida. The gentleman knows we cannot do all of this in 1 year or 2 years. These needs amount to billions of dollars. We have a balanced program to meet the health needs of the people, and this is what the bill is designed to do.

Mr. OTTINGER. If the gentleman will yield 1 minute further, I would like to point out that on page 6, section (e), subsection 2, of the amendment, there is a requirement that the Secretary make findings for any grant that it "conforms to local, State, or regional health planning and programs." We do not go around the State agencies, as the gentleman indicated.

Mr. ROGERS of Florida. I would urge rejection of the amendment.

Mr. NELSEN. Mr. Chairman, I rise in opposition to the amendment.

I wish to restate the point which has been made by my colleague from Florida. There is $300 million the first year, $600 million the second year, and $900 million the third year. There is also a loan guarantee on those amounts, plus an interest subsidy. In addition to that, in the grant areas, for modernization of facilities, there is $50 million in 1971, $55 million in 1972, and $60 million in 1973.

Without question the total hospital needs in the country are extensive. We admit that perhaps they far exceed the total dollars available under this program; however, we are approaching the problem as best we can.

I believe the bill is adequate so far as our ability to meet the needs is concerned. I hope the amendment will be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Rhode Island (Mr. TIERNAN).

The question was taken; and on a division (demanded by Mr. TIERNAN) there were—ayes 25, noes 64.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. DINGELL

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

The Clerk read as follows:

Amendment offered by Mr. DINGELL: On page 13, line 23, strike out "$135,000,000" and insert in lieu thereof "$60,000,000"; and on page 14, strike out lines 13 through 17 and insert in lieu thereof the following:

"(5) for grants for modernization of the facilities referred to in the preceding subparagraphs, $135,000,000 each for the fiscal year ending June 30, 1971, and the next two fiscal years."

On page 16, beginning in line 20 strike out "other than an allotment for grants for the construction of public or other nonprofit hospitals and public health centers,".

On page 17, after the comma at the end of line 6 insert "or to transfer a portion of an allotment for grants for modernization to an allotment for grants for the construction of public or other nonprofit hospitals and public health centers,".

Mr. DINGELL. Mr. Chairman, I want to stress that the function of this amendment is not really to change the discretion of the State agencies but rather to reflect the critical need which our committee found in connection with the problems of modernization and new construction.

I want to stress that the State agency still may spend the money according to the priorities it sees most necessary in the light of the needs of the State.

But what this does is to seek to authorize a change in terms of public policy as expressed by the Congress, so that we will reverse the policy, so that there will be double the amount of money for modernization that there will be for new construction, as opposed to the situation where we find ourselves now, with double the money for new construction that we have for modernization.

The reason is that there has been a finding and indeed there has been testimony by almost every witness who appeared before our committee that the critical and urgent need in the field of hospital construction and hospital services is not so much construction any more but, quite the contrary, there is now a need for modernization of existing facilities.

My amendment will authorize $50 million for the construction of public or other nonprofit hospitals and public health centers for the fiscal year ending June 30, 1971. It will provide $135 million for modernization of health facilities for the same period of time. In effect I am proposing that we switch the authorizations proposed in the bill for the two programs. In fiscal year 1970 under existing law $130 million is authorized for new construction grants and $65 million is authorized for modernization grants. The bill before us today would increase the amount for construction and decrease the amount for modernization. Every witness who appeared before our committee and addressed himself to the problem testified that the need for modernization is twice as great as the need for new construction. As it appeared in the additional views, this is clearly topsy-turvy legislation. Any rational allocation of funds must provide for twice as much for modernization as is provided for new construction.

Let me stress here that I am not proposing to increase the authorization. I am merely proposing to switch the authorization for modernization and the authorization for construction. The total funds authorized for fiscal year 1971 will remain precisely the same.

The strongest support for my argument comes right out of the majority views in the report of the Committee on Interstate and Foreign Commerce. If my

colleagues will turn to that document, they will find the report notes, and I am now reading:

Information furnished by State agencies administering the program indicate a present need for an additional 85,007 acute care hospital beds, 893 public health centers, 164,430 additional long-term beds, 872 diagnostic and treatment centers, and 388 rehabilitation facilities, with a total estimated cost of $5.3 billion. In addition, 455,130 acute and long-term care beds require modernization at an estimated cost of $10.5 billion.

What the report is saying is that there are double the needs for modernization that there are for new construction.

This amendment, although not tying the hands of State administrators in apportioning the moneys within the jurisdiction of the respective States, would make the congressional intent reflective of the finding of need as between modernization and new construction.

Mr. Chairman, $10.5 billion is almost twice $5.3 billion and $5.3 billion includes long-term beds, diagnostic and treatment centers, and rehabilitation centers, which are not included in the authorization. It is said that the needs for modernization can be taken care of by transfer authority given to State agencies. That expresses a most extraordinary legislative principle. We are here attempting to legislate for the broad needs of the Nation and to lay down legislative policy. We are saying in this bill that if the need is different in the view of the State agencies, they may then change their allocation.

The CHAIRMAN. The time of the gentleman has expired.

(Mr. DINGELL asked and was given permission to proceed for 2 additional minutes.)

Mr. DINGELL. So what we find ourselves in is a very strange set of circumstances whereby we are legislating and stating to the State agencies that they may disregard the broad national findings of need and policies that the Congress expressed. What I am trying to do here is to bring the statement of congressional intent more in line with what we find to be very clearly the need. It is time to let Congress face up to its responsibility and authorize money if it finds the need for it to be greater for modernization than for new construction.

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

Mr. DINGELL. I yield to my friend from Minnesota.

Mr. NELSEN. Under your amendment would it allow a transfer from modernization to any other category?

Mr. DINGELL. It would. It would not change that aspect of the bill as drawn. It simply seeks to make the congressional policy and the allocation we make which may later be changed by the State agencies more in conformity with what our real findings of the need happen to be.

Mr. NELSEN. Is it also true, however, that under the terms in the present provisions the State agencies may transfer from construction to modernization?

Mr. DINGELL. That is absolutely correct.

Mr. NELSEN. That is, in order to meet these needs?

Mr. DINGELL. That is the point I just indicated. But I also commented on the novelty of that approach. We make the finding as to need and then we proceed to authorize funds totally inconsistent with that set of circumstances.

What I am trying to do is to continue the flexibility to allow the State administrators to meet the real needs as they find them, and to lay out a legislative basis whereby we approve the funds on a proper and correct legislative basis. The flexibility remains with the State administrators. What we are doing in the bill as drawn is shifting it from the Congress to the State agencies. I do not believe that this is the kind of decisionmaking burden that the Congress should place upon State agencies, particularly in view of the priorities which have been so well established during the course of the hearings.

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the amendment, and I do so reluctantly. I say this because I am sure the gentleman from Michigan has a good intent in what he proposes. But I would like to suggest that the modernization needs are great in this country, but the construction needs too are great.

The bill permits the State agencies to eliminate the existing priority for rural communities in allocating construction funds, which will benefit urban areas. Another reason why I oppose the amendment is that more is involved here than just switching money from construction to modernization. The formula for distributing modernization money differs from the construction fund allocation formula. Because of these different formulas, the gentleman's amendment would provide greater sums for the urban States than they would get under the existing setup in the bill. Under existing law the Secretary of Health, Education, and Welfare has prescribed regulations providing that the State agency shall give priority to projects for modernization in densely populated areas.

So, Mr. Chairman, I reluctantly oppose the amendment because I believe we have adequately taken care of the problem in the bill. The subcommittee worked quite hard on this bill. I do not agree with everything contained in the bill, but we worked for 4 days holding hearings and spent 3 days on the markup of the bill and I believe for this reason we should leave the bill as it is and proceed with it to see that the State agencies have the right to give any priority they want to give to their modernization and construction program. In addition to that we have provided the additional $300 million annually in loan guarantees in order to give emphasis to the areas where they need modernization and construction money.

Mr. NELSEN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, it is my feeling that the modernization feature is certainly one that has been recognized in the bill, and the guaranteed loan, and the interest subsidy were intended largely to meet this need. Also, as has been pointed out by the author of this amendment, under the authority granted the State money may presently be shifted from construction to modernization, and consequently it seems to me the needs are fully met.

Therefore, Mr. Chairman, I oppose the amendment.

Mr. OTTINGER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I believe if we were to provide adequately to meet all of the great hospital needs of this country we could not do so with even twice the amount proposed in this legislation. The facts are that the needs far, far exceed the amount of money that we are providing.

My good friend, the gentleman from Minnesota (Mr. NELSEN), and the chairman of the committee, have stated in spite of the amounts we are authorizing, we are really giving the State agencies the opportunity to do as they see fit: to use the money for construction or modernization.

I believe that the authorization of funds by Congress has more significance. I believe we are setting the priorities. We are in effect providing guidelines for the States.

If what we are doing is to allow the State agencies the opportunity to use the money for either modernization or construction as they choose, then why do we not take the simple course and in one provision authorize a total of $185 million to be used for construction or modernization? Why make separate authorizations at all? What is the significance of an authorization under such a concept?

I am afraid that I take very seriously Congress' responsibility for setting priorities in the expenditure of the taxpayers' funds. I believe that when Congress authorizes twice as much money for one program as for another, it is stating the legislative belief that it is going to take twice as much money to solve one problem as it will to solve the other. I believe that when we tell the State agencies that we are providing them with $135 million for new construction and $50 million for modernization, we are telling them to spend something more than $2 on construction for every $1 they spend on modernization. Yet we know—the committee itself concedes—that exactly the reverse is needed.

Therefore, Mr. Chairman, I urge the adoption of the amendment.

Mr. ROGERS of Florida. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I believe we ought to put in perspective here quickly what we are talking about doing if we adopt this amendment, and that is taking money from new construction.

Now, modernization is necessary, but when we modernize let us not forget that at least we have got a bed in being where someone can be taken care of. New construction means we do not ever have a bed at all, and that is what we need to provide also.

Mr. Chairman, let us not underemphasize the need for new beds in every community, in the big cities, in the rural areas, and in every State.

Do the Members know how many new

beds it is estimated we need right now? 85,000 new beds.

Do the Members know how many long term new beds we need? We need 164,000. And this just begins to start with the problem.

So let us not get off balance here on what we are doing, and what the committee has given as its considered judgment on the approach we should make.

We want to do moderization, and we have put $300 million for the guaranteed loan program through which they can go into modernization if the State so decides.

Furthermore, under this present bill that the committee is presenting to the Members, the States can transfer funds from construction to modernization if it is so needed in that State. But do not forget that we need, and need vitally, new beds to take care of the sick people of this country. Therefore, Mr. Chairman, I would urge emphatically that the House reject this amendment.

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

Mr. ROGERS of Florida. I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, I would ask the gentleman from Florida how many beds are in need of modernization? There are 455,130 beds which need modernization according to the committee's own report.

Mr. ROGERS of Florida. Exactly, and those are beds in being. I agree with the gentleman that there are beds that need modernization, beds that need to be cleaner and need to be nicer and modernized, but we want to provide something over 250,000 beds that are not even in being.

Mr. OTTINGER. It is not just cleaner or nicer. Many of the hospitals are really obsolete in the sense that they can not do their job, people are not getting the care they need and it is dangerous.

Mr. ROGERS of Florida. Two hundred and fifty thousand new beds are the minimum needed to take care of the job.

Mr. OTTINGER. It is not fair to say these funds are just for modernization. Another thing that should be pointed out is that the loan guaranty program funds can be used for new construction as well as modernization.

Mr. ROGERS of Florida. And for modernization also, and the gentleman knows that.

Again, Mr. Chairman, I urge rejection of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. DINGELL).

The amendment was rejected.

AMENDMENT OFFERED BY MR. ECKHARDT

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

The Clerk read as follows:

Amendment offered by Mr. ECKHARDT: On page 23, strike out lines 2 through 10 and insert in lieu thereof the following: "State agency, the application is for a project (A) which is consistent with the comprehensive regional, metropolitan area, or other local area plan or plans, developed under section 314(b), that cover the area in which such project is to be located, or (B) if there is no such plan or plans, which is consistent with the comprehensive State health plan (if any) developed under section 314(a) by the State in which such project is to be located,".

The CHAIRMAN. The gentleman from Texas (Mr. ECKHARDT) is recognized in support of his amendment.

Mr. ECKHARDT. Mr. Chairman, I first want to compliment the committee and the subcommittee and the chairman for the excellent work on the bill—in which I agree in general.

Mr. Chairman, this amendment is both mild and salutary. It would require that programs proposed by the Hill-Burton State agencies must be consistent with plans adopted by comprehensive health planning groups where such plans exist.

I suggest that the language of the original bill on page 23 contains somewhat weaselly words with reference to the States participation. The bill reads as follows: "opportunity has been provided, prior to such approval and recommendation, for consideration of the project by the public or nonprofit private agency or organization which has developed the comprehensive regional, metropolitan area."

When the Congress in 1966 enacted the comprehensive health planning amendments, it was with the realization that lack of planning and control in the health services had resulted in fragmentation, unnecessary and costly duplication and a lack of unity in the attack on poor health care. The legislation was passed in an effort to eliminate those problems, and many States and localities have gone a long way toward implementing the provisions of that act and unifying their planning of health services.

We must go a step further in respect to the Hill-Burton program and integrate it into the entire planning process. It is not enough simply to provide for the planning agencies to be given the opportunity only to consider and comment upon specific projects. The State Hill-Burton plans should be approved by the State comprehensive health planning agency if that agency is to carry out the legislative mandate to coordinate health planning within the State.

If we are to provide some small hope that spiraling health costs can be controlled and even reduced, we must provide the opportunity for utilization of the best information on health needs available and utilization of experience with proven new arrangements and mixes of health services including some services not dependent on facilities alone.

Now I think one of the most salient tendencies in the Congress today is to make the States partners with the Federal Government. But the State or local government should not be a silent nonvoting, nonparticipating stockholder in a venture in which all of the decisions are made elsewhere. For that reason, I suggest this amendment which I think in no respect alters the main direction of the bill and I do hope there will not be serious objections to this amendment.

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

Mr. ECKHARDT. I yield to the gentleman.

Mr. BINGHAM. Mr. Chairman, the problem of making adequate health care available to all citizens has a number of dimensions. Hospital service personnel, both professional and nonprofessional, are in short supply. Government funds to help cover the cost of public health care facilities are desperately inadequate. Costs of hospital care of all kinds are skyrocketing. But perhaps most serious is the fact that total health care facilities, particularly in major urban areas, are generally inadequate in quantity and quality.

The situation in my own district, and throughout the city of New York, is intolerable, and growing worse. Hospital facilities are overcrowded. It is not uncommon for patients in urgent need of surgery to wait a month or more for hospital admission. Nursing home facilities for convalescing patients are in short supply, so convalescing patients tie up hospital beds for unnecessarily long periods of time, contributing to overcrowding. The New York City Health and Hospital Planning Council estimates that at least 11,000 additional nursing home beds are needed immediately to begin to relieve patient backlogs and admission delays in regular hospitals.

Many existing hospital facilities in New York City are in critical need of improvement and modernization. Emergency care facilities are particularly inadequate. Patients requiring emergency care for an injury in any of the major New York hospitals will have to wait as long as 8 hours for attention, unless brought in on a stretcher with severe injuries. Reliable estimates indicate that about $1 billion or more would be needed to bring existing medical care facilities up to 1969 standards in the State of New York alone.

Federal assistance for medical facilities construction and modernization under the Public Health Service Act, the so-called Hill-Burton legislation, has been the major stimulus and contributor to medical facilities improvement and expansion since 1946. The original purpose of this legislation was to provide for the construction of medical facilities in the areas that then needed them most—the rural areas of the Nation. Partly due to the successful operation of the program, the primary area of need has shifted considerably over the years from a predominantly rural deficiency in medical facilities, to what has now become a predominantly urban deficiency. While the rural areas have been building and improving their medical facilities at a relatively rapid rate with the help of Hill-Burton funds, urban areas have been experiencing rapid population growth and changing social conditions which require greatly changed and expanded medical facilities. These growing needs for innovative and improved medical facilities in urban areas simply have not been met.

Despite the fact that the predominant need for new and improved medical facilities now exists in the cities, we have continued to funnel the bulk of Federal funds under the Hill-Burton program to rural areas. In fiscal years 1965 through 1968, for example, almost

70 percent of the funds under this program were allocated to communities with populations less than 50,000.

We must take determined steps now to provide greater Federal assistance for expanded and improved medical facilities in our urban areas. The formula for allocation of Hill-Burton funds among the States must be revised to reflect direct indices of need for facilities—such as population and per capita income—along with the factors traditionally taken into account in the formula. The balance between funds available for new construction and funds available for modernization of existing facilities must be shifted in the direction of greater emphasis on modernization to meet the needs of the cities, where many medical facilities built prior to the Hill-Burton program are falling into disrepair and require modernization. Federal legislation must be broadened to permit Hill-Burton funds to be used for such facilities as community diagnostic and treatment centers separate from hospitals to meet the particular needs of the urban poor. Finally, special emergency funds must be made available to assist certain hospitals which have been found to be particularly overcrowded and for which no alternative local facilities are available. A list of 143 such critically overburdened hospitals—average annual occupancy 90 percent or more of capacity—and an additional 1,289 heavily overburdened hospitals—average annual occupancy 80 to 90 percent of capacity—were cited in a 1967 survey by the Public Health Service. Most of these impacted hospitals are located in urban areas, and several of them serve my own district. Nothing has been done since 1967 to lighten the burden on these institutions or to provide the patients who depend upon them for care with adequate services. Funds must be earmarked now to provide direct emergency aid in the form of grants and loans to these hospitals and the communities they serve.

I strongly favor and support efforts to press for these kinds of needed improvements in the Hill-Burton program, along with its extension through 1973. I am pleased to associate myself with several of my colleagues in the House who are proposing changes in this legislation that will allow us to begin to improve health care in our urban centers by beginning to reverse the current downward trend in the quality, quantity, and general adequacy of city health care facilities.

Mr. STAGGERS. Mr. Chairman, I rise—again reluctantly—in opposition to the amendment offered by my colleague.

Mr. Chairman, I oppose the amendment because I think it is premature. There is no question but that we need better coordination of our health programs than we have had in the past. However, I do not think that in our enthusiasm to do something that sounds like a good idea, we should give responsibility to people who may not be ready yet to assume these burdens.

The State comprehensive health planning agencies nationwide are just now beginning to work well. We know this. The legislation creating them came out of our committee in the recent past. They are now just getting into operation. But some States are much further along than others. I do not think we should base our decision for all the States on the performance of a few that might be doing a much better job than others, thereby creating unnecessary confusion in the programs of those States which have not as yet made as much progress as we otherwise would like to have seen them make. I think the time is coming when what the gentleman has proposed will probably have to come, but I do not think that time is now. The subject was considered very carefully by the subcommittee, as I understand, and was voted down by the majority because they felt that this is not time for this to take place.

As I said before, I reluctantly oppose the amendment.

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

It is true that we do have comprehensive health planning agencies in all our States but, of course, they are, so to speak, in their infancy. They actually have not had opportunities to make decisions regarding the present hospitalization plans. We do have Hill-Burton agencies in every State, and they have done a responsible job. Within the next year or two it is planned that the comprehensive health agencies take over, but at the present time it is felt that they simply do not have the expertise that is necessary.

Mr. Chairman, in view of this fact, I oppose the amendment and urge my colleagues to do likewise.

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

Mr. CARTER. I yield to the gentleman from Texas.

Mr. ECKHARDT. Is the gentleman familiar with the provision in the amendment that states only that the plan must be consistent with the comprehensive regional metropolitan area plan? It does not necessarily have to be slavishly in conformity with that plan. If the plan is not a comprehensive plan, it simply needs to be implemented. I believe that is all this amendment would provide.

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

Mr. CARTER. I yield to the chairman of the committee.

Mr. STAGGERS. Who determines what is consistent? I think that is the key to the whole thing. You would have to have someone determine what is consistent. As my colleague from Kentucky has said, these agencies are already set up in the States, and they have been working well for a number of years. Here we are trying something new and then require that construction projects would have to be consistent with their plan, but who is going to determine what is consistent?

Mr. CARTER. Whenever the State comprehensive planning agencies say they are capable and can do planning, then we will accept that statement, but even at the present time their plans will be considered. They will be consulted, and in the near future, when they have reached the proper level of experience, they will be permitted to make the determination.

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

Mr. CARTER. I yield to the gentleman from Texas.

Mr. ECKHARDT. I say that the State Hill-Burton agency would determine consistency.

Mr. CARTER. This will be left to the State Hill-Burton agency.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ECKHARDT).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FARBSTEIN

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

The Clerk read as follows:

Amendment offered by Mr. FARBSTEIN: On page 14, line 5, insert "(A)" after "(3)"; and in line 8, insert before the semicolon the following: ", and (B) for grants for the construction of public or other nonprofit diagnostic or treatment centers (whether or not physically connected to a hospital) that will be located in, and will provide services for residents of, any area determined by the Secretary to be a metropolitan area with low per capita income, $15,000,000 each for the fiscal year ending June 30, 1971, and the next two fiscal years".

Mr. FARBSTEIN. Mr. Chairman, the bill before us today provides $20 million each year for 3 years for construction of diagnostic and treatment centers. I offer my amendment with the intent of beginning to meet the medical need of the central cities. I ask $15 million to build public health care centers in depressed areas. Hospitals in central cities are today unable to meet the medical needs of the poor in the depressed areas. With this $15 million we will be able to build independent public health care centers, where children and parents can seek medical care when they are ill, and be treated in public health care centers not necessarily directly linked with hospitals. Today our central city poor have to go to a hospital dispensary and wait 1, 2, or 3 hours before they get any attention. Many never receive medical attention at all.

I appreciate the fact that there is not enough money in the Federal budget to provide all the hospitals that are needed, but, by means of my amendment, the Federal Government will be able to aid in the construction of independent health care centers that will have one, two, or three doctors, and be able to take care of the majority of people who need assistance. We will be able to obviate the long wait they have in the hospitals, and provide them with needed medical care.

I do not think this is snake oil. Presently we have 48 public health care centers throughout the United States funded through OEO. Thirty-six of them were built in central cities. Unfortunately we have not yet faced up to the need for these public health care centers in the inner-core areas where the people are unable to get treatment soon enough in the hospitals.

Under a similar program funded through section 314(e) of the Public Health Service Act, 14 more of them are being built. As a matter of fact, one of them is in my own district; and it is independent of a general hospital. But the

HEW program lacks the authority to actually construct. The authority for HEW to construct $15 million worth of health centers is needed so when the OEO health center program—having proven its value, and as such no longer experimental in nature—is transferred to HEW, which the President has indicated he will do, the Public Health Service will have the authority and funding to construct independent public health care centers for the underprivileged.

When it becomes necessary for someone who is being treated in a public health care center to receive treatment from a hospital, the health centers have been able to negotiate with hospitals to obtain the best treatment required. The public health care centers have proven extremely necessary and valuable. I ask that this be permitted to be extended.

This amendment is part of an effort to close what is perhaps the most serious gap in our health facilities program—the lack of an adequate program to establish community diagnostic and treatment facilities to meet the critical health needs of our metropolitan areas with low per capita income. My amendment will add to the $20 million authorized for grants for the construction of diagnostic or treatment centers associated with hospitals, an additional $15 million specifically reserved for the creation of new public or other nonprofit diagnostic or treatment centers which will serve metropolitan areas with low per capita income, and are not necessarily associated with either new or existing hospitals.

At the present time, we are doing almost nothing to bring decent health care to much of what is the most distressed segment of our society. The most substantial effort to provide health care in the inner city is the neighborhood health centers program of the Office of Economic Opportunity, but even this effort is extremely limited in purpose and scope. This program operates some 48 health centers throughout the country, but of that number 12 are in rural areas and only 36 are in urban settings. When these projects are all fully operational, they will serve about 1 million persons. This is an extremely small number when one thinks of the total need.

The program cannot expand much beyond what exists today so there is not much hope that it can reach many more persons. No new funds for new projects have been provided for this year and are not likely to be provided. Further expansion is to be considered on a case-by-case basis and the Bureau of the Budget has recommended that no new projects be funded.

Furthermore, the OEO program under which most of the present centers have been built is intended to serve as an innovative and experimental program, searching for new and better ways to provide care in this type of setting. These health centers were never really intended to meet the obvious national need for a regular system of day-to-day health care in the inner city. This need is to be met apparently by a section of the Public Health Service Act designated 314(e), "Project Grants for Health Services Development."

This section already is financing some 14 neighborhood health-center-type facilities, including one in my own district in New York City. The present administration has announced that it will be transferring the operation of OEO's centers to the Department of Health, Education, and Welfare, and they will almost certainly be put under this section. There are several limitations and problems with this section. For one, it does not have nearly enough money to do an adequate job. My office has learned that, in addition to the 14 projects already being funded, HEW has at least 30 other worthy proposals that should and could be supported if they had enough money.

Another problem with the use of section 314(e) for these centers is that there is no direct authority under this section for the construction of facilities, only authority to rent and renovate existing facilities, and this is clearly not enough. The OEO has had authority to construct new facilities, utilizing a somewhat devious route through the Federal Housing Administration. Inasmuch as many of the local neighborhood health center staffs are organized as group practices, it has been possible to obtain FHA group practices guaranteed loans for the construction of new facilities.

The enactment of my amendment will eliminate many of these problems. It will put the program under the Public Health Service where the present administration wants it to be; it will authorize the construction of new facilities; and it will provide sufficient funds to at least begin the kind of effort the problem demands.

There are several other considerations concerning this type of approach to health care in the inner city that make my proposal attractive. For one, at the present time much health care in these areas is relegated to hospitals, because there is simply no place else to go for care. The cost of hospital care is very high. The development of outpatient facilities in the neighborhoods not associated with or connected to hospitals can reduce the costs of care quite significantly.

Another factor to consider is that these neighborhood centers operating without any connection with a hospital will be operated and controlled by an organization of residents of the community. For those times and cases when patients do need to fall back on hospital care, this community corporation will have the flexibility and leverage to negotiate with any hospital they choose to obtain this care in, at reasonable costs.

I don't think there can be any question but that there is a real need to stimulate the construction of community diagnostic and treatment centers that will effectively serve the poor of our big cities. I feel that my amendment can be a worthwhile response to this need and I urge your strong support.

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

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

Mr. BIAGGI. Mr. Chairman I thank the gentleman for yielding.

I commend the gentleman from New York for the amendment which he has offered, and I associate myself with the gentleman's sentiments.

Mr. FARBSTEIN. Mr. Chairman, today there are 30 independent health care centers ready and waiting for funding from HEW. All that is needed is a little money. I am not asking for much money. I am not asking for $300 million or anything like that. All I want is $15 million for each of the next 3 years in order that the independent health care centers can be built. I do not think it is asking too much to ask the Members to give this aid for the depressed areas by passing this amendment.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. OTTINGER, and by unanimous consent, Mr. FARBSTEIN was allowed to proceed for 1 additional minute.)

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

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

Mr. OTTINGER. Mr. Chairman, I would like to commend the gentleman for a very fine amendment. Too often we develop expensive health facilities and do not get the services to the people who really need them. We find in our urban areas there are people who never have really had any kind of health care whatsoever, because the hospitals are too far from them. In Watts in Los Angeles, there are no health care facilities. We have had great disturbances there, and the people have to travel for the better part of an hour to get to the hospital.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. FARBSTEIN was allowed to proceed for 1 additional minute.)

Mr. FARBSTEIN. Mr. Chairman, appro to what the gentleman has just said, with regard to a public health care center that is not connected with a hospital, we will be able to treat the individuals who do not need hospital care. We have many depressed areas throughout the entire country that need care that can be handled immediately and more inexpensively in the health care centers.

In that way I believe we will save hundreds of millions of dollars and make unnecessary the building of additional hospitals throughout the country.

I hope that my amendment will be adopted.

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do so reluctantly again, because I can understand the gentleman's intention. His intentions certainly are good, but this problem has been considered by the committee in every aspect.

The committee had before it measures proposing priorities for construction of these facilities, and carefully considered all the pros and cons. Some witnesses appeared before the subcommittee who were for it, and some appeared who were against it, so the subcommittee had all the different views before they acted. The subcommittee, after hearing all these views, voted to reject the amendment. I support the decision of the subcommittee, and therefore oppose the gentleman's amendment.

There is earmarked in the bill $20 million for this specific program, and in the other loan program which has been provided, of the $900 million, any amount they want can be allocated to these projects, if the State so decides.

It is just a matter of degree. Some could say, "Let us cut off $10 million." Some could say, "Let us put on $15 million." Some could say, "Let us put it all into these centers."

We all recognize these centers do great work. The subcommittee, in its wisdom, tried to allocate the funds the best places they saw fit, after extensive hearings and deliberations, with discussions both ways, to determine what the overall program should be.

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

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

Mr. FARBSTEIN. The $20 million the gentleman spoke of refers to centers attached to hospitals. What about those areas that do not have hospitals? Where are those poor unfortunates going to get treatment?

On the $900 million of which the gentleman spoke, this in no way will benefit these individuals, because today there are 36 that were built through the OEO and antipoverty funds and only 12 through Public Health Service funds. Those are solely for the purpose of renovation. This is a temporary program, a demonstration. When it is taken over by HEW they will be under the regulations of this law unable to build any independent health care centers unless they are attached to hospitals.

Mr. STAGGERS. Mr. Chairman, I do not believe the gentleman's amendment would change any of this.

I should like to say that the diagnostic centers now do not have to be attached to the hospital in any way. This is not in the present bill.

Mr. FARBSTEIN. It is in the law. Read the bill.

Mr. STAGGERS. No.

Mr. FARBSTEIN. Here it is.

Mr. STAGGERS. If the gentleman would read the bill, I believe he would find it is different.

Mr. Chairman, I oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. FARBSTEIN).

The question was taken; and on a division (demanded by Mr. FARBSTEIN) there were—ayes 8, noes 68.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. RYAN

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

The Clerk read as follows:

Amendment offered by Mr. RYAN: On page 25, after line 21, add the following new section:

"SEC. 16. Section 605(a) of the Public Health Service Act is amended by striking out "and" at the end of paragraph (5), by striking out the period at the end of paragraph (6) and inserting in lieu thereof "and", and by adding at the end thereof the following new paragraph"

"(7) adequate and enforceable assurances that the public or nonprofit private agency or agencies filing the application will pay to persons displaced from their places of residence or business by or as a result of the construction of the project, amounts covering the moving expenses and direct losses of property incurred by such persons as a result of such displacement within the same monetary limit and subject to the same conditions as those applicable to the relocation payments provided for under section 114 of the Housing Act of 1949."

Mr. RYAN. Mr. Chairman, I believe it is incumbent upon the Federal Government to require that relocation payments and assistance be provided to persons and businesses displaced as a result of construction or modernization financed under this act.

I have been a firm and consistent supporter of Federal assistance for the expansion of the Nation's health care facilities. But particularly in urban areas, where vacant land is not readily available, the construction and expansion of any facility, including hospitals, often conflicts with other interests. My amendment would soften the side effects which often accompany expansion of federally financed facilities in the surrounding community.

Institutional expansion in a city often causes grave personal hardship and expense to individual residents of the community, who are displaced from their homes. These hardships are compounded when there is no relocation assistance. Thus, the construction of a health care facility, however desirable from the standpoint of increasing health care services, must be balanced against the displacement and inconvenience caused to residents of the affected community.

Where Federal funds enable an institution to expand into the community, and thereby result in the displacement of persons from their homes, I believe the Federal Government has a responsibility to require that relocation assistance be provided.

Similarly, proprietors of small businesses are frequently displaced on short notice. Unlike larger businesses and corporations, they do not possess sufficient political influence to have an impact on the location of a new institution or on the expansion of an existing one. If they are forced to move to another neighborhood, they may lose the neighborhood customers who are the mainstay of their business. They face moving expenses, higher rental fees and, in some cases, the prospect of being driven out of business altogether. Again, where Federal funds allow institutions to expand into the community, relocation assistance guarantees to small businesses should be required by the Federal Government.

Under this amendment the benefits which are now provided in section 114 of the Housing Act of 1949 relative to relocation payments in connection with construction financed under the urban renewal program would also be available to construction and modernization financed under this legislation. These benefits include moving expenses and relocation payments. Section 114 provides that a family displaced shall receive assistance in finding housing, and a relocation adjustment up to $500 where the family is unable to find suitable housing within 20 percent of its income. This payment works in the same way as the rent supplement program except that it cannot total more than $500 nor can it be extended over 1 year. It is similarly available to individuals who are single and over 62 years of age.

In the case of small businesses or nonprofit organizations, a small business displacement benefit of $2,500, and in addition moving and property loss compensation up to $3,000 would be payable.

In the Housing and Urban Development Act of 1965 relocation benefits were extended to displacement as the result of low-rent public housing, mass transportation, public facility loans, open space, and urban beautification, and neighborhood facilities, in addition to urban renewal. But persons displaced as a result of the expansion of institutions of higher education or health care do not receive relocation assistance guarantees.

In order to insure equitable treatment for persons displaced by construction under the provisions of the pending bill, I urge the adoption of my amendment to require the applicant to furnish adequate and enforceable assurances of relocation payments.

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

Mr. RYAN. I shall be glad to yield to the gentleman from New York.

Mr. OTTINGER. I thank the gentleman for yielding.

Mr. Chairman, I support the gentleman's amendment. I think the problem that he points up is tremendous in every city across this country. His amendment, if adopted, would rectify that situation.

Mr. RYAN. I thank the gentleman for his support, and I hope the members of the Committee of the Whole will support this amendment which will not result in any additional cost, but will place a requirement upon any applicant, either a public or a nonprofit private agency, to submit with its application to the Surgeon General of the United States assurances that adequate relocation payments will be made. That is the essential point of the amendment, Mr. Chairman.

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the amendment and again I do so reluctantly. I realize the intent of the gentleman from New York to take care of his constituents and others across the country. There is no right of eminent domain contained in this bill. Of course that right could be exercised by the States. But this would also affect the private hospitals and private industry that are trying to bring about construction of these facilities. Therefore, such money would either have to come from the people who are trying to construct the hospital or facility or force the money to come out of Federal Government funds which we allocate for building hospitals and beds.

It is my opinion that the communities, the States and the cities, ought to be able to take care of this problem and I am sure they will. They have provision for it. Further, I do not feel that this is the proper place for it.

The CHAIRMAN. The question is on

the amendment offered by the gentleman from New York (Mr. RYAN).

The amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ST GERMAIN, 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. 11102) to amend the provisions of the Public Health Service Act relating to the construction and modernization of hospitals and other medical facilities by providing separate authorizations of appropriations for new construction and for modernization of facilities, authorizing Federal guarantees of loans for such construction and modernization and Federal payment of part of the interest thereon, authorizing grants for modernization of emergency rooms of general hospitals, and extending and making other improvements in the program authorized by these provisions, pursuant to House Resolution 428, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

MOTION TO RECOMMIT

Mr. EDWARDS of Alabama. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. EDWARDS of Alabama. I am, Mr. Speaker, in its present form.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. EDWARDS of Alabama moves to recommit the bill H.R. 11102 to the Committee on Interstate and Foreign Commerce.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. NELSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 351, nays 0, answered "present" 1, not voting 80, as follows:

[Roll No. 76]

YEAS—351

Abbitt	Arends	Biester
Abernethy	Ashbrook	Bingham
Adair	Ashley	Blackburn
Addabbo	Aspinall	Blanton
Albert	Baring	Boggs
Alexander	Beall, Md.	Boland
Anderson, Calif.	Belcher	Bolling
	Bell, Calif.	Bow
Anderson, Tenn.	Bennett	Brademas
	Berry	Brasco
Andrews, Ala.	Betts	Brinkley
Annunzio	Biaggi	Brooks
Brotzman	Hanley	Pirnie
Brown, Mich.	Hanna	Poage
Broyhill, N.C.	Hansen, Idaho	Poff
Broyhill, Va.	Hansen, Wash.	Pollock
Buchanan	Harsha	Preyer, N.C.
Burke, Mass.	Hastings	Price, Ill.
Burleson, Tex.	Hathaway	Pryor, Ark.
Burlison, Mo.	Hawkins	Pucinski
Burton, Calif.	Hechler, W. Va.	Purcell
Burton, Utah	Heckler, Mass.	Quie
Bush	Henderson	Quillen
Button	Hicks	Rarick
Byrne, Pa.	Hogan	Rees
Byrnes, Wis.	Holifield	Reid, Ill.
Cabell	Hosmer	Reid, N.Y.
Caffery	Howard	Reifel
Carter	Hull	Reuss
Casey	Hungate	Rhodes
Cederberg	Hunt	Riegle
Celler	Hutchinson	Roberts
Chamberlain	Ichord	Robison
Chisholm	Jacobs	Rodino
Clancy	Jarman	Rogers, Colo.
Clark	Joelson	Rogers, Fla.
Clawson, Del	Johnson, Pa.	Rooney, N.Y.
Clay	Jonas	Rooney, Pa.
Cleveland	Jones, Ala.	Rosenthal
Cohelan	Jones, N.C.	Rostenkowski
Collier	Jones, Tenn.	Roth
Collins	Karth	Roudebush
Colmer	Kastenmeier	Roybal
Conable	Kazen	Ruppe
Conte	Kee	Ruth
Corbett	Keith	Ryan
Corman	King	St Germain
Coughlin	Kleppe	St. Onge
Cramer	Koch	Satterfield
Cunningham	Kuykendall	Saylor
Daddario	Kyl	Schadeberg
Daniels, N.J.	Landgrebe	Scherle
Davis, Wis.	Landrum	Schneebeli
Dawson	Latta	Schwengel
de la Garza	Leggett	Scott
Delaney	Lipscomb	Sebelius
Dellenback	Lloyd	Shipley
Denney	Long, La.	Shriver
Dennis	Long, Md.	Sikes
Derwinski	Lowenstein	Sisk
Devine	Lujan	Skubitz
Diggs	Lukens	Smith, Calif.
Dingell	McCarthy	Smith, Iowa
Donohue	McClory	Smith, N.Y.
Dorn	McCloskey	Snyder
Dowdy	McClure	Staggers
Downing	McCulloch	Stanton
Dulski	McDade	Steed
Duncan	McDonald, Mich.	Steiger, Ariz.
Dwyer		Steiger, Wis.
Eckhardt	McEwen	Stokes
Edmondson	McFall	Stratton
Edwards, Calif.	McMillan	Stubblefield
Edwards, La.	MacGregor	Sullivan
Eilberg	Madden	Symington
Erlenborn	Mahon	Taft
Esch	Mailliard	Talcott
Eshleman	Mann	Taylor
Evans, Colo.	Marsh	Teague, Calif.
Farbstein	Martin	Teague, Tex.
Feighan	Mathias	Thompson, N.J.
Findley	Matsunaga	Thomson, Wis.
Fish	May	Tiernan
Fisher	Mayne	Tunney
Flood	Meeds	Ullman
Flowers	Meskill	Utt
Foley	Michel	Van Deerlin
Ford, William D.	Mikva	Vander Jagt
	Miller, Ohio	Vanik
Fountain	Minish	Vigorito
Fraser	Mink	Waggonner
Frelinghuysen	Minshall	Waldie
Fulton, Pa.	Mize	Wampler
Fulton, Tenn.	Mizell	Watkins
Fuqua	Mollohan	Watson
Galifianakis	Monagan	Watts
Garmatz	Montgomery	Weicker
Gaydos	Moorhead	Whalen
Gettys	Morton	Whalley
Giaimo	Mosher	White
Gibbons	Murphy, N.Y.	Whitehurst
Gilbert	Myers	Whitten
Goldwater	Natcher	Widnall
Gonzalez	Nedzi	Wiggins
Goodling	Nelsen	Williams
Gray	Nichols	Wilson, Bob
Green, Oreg.	Nix	Wold
Green, Pa.	Obey	Wolff
Griffin	O'Hara	Wright
Griffiths	Olsen	Wyatt
Gross	O'Neal, Ga.	Wydler
Grover	O'Neill, Mass.	Wylie
Gude	Ottinger	Wyman
Hagan	Passman	Yates
Haley	Patten	Yatron
Halpern	Pelly	Zablocki
Hamilton	Perkins	Zion
Hammer-schmidt	Pettis	Zwach
	Pike	

NAYS—0

ANSWERED "PRESENT"—1

Edwards, Ala.

NOT VOTING—80

Adams	Evins, Tenn.	Morse
Anderson, Ill.	Fallon	Moss
Andrews, N. Dak.	Fascell	Murphy, Ill.
	Flynt	O'Konski
Ayres	Ford, Gerald R.	Patman
Barrett	Foreman	Pepper
Bates	Frey	Philbin
Bevill	Friedel	Pickle
Blatnik	Gallagher	Podell
Bray	Gubser	Powell
Brock	Hall	Price, Tex.
Broomfield	Harvey	Railsback
Brown, Calif.	Hays	Randall
Brown, Ohio	Hébert	Rivers
Burke, Fla.	Helstoski	Ronan
Cahill	Horton	Sandman
Camp	Johnson, Calif.	Scheuer
Carey	Kirwan	Slack
Chappell	Kluczynski	Springer
Clausen, Don H.	Kyros	Stafford
	Langen	Stephens
Conyers	Lennon	Stuckey
Cowger	McKneally	Thompson, Ga.
Culver	Macdonald, Mass.	Udall
Daniel, Va.		Wilson, Charles H.
Davis, Ga.	Miller, Calif.	
Dent	Mills	Winn
Dickinson	Morgan	Young

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Gerald R. Ford for, with Mr. Edwards of Alabama against.

Until further notice:

Mr. Hébert with Mr. Anderson of Illinois.
Mr. Kirwan with Mr. Ayres.
Mr. Carey with Mr. Bates.
Mr. Kyros with Mr. Railsback.
Mr. Barrett with Mr. Morse.
Mr. Miller of California with Mr. Andrews of North Dakota.
Mr. Rivers with Mr. Hall.
Mr. Charles H. Wilson with Mr. Chappell.
Mr. Evins of Tennessee with Mr. Harvey.
Mr. Randall with Mr. O'Konski.
Mr. Fallon with Mr. Broomfield.
Mr. Brown of California with Mr. Patman.
Mr. Dent with Mr. Sandman.
Mr. Davis of Georgia with Mr. Price of Texas.
Mr. Adams with Mr. Springer.
Mr. Morgan with Mr. Cahill.
Mr. Mills with Mr. Helstoski.
Mr. Lennon with Mr. Burke of Florida.
Mr. Bevill with Mr. Stephens.
Mr. Fascell with Mr. Brown of Ohio.
Mr. Gallagher with Mr. McKneally.
Mr. Hays with Mr. Horton.
Mr. Murphy of Illinois with Mr. Stafford.
Mr. Moss with Mr. Gubser.
Mr. Kluczynski with Mr. Podell.
Mr. Philbin with Mr. Bray.
Mr. Ronan with Mr. Langen.
Mr. Slack with Mr. Camp.
Mr. Young with Mr. Foreman.
Mr. Macdonald of Massachusetts with Mr. Blatnik.
Mr. Johnson of California with Mr. Don H. Clausen.
Mr. Culver with Mr. Brock.
Mr. Flynt with Mr. Cowger.
Mr. Pepper with Mr. Thompson of Georgia.
Mr. Pickle with Mr. Dickinson.
Mr. Udall with Mr. Winn.
Mr. Stuckey with Mr. Scheuer.
Mr. Conyers with Mr. Friedel.
Mr. Daniel of Virginia with Mr. Powell.

Mr. EDWARDS of Alabama. Mr. Speaker, I have a live pair with the gentleman from Michigan, Mr. GERALD R. FORD. If he had been present, he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

CONGRESSMAN ANNUNZIO CALLS ATTENTION TO CHICAGO DAILY NEWS EDITORIAL COMMENDING REPUBLIC OF ITALY ON 23 YEARS OF OUTSTANDING PROGRESS

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

Mr. ANNUNZIO. Mr. Speaker, on Monday, June 2, 1969, the Italian Republic celebrated the 23d anniversary of the establishment of their democratic form of government, and I included in my remarks in the CONGRESSIONAL RECORD on that date an editorial from the Chicago Sun-Times commemorating this important occasion.

Today, I am delighted to insert in the RECORD an editorial which appeared on June 2 in another of Chicago's leading newspapers, the Chicago Daily News. The Daily News editorial commends the outstanding progress that the Republic of Italy has made during the brief span of 23 years of existence. This achievement becomes even more impressive when one takes cognizance of the fact that Italy suffered more heavily than any other Western nation except Germany in the devastation and destruction of World War II.

The Chicago Daily News editorial follows:

ITALY: 23 YEARS A REPUBLIC

By a comfortable, though not overwhelming, margin of 12,717,923 votes to 10,719,284, the people of Italy exactly 23 years ago elected to become a republic instead of a monarchy. From the vantage point of this 23d anniversary, the choice was clearly a good one.

Modern Italy—good neighbor and strong ally—has come a very long way since the dark days of World War II—and since the dark years just after the war, when the Communists tried powerfully but vainly to draw the nation behind the Iron Curtain.

Chicago and Italy serve one another in many ways. Our city's cultural debt to the Italian people is great and growing. Modern Italy leans heavily upon Chicago for manufactured goods of many kinds.

But a more personal link is Chicago's people of Italian descent—a proud and sensitive and productive people whose inherited gifts add richness and flavor to this capital of the American heartland.

In their behalf, and in behalf of all Chicagoans, *I migliori auguri alla Repubblica Italiana.*

COAL MINE HEALTH AND SAFETY

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

Mr. HECHLER of West Virginia. Mr. Speaker, there is a great stirring in the coalfields among the rank and file of coal miners who are determined in 1969 that effective coal mine health and safety legislation be passed by Congress and followed up with effective enforcement. In addition, there is a determination on the part of thousands of coal miners that their union must and will obtain the type of aggressive leadership which has been so sorely missing in recent years. As soon as the United Mine Workers of America can obtain aggressive leadership which will fight for the full protection of the health and safety of its members, then and only then will legislation enacted by Congress be administered effectively.

Elijah Wolford, a Morgantown coal miner who has announced for the presidency of the United Mine Workers of America, recently sent a letter to President Nixon in which he outlined 12 specific recommendations in pending coal mine health and safety legislation. Mr. Wolford also testified before the House and Senate committees considering this legislation. Under unanimous consent, I include the text of a recent news article describing Mr. Wolford's key points.

Another very encouraging development occurred last week in the surprise announcement of the candidacy of Joseph A. Yablonski for the presidency of the United Mine Workers of America. Mr. Yablonski has already gotten off to a very fast start in capturing the imagination of the rank and file of the coal miners who are sincerely interested in once again making the United Mine Workers of America a union genuinely concerned for the health, safety, and welfare of the members. Under unanimous consent, I include an excellent article in the Wall Street Journal of June 2 describing Mr. Yablonski's campaign and platform. I am sure that this candidacy will spur additional support for stronger health and safety legislation in Congress, and at last provide the kind of protection which coal miners throughout the Nation deserve and has too long lacked.

The material referred to follows:

MINE SAFETY PLAN IS SENT WHITE HOUSE

MORGANTOWN, W. VA.—One of three rank-and-file members of the United Mine Workers of America seeking the presidency of the union has sent a letter to President Nixon urging 12 specific recommendations in pending coal mine health and safety legislation.

Elijah Wolford, a Morgantown coal miner, Saturday urged the President to give rule-making authority to the director of the U.S. Bureau of Mines, and suggested that all mine safety training be carried on at the expense of coal operators.

Wolford also recommended the President urge inclusion of the 3.0 milligram level of dust recommended by the U.S. Public Health Service rather than the 4.5 milligrams in the present bill.

Elimination of the Federal Coal Mine Safety Board of Review was urged by Wolford.

The veteran miner called for setting minimum fines as well as maximum fines to be levied against any member of coal mine management which violates or causes violation of health and safety laws.

Wolford wrote the President he would be "glad to meet with you or any of your representatives at your convenience to discuss the miners' views, and the need for these 12 points being incorporated in your bill."

Wolford also recommended:

Installation of one intake airway independent of all other intake air headings.

Requirement of a specific amount of fresh air at the working face of the mine.

Isolation of conveyor belt and haulage headings from the intake air going to the working face of the mine, and return airways be kept clear of obstruction.

Each miner be supplied a gas mask with transparent face cover.

Clearance on the so-called clearance side of haulage ways should be increased from 24 to 30 inches, and that 20 inches clearance be required on the wire side.

Trolley wires or insulated feeder lines should be six inches above the highest piece of equipment moving on the haulage ways.

Where the above not possible, the wire should be 12 inches to the side of the widest piece of equipment moving on the haulage way.

[From the Wall Street Journal, June 2, 1969]

YABLONSKI'S CHALLENGE TO BOYLE'S PRESIDENCY OF MINE WORKERS COULD SPUR BITTER FIGHT

PITTSBURGH.—The Nation's coal producers are worried about the prospects of a bitter fight for control of the United Mine Workers union.

Such a fight looms as the results of last Thursday's announcement by Joseph A. Yablonski, a union leader for more than two decades, that he'll seek to challenge incumbent W. A. (Tony) Boyle in the December election.

One coal industry official declared that a Boyle-Yablonski contest would be "extremely unsettling for the industry, to put it mildly." He expressed fear that strikes might spread across the coal fields as supporters of each man attempt to demonstrate how much backing he has. Ultimately the whole industry could be closed down this way, he adds.

With his announcement, Mr. Yablonski, a UMW International executive board member since 1942, brought to the surface his long-standing resentment of Mr. Boyle and his seven-year rule of the mine workers.

Coal insiders say Mr. Yablonski, who is known as "Jock," is a long-time member of the union's powerful "Eastern establishment" that fumed when former UMW leader John L. Lewis designated Mr. Boyle as his ultimate successor. "Boyle was a staff man, and not one of them," says a coal company president. "Only Lewis' tremendous personal power got Boyle through the early part of his presidency."

At the same time, they say, Mr. Yablonski, a coal miner for 35 years, was an old-line trade unionist whose primary concern was the welfare of the union. Accordingly, although he was opposed to Mr. Boyle at first, he became—in public, at least—one of his ardent backers.

In 1966, Mr. Boyle—in an effort to tighten his control of the union—removed Mr. Yablonski from his power base as president of the UMW's big and potent District 5, headquartered in Pittsburgh. He had served as District 5 chief since 1958. Mr. Boyle replaced him with Michael Budzanoski, the current District 5 head.

It was at this point, Mr. Yablonski says, that he decided to challenge Mr. Boyle for the presidency of the 120,000-member union.

PUBLIC POSTURE MAINTAINED

Even so, Mr. Yablonski maintained his public posture in favor of Mr. Boyle. At last fall's UMW convention in Denver, after Mr. Boyle had refused a gift check proffered by the executive board, Mr. Yablonski took the microphone and told cheering delegates:

"Now, what are you going to do for this fellow? He won't accept an increase in sal-

ary; he won't accept a gift from his fellow officers. I guess about the only thing that we can do is to really try to the utmost of our ability to provide honest-to-God, loyal support for him and his administration that they deserve."

The attitude of the stocky, bespectacled Mr. Yablonski, who speaks in a gravelly voice and has bushy eyebrows in the style of Mr. Lewis, was completely opposite at his Washington press conference last week.

He charged then that an "insufferable gap" has opened between the union's leaders and its members. The 59-year-old board member charged the Boyle administration with being lax on coal-mine safety, too cozy with the industry, intolerant of dissent, and undemocratic.

"I participated in and tolerated the deteriorating performance of this leadership," he said, "But with increasingly troubled conscience. . . . I can no longer tolerate the low state to which our union has fallen."

A spokesman for Mr. Boyle, who has come under increasingly heavy attack from both within and outside the union in recent months, said there wouldn't be any official comment on the Yablonski statement.

TWO WELL-KNOWN SUPPORTERS

With Mr. Yablonski were two well-known supporters; Ralph Nader, consumer crusader who lately has trained his ire on the UMW, and Joseph L. Rauh, former general counsel of the United Auto Workers union and a leading figure among Liberal Democrats and in Americans for Democratic Action.

Mr. Nader said he'd have no official role in the campaign. "I am just interested in seeing there is a debate and contest on the issues involved." Mr. Rauh said he would act as Mr. Yablonski's chief counsel during the campaign.

Mr. Yablonski's lengthy platform, stressed greater union attention to miners' health and safety conditions, issues that led to strikes mainly in West Virginia earlier this year in defiance of Mr. Boyle. Mr. Yablonski said he would place more emphasis on safety in union negotiations with coal producers. Mr. Boyle, on the other hand, has long believed the best way to improve safety conditions is with Federal legislation.

Several campaign promises by Mr. Yablonski would affect the union's relationship with the industry if he were elected. Declaring that "a union must retain an arms-length relationship with management," he promised "an end to demeaning and unproductive ties to the coal industry, including the severance of union membership in the National Coal Policy Conference," an industry-promotion group.

He also promised to demand "a substantial increase" in the 40-cent-a-ton royalty unionized mines pay to finance the UMW pension and welfare fund. And he advocated liberalizing the fund's eligibility rules and benefits, both of which have come under heavy criticism from miners and others.

MANDATORY RETIREMENT

Additionally, he said he would advocate mandatory retirement at age 65 for officers, overhaul the union's paper to permit presentation of dissenting views, establish a complaint office in Washington, and call a special convention to pave the way for secret-ballot elections of officers in districts that currently are under control of trustees appointed by union hierarchy.

To get on the ballot against Mr. Boyle, the challenger must be nominated by 50 of the UMW's roughly 1,300 locals. Nominations will be made in July and August; the election will be held Dec. 9. At least two other dissident candidates for president have declared their intention to run, and Mr. Yablonski said he didn't know if a coalition reform ticket could be arranged.

BAR FALSE AIRLINE ADVERTISING OF UNREALISTIC SCHEDULES

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

Mr. WOLFF. Mr. Speaker, there is an intolerable situation of air traffic delays at major airports in the United States. And the newly instituted Federal Aviation Administration rules governing flight operations at certain high-density airports cannot possibly succeed as long as the airlines are permitted to establish and advertise unrealistic schedules.

The airlines are severely overscheduled and advertise departure times that are physically impossible to keep, even under the best of circumstances. Because promised departure times cannot be adhered to I believe the airlines are engaged in deceptive advertising and that such deception must be ended.

I might note that I reject as more doubletalk the airlines' contention that departure time means when you leave the gate. A reasonable period of up to 15 minutes from the time an aircraft leaves the gate until it is airborne is expected. But anyone who travels a good deal knows that delays of an hour or more due to "air traffic" are common.

I have written to the Federal Trade Commission asking that the airlines be enjoined from false and misleading advertising that promises arrival and departure times which simply cannot be met. Under leave to extend my remarks I wish to include that letter in the RECORD at this point:

JUNE 3, 1969.

Hon. PAUL RAND DIXON,
Chairman, Federal Trade Commission, Washington, D.C.

DEAR MR. CHAIRMAN: Now that the Federal Aviation Administration regulations governing the number of flights permitted at high-density airports have gone into effect it is especially urgent that immediate action be taken to correct an inexcusable fraud being perpetrated on airline travellers.

I have reference to advertisements and printed schedules that promise departure times which are physically impossible to maintain.

Moreover the obvious inability to adhere to departure schedules means that arrival schedules will also be broken thus disrupting plans at airports to which the delayed flights are headed. And, of course, all of these built-in delays cause severe hardship on travellers who are misled by false promises.

Although I do not wish to personalize this matter my experience in flying to Washington yesterday morning on the 9:30 American Airlines flight from LaGuardia is indicative of the problem. We spent a full hour on the ground after boarding the plane and were told air traffic delays were the cause. These are institutionalized delays caused by the impossibility of adhering to promised schedules. A similar situation obtained last evening when I was to return to New York. Although the weather was clear I was told there would be departure delays of up to one hour because of "air traffic." It is clear that the FAA regulations can not solve this problem of deception and action is urgently needed to require honest, realistic scheduling by the airlines.

While emphasizing experiences at LaGuardia are merely symptomatic of a wider problem, I wish to suggest that by advertising departure and arrival times which cannot be kept even under the best circumstances that the airlines are engaging in misleading and deceptive advertising. I request that such false advertising be ended and that the airlines be required to reschedule their flights or their advertising in accordance with the realities at the various airports.

It is fair to expect that new schedules will be drawn in accord with the new FAA regulations. Once established the new schedules should be properly advertised so as to end the abuse of commercial air travellers who are drawn to airports with impossible promises, made to wait for extensive periods for take-off and all too often arrive at their destination too late.

Your prompt attention to this matter is appreciated and I look forward to hearing from you in the near future.

Sincerely,

LESTER L. WOLFF,
Member of Congress.

ADDRESS BY THE PRESIDENT AT THE COMMENCEMENT EXERCISES, THE AIR FORCE ACADEMY

(Mr. HALL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include pertinent material.)

Mr. HALL. Mr. Speaker, our President and Commander in Chief of the armed services, is just completing a commencement address at the U.S. Air Force Academy near Colorado Springs on issues of basic importance to our national security. I am asking that it be published for all concerned to read, study, and use as an example for discussing the problems on which the individual liberty of all, and the freedom of the nations of the world depend. Obviously, the President feels very deeply about these things and they are relevant to matters of great public interest today. Oftentimes the public interest is not backed with complete and distilled information—military intelligence—on which the Commander in Chief must act. This excellent address will help clarify the issues to all Members and the public.

It is high time that we did away with the paradoxes of power and might, backed up by right on one hand; and fear, expediency, and concession on the other. The President clearly sets forth America's role today as that of keeping the peace with dignity and honor. While recognizing the strength of the invaders, would-be rulers, and oppressors, he encourages strength, and "will to do," without desire or control on our part. He gives examples and derides the scofflaws and skeptics, while urging the renaissance and regeneration of stamina toward American idealism. While avoiding "strawman" issues, he urges that we cleave through to the bony structure of support for one world at peace while maintaining national dignity and sovereignty. He puts into proper context, the current discussion of the military-industrial complex and completes the statement of past President Eisenhower, which so many careless ideologists have failed to do.

Finally, Mr. Speaker, the President and Commander in Chief offers a new credo not only for the men of the armed services, but for our Nation as a whole and the peoples of the world. Added to

this, humility and unremitting faith in God, there is no question but that it is the "gauntlet thrown down" and challenge, which none can fail to pick up and run unrelentingly toward repurpose and the American ideal, putting into factual effect the evangelism requisite of the United States of America toward moral stamina and individual freedom and dignity around the world.

I commend its adoption for all, and include it in the RECORD at this point:

ADDRESS BY THE PRESIDENT AT THE COMMENCEMENT EXERCISES AT THE AIR FORCE ACADEMY, JUNE 4, 1969

For each of you, and for your parents and your countrymen, this is a moment of quiet pride.

After years of study and training, you have earned the right to be saluted.

But the members of the graduating class of the Air Force Academy are beginning their careers at a difficult moment in military life.

On a fighting front, you are asked to be ready to make unlimited sacrifice in a limited war.

On the home front, you are under attack from those who question the need for a strong national defense, and indeed see a danger in the power of the defenders.

You are entering the military service of your country when the nation's potential adversaries abroad were never stronger and your critics at home were never more numerous.

It is open season on the armed forces. Military programs are ridiculed as needless if not deliberate waste. The military profession is derided in some of the best circles. Patriotism is considered by some to be a backward, unfashionable fetish of the uneducated and unsophisticated. Nationalism is hailed and applauded as a panacea for the ills of every nation—except the United States.

This paradox of military power is a symptom of something far deeper that is stirring in our body politic. It goes beyond the dissent about the war in Vietnam. It goes behind the fear of the "military industrial complex."

The underlying questions are really these:

What is America's role in the world? What are the responsibilities of a great nation toward protecting freedom beyond its shores? Can we ever be *left* in peace if we do not actively assume the burden of *keeping* the peace?

When great questions are posed, fundamental differences of opinion come into focus. It serves no purpose to gloss over these differences, or to try to pretend they are mere matters of degree.

One school of thought holds that the road to understanding with the Soviet Union and Communist China lies through a downgrading of our own alliances and what amounts to a unilateral reduction of our arms—as a demonstration of our "good faith."

They believe that we can be conciliatory and accommodating only if we do not have the strength to be otherwise. They believe America will be able to deal with the possibility of peace only when we are unable to cope with the threat of war.

Those who think that way have grown weary of the weight of free world leadership that fell upon us in the wake of World War II, and they argue that we are as much responsible for the tensions in the world as any adversary we face.

They assert that the United States is blocking the road to peace by maintaining its military strength at home and its defense forces abroad. If we would only reduce our forces, they contend, tensions would disappear and the chances for peace brighten.

America's presence on the world scene, they believe makes peace abroad improbable and peace in our society impossible.

We should never underestimate the appeal of the isolationist school of thought. Their slogans are simplistic and powerful: "Charity begins at home." "Let's first solve our own problems and then we can deal with the problems of the world."

This simple formula touches a responsive chord with many an overburdened taxpayer. It would be easy to buy some popularity by going along with the new isolationists. But it would be disastrous for our nation and the world.

I hold a totally different view of the world, and I come to a different conclusion about the direction America must take.

Imagine what would happen to this world if the American presence were swept from the scene. As every world leader knows, and as even the most outspoken of America's critics will admit, the rest of the world would be living in terror.

If America were to turn its back on the world, a deadening form of peace would settle over this planet—the kind of peace that suffocated freedom in Czechoslovakia.

The danger to us has changed, but it has not vanished. We must revitalize our alliances, not abandon them.

We must rule out unilateral disarmament. In the real world that simply will not work. If we pursue arms control as an end in itself, we will not achieve our end. The adversaries in the world today are not in conflict because they are armed. They are armed because they are in conflict, and have not yet learned peaceful ways to resolve their conflicting national interests.

The aggressors of this world are not going to give the United States a period of grace in which to put our domestic house in order—just as the crises within our society cannot be put on a back burner until we resolve the problem of Vietnam.

Programs solving our domestic problems will be meaningless if we are not around to enjoy them. Nor can we conduct a successful policy of peace abroad if our society is at war with itself at home.

There is no advancement for Americans at home in a retreat from the problems of the world. America has a vital national interest in world stability, and no other nation can uphold that interest for us.

We stand at a crossroad in our history. We shall reaffirm our aspiration to greatness or we shall choose instead to withdraw into ourselves. The choice will affect far more than our foreign policy; it will determine the quality of our lives.

A nation needs many qualities, but it needs faith and confidence above all. Skeptics do not build societies; the idealists are the builders. Only societies that believe in themselves can rise to their challenges. Let us not, then, pose a false choice between meeting our responsibilities abroad and meeting the needs of our people at home. We shall meet both or we shall meet neither.

This is why my disagreement with the skeptics and the isolationists is fundamental. They have lost the vision indispensable to great leadership. They observe the problems that confront us; they measure our resources; and they despair. When the first vessels set out from Europe for the New World, these men would have weighed the risks, and stayed behind. When the colonists on the Eastern seaboard started across the Appalachians to the unknown reaches of the Ohio alley, these men would have calculated the odds, and stayed behind.

Our current exploration of space makes the point vividly: Here is testimony to man's vision and man's courage. The journey of the astronauts is more than a technical achievement; it is a reaching-out of the human spirit. It lifts our sights; it demonstrates that magnificent conceptions can be made real.

They inspire us and at the same time teach us true humility. What could bring home to us more the limitations of the human scale than the hauntingly beautiful picture of our earth seen from the moon?

Every man achieves his own greatness by reaching out beyond himself. So it is with nations. When a nation believes in itself—as Athenians did in their golden age, as Italians did in the Renaissance—that nation can perform miracles. Only when a nation means something to itself can it mean something to others.

That is why I believe a resurgence of American idealism can bring about a modern miracle—a world order of peace and justice.

I know that every member of this graduating class is, in that sense, an idealist.

In the years to come, you may hear your commitment to America's responsibility in the world derided as a form of militarism. It is important that you recognize the strawman issue for what it is: The outward sign of a desire by some to turn America inward—to have America turn away from greatness.

I am not speaking about those responsible critics who reveal waste and inefficiency in our defense establishment, who demand clear answers on procurement policies, who want to make sure a new weapons system will truly add to our defense. On the contrary, you should be in the vanguard of that movement. Nor do I speak of those with sharp eyes and sharp pencils who are examining our post-Vietnam planning with other pressing national priorities in mind. I count myself as one of those.

As your Commander-in-Chief, I want to relay to you as future officers of our armed forces some of my thoughts on these issues of national moment.

I worked closely with President Eisenhower. I know what he meant when he said ". . . we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military industrial complex."

Many people conveniently forget that he followed that warning with another: "We must also be alert to the equal and opposite danger that public policy could itself become the captive of a scientific-technological elite."

And in that same Farewell Address, President Eisenhower made quite clear the need for national security. As he put it: "A vital element in keeping the peace is our military establishment. Our arms must be mighty, ready for instant action, so that no potential aggressor may be tempted to risk his own destruction."

The American defense establishment should never be a sacred cow, nor should the American military be anybody's scapegoat.

America's wealth is enormous but it is not limitless. Every dollar available to the Federal Government has been taken from the American people in taxes. A responsible government has a duty to be prudent when it spends the people's money. There is no more justification for wasting money on unnecessary military hardware than there is for wasting it on unwarranted social programs.

There can be no question that we should not spend "unnecessarily" for defense. But we must also not confuse our priorities.

The question in defense spending is "how much is necessary?" The President of the United States is the man charged with making that judgment. After a complete review of our foreign and defense policies I have submitted requests to the Congress for military appropriations—some of them admittedly controversial. These requests represent the minimum I believe essential for the United States to meet its current and long-range obligations to itself and to the free world. I have asked only for those programs and those expenditures that I believe are necessary to guarantee the security of this country and to honor our obligations. I will bear the responsibility for these judgments. I do not consider my recommendations infallible. But if I have made a mistake I pray that it is on the side of too

much and not too little. If we do too much, it will cost us our money; if we do too little, it may cost us our lives.

Mistakes in military policy can be irretrievable. Time lost in this age of science can never be regained. I have no choice in my decisions but to come down on the side of security. History has dealt harshly with those nations who have taken the other course.

In that spirit, let me offer this credo for the defenders of our nation:

I believe that we must balance our need for survival as a nation with our need for survival as a people. Americans, soldiers and civilians, must remember that defense is not an end in itself—it is a way of holding fast to the deepest values known to civilized man.

I believe that our defense establishment will remain the servant of our national policy of bringing about peace in this world, and that those in any way connected with the military must scrupulously avoid even the appearance of becoming the master of that policy.

I believe that every man in uniform is a citizen first and a serviceman second, and that we must resist any attempt to isolate or separate the defenders from the defended. In this regard, those who agitate for the removal of the ROTC from college campuses only contribute to an unwanted militarism.

I believe that the basis for decisions on defense spending must be "what do we need for our security" and not "what will this mean for business and employment." The Defense Department must never be considered a modern-day WPA: There are far better ways for government to help ensure a sound prosperity and high employment.

I believe that moderation has a moral significance only in those who have another choice. The weak can only plead magnanimity and restraint gains moral meaning coming from the strong.

I believe that defense decisions must be made on the hard realities of the offensive capabilities of our adversaries, and not on our fervent hopes about their intentions. With Thomas Jefferson, we can prefer "the flatteries of hope" to the gloom of despair, but we cannot survive in the real world if we plan our defense in a dream world.

I believe we must take risks for peace—but calculated risks, not foolish risks. We shall not trade our defenses for a disarming smile or honeyed words. We are prepared for new initiatives in the control of arms in the context of other specific moves to reduce tensions around the world.

I believe that America is not about to become a Garrison State, or a Welfare State, or a Police State—because we will defend our values from those forces, external or internal, that would challenge or erode them.

And I believe this above all: That this nation shall continue to be a source of world leadership and a source of freedom's strength in creating a just world order that will bring an end to war.

Let me conclude with a personal word.

A President shares a special bond with the men and women of the nation's armed services. He feels that bond strongly at moments like these, facing all of you who have pledged your lives, your fortunes and your sacred honor to the service of your country. He feels that bond most strongly when he presents a Medal of Honor to an 8-year-old boy who will not see his father again. Because of that bond, let me say this to you now:

In the past generation, since 1941, this nation has paid for fourteen years of peace with fourteen years of war. The American war dead of this generation has been far greater than all of the preceding generations of Americans combined. In terms of human suffering, this has been the costliest generation in the two centuries of our history.

Perhaps this is why my generation is so fiercely determined to pass on a different legacy. We want to redeem that sacrifice. We want to be remembered, not as the generation that suffered, but as the generation that was tempered in its fire for a great purpose: to make the kind of peace that the next generation will be able to keep.

This is a challenge worthy of the idealism which I know motivates every man who will receive his diploma today.

I am proud to have served in America's armed forces in a war which ended before members of this class were born.

It is my deepest hope and my belief that each of you will be able to look back on your career with pride, not because of the wars in which you served but because of the peace and freedom which your service made possible for America and the world.

ROGERS PRAISES PRESIDENT'S SPEECH ON CAMPUS RIOTERS

(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, over the past several years there has been a growing concern over the violent activities of a minority of our Nation's students in universities and colleges.

Members of Congress, including myself, have spoken of the need to bring these disorders under control and to again allow our places of learning to return to the task of educating the majority of students who do want to learn.

Because of my concern, I was heartened to hear the President's remarks at the graduation exercises at General Beadle State College.

I think that the fact is significant that the President made mention not only of the violent few who have disregarded the rights of others, but also of the permissive faculty which has abandoned their responsibilities.

For these people who call themselves educators are equally guilty for encouraging this lack of understanding of a democracy and our democratic process.

I hope that the President's comments that our society has up till now restrained its resources for physically quelling these disorders can be construed as a firm warning that our society will not long continue to exercise this restraint if these disorders continue.

I have long believed that those who proclaim themselves as leaders of revolution are indeed heady with their own power. In reality, they can move and speak only because of the basic tenets of our democracy which allows them this privilege, a privilege which they have to date abused, while wrapping themselves in the cloak of self-righteousness.

I think one quote in the President's speech was most cogent.

In a free society, the rights of none are secure unless the rights of all are respected.

Campus rioters have not respected the rights of others. We have witnessed the few infringing the rights of the many.

As the President pointed out, our democratic process has the wherewithal to forcefully see to it that those rights are not infringed. And I hope that the President's remarks can be taken as an indication that in the very near future this intolerable situation will be brought to an end.

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

Mr. ROGERS of Florida. I am glad to yield to the gentleman from Florida.

Mr. HALEY. I should like to associate myself with the remarks of my distinguished colleague from Florida and thank him for bringing this to the attention of Congress.

Mr. ROGERS of Florida. I thank the gentleman.

FOREIGN AFFAIRS: DOUBLE-EDGED LIES

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

Mr. ADAIR. Mr. Speaker, on May 14, President Nixon very eloquently and forthrightly described to the American people, and to the world, our objectives in Vietnam and our efforts to achieve an honorable and lasting peace in that area. The President's speech was well received because it was honest and laid the cards on the table. We can only wish the other side were as forthright. Unfortunately, all too many Americans fail to recognize that the Communists, who are experts at propaganda, have used and are using not only distortions of facts, but double-edged lies as a revolutionary warfare tactic to achieve their conquest of South Vietnam.

A column by C. L. Sulzberger, which appeared on the editorial page of the May 30 issue of the New York Times, describes how Hanoi has used propaganda and the direct lie to influence public opinion. Mr. Sulzberger says:

Revolutionary warfare is most ingeniously practiced by Hanoi and its greatest success has been in the United States itself, major political battlefield of the Vietnam conflict.

Mr. Sulzberger's column follows:

FOREIGN AFFAIRS: DOUBLE-EDGED LIES

(By C. L. Sulzberger)

CHICAGO.—The political aspect of Revolutionary Warfare is at least as important as its military aspect and the two are hitched in tandem. In this strategy, propaganda is of maximum importance and it often uses lies to accomplish its ends.

During March, 1969, one example of this came when Hanoi decided to blame Washington for the Communist offensive in South Vietnam although that offensive had actually been decided by Resolution Eight of COSVN (the Central Office, South Vietnam) last October. Troops assigned to it began marching down the Ho Chi Minh Trail through Laos from North Vietnam late in 1968 and fresh supplies were moved out from Cambodia and secreted in advance caches.

COMMUNIST PRETENSE

The offensive began February 22 but stimulated hostile public reaction abroad, damaging the Communist position at Paris peace talks. Hanoi then took a major decision along lines described in the March 20, 1969, issue of "Foreign Report," newsletter of the London "Economist."

This said: "They opted for the direct lie; for the line that the present Communist attacks were essentially a countermeasure against an American 'offensive'. . . . Directives were issued to Hanoi's agents in all the leading western centers—in Paris, London and Stockholm—to push this line relentlessly. . . . The most extraordinary thing is that so many intelligent people have swallowed the story."

This is, indeed, extraordinary since the offensive was planned before President Johnson completely halted U.S. bombing of North Vietnam. Painstaking military preparations took place throughout late 1968—with no reference whatsoever to U.S. operations. Nevertheless, Hanoi subsequently pretended it only assumed the initiative in response to American offensive action—which is patently impossible because of the length of time required to plan and mount its own offensive.

Revolutionary Warfare also lies to friends. An example occurred with a Soviet agent who spoke Vietnamese, sent to inspect the guerrillas in 1965 and help Moscow decide how far it should commit itself.

DUPING MOSCOW

An important Communist officer, Lieut. Col. Le Xuan Chuyen, participated in this particular hoax and later defected. The following is taken from his taped account: "The Russian was interested in finding the extent of the development of the Front (N.L.F.). He wanted to find out about the level of military activities. . . .

"The Front wanted to convince the Soviet Union not to bow to the United States. . . . They wanted to have the full support of the Soviets and all the aid that could be sent. . . . At that time the Soviet Union was undecided."

The Russian came in from Cambodia to see "the Military Region Headquarters Commander and Staff." It was difficult to arrange a real meeting so "a Special Scene" was prepared. The Front designed a setting which "looked like a real command headquarters to be used by a talented general in command of a guerrilla army hundreds of thousands strong. . . .

"The lady [titular] Gen. Nguyen Thi Dinh [not to be confused with the N.L.F. diplomat, Mme. Binh] was installed in a place quite close to the border, with the full trimmings, equipment, facilities and manpower, all the appearance of a real headquarters. . . . She was also supposed to be a common woman who had emerged from the masses. . . .

"The atmosphere was tense and seemed to reflect the active situation on the battlefield. The Russian looked very impressed with what he saw and when the men from COSVN, who really direct the Front, were sure that the time was ripe to exploit the situation they brought the Russian inside to interview Mrs. Dinh. . . ."

A telephone was run from Mrs. Dinh's "headquarters" to a nearby bunker where an experienced Vietcong general, Nguyen Chi Thanh, sat eavesdropping. "Whenever she had to face a really difficult question from the Russian . . . she excused herself to take a phone call. It was of course from Nguyen Chi Thanh who told Mrs. Dinh the answers. . . . Mrs. Dinh looks quite impressive but frankly she really lacks experience.

A GOOD LAUGH

"They had a good kick out of laughing at the Russian. They even killed a couple of chickens to celebrate. . . . The Kremlin had been fooled and for that reason they were most elated."

Similar techniques have often been applied on the American people. Revolutionary Warfare is most ingeniously practiced by Hanoi and its greatest success has been in the United States itself, major political battlefield of the Vietnam conflict.

TEXT OF THE PRESIDENT'S ADDRESS ON THE CHALLENGE OF REVOLUTIONARIES ON CAMPUS

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

Mr. STEIGER of Wisconsin. Mr. Speaker, on June 3, President Richard Nixon addressed the General Beadle State College in Madison, S. Dak. The President in his statement expressed the view of many of us that violence, whether on a college campus or elsewhere, cannot be condoned. He said in his speech:

TEXT OF PRESIDENT'S ADDRESS ON THE CHALLENGE OF REVOLUTIONARIES ON CAMPUS, GENERAL BEADLE STATE COLLEGE, MADISON, S. DAK.

Freedom: A condition and a process.

As we dedicate this beautiful new library, I think this is the time and the place to speak of some basic things in American life. It is the time, because we find our fundamental values under bitter and even violent attack; it is the place, because so much that is basic is represented here.

Opportunity for all is represented here.

This is a small college: not rich and famous, like Harvard or Yale; not a vast state university like Berkeley or Michigan. But for almost 90 years it has served the people of South Dakota, opening doors of opportunity for thousands of deserving young men and women.

Like hundreds of other fine small colleges across the nation, General Beadle State College—has offered a chance to people who might not otherwise have had a chance.

The pioneer spirit is represented here, and the progress that has shaped our heritage.

In South Dakota we still can sense the daring that converted a raw frontier into part of the vast heartland of America.

The vitality of thought is represented here.

A college library is a place of living ideas—a place where timeless truths are collected, to become the raw materials of discovery. In addition, the Karl E. Mundt Library will house the papers of a wise and dedicated man who for 30 years has been at the center of public events. Thus, more than most, this is a library of both thought and action, combing the wisdom of past ages with a uniquely personal record of the present time.

VALUES UNDER CHALLENGE

As we dedicate this place of ideas, therefore, let us reflect on some of the values we have inherited, which are now under challenge.

We live in a deeply troubled and profoundly unsettled time. Drugs, crime, campus revolts, racial discord, draft resistance—on every hand we find old standards violated, old values discarded, old precepts ignored. A vocal minority of the young are opting out of the process by which a civilization maintains its continuity: the passing on of values from one generation to the next. Old and young across a chasm of misunderstanding—and the more loudly they shout, the wider the chasm grows.

As a result, our institutions are undergoing what may be their severest challenge yet. I speak not of the physical challenge: the forces and threats of force that have wracked our cities, and now our colleges. Force can be contained.

We have the power to strike back if need be, and to prevail. The nation has survived other attempts at this. It has not been a lack of civil power, but the reluctance of a free people to employ it, that so often has stayed the hand of authorities faced with confrontation.

The challenge I speak of is deeper: the challenge to our values, and to the moral base of the authority that sustains those values.

At the outset, let me draw one clear distinction.

CONCERNED WITH CONDUCT

A great deal of today's debate about "values," or about "morality," centers on what essentially are private values and personal codes: patterns of dress and appearance, sexual mores; religious practices; the uses to which a person intends to put his own life.

These are immensely important, but they are not the values I mean to discuss here.

My concern today is not with the length of a person's hair, but with his conduct in relation to his community; not with what he wears, but with his impact on the process by which a free society governs itself.

I speak not of private morality but of public morality—and of "morality" in its broadest sense, as a set of standards by which the community chooses to judge itself.

Some critics call ours an "immoral" society because they disagree with its policies, or they refuse to obey its laws because they claim that those laws have no moral basis. Yet the structure of our laws has rested from the beginning on a foundation of moral purpose.

That moral purpose embodies what is, above all, a deeply humane set of values—rooted in a profound respect for the individual, for the integrity of his person and the dignity of his humanity.

At first glance, there is something homely and unexciting about basic values we have long believed in. We feel apologetic about espousing them; even the profoundest truths become cliches with repetition. But they can be live sleeping giants: slow to rouse, but magnificent in their strength.

Let us look at some of those values—so familiar now, and yet once so revolutionary:

Liberty: recognizing that liberties can only exist in balance, with the liberty of each stopping at that point at which it would infringe the liberty of another.

Freedom of conscience: meaning that each person has the freedom of his own conscience, and therefore none has the right to dictate the conscience of his neighbor.

Justice: recognizing that true justice is impartial, and that no man can be judge in his own cause.

Human dignity: a dignity that inspires pride, is rooted in self-reliance and provides the satisfaction of being a useful and respected member of the community.

Concern for the disadvantaged and dispossessed: but a concern that neither panders nor patronizes.

The right to participate in public decisions: which carries with it the duty to abide by those decisions when reached, recognizing that no one can have his own way all the time.

Human fulfillment: in the sense not of unlimited license, but of maximum opportunity.

The right to grow, to reach upward, to be all that we can become, in a system that rewards enterprise, encourages innovation and honors excellence.

In essence, these all are aspects of freedom. They inhere in the concept of freedom; they aim at extending freedom; they celebrate the uses of freedom. They are not new. But they are as timeless and as timely as the human spirit because they are rooted in the human spirit.

Our basic values concern not only what we seek but how we seek it.

Freedom is a condition; it also is a process. And the process is essential to the freedom itself.

We have a Constitution that sets certain limits on what government can do but that allows wide discretion within those limits. We have a system of divided powers, of checks and balances, of periodic elections, all of which are designed to insure that the majority has a chance to work its will—but not to override the rights of the minority or to infringe the rights of the individual.

What this adds up to is a democratic process, carefully constructed and stringently guarded. It is not perfect. No system could be. But it has served the nation well—and nearly two centuries of growth and

change testify to its strength and adaptability.

They testify, also, to the fact that avenues of peaceful change do exist. Those who can make a persuasive case for changes they want can achieve them through this orderly process.

To challenge a particular policy is one thing; to challenge the government's right to set it is another—for this denies the process of freedom.

FOREMOST VALUE DENIED

Lately, however, a great many people have become impatient with the democratic process. Some of the more extreme even argue, with curious logic, that there is no majority, because the majority has no right to hold opinions that they disagree with.

Scorning persuasion, they prefer coercion. Awarding themselves what they call a higher morality, they try to bully authorities into yielding to their "demands."

On college campuses, they draw support from faculty members who should know better; in the larger community, they find the usual apologists ready to excuse any tactic in the name of "progress."

It should be self-evident that this sort of self-righteous moral arrogance has no place in a free community. It denies the most fundamental of all the values we hold: respect for the rights of others. This principle of mutual respect is the keystone of the entire structure of ordered liberty that makes freedom possible.

The student who invades an administration building, roughs up the dean, rifles the files and issues "non-negotiable demands" may have some of his demands met by a permissive university administration. But the greater his "victory" the more he will have undermined the security of his own rights.

In a free society, the rights of none are secure unless the rights of all are respected. It is precisely the structure of law and custom that he has chosen to violate—the process of freedom—by which the rights of all are protected.

We have long considered our colleges and universities citadels of freedom, where the rule of reason prevails. Now both the process of freedom and the rule of reason are under attack. At the same time, our colleges are under pressure to collapse their educational standards in the misguided belief that this would promote "opportunity."

Instead of seeking to raise lagging students up to meet the college standards, the cry now is to lower the standards to meet the students. This is the old, familiar, self-indulgent cry for the easy way. It debases the integrity of the educational process.

There is no easy way to excellence, no short-cut to the truth, no magic wand that can produce a trained and disciplined mind without the hard discipline of learning. To yield to these demands would weaken the institution; more importantly, it would cheat the student of what he comes to a college for: his education.

No group, as a group, should be a more zealous defender of the integrity of academic standards and the rule of reason in academic life than the faculties of our great institutions. If they simply follow the loudest voices, parrot the latest slogan, yield to unreasonable demands, they will have won not the respect but the contempt of their students.

THE RIGHTS OF STUDENTS

Students have a right to guidance, to leadership, to direction; they have a right to expect their teachers to listen, and to be reasonable, but also to stand for something—and most especially, to stand for the rule of reason against the rule of force.

Our colleges have their weaknesses. Some have become too impersonal, or too ingrown, and curricula have lagged. But with all its faults, the fact remains that the American system of higher education is the best in this whole imperfect world—and it provides, in the United States today, a better education for more students of all economic levels than ever before, anywhere, in the history of the world.

This is no small achievement.

Often, the worst mischief is done by the name of the best cause. In our zeal for instant reform, we should be careful not to destroy our educational standards, and our educational system along with them; and not to undermine the process of freedom, on which all else rests.

The process of freedom will be less threatened in America, however, if we pay more heed to one of the great cries of the young today. I speak now of their demand for honesty: intellectual honesty, personal honesty, public honesty.

Much of what seems to be revolt is really little more than this: an attempt to strip away sham and pretense, to puncture illusion, to get down to the basic nub of truth.

We should welcome this. We have seen too many patterns of deception:

In political life, impossible promises.

In advertising, extravagant claims.

In business, shady deals.

In personal life, we all have witnessed deceits that ranged from the "little white lie" to moral hypocrisy; from cheating on income taxes to bilking insurance companies.

In public life, we have seen reputations destroyed by smear, and gimmicks paraded as panaceas. We have heard shrill voices of hate, shouting lies, and sly voices of malice, twisting facts.

INTELLECTUAL GYMNASTICS

Even in intellectual life, we too often have seen logical gymnastics performed to justify a pet theory, and refusal to accept facts that fail to support it.

Absolute honesty would be ungenerous. Courtesy compels us to welcome the unwanted visitor; kindness leads us to compliment the homely girl on how pretty she looks. But in our public discussions, we sorely need a kind of honesty that has too often been lacking; the honesty of straight talk; a doing away with hyperbole; a careful concern with the gradations of truth, and a frank recognition of the limits of our knowledge about the problems we have to deal with.

We have long demanded financial integrity in public life; we now need the most rigorous kind of intellectual integrity in public debate.

Unless we can find a way to speak plainly, truly, unself-consciously, about the facts of public life, we may find that our grip on the forces of history is too loose to control our own destiny.

The honesty of straight talk leads us to the conclusion that some of our recent social experiments have worked, and some have failed, and that most have achieved something—but less than their advance billing promised.

This same honesty is concerned not with assigning blame, but with discovering what lessons can be drawn from that experience in order to design better programs next time. Perhaps the goals were unattainable; perhaps the means were inadequate; perhaps the program was based on an unrealistic assessment of human nature.

We can learn these lessons only to the extent that we can be candid with one another. We face enormously complex choices. In approaching these, confrontation is no substitute for consultation; passionate concern gets us nowhere without dispassionate analysis. More fundamentally, our structure of faith, and faith depends on faith, and faith depends on truth.

The values we cherish are sustained by a fabric of mutual self-restraint, woven of ordinary civil decency, respect for the rights of others, respect for the laws of the community, and respect for the democratic process of orderly change.

The purpose of these restraints is not to protect an "establishment," but to establish the protection of liberty; not to prevent change, but to insure that change reflects the public will and respects the rights of all.

This process is our most precious resource as a nation. But it depends on public acceptance, public understanding and public faith.

Whether our values are maintained depends ultimately not on the Government, but on the people.

A nation can be only as great as its people want it to be.

A nation can be only as free as its people insist that it be.

A nation's laws are only as strong as its people's will to see them enforced.

A nation's freedoms are only as secure as its people's determination to see them maintained.

A nation's values are only as lasting as the ability of each generation to pass them on to the next.

We often have a tendency to turn away from the familiar because it is familiar, and to seek the new because it is new.

To those intoxicated with the romance of violent revolution, the continuing revolution of democracy may seem unexciting. But no system has ever liberated the spirits of so many so fully. Nothing has ever "turned on" man's energies, his imagination, his unfettered creativity, the way the ideal of freedom has.

Some see America's vast wealth, and protest that this has made us "materialistic." But we should not be apologetic about our abundance. We should not fall into the easy trap of confusing the production of things with the worship of things. We produce abundantly; but our values turn not on what we have, but on what we believe.

We believe in liberty, and decency, and the process of freedom. On these beliefs we rest our pride as a nation; in these beliefs, we rest our hopes for the future; and by our fidelity to the process of freedom, we can assure to ourselves and our posterity the blessings of freedom.

I believe the President's statement is a significant one. As we attempt to deal with the problems of our society it is necessary to have a high degree of presidential leadership. I am confident that President Nixon will make this speech but the first of a number of talks on this subject. It must be recognized that orderly processes are required before one can accomplish change. This, it seems to me, is what the President has said and I commend him for his continuing concern for the problems of all Americans.

DETRICK SAFETY RECORD IMPRESSIVE

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

Mr. BEALL of Maryland. Mr. Speaker, recently much has been said in this House about the biological and chemical warfare programs carried on under the Department of Defense. On several occasions statements have been published which would seem to indicate that there is a great danger to the general public in the development, testing and transportation of lethal chemicals and biological agents.

One of the primary installations responsible for reseach in the area of biological warfare is an installation in my district, Fort Detrick, at Frederick, Md. Soon after the charges were made, the

command at Fort Detrick undertook a study to determine the reliability of the safety methods used at the base. I have recently received a reply from the Department of the Army with the results of this investigation and include them in the CONGRESSIONAL RECORD for all to see. This statement from the Army incidentally was sent by them to the news media.

I think it is most interesting to note the safety record of the base in relation to other industries which are quite common in many communities. As you will see from the statistics, Fort Detrick has a record that should be praised rather than criticized. It is also quite pertinent to note that in the 26 years that Fort Detrick has been in operation there is no record of any nonemployee in the community ever having been infected by contact with a biological agent from the base. This is truly a remarkable achievement.

The material referred to follows:

MAY 2, 1969.

The Department of Army accident record is commendable. The record for all types of occupational injuries, which include industrial, mechanical, biological and chemical accidents in the Army, and at Fort Detrick in particular, is excellent.

During the 1964 to 1968 period the frequency of on-the-job injury at Fort Detrick was ten times less than that for all federal civilian employees. For the statistically minded, this comparison is made in terms of the frequency rates for disabling injuries, from any occupationally connected cause, per million man hours of work. These rates are: 0.66 for Fort Detrick, 1.40 for the communications industry, and other such rates as electrical utilities 5.17, all federal civilian employees 6.90, all industry 7.22, printing and publishing 12.61, and the mining of underground coal 35.27. The industry figures have been published by the National Safety Council in its 1968 edition of Accident Facts.

Prior to the beginning of 1960, when new vaccines and improved safety equipment came into general use at Fort Detrick, the number of infections in the laboratory each year was high in comparison to other major biological research institutions. The reason for this is that, in comparison to Fort Detrick, only a small percentage of the employees in these other institutions was engaged in hazardous work.

During the 17 years from 1943 through 1959 there were 370 accidental infections at Fort Detrick. In the last nine years, 1960 through 1968, there were 50 cases of which 19 were hospitalized. This reflects an increasing effectiveness of the safety precautions at Fort Detrick that also is documented by the fact that in the calendar years 1966 and 1967 there were no hospitalized cases. In 1968 to the present there have been *no* infections.

Every effort is being made to continue this excellent record. This unusually fine performance relies in part on reporting and investigating the cause of a large number of nominally trivial accidents. This is because, in any work area, the reporting of minor first aid cases warns the safety director of potential accident situations which, if uncorrected, might possibly lead to serious injuries.

At Fort Detrick the encouragement to report even the most minor accidents and incidents resulted in 3330 accident reports during 1954–1962, about half of which were in the laboratories and these primarily consisted of minor cuts, abrasions and incidences of glassware breakage or droppage that occurred but did not result in injury. In this inclusive figure of 3330 accidents, there were 158 infections of which 21% did not require hospitalization.

One of the major concerns at Fort Detrick is the protection of the surrounding community from any disease being studied in the laboratories. All air from infectious disease laboratories is incinerated or filtered. The sewage is sterilized. All laboratory trash is burned or otherwise decontaminated. Even the clothing of Fort Detrick laboratory employees is sterilized and laundered in a special laundry on the installation. Special gastight cabinet equipment, and other cabinets with carefully controlled air flow, have been developed to prevent escape of microorganisms. These cabinets have proved themselves to be so valuable in protecting personnel that they have been adopted for use in a special laboratory of the Public Health Service National Cancer Institute, and at the Lunar Receiving Laboratory in Houston, Texas, where the moon samples will be received sometime this year.

In continuation of this policy of caution for the community health, local and national public health officials are kept fully informed of all matters that may conceivably affect the public. There have been three deaths resulting from laboratory infection at Fort Detrick during the 26 years of the installation's existence. These were reported to the scientific community and to the press. In other biological laboratories the number and frequency of deaths from laboratory infections is about six times greater than at Fort Detrick. For example, a report by a Public Health Service investigator in 1961 revealed that, in the United States and abroad, there was a history of 2,348 infections with 107 deaths. This results in a fatality rate over six times that of Fort Detrick. Another survey reported fatality rates for laboratory infections ranging from twice the Fort Detrick rate for United States Hospital personnel, to ten times that for foreign countries. This survey was part of a doctoral thesis written in 1965 by G. Briggs Phillips, of the Fort Detrick safety staff, for the Division of General Education and Center for Safety Education at New York University.

A case of pneumonic plague in 1959 proved to be an excellent test of Detrick's highly organized and specialized medical treatment facilities. The history of this disease shows that those who contract plague seldom live unless treated within 24 hours. At Fort Detrick the patient became ill in the morning, was admitted to the Fort Detrick hospital in the afternoon, diagnosis was made by the next morning, the Frederick County Public Health Officer was notified that same day, and with his concurrence health measures were taken to treat the patient and prevent spread of the disease. All efforts were successful. The patient was cured and the disease did not spread.

In the U.S. during 1950 to 1968 there were 34 cases of plague with 11 deaths, according to the Public Health Service Communicable Disease Center Bacterial Disease Section in Atlanta. Throughout the world in 1965 there were 1,326 cases of plague, of which 120 died.

Standards for safe shipping containers, to be used in the transportation of infectious materials, were not the subject of special Federal regulations in 1953, except for medical diagnostic specimens sent through the mail. At that time Fort Detrick, on its own initiative, began testing the strength of containers for transport of these materials, by dropping them from various heights onto a concrete surface. On 24 May 1956 a 2½ gallon bottle of living poliomyelitis virus vaccine, from a commercial pharmaceutical laboratory, broke open and leaked at the Washington National Airport during a cargo transfer. Although Detrick was not involved, its personnel were asked to decontaminate the aircraft.

As a result of this incident the Public Health Service issued Federal Regulation 42 CFR 72.25 that set the standards for transportation of infectious materials and limited the transportable quantities to one gallon per container. Since that time the Army has continued its tests to insure that no microorganisms will leak from the container, even after drops from extreme heights to hard soil and concrete. In 1965, representatives of the Department of Defense, Army, Air Force, Navy, and Public Health Service began a series of meetings to establish requirements for safe shipping containers for infectious materials. As a result, in 1966 three cargo aircraft containing shipping containers were crashed at takeoff and landing speed, exceeding 138 miles per hour, into an immovable concrete wall. The containers survived without leakage. These tests resulted in setting standards for packaging and shipping.

The net effect of the precautions employed by Department of Defense and Fort Detrick is that there has never been any leakage of infectious material during a Department of Defense shipment, nor has any member of the general public ever been infected.

YOUTH FOR DECENCY RALLY IN BIRMINGHAM, ALA.

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

Mr. BUCHANAN. Mr. Speaker, on Sunday last, it was my distinct pleasure to attend a Youth for Decency rally in Birmingham, the city it is my privilege to represent in Congress.

I found it highly encouraging, amid all the turmoil on campuses across the Nation and the violent demonstrations by a portion of our youth, to see young people so concerned about seeking positive solutions to today's problems.

A crowd of several thousand came to hear six young Americans speak out for decency and democracy. Many of those attending the rally dashed under the bleachers when a downpour drenched Legion Field, but they remained through the rain to hear the program.

The young people's addresses covered nearly every sphere of contemporary life. Alabama's Junior Miss, Carol Ann Crowgey, spoke on "Belief in God and That He Loves Us"; Negro policeman Frank Horn on "Love of Country"; Negro radio newsman "Tall" Paul White on "Love of Family and Respect for Authority"; former Girls' State President Cathy Johnson on "Reverence for One's Self," and Stan Moss, "Equality of All Men."

The rally was organized by a young coastguardsman, Steve Gilbreath, who was granted leave to attend the rally. His coorganizational committee members were Ray Smith and Jeanus Wallace, vice presidents; Debbie Gilbreath and Cindy Butler, secretaries, and Sandi Harding, treasurer.

A choral group which calls itself Sing Out Valley provided some very fine music for the rally which radio personalities Doug Layton and Tommy Charles emceed.

Mr. Speaker, my district is not unique in the desire by many of its youth to spread democracy through decency. Rallies of this type are going on throughout the Nation. I wish they would be as thoroughly covered by our news media as the campus riots.

The media give little coverage to a gathering of thousands of young people who meet for a decency rally, but the story of a few militants protesting or seizing an administration building often finds its way into headlines.

The young people who spoke in Birmingham are not passivists—they are not content to sit back and let the world go by. When they find things that need to be changed, and there are such things, they work toward that change, but not through violence and anarchy.

These young people, I think, represent the majority of American youth and are an indication that this country still has an outstanding future.

Mr. MIZELL. Mr Speaker, throughout the years that I was active in professional baseball and ever since then, for that matter, I was associated with youth in one way or another.

I learned a long time ago that the young people of this Nation warrant the respect, the understanding, and the love of their elders. Given a chance, a young boy or girl accepts and takes on responsibility with unbounded energy.

The Youth Decency Rallys are indications of this—evidence that the young people of today will not sit back and allow their reputations to be blemished by an irresponsible minority.

The young people are the heart of this Nation—and it is gratifying to know that they are accepting the responsibility of going all out to insure that America remains a decent and beautiful place to live. I feel that the Congress of the United States should commend these fine young people for the wonderful work they are doing. We have a responsibility to support those things which promote the ideals of this country. The youth decency programs do exemplify the philosophy this country was founded on.

I would like to join my distinguished colleague, the gentleman from Alabama (Mr. BUCHANAN), in asking for the unanimous endorsement of Congress for this truly American movement.

FOUNDATION OF ALL GREAT REPUBLICS IS THE QUALITY OF THE PEOPLE THAT INHABIT THAT NATION

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

Mr. BLACKBURN. Mr. Speaker, the foundation of all great republics is the quality of the people that inhabit that nation. America has always been a great Nation because its leaders and people have been progressive, honest, and educated. In our rapidly changing world, the need for a highly educated populous is becoming more urgent and apparent. However, as this need is increasing so is the cost involved in providing higher education for our people.

One of the hallmarks of American culture is the reliance of the individual on providing for his own needs. In the past, American students have both worked and attended school at the same time. However, this era is quickly passing. Because of the academic community's increasing demand on the student's time and the skyrocketing cost of education, the burden of financing the higher education of our youth has fallen on the parents, the university, and the Government. Presently, in a public university, it costs the average male student at least $964 for tuition, room and board for 1 academic year, and the average cost in a private university is $2,048 for 1 academic year. Thus, it is readily seen that there is a great need to provide some assistance to those parents who are providing higher education for our Nation's youth.

I believe that when someone spends a large sum to provide himself or his children with a higher education, he is spending money in the national interest, and it is only fair that the Nation try to ease his burden through our tax laws.

Therefore, today, I am introducing a bill that will provide a tax credit for higher education. The basic provisions of my bill are:

A 100-percent tax credit on the first $200 spent on the cost of higher education; 75 percent tax credit on the next $300; 25 percent tax credit on the next $1,000.

In order to help equalize the benefits among different tax brackets, I am providing for a 1 percent reduction from the tax credit for those earning an adjusted gross income in excess of $25,000. Thus, as an individual reaches a higher tax bracket, the tax credit will be smaller for him than for an individual in a lower tax bracket.

The tax credit will be available to anyone who pays the specific expenses of an individual to obtain a higher education. It will be available to students trying to put themselves through school. It will be available to parents trying to help their children through college and it will be available to anyone who contributes additional financial aid. Thus, this measure would help to create individual scholarships where the donor would receive a tax credit. Colleges and universities could encourage their alumni to give scholarships to deserving students.

I am well aware of the fact that many of our graduating high school seniors are not going to college but plan to attend post-secondary schools such as business, trade, technical, and other vocational institutions. It would be discriminatory to exclude individuals who are attending these institutions. Therefore, in my definition of institutions of higher education, I include the above-mentioned institutions.

There are many students in college today who are receiving full or partial scholarships. If my bill were enacted, many of these scholarships would no longer be needed by the students holding them, thus opening the way for more needy students to receive this financial aid. For example, the median family income of students receiving scholarships is $8,436. Most State-supported schools have a tuition cost of less than $600. My proposal would provide a maximum of $650 in tax credits to any one individual.

In the Fourth Congressional District, there are many fine institutions of higher learning such as Georgia State College and DeKalb Junior College. Georgia State's tuition cost for three quarters is $315. Under the provisions of my bill a student attending this institution would receive a $296.25 tax credit. The tuition cost for two trimesters at DeKalb Junior College is $220. Under my plan, a tax credit of $215 would be granted to anyone incurring the cost of attending DeKalb Junior College.

In conclusion, Mr. Speaker, I must point out that a dollar spent on education today means thousands of dollars saved on welfare rolls in future generations. My bill will allow the individual to provide for his own education without seeking the assistance of the Federal Government.

I therefore urge the House to consider this measure at the earliest possible date.

MATT DEMORE HONORED AT TESTIMONIAL DINNER

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

Mr. FEIGHAN. Mr. Speaker, at a dinner at the Sheraton-Cleveland Hotel on May 31, more than 1,500 persons from all walks of life paid honor and tribute, richly deserved, to Matt DeMore in recognition of his service to members of the International Association of Machinists & Aerospace Workers. It has been my good fortune to know Matt very well for three decades and I was happy to be among those present. Under leave to extend my remarks, I include an article from the program written by Anthony Mazzolini, labor editor of the Cleveland Press, and the remarks by Matt DeMore:

MEET MATT DEMORE—FROM NEWSBOY TO LABOR STATESMAN

(By Anthony Mazzolini)

The measure of a man's success in life is not how much wealth he accumulates, but how much he helps his fellow-men.

By this measurement, Matt DeMore has achieved a notable success. He has led a life rich in assisting his fellow-men to improve their lives.

He has done this not only as a union member and officer for nearly 40 years, but also as an outspoken, articulate champion of causes designed to help all men and women, whether they belong to a union or not.

For example, Matt was one of the labor leaders who participated in the long fight to provide fair treatment for the nation's elderly.

He could, if he was the boastful kind—which he is not—claim credit for helping to constantly improve the Social Security program, to provide increased payments for millions of pensioners. He also was a leader in the fight for Medicare, which established the principle that senior citizens are entitled to hospital and medical care—and that a single major illness should not be permitted to wipe out their life savings, or imperil the financial stability of their children's and grandchildren's families.

Now that he is retiring, Matt may benefit from these endeavors himself . . . but he certainly didn't have himself in mind when he was actively preaching the cause of the elderly.

He also fought for the interests of the young and the middle-aged. Thousands of families were able to live a better life because of the wage increases and other benefits won for them by Matt DeMore, the dedicated union negotiator.

Matt's courage has been tested—and he met the challenge successfully—on many occasions during his career as a labor leader.

He did not hesitate in 1959 to criticize Michael V. DiSalle, then Ohio's governor, for sponsoring a bill that Matt said would put every union in Ohio out of business.

Matt's outspoken criticism helped kill the bill sponsored by DiSalle, who had been swept into office in 1958 in labor's great and successful fight to defeat a so-called "Right-To-Work" proposal, which was really a scheme to kill unions.

Matt was a leader in this fight by all organized labor in Ohio.

Who can forget Matt, blood streaming from his head, after he was clubbed by police in 1949 during the strike at Warner & Swasey? Matt was on the picket line with his members. That's where he thought he belonged.

Many honors have come to Matt DeMore during his long career, but he never lost touch with the rank-and-file of the International Association of Machinists and Aerospace Workers.

His door was always open to members when he served as president of District 54 in Cleveland.

Matt was born in Cleveland on April 5, 1903.

He never forgot his humble beginnings. He came from a large family, and worked as a newsboy at age 9. Two years later, he was working part-time as a clerk in Palevsky's Hardware Store.

He left East High School at age 16 to take a job as a blacksmith's helper for the Michigan Central Railroad in Detroit.

After two years, he returned to Cleveland in 1920 to become a maintenance machinist at the Electric Vacuum Cleaner Co., now the Vacuum Cleaner Division of General Electric.

He helped organize IAM Lodge 439 at the plant, becoming a member in 1935. He served as shop steward before he was elected president in 1936.

In 1938, he was elected president of District 54 at the age of 35. He was one of the youngest major union officers in Cleveland.

He was re-elected District 54 president 22 consecutive years. During his presidency, District 54's membership grew from 4500 to more than 20,000.

Matt also served as legislative director of the Ohio State Council of Machinists and as vice president of the Cleveland Federation of Labor and Ohio AFL–CIO.

He also served on the Regional War Labor Board and on the Cleveland War Manpower and War Production Committees during World War II.

During the Korean War, he was a labor member of the Regional Wage Stabilization Board. In the 1950's, he was on the Ohio Advisory Committee on Workmen's Compensation.

His record of achievement was recognized in 1961 when he was elected a general vice president of the IAM and was assigned to the northeast region with headquarters in New York.

He served there until 1964, when he was assigned as resident vice president in IAM headquarters in Washington. In 1965, he was elected general secretary-treasurer without opposition.

This made Matt the second ranking officer of this great union, serving more than 900,000 members in all 50 states and the ten Canadian provinces.

Needless to say, Matt won a wide reputation as a sound and sensible executive and counsellor, working as an effective player on the IAM team which continued to win major benefits for its members.

He was also a respected voice in the top levels of organized labor in America.

And his voice always spoke for what he considered the best interests of the rank-and-file.

Matt DeMore never forgot that a union exists primarily to serve its members. And he has always served them well.

One of the nice things about Matt's retirement, from the viewpoint of this community, is that it will bring Matt and his wife, the former Mary Bacha, "back home." They are returning here to live close to their five children and 14 grandchildren.

REMARKS BY MATT DEMORE, GENERAL SECRETARY-TREASURER, IAM, AT DISTRICT 54 TESTIMONIAL DINNER, CLEVELAND, OHIO, MAY 31, 1969

As I look around this room—and see so many warm and wonderful friends—I can assure you that underneath the rough exterior that stands before you there beats a heart that's been deeply moved by all that has been said and done here tonight.

This is a moment I shall never forget. For at this moment I cannot imagine any man on the face of the earth who could feel more fortunate and highly blessed. Certainly, no one could feel a deeper sense of gratitude. And as I stand here and think back over the years that so many of us have worked—and sometimes fought—together, I feel not only a sense of gratitude but a sense of wonder. I wonder what I could possibly have done in my life to really deserve the honor of a gathering such as this.

In saying that I am not being falsely humble. It was my good fortune in life to have had an opportunity to serve a cause I believe in—a cause that has been worth every ounce of effort, energy and inspiration I had to give.

That cause was, of course, the cause of unionism—and unionism, by any definition, is the cause of the working people.

I have now reached that place in life where it is permissible to look back. And when I do I see an almost unbelievable difference—the difference that unionism has made in the life of the average American.

It is hard to believe—in times like those we enjoy today—that things could change so much in so short a time. When I was working at the old Electric Vacuum Cleaner Company—back in the early 30's—a skilled tool and die maker earned a top rate of 60 cents an hour. Production workers made 50 cents an hour—if they were men—and 30 cents an hour if they were women. There wasn't much you could do on $20.00 a week. But as individuals—standing alone—there also wasn't much you could do *about* it. We tried, of course. First we formed an independent union and twice we went out on strike—once in 1933 and once in 1935. The company whipped us both times. And so finally the time came when we decided the only way we could make progress was to join up with a real union.

We wanted a union that was honest, progressive, militant and democratic. When we affiliated with the District 54 and the IAM in the summer of 1935 that is what we got. A lot of years have passed since we made that decision. But I don't think any of the people who made it have ever regretted their choice. In the passage of the years the old Electric Vacuum Cleaner Company—like so many small, independent concerns—got swallowed up by a corporate giant. It became the Vacuum Cleaner Division of General Electric. And it's a good thing that we had the Machinists Union—and not an independent—when that happened.

For once we joined the Machinist Union—we had District 54 behind us—and with District 54 in our corner—we began to make progress.

Today, after many long years of bargaining, people who work in my old plant have progressed from 30 to 60 cents an hour wages to scales that range from $2.01 to $4.30 an hour. Where we used to get a one week vacation after five years and two weeks after 10 years, they get one week after one year, two weeks after two years, three weeks after 10 years and four weeks after twenty years.

They also enjoy benefits we never heard of—including a cost of living clause, a health and welfare plan, pensions and supplemental unemployment benefits.

This is what unionism has meant in just one plant in just one place. It has meant a better standard of living, better homes and greater security for hundreds of families.

To measure the impact that the organized labor movement has had on America and the American way of life—we need only to multiply this one experience by the experience of millions of other unionized workers from one end of this great country to the other. That is why I feel proud and lucky in my life. I happened to come along at a time in our nation's history when the conditions of life and labor for most working people were desperate.

Through unionism we transformed desperation into hope, we changed fear into dignity and we translated poverty into decency. That, I think, is something to be proud of. And that is why I am grateful to have had the opportunity to serve the union cause.

Now, of course, the time has come for me to retire from the battle—and to leave the field to others. In the past few months many people have asked me—"How does it feel to reach retirement age?" And I almost feel like saying "Who—me?" At 55 retirement seemed an eternity away. At 60 it still seemed no more than a remote possibility in the distant future. And then, one morning—far sooner that I ever thought possible—I woke up and there it was—my 65th birthday staring me right in the eye.

And though it has come faster than I had expected I am happy to move aside and make room for new blood and fresh leadership. Just as I am proud of the past I am also confident of the future. The IAM is blessed with an abundance of capable leadership at every level. Like those of us who have gone before, leadership in the IAM will continue to be developed out of the ranks of the membership. With this leadership the dimensions of our union's services and effectiveness will continue to grow.

Certainly, the challenges of union leadership will become more difficult. The officers and representatives of unions today have to know much more than we did 30 years ago. As benefits have broadened contracts have become longer and more legalistic. As the rights of the workers have increased so have their expectations. As labor's role in society has expanded so has its relationships with other private and public agencies.

Despite the difficulties and challenges that lie ahead I believe that with its new leaders the IAM will continue to grow as a force for economic and social justice in America.

Officially my retirement from the office of General Secretary Treasurer will take effect on June 30. Though I am retiring from office I want to assure you that I am not retiring from a full and active life. As some of you know I am going to be associated with the National Council of Senior Citizens. This organization is working with—and seeking the some goals as—the labor movement. So in a sense I will still be serving the cause I have served all these years. That is a cause I will continue to serve—as well as I can—for as long as I can.

And so, let me say once more to each and every one of you—*Thank you*. Thank you not only for your friendship and generosity tonight but for your friendship and support through the years.

In Italian we don't say goodbye—we say *Arrivederci*, which means, of course, "I'll be seeing you."

And since I *will* be seeing you it is not goodbye but *Arrivederci* that I say to you now.

DISSEMINATION OF OBSCENE MATERIALS

The SPEAKER pro tempore (Mr. MOLLOHAN). Under a previous order of the House the gentleman from Ohio (Mr. WYLIE) is recognized for 30 minutes.

Mr. WYLIE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend remarks.

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

There was no objection.

Mr. WYLIE. Mr. Speaker, I have requested this time to focus the attention of this body on the urgent and pressing problem concerning the dissemination of obscene materials.

Last weekend, while at home in my district, I received several telephone calls from constituents protesting the receipt by mail of the latest piece of smut literature being widely distributed. The problem has reached such proportions that action by Congress should be taken immediately.

House Members are aware of the problem as evidenced by the fact that 126 bills, on this subject involving 158 authors, have been referred to the Committee on the Judiciary. Another 39 obscene materials bills with 48 authors have been referred to the Committee on Post Office and Civil Service.

President Nixon has called for action in his message to Congress on May 2. The President recommended a three-phase attack by calling for:

First. A prohibition against sending offensive sex materials to any person under 18 years of age.

The second part of the President's message would prohibit the sending of advertising designed to appeal to a prurient interest in sex, and it would apply regardless of the age of the recipient;

The third phase would provide a means whereby persons could prevent smut advertising from being mailed into their home.

On May 7, H.R. 11031—which would prohibit the use of interstate facilities, including the mails, for the transportation of certain materials to minors—was introduced by the gentleman from Ohio (Mr. MCCULLOCH) for himself, the distinguished minority leader, and 23 other House Members, to implement the first part of the President's message.

On March 6, 1969, Congressman HUNT and I introduced a similar bill H.R. 8397 which would prohibit the dissemination through interstate commerce or the mails of obscene materials to persons under the age of 18 years. It would restrict the exhibition of movies or other obscene matter to such persons. There is an additional section in our bill which would provide that the Supreme Court and Courts of Appeals would not have jurisdiction to review any determination that material was, in fact, designed primarily to appeal to a minor's prurient interest. In this aspect it is in line with suggestions made on the subject by Senators MANSFIELD and DIRKSEN.

Since the introduction of H.R. 8397, I have received over 500 letters and 3,000 names on petitions in support of our legislation. Among the petitions was one from Buckeye Branch 78 of the National Association of Letter Carriers containing 838 names of letter carriers which stated that if our obscene literature bill is passed, it would "help relieve us of the guilty conscience of having had to handle such filth." We are also in receipt of a letter from Mr. James H. Rademacher, president of the National Association of Letter Carriers, in which he states:

> I want you to know of our unequivocal support for any legislation which would prohibit dissemination through the mails of obscene materials. Since our members daily find themselves compelled to deliver such smut to youngsters and to enraged citizens, it is only natural that people who carry the mail are vitally concerned over the liberty which the smut peddlers do have.

The scope of the problem is emphasized by a reading of U.S. Supreme Court cases on the subject. In 1957 the Supreme Court of the United States developed the so-called "Roth" test to determine whether material is obscene. The test then stated was "whether to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to the prurient interest"—*Roth 1. U.S.*, 354 U.S. 476, p. 489.

In 1964, the Court, in affirming the Roth test, held in the Jacobelli case that "contemporary community standards" means contemporary national standards and not local ones. (*Jacobelli* v. *Ohio*, 378 U.S. 184, pp. 192–3).

In 1966 in *A Book Named "John Cleland's Memoirs of a Woman of Pleasure"* v. *Attorney General of Massachusetts*, 383 U.S. 413, the Court at page 418 elaborated on the Roth test by holding that in order to find matter to be obscene the following three tests must coalesce:

> (a) the dominant theme of the material taken as a whole appeals to a prurient interest in sex; (b) the material is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters; and (c) the material is utterly without redeeming social value.

On the same day the Woman of Pleasure case was decided, the Supreme Court handed down the *Ginzburg* v. *U.S.*, case 383 U.S. 463, creating a new test involving a consideration of the manner in which the material is being distributed, that is whether a "pandering" element could be found. The Court said:

> Where an exploitation of interests in titillation by pornography is shown with respect to material lending itself to such exploitation through pervasive treatment or description of sexual matters, such evidence may support the determination that the material is obscene even though in other contexts the material would escape such condemnation.

From all these cases, the Supreme Court developed a definition of obscene as something which to the average person, applying contemporary standards, the predominant appeal of the matter, taken as a whole, is to prurient interest; that is, shameful or morbid interest in nudity, sex, or excretion which goes substantially beyond the limits of candor in description or representation of such matters and is matter which is utterly without redeeming social importance.

Then the Supreme Court apparently qualified that test in *Redrup* v. *New York*, 386 U.S. 767 (May 1967) by applying a "variable" standard concept saying what is "obscene" varies according to the audience to which it is directed.

There is a ray of hope. In *Ginzberg* v. *New York*, 390 U.S. 629 the Court upheld a criminal obscenity statute which prohibits the sale to minors of obscene material and based on its appeal to minors and not on whether or not an adult might find the matter obscene. The Court stated:

> The well-being of its children is of course a subject within the State's Constitutional power to regulate.

Based on the second Ginzberg case many of us have introduced bills to prohibit the mailing of materials which "would be harmful to minors." That phrase is defined as:

> That quality of any description or representation, whatever form, of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse which—
>
> (a) predominantly appeals to the prurient, shameful, or morbid interest of minors;
>
> (b) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and
>
> (c) is utterly without redeeming social importance for minors.

Obviously, to me, if these tests are met, the material is obscene.

I have sent several pieces of such material to the Post Office Department and to the Justice Department protesting on behalf of my constituents and myself. The material was obviously obscene and totally objectionable. Yet, very little is done because it is pointed out that although the Federal statutes prohibit the transportation of "obscene" matter through the mails, in interstate commerce and its importation from abroad, and broadcasting in obscene language, the term "obscene" is not defined in these statutes.

However, in 1967, Congress created the Commission on Obscenity and Pornography—Public Law 90–100; 81 Stat. 253. One of the duties of the Commission is "to evaluate and recommend definitions of obscenity and pornography." The Commission's final report is to be issued no later than January 31, 1970.

People writing to me have not had the benefit of the confusion of the Supreme Court cases and regard material which is obscene in everyday terms such as is found in Webster's Seventh New Collegiate Dictionary—as "disgusting to the senses, repulsive, abhorrent to morality or virtue, specifically designed to lust or depravity."

The dictionary definition of "obscenity" is not the legal definition of "obscenity," however.

The standard dictionary definition which emphasizes the disgusting and loathsome aspects of the "obscene" and the Supreme Court-legal definition which emphasizes the prurient appeal—which is the sexually exciting aspect—express somewhat different concepts of what is obscene.

We are told that this is the age of sexual enlightenment and that there is no longer a role for obscenity as a legal concept.

Obscenity laws, we are to believe, serve no useful purpose. Countries such as Sweden and Denmark, we are informed, have very liberal laws which permit all sorts of obscene material to be circulated and the inhabitants of these countries, we are to believe, are well adjusted sexually and are, therefore, well adjusted citizens who live in a Utopia. Sweden has the highest suicide rate in the world and Denmark is not far behind.

Our own society has never been as permissive as in recent years and if the distribution of smut reduced the number of sexual and other crimes, we should be crime-free, judging from the quantity of obscene material which is being circulated. But, this, of course, is not the case.

To those who argue that more liberal practices relative to the publication of all material, obscene, violent, and what have you act as a safety valve, I would point out that although our society has never permitted greater license in sexual matters than at present, nevertheless, rape and other violent crimes have steadily increased in the United States in recent years.

Thornstein Sellin, the sociologist-statistician has said:

> The United States has the worst crime statistics of any major country in the Western world.

Most of the increase in crime is attributable to youthful offenders. New York Times, September 1, 1968, page E5.

Where is the point where permissiveness reaches total depravity? Is that point close to being reached in this country and at what consequences to us? One may speak disdainfully of puritanism but at least one could walk the streets in relative safety 30 years ago. In what large city in this country can the same claim be made today?

The connection can be demonstrated between the increase in pornography and the increase in crime. There is much evidence that the flooding of the market with obscene material undermines the moral fiber of our society, weakens the teaching and guidance of the home, the church and other organizations which contribute to the stability of our country.

One of the major points which those who oppose all censorship of obscenity make is that there is an absence of scientifically substantiated evidence that obscenity is harmful. Is this really true? What is "obscene" and whatever it is, is it harmful?

Most of what is obscene is designed to be pornographic, most of it is produced for pornographic purposes, that is, to make money in the pornographic market. This material has no other reason for its existence. It is a recognition of this motivation, this "pandering" to obscene taste to make money that the Supreme Court of the United States emphasized in its decision in the recent *Ginzburg* case—383 U.S. 463 1966. In upholding the conviction of the defendant for using the mails to send obscenity, the Court stressed the character of the material in the context of the circumstances of its production, sale, and publicity and held that while the material taken alone might not be hard-core pornography, when the other factors were also considered it was obscene and could be barred from the mails. The Court strained and added there is respectable authority that obscene material is injurious and that the possibility of harmful effects on youth cannot be dismissed as frivolous.

The subject has received so much attention in my district that it was the topic of a Columbus Town Meeting program on April 27. The sole purpose of this independent forum is to provide information on current issues, local to international. This association, supported entirely by public contributions, has been in existence for 30 years.

This is, indeed, one of the really serious problems confronting our Nation. We only need to look to history to know that where there is moral decay there is political decay. Great nations have risen and fallen; throughout history, one thread is common to the fall of all great nations—moral decay.

Edward Gibbon, in his book "The Decline and Fall of the Roman Empire," attributes a major part of the fall of the Roman Empire to moral decay—to a breakdown of the family—to open promiscuity. The triumph of the barbaric hordes is attributable, in part, to the abolition of arts and ambition through wanton indulgence in lust and cruelty, resulting in a loss of patriotism and the will to fight oppression according to Gibbon.

Arnold J. Toynbee in his book, "A Study of History," and more specifically in the chapter on the "Disintegration of Empires," makes the observation that one of the ways a society destroys itself is through the passive attempt in which the soul "lets itself go" in the belief that by giving free rein to its own spontaneous appetities and aversions it will be "living according to nature" and will automatically receive back from that mysterious goddess the precious gift of creativity which it has been conscious of losing.

In this the passive response is a sense of promiscuity in which the soul surrenders itself to the melting pot. In the medium of language and literature and art this sense of promiscuity declares itself the currency and of a similarly standardized and composite style of literature, painting, sculpture, and architecture.

There is no lack of evidence a breakdown of our Western society could result through abandonment or return to nature. From this we may tentatively draw the cynical conclusion if through abandonment our Western Civilization has broken down, its disintegration cannot be far behind.

The flood of indecent books, pornographic films, and obscene plays, if allowed to continue, cannot help but have a harmful effect on our youth and coming generations.

FBI crime statistics show that three-fourths of all arrests for crime in the United States last year were people under 25 years of age. The largest class of criminals in the United States are 15 years of age, and the second largest class are 16-year-olds. One thousand five hundred teenagers a day are afflicted with venereal diseases. Rape in the United States has increased 78 percent since 1960, and this rate rose 7 percent from 1966 to 1967 over the Nation. The FBI recently released figures showing that the increase in rapes over the 1967 total was 17 percent over the Nation.

The Director of the Federal Bureau of Investigation, Mr. J. Edgar Hoover, has stated:

> A peddler who assaults our children's minds is as clearly a sexual offender as a man who molests a child's body.

Rapes and molestations are only a small part of the problem. Sexual promiscuity among young frequently leads to smoking marijuana, taking LSD and other drugs.

The individual has a right of privacy not to be deluged and snowed under by unwanted mail especially if it offends his morals. In addition, parents have a right to guide the teaching of their family insofar as what is morally obscene and what is not. If an individual wants to go out of his way to obtain obscene material, to see an obscene show or purchase an obscene book, I might question his judgment but that is up to him. I do not want it dumped on me and my constituents do not.

The Post Office Department estimates that 100 million pieces of obscene mail are carried each year at a profit estimated to be about $500 million a year. Much of it goes to teenagers for whose names the companies sending this literature pay a lot of money. They operate on the theory that if they can mold the teenager to their way of thinking, they have him hooked and will have a steady customer for years.

I know that other Congressmen must have had similar experiences. The people of the United States are demanding action, and we must give them action. I suggest that hearings begin immediately toward the enactment of meaningful legislation on this subject.

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

Mr. WYLIE. I yield to the gentleman.

Mr. HUNT. Mr. Speaker, I take this opportunity to compliment the gentleman from Ohio for his fine presentation today and also for his unstinting effort to combat the latest wave of not ordinary smut but the filthiest of filthy smut.

This latest wave of pornographic literature to emanate through our postal system and to be transmitted by it, apparently, has been aimed at business houses and business concerns. Over the past weekend I have had reported to me over 40 telephone calls from prominent business concerns and people in my district about this one paper that emphasizes what we are discussing today.

It is high time that we begin to take a very serious look, and stop squawking about what we should be doing and simply do it.

The bill that you have cosponsored with me, in my estimation, will be one of the answers to this problem.

I simply cannot let this opportunity pass by without saying simply to you as my learned colleague from the State of Ohio that you are making a magnificent contribution.

Mr. WYLIE. I thank the gentleman for his generous remarks.

I wish to say I am proud to be a co-author with the gentleman from New Jersey (Mr. HUNT) on the bill H.R. 8397.

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

Mr. WYLIE. I am happy to yield to my able colleague the gentleman from Ohio.

Mr. DEVINE. Mr. Speaker, I too would like to join in commending our colleague from the 15th District of Ohio for his leadership in trying to prevent some of this pornography and obscenity from being circularized across the Nation and particularly in the way it gets into the hands of the youth of this Nation.

The gentleman now in the well and I happen to share the capital county of Ohio, Franklin County, in which the capital city of Columbus is located. We both receive tremendous volumes of letters, particularly from professional people—from doctors and dentists and lawyers—who have been involuntarily receiving this lascivious, this pornographic, this lewd, this obscene and trashy material from these purveyors of filth.

The citizens are rightfully outraged when they receive this material in their homes. The great danger exists that small children as well as teenagers may open this kind of mail.

I have in my possession a vast quantity of this material that has been forwarded to me by irate constituents demanding that the Federal Government do something about this.

I have introduced two of the so-called administration bills and I introduced another one yesterday—a fourth bill designed to do something about this problem. This last contribution was made after a considerable amount of research by members of my staff and myself relating to the subject of pornography.

We deplore the attitude of the Post Office Department, as it has been constituted, in looking for excuses not to do something.

We came up with the idea that perhaps the theory followed in the gun control legislation, under which firearms are considered unmailable, could be followed in relation to the material. It seems to me if they can outlaw the mailing of things like firearms in the U.S. mails, they could likewise outlaw this type of filth and material that does reach the residents of our various communities.

I think all of us should lean on the chairman of the Post Office and Civil Service Committee and the other committees where legislation on this subject has been referred in order that prompt hearings be had and that this matter be aired fully. Let them take the materials that have come into my hands and into the hands of the gentleman in the well. Let them take a look at the type of junk that is being sent across the nation and let us indeed pass meaningful legislation that will help clear this very serious problem.

Again I wish to commend the gentleman in the well (Mr. WYLIE), for his leadership in this particular area.

Mr. WYLIE. I thank my very competent colleague for his statement. I know of his hard work and continuing interest in this problem. I am interested in the bill which my colleague introduced yesterday and the theory behind it. It is most interesting. I think, too, we should have some hearings on his bill H.R. 11815 because of his unique approach to the problem. I wish him success with his bill.

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

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

Mr. PUCINSKI. Mr. Speaker, I associate myself with the gentleman's remarks. There is no question that this is a serious problem. I was interested in the remarks made by my colleague because it becomes quite apparent that the campaign of sending out the most filthy kind of literature is a nationwide campaign. I think as we talk to the various Members of Congress from different parts of the country, we find that the same type of literature is being mailed to communities all across the Nation. It is rather interesting that they are selecting the business houses of these communities. I have been deluged with similar mail that has been sent to my office by businessmen in my district. Apparently the people are just going down a mailing list that is being peddled by someone somewhere and sending this mail out.

I congratulate my colleagues for the various efforts that have been made here to deal with this problem. I am not sure where the answer lies. Every effort we have made has been stymied by the various decisions of the Supreme Court. My own contribution in this effort has been to try to put some sort of curb on this mailing business. In this connection I have introduced legislation which would bar the sale of mailing lists which would be used for the distribution of pornographic literature in interstate commerce. I do not know whether my bill would solve the problem in dealing with this subject. But when I introduced the bill, I said I was putting it in in desperation because of the many efforts made by this Congress to deal more effectively with this problem have been rebuked by the various Court decisions. It is my hope that somewhere along the line we can find some effective vehicle to deal with the problem. I am amazed at the kind of filth that is going through the mails. You almost have to ask yourself if indeed democracy is self-destructive if our society cannot deal with this problem. For that reason I congratulate the gentleman for taking the time today and calling our attention to this problem.

The whole country is deeply disturbed about the problem. It seems almost incredible that an organized society, such as ours, a nation of laws, cannot deal effectively with this traffic in filth.

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

Mr. WYLIE. I yield to the gentleman from New Jersey.

Mr. HUNT. I should like to commend the gentleman for his contribution. I would call to your attention the fact that when I said this was the filthiest material I had ever seen, I believe I pointed out that it had been mailed to many, practically all the business houses in my district. I thought it might at this time be appropriate to insert in the RECORD the name of this company so we might know who we are dealing with in these terms.

This has an address shown as "Cinema Products, Post Office Box 333, North Ridge, Calif., 91324." This is not from an ordinary 25-cent address listing, but these envelopes have the address typed on them individually. Someone has gone to great pains to get a mailing list.

I feel the same as the gentleman does. The literature I have in my hand enclosed in this envelope would make a kangaroo blush. That is how filthy it is. I have a 20-year-old daughter. I even hesitate from time to time to permit my secretaries to read or look at such filth as this, in order that we might make a record of it.

I am frustrated, the same as the gentleman and other Members of the House, about our inability to circumvent certain decisions that have been handed down by our higher court. Somewhere along the line, with all the legal brains we have in the Congress of the United States, we must find some way to get an effective law to halt this flow of pornographic filth that is emanating from various and nondescript origins, so we can compel someone to place in jail those who are found guilty.

For the life of me, I just cannot understand why we cannot get such a bill. I hope the bill introduced by my colleague, Mr. WYLIE of Ohio, and me, can begin to fill this gap and that we can get around the decisions that have been hampering us.

I know the people of this country demand it. I know the gentleman demands it. I have listened to him speak on this floor, and I know his attitude. I compliment him on his insistence. But I think it is time for the House, all 435 Members of the House, to get together and say that we want something done now. We do not want to talk about it any more. We want to do it. We want this wiped out.

I ask the gentleman to use his good offices and those of his committee to get this bill to the floor and to do it without any further equivocation.

Mr. PUCINSKI. Mr. Speaker, if the gentleman will yield further, I think there might be one flicker of hope. Obviously, I cannot speak for anyone but myself, but I feel that perhaps with the appointment, approved by the Senate, of Supreme Court Chief Justice Burger, we may notice some change in the attitude of the Supreme Court. If all the things are true that I have read about his views and his judgments and his sober outlook on the needs and problems of this Republic, it is entirely possible that the trend of the past few years in the Supreme Court may be reversed and that legislation we perfect in this Chamber will be upheld.

There is no question in my mind that the Supreme Court has made a mockery of the democratic process. Nobody in this country wants to deny any citizen his complete rights under the Constitution of freedom of the press, freedom of speech and freedom of assembly, but when we see the literature to which the gentleman has referred in his remarks, we must take some action.

I might say the same mailing house the gentleman is talking about is distributing the very same filthy literature in Chicago in my district to merchants and to people—all unsolicited. There is no question about the problem when we look at the literature going through the mail, and when we see the obscene films. We find we cannot take our children to the movies today. There are any number of times when I have a free evening and would love to take my children to a movie, but we cannot find a decent film in the directory to which we can take our children.

Years ago there used to be 8-minute stag films shown at smokers. Today those same people go to Hollywood and make 90-minute films, put titles on them, put phony plots around them, put some actors in them, call them art, and distribute them to the whole country.

One company has been incorporated and is making a fortune on such films.

However, it seems to me there now is a flicker of hope that Judge Burger is going to bring some new direction to this country and put some new hope into this fight against pornography.

Mr. WYLIE. I thank the gentleman from Illinois for his very worthwhile and well-stated contribution.

I know that most of the obscene literature mailed over the weekend went to business establishments, but the thing which bothers me more than anything else, more than the deluge of obscene material to business establishments, is the fact that much of it goes into homes where there are minor children. I had an experience where a very obscene piece of literature was delivered to my office by a parent. It had been mailed to her 12-year old son. There was no question about the fact that it was mailed to the boy, because his name was different from that of his father. It went to the address of his father. One cannot imagine how filthy this piece of literature was.

As the gentleman has suggested, these mailing lists are very valuable and are being sold across the Nation. If we can curb this practice it would be of some help. There is a real hope, as was suggested, from the Supreme Court.

As a matter of fact, the bill which Congressman HUNT and I have introduced, H.R. 8397, follows the guidelines of the Supreme Court in the so-called second Ginzburg case. The Supreme Court has invited the Congress of the United States to enact a law which would in effect prohibit the dissemination of certain materials to minors, or to persons under the age of 18 years, which would be similar to the statute from the State of New York from which this case arose.

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

Mr. WYLIE. I am glad to yield to the gentleman from Ohio.

Mr. DEVINE. Just in order that the RECORD may be made unmistakably clear, to indicate that the persons speaking here on the floor today in opposition to obscene mail are qualified in this regard, the gentleman in the well (Mr. WYLIE), is a former city attorney. He has engaged in the prosecution of criminal offenses over the years. He has great background and experience in this field. The gentleman from New Jersey (Mr. HUNT) is a known criminologist who has been in this field for many years of his life, in addition to having been a lieutenant in the New Jersey State Patrol. I happen to have been a prosecuting attorney for a number of years, and I have seen probably the raunchiest type of material one could imagine going across my district attorney's desk. I am not easily shocked, but indeed the material being sent through the mail and getting into the hands of these youngsters is of the worst and basest kind.

I must repeat, something must be done.

The gentleman in the well (Mr. WYLIE) has worked in this crusade, and he appeared on what was known as the Columbus Town Meeting, an hour television program, and very ably debated this question with professors and others.

I believe an aroused public is going to demand proper legislation in this field.

Mr. WYLIE. I thank the gentleman very much.

Now is the time for action. This Congress owes it to the people of our great Nation.

Mr. HUNT. Mr. Speaker, I thank the gentleman from Ohio (Mr. WYLIE) for reserving this time today in order that attention might be focused on the accelerating traffic in obscene and pornographic materials.

Because of the widespread use of the U.S. mails by organizations and individuals which profit from this depraved smut peddling, the Post Office Department's figures on the magnitude of complaints are convincing of the need for more stringent laws to forbid the use of this vast distribution network for such activities. Through April 1969, covering the first 10 months of fiscal year 1969, the Post Office Department received 172,000 complaints about unsolicited, sexually-oriented materials from their recipients. In the corresponding 10-month period for the fiscal year ending June 30, 1968, the Department received 131,000 such complaints, and for all of fiscal 1968, almost 168,000 were recorded. In the first 2½ months following the effective date, April 14, 1968, of the provisions of Public Law 90–206 prohibiting pandering advertisements in the mail, the Department recorded action on almost 20,000 cases in which the addressees received pandering advertisements that he, in his sole discretion, considered to be "erotically arousing or sexually provocative." Through April 1969 of the current fiscal year, the number of complaints handled in accordance with this act is roughly estimated at 87,000.

Although I believe the Post Office Department, in conjunction with the Department of Justice, has made an honest and diligent effort to enforce not only the provisions of this most recent Anti-Pandering Law, but the postal obscenity statute as well, the fact of the matter is that present laws, limited as they have been by decisions of the courts, are inadequate to the task of curbing the generation of smut at its source, before it enters the mails or the facilities of interstate commerce.

I am most encouraged by the President's reaction to the seriousness of this problem with the submission to the Congress of a message containing three positive legislative proposals. When enacted, and if effectively enforced with the judicious backing of the courts, these measures will materially alleviate the corruption of mind and morals with which obscenity and pornography are inseparably related. Congressman WYLIE and I have sponsored legislation which is specifically designed to combat the flow of obscene materials into the vast market of our minor children, those under 18 years of age. I believe this is paramount; it is given priority among the President's proposals.

There is some thought that legislation should not be considered by the Congress until the Commission on Obscenity and Pornography submits its findings and recommendations, due no later than January 31, 1970. In all frankness, I can think of few issues which are as replete with evidence, testimony, and judicial precedents as that of traffic in obscenity and pornography, nor is there any position which commands such broadly based public support than that determined to curb this traffic. The idea of a commission in 1967, when the law creating it was adopted, was timely enough to mollify somewhat mounting public pressure for congressional action in this field. But the tide is flowing again and will not ebb until substantive legislation is adopted. The time for action is now and I believe the legislation, circumscribed by the President's announced guidelines, need not be complicated by fancy semantics or imponderable constitutional questions with which Congress cannot deal without the Commission's report.

I would reiterate and emphasize what the President said in his May 2 message:

> There are constitutional means available to assist parents seeking to protect their children from the flood of sex-oriented materials moving through the mails. The Courts have not left society defenseless against the smut peddler; they have not ruled out reasonable government action.
>
> Cognizant of the constitutional strictures, aware of recent Supreme Court decisions, this Administration has carefully studied the legal terrain of this problem.
>
> We believe we have discovered some untried and hopeful approaches that will enable the federal government to become a full partner with states and individual citizens in drying up a primary source of this social evil.

I earnestly believe these proposals are a responsible effort and are within the means and body of knowledge of the Congress to deliberate intelligently without further delay. The Commission's report may uncover something which has not yet been revealed to those who have

studied this problem over the years, and its recommendations may point to even further and more stringent measures to isolate the peddlers from their prime markets. Whatever the eventualities, there can be no substitute for taking what reasonable action can be taken, and which the American people are appealing to the Congress to take now.

Mr. CLANCY. Mr. Speaker, today we are confronted with a domestic crisis of gigantic proportions. The permissive attitude of a small minority is eroding and destroying the spiritual vitality of our country. The decent citizens of this Nation have had disgusting, unwanted obscenity and pornography foisted upon them and their children for far too long. The consequences of exposing especially the impressionable young people to salacious literature, photographs, films, and so forth, are tragic. Whether through the mails or at the corner newsstand, it is impossible to calculate the devastating damage done by this material.

Freedom of speech, expression, and the press are inherent characteristics of a democratic society. We must realize, however, that freedom brings with it responsibility. The two are inseparable. We must also realize that our actions have effect upon others and this must determine what is right and what is wrong. These freedoms are not so sacred that we can say it is more important to preserve them than to preserve society.

The recent trend, both in court decisions and subsequently in the media, has been toward the extreme of upholding the right of the individual above that of society. Recent films, publications, and mailings demonstrate the growing momentum of permissiveness.

The Supreme Court has gone far in allowing society's rights to be negated by the right of the individual. The very permissiveness that has made the new floodtide of obscenity possible rests squarely with the Supreme Court.

This compelling problem requires our immediate attention and action. The need for strong, emphatic, and enforceable obscenity control legislation at both the State and Federal level is clear. The time has come to act decisively in order to stamp out the poison of pornography in our Nation. In order to alleviate this domestic crisis. I have joined in introducing two bills, recommended by the President, to halt this trend and to protect our homes and children.

The bills have been carefully drawn to meet the Court's interpretations of the first amendment. The first bill places a flat ban on sending any obscene material to a person under 18 years of age. If the bill becomes law, it will be a Federal crime to use the mails or other means of commerce to deliver to anyone under 18 years of age material dealing with a sexual subject in a manner unsuitable for young people. It would be up to mailers to remove from their lists the names of anyone under age. A first violation would be punishable with a prison term up to 5 years and a $50,000 fine. This proposal is based on a New York statute which has been upheld by the Supreme Court.

The second bill makes it a Federal crime to mail or transport in interstate commerce an advertisement intended to produce a market for obscene materials by stimulating the prurient interest of the recipient. This form of pandering could bring a maximum penalty of 5 years or $50,000 for the first offense.

There are additional bills introduced by my colleagues that have great merit and should also receive the prompt and careful attention of the committee's authorized to consider these matters.

It is time to stand up for decency in America.

Mr. SCHERLE. Mr. Speaker, the gentleman from Ohio (Mr. WYLIE) is to be commended for taking this time today to bring to the attention of the public the serious problem of pornography which is now sweeping this Nation. Each week my office receives an increasing amount of pornographic material which is sent unsolicited to the residents of my congressional district.

The only defense available against this type of smut, much of it aimed at teenagers, is a section of the 1967 Post Office bill which states that any person who finds such unsolicited material objectionable may notify their local postal officials in writing that he does not wish to receive any additional mail from that sender. If that person receives another mailing of any kind from that sender following a 30-day period after the official complaint has been filed, the Post Office Department will ask the U.S. Attorney General to apply for a Federal court order directing compliance. Failure to observe this court order may be punishable by a fine or imprisonment.

Since January 1968, when this law went into effect the Post Office Department has already issued 134,000 stop orders and over 450 cases are pending today in the Department of Justice for Federal court orders.

Much more is needed to stop the peddlers of this filth. There are many meaningful proposals to curb the growing menaces of pornography and yet maintain to the fullest extent the constitutional right of free speech.

I agree with Representative WYLIE that the time for congressional action against pornography is now.

GENERAL LEAVE

Mr. WYLIE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks immediately following my remarks on the subject of this special order.

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

There was no objection.

THE PRESIDENT'S RESPONSIBLE SPEECH ON THE ROLE OF THE MILITARY

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

Mr. HOSMER. Mr. Speaker, in his address to the graduating class at the Air Force Academy this morning, President Nixon conscientiously and clearly articulated America's need for maintaining a strong national defense. This was a speech unmistakably needed at this time in our history when so many are openly ashamed of our defense capability and so willing to condemn its maintenance and reject its improvement.

It was a speech which I believe can be endorsed by almost all those concerned with military spending—supporters and foes alike—except perhaps the isolationists, the unilateral disarmers, and those who are blinded by the glare of the spotlights and deafened by their own rhetoric. It was not a militaristic, saber-rattling speech, but a carefully reasoned and balanced analysis of the proper place of the military in the Nation.

To those who see military spending as preventing attention to our myriad domestic problems, the President said:

> Let us not, then, pose a false choice between meeting our responsibilities abroad and meeting the needs of our people at home. We shall meet both or we shall meet neither.

And he added:

> I am not speaking about those responsible critics who reveal waste and inefficiency in our defense establishment, who demand clear answers on procurement policies, who want to make sure a new weapon system will truly add to our defense. On the contrary, you should be in the vanguard of that movement. Nor do I speak of those with sharp eyes and sharp pencils who are examining our post-Vietnam planning with other pressing national priorities in mind. I count myself as one of those.

The President acknowledged his concern over the growth of the so-called military-industrial complex, then said:

> I believe our defense establishment will remain the servant of our national policy of bringing about peace in this world, and that those in any way connected with the military must scrupulously avoid even the appearance of becoming the master of that policy.

And he made a most important point regarding what kind and how much defense we must have as a nation and why we must have it:

> I believe that defense decisions must be made on the hard realities of the offensive capabilities of our adversaries, not on our fervent hopes about their intentions.

Mr. Speaker, I was greatly impressed with President Nixon's speech, and would hope that those who would make our Armed Forces a scapegoat for their frustration would carefully read his words.

SCHOOL PRAYER ISSUE VERY MUCH ALIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. ASHBROOK) is recognized for 30 minutes.

Mr. ASHBROOK. Mr. Speaker, the Washington Star of June 2 carried a UPI dispatch reporting on a commencement speech given at the University of Bridgeport by Julian Bond, the Georgia legislator, who created such a furor in that State several years ago when he condemned this Nation's position and ac-

tions in Vietnam while praising the courage of young draft resistors. Mr. Bond asserted that the older generation had lost its authority over the young, and directed these words to the parents in the audience:

> You've already lost. . . . If you think you are faced with militant young people today, just see what today's 7- and 8-year-olds have waiting for you 5 to 10 years from now, when they grow up.

I do not know who supplies Mr. Bond with speech material, but this excerpt from his Bridgeport speech had a familiar ring. Back in December 1968, the House Committee on Un-American Activities, of which I am a member, held hearings on the disruption of the Democratic Convention in Chicago at which Tom Hayden, one of the key figures in the revolutionary organization, Students for a Democratic Society, testified. During his testimony Mr. Hayden stated:

> If you think that you have had militant people before you in these hearings, you have yet to see what the 7- and 8-year-olds are going to bring you over the next 5 or 10 years.
>
> You have taught them very well to have no respect for your authority . . . you have lost all authority. And when a group of people who have power lose their authority, then they have lost. You have lost, period.

While the similarity between the statements of Messrs. Bond and Hayden are curious, to say the least, the salient point to remember is that Mr. Hayden and others with anarchistic motivations are actively working to bring about a loss of authority by parents and authorized officials. The Students for a Democratic Society—(SDS)—is, of course, the organization which has been the prime mover of many of the disorders on college campuses in the recent past. Its avowed policy is to either rule or ruin and its long-range goal is the destruction of the American way of life.

In marked contrast is the constructive approach to the problems of youth endorsed by the present administration. The New York Times of April 28, 1969, carried an article on the weekly White House interdenominational religious services under the heading, "Nixon Hopes Youth Turns to Religion," in which the President is hopeful that more and more of America's youth look to religion as an answer to today's "crisis of the spirit."

The resumption of weekly religious services at the White House is another recent encouraging indication that a reemphasis of moral values is taking place in our society. Who can forget the inspiring Christmas message broadcast to earth by Astronauts Borman, Lovell, and Anders just recently in which passages from Genesis reaffirmed our dependence on divine providence? In those fleeting moments of December 24 the religious heritage of our Nation was once again proclaimed for all to hear.

It is ironic, therefore, in view of our religious foundation as a nation, that our young people cannot offer prayers voluntarily in the schoolroom as has been the custom in many public schools in years past. If there were ever an issue in which large numbers of citizens have made their wishes known, only to be ignored, it is on the issue of school prayer. In my remarks in the CONGRESSIONAL RECORD on April 13, 1967, entitled "Making God Popular in Schools," I cited several cases of newspaper accounts testifying to the extent to which public opinion endorsed voluntary school prayer. For example, Columnist Bruce Biossat in the Washington Daily News of June 23, 1964, stated:

> By contrast with all this, 93 of the 98 congressmen who appeared were in support of constitutional change. They and many of their fellows have been buried in the greatest avalanche of mail in congressional history.

In response to the stated wishes of so many citizens, I and many other Members of Congress introduced legislation calling for a constitutional amendment to clarify the status of voluntary prayer in the public schools. Unfortunately, legislation of this nature has never been voted out of committee in the House, and similar legislation has failed to get the necessary number of votes in the Senate. During the present Congress I have again introduced voluntary prayer legislation which I am hopeful will receive favorable action by Congress.

The need for a clarifying of this issue is evident. The Chicago Tribune of March 27, 1969, carried an article entitled "Schools Defy High Court on Prayer Ban," in which it cited findings of Prof. Richard B. Dierenfield of Macalester College. According to the professor's survey, as of 1966 nearly 13 percent of the Nation's public schools and nearly 50 percent of the South's schools were continuing devotional readings. As Senator Everett Dirksen has pointed out, the U.S. Supreme Court has never clarified its position on the matter of voluntary prayer in public schools, for in the case of Stein against Oshinsky the Court refused to review the petition of the parents of 21 children of differing faiths to permit voluntary prayer in public schools.

This is not the only case in which, I have taken exception to the Supreme Court ruling on an issue with religious significance. In my remarks on April 13, 1967, cited above, I noted that the members of the Court had disapproved of the placing of the inscription, "In God we trust," above the bench in the courtroom of the U.S. Supreme Court. Justice Warren, in answer to a query, stated in part:

> After consulting with all the members of the Court, I advise you that I would not approve the bills or the inscription referred to therein . . . It is believed that ornamentation other than that provided in the original plans would detract from the total concept of the building.

Here again, in my opinion, the Court's position runs counter to the sentiments of a majority of the American people. The elected representatives of the people in the Senate and the House saw fit to have the inscription placed on their chamber walls. In addition, I do not recall any widespread clamor to have the inscription removed from coins of the United States. As with other issues of late, the preference of the members of the Court by no means reflects the feelings of the American public whom they have been appointed to serve.

In the final analysis, corrective action regarding Court decisions will be effected when the American people demand such changes in sufficient numbers. Popular support will not necessarily effect changes unless constant pressure is applied upon elected officials year in and year out, if need be. In the case of voluntary school prayer, it has been demonstrated that an overwhelming majority are in favor of corrective action. When their elected officials get the message that public demand will not let up until changes are made, the chances of remedial action will be greatly increased.

The reference above made by Tom Hayden of the destruction-bent Students for a Democratic Society concerning our 7- and 8-year-olds might well prove true if positive efforts are not made now to fortify our young people with religious and moral values. What better first step to take than by making it possible for them place reliance upon the God our Founding Fathers through the exercise of voluntary prayer in the public schools.

DO NOT OVERLOOK WHAT CAN BE DONE

While I feel that Congress has been unnecessarily slow in moving to establish the basic right of prayer in school by rectifying the Supreme Court decision, it is also obvious that many good people throughout the country wring their hands as if nothing can be done. While a constitutional amendment is needed, it is not at all clear that all of the fears expressed by patriotic citizens and groups are well founded. In fact, God need not be taken out of the classrooms and should not be taken out.

A very important distinction was noted by UPI staff editor Louis Cassels when he wrote:

> The start of a new school term is a good time to list once again the specific activities which the Court ruled out—and those which it permitted and even encouraged.
>
> In the *Engel vs. Vitale* case of 1962, the Court held that it is unconstitutional for a public school to require the recitation of an official non-sectarian prayer as part of a classroom religious exercise.
>
> The following year, in *Abingdon School District vs. Schempp*, the Court said that a public school may not require the reading of a portion of the Bible or the recitation of the Lord's Prayer as part of a classroom religious exercise.
>
> That is all that the Court has forbidden public schools to do.
>
> The Justices went out of their way to state that there is no constitutional objection to the following school activities:
>
> Use of the Bible as a reference work for teaching secular subjects.
>
> Study of the Bible for its literary and historic qualities.
>
> Objective instruction in comparative religion or the history of religion and its role in the advancement of civilization.
>
> Reciting historical documents, such as the Declaration of Independence, which refer to God.
>
> Singing the National Anthem or patriotic hymns such as *"America,"* which have religious themes.
>
> The Court not only said the aforementioned things may be done in public schools; it strongly suggested that they should be done.

This is very much in point. The 1962 Supreme Court decision by no means outlawed all references to God in the classrooms. It is certainly disgusting to consider, as Mr. Cassels put it, that the Bible can be considered as an historical

document rather than the inspired work that most people consider it to be. Yet, consider this footnote to the majority decision in this famous Engel case:

There is of course nothing in the decision reached here that is inconsistent with the fact that school children and others are officially encouraged to express love for our country by reciting historical documents such as the Declaration of Independence which contain references to the Deity or by singing officially espoused anthems which include the composer's professions of faith in a Supreme Being, or with the fact that there are many manifestations in our public life of belief in God.

Often we overlook the fact that the Supreme Court in its 1963 decision declaring that no State or locality may require a recitation of the Lord's Prayer or Bible verses in public schools, nonetheless "took pains to explain that it was not attacking the religious basis of our national life," as James Reston wrote in the New York Times, June 19, 1963.

In one section of its majority opinion the Court testifies at length to belief in a Supreme Being throughout American history:

The fact that the Founding Fathers believed devotedly that there was a God and that the unalienable rights of man were rooted in Him is clearly evidenced in their writings, from the Mayflower Compact to the Constitution itself. This background is evidenced today in our public life through the continuance in our oaths of office from the Presidency to the alderman of the final supplication, *"so help me God."*

Likewise each house of the Congress provides through its chaplain an opening prayer, and the sessions of this court are declared open by the crier in a short ceremony, the final phrase of which invokes the grace of God.

Again, there are such manifestations in our military forces, where those of our citizens who are under the restrictions of military service wish to engage in voluntary worship . . .

It can be truly said, therefore, that today, as in the beginning, our national life reflects a religious people who, in the words of Madison, are *"earnestly praying, as . . . in duty bound, that the Supreme Lawgiver of the universe . . . guide them into every measure which may be worthy of His . . . blessing."*

In another section of the 1963 majority opinion, the Court affirms:

The First Amendment, however, does not say that in every and all respects there shall be a separation of church and state. Rather, it studiously defines the manner, the specific ways, in which there shall be no concert or union or dependency one on the other. That is the common sense of the matter. (343 U.S., at 312.)

Again this 1963 decision points out:

In addition, it might well be said that one's education is not complete without a study of comparative religion or the history of religion and its relationship to the advancement of civilization. It certainly may be said that the Bible is worthy of study for its literary and historic qualities.

Nothing we have said here indicates that such study of the Bible or of religion, when presented objectively as part of a secular program of education, may not be effected consistent with the First Amendment.

While these Supreme Court decisions recognize that belief in God is at the heart of American life, it should be kept in mind that they do nevertheless prohibit religious exercises in public schools.

One of the basic reasons I believe that a constitutional amendment should be offered is the wilderness area which has been created following the 1962 and 1963 decisions. Many schools have wanted to "play it safe." To take no chances, they have cut down on Easter and Christmas observances and have secularized baccalaureate services. Few of these steps were required but they indicate how a decision can influence local boards of education and administrators who want to take the safe route.

The American Association of School Administrators through a special commission stated on June 30, 1964:

The Commission believes that the public school curriculum must give suitable attention to the religious influences in man's development.

A curriculum which ignored religion would itself have serious religious implications. It would seem to proclaim that religion has not been as real in men's lives as health or politics or economics. By omission it would appear to deny that religion has been and is important in man's history—a denial of the obvious. In day-by-day practice, the topic cannot be avoided. As an integral part of man's culture, it must be included.

Whatever else the Supreme Court decisions may or may not have done, they have stimulated the public schools to a search for appropriate means to deal effectively with religion as one of the great influences in man's history . . .

The Commission recognizes three distinct policy areas, related to each other and to the subject of this report, where explicit educational policy, adequate materials, and effective methods need to be developed.

In one large area, recognition must be given to the role of religion and the religious in literature, in history and the humanities, and in the arts.

In a second area ways must be found to portray the part played by religion in establishing and maintaining the moral and ethical values that the school seeks to develop and transmit.

Finally, the public schools are called on to build an understanding of the relationship between civil government and religious freedom, and to prepare youth for citizenship in a multifaithed society.

TEACH WHAT CAN BE TAUGHT

Within the limits set by the Supreme Court, there are more than a few opportunities for educators to develop the curriculum so that it faithfully reflects the recognition of God as an integral part of American life.

One thing that teachers can do right now is to make suitable reference to such facts as the following:

First, the Mayflower Compact: 41 pilgrims on the deck of the Mayflower in 1620 prepared the first written constitution of our land. It opened with these words: "In the name of God, Amen," and stated that the long and difficult voyage to the New World had been "undertaken for the glory of God." They signed it "solemnly and mutually in the presence of God."

Second, Declaration of Independence: This profound document, the cornerstone of American freedom, provides a clear and unshakable basis for our Constitution, Bill of Rights, and all subsequent legislation in behalf of human rights. As finally approved by the Founding Fathers, the declaration makes these four specific references to the dependence of our Nation on God: "the laws of nature and of nature's God," "that all men are created equal, that they are endowed by their Creator with certain unalienable rights," "appealing to the Supreme Judge of the world for the rectitude of our intentions," "with a firm reliance on the protection of divine providence."

Third, Thanksgiving Day: From the very start of our Nation, one day each year has been set aside to render thanks to Almighty God. The Chief Executive officially asks each citizen to express gratitude to a bountiful Creator.

Fourth, the American seal: On every dollar bill the seal is pictured with the "eye of God" directly above the pyramid. The words "Annuit Coeptis" signify:

He (God) has favored our undertakings.

Congress approved this design on June 20, 1782.

Fifth, oath of office: The oath taken by Government employees, witnesses in court, and those seeking passports concludes with the prayerful petition: "So help me God." This practice was originated by George Washington when he took his first oath of office as President of the United States, April 30, 1789.

I have read the inaugural addresses of our Presidents and every one of them referred to God and beseeched his help and guidance in the assumption of the trying responsibilities of the office.

Sixth, national anthem: Francis Scott Key composed the "Star Spangled Banner" during the bombardment of Fort McHenry on the night of September 13, 1814. For 117 years, this song was popular as a patriotic hymn. On March 3, 1931, Congress adopted the "Star Spangled Banner" as our national anthem. It closes this way:

"Praise the Power that hath made and preserved us a nation.
Then conquer we must, when our cause it is just
And this be our motto—'In God is our Trust'."

Seventh, national motto: A joint resolution was also adopted by Congress on July 20, 1956, establishing "In God We Trust" as the national motto of the United States:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the national motto of the United States is hereby declared to be "In God We Trust."

Eighth, State constitutions: My own State of Ohio has "grateful to Almighty God for our freedom" written into the constitution. In fact, 49 of the 50 State constitutions recognize our dependence on God Himself as the source of human rights and liberties. Here are other excerpts from some of the State constitutions:

Alaska: "We the people of Alaska, grateful to God and to those who founded our nation and pioneered this great land."

California: "We, the people of the State of California, grateful to Almighty God for our freedom."

Florida: "grateful to Almighty God for our constitutional liberty."

Georgia: "We the people of Georgia, relying upon the protection and guidance of Almighty God . . ."

Hawaii: "We the people of the State of Ha-

waii, grateful for Divine Guidance and mindful of our Hawaiian heritage . . ."

Illinois: "We, the people of the State of Illinois, grateful to Almighty God for the civil, political and religious liberty . . ."

Massachusetts: "We, therefore, the people of Massachusetts, acknowledging with grateful hearts the goodness of the great Legislator of the universe . . ."

Michigan: ". . . grateful to Almighty God for the blessings of freedom, and earnestly desiring to secure these blessings . . ."

Missouri: "We, the people of Missouri, with profound reverence for the Supreme Ruler of the Universe, and grateful for His goodness . . ."

New York: "We, the people of the State of New York, grateful to Almighty God for our freedom . . ."

Pennsylvania: ". . . grateful to Almighty God for the blessings of civil and religious liberty . . ."

Texas: ". . . invoking the blessings of Almighty God, the people of the State of Texas do ordain and establish this Constitution . . ."

Ninth, pledge of allegiance: On April 20, 1953, a resolution was introduced in the House of Representatives to add the words "under God" to the pledge of allegiance to the flag. Both the House of Representatives and Senate adopted the resolution. It was made the law of the land when President Eisenhower signed the bill on June 14, 1954. The pledge now reads:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands; one nation under God, indivisible, with liberty and justice for all.

While it may be clearly debatable how religious we are as a people and how deep our commitment is to the faith of our fathers, it cannot be argued that our Government was founded on anything except those Judeo-Christian principles which come from the Bible. While we are waiting to stem the tide which has resulted from the Supreme Court decision, we can nonetheless affirmatively point out many of the truths which are here stated and remind ourselves that our Constitution, our Government, our way of life has a deep religious heritage which should be militantly portrayed rather than shrinkingly withdrawn.

Tenth, legislative sessions: In the Ohio Legislature and in the U.S. Congress, each session has been opened with a prayer. There are chaplains in the House and Senate who are full-time officers of Congress here in Washington and at least part-time members of the legislative family in Columbus. No Supreme Court decision has deterred our legislators from conducting their deliberations in the atmosphere of religious commitment.

THE PRESIDENT'S ADDRESS AT THE AIR FORCE ACADEMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. LIPSCOMB) is recognized for 5 minutes.

Mr. LIPSCOMB. Mr. Speaker, the President in his address today at the Air Force Academy has presented an important message on America's role in the world today and on the responsibilities of protecting freedom beyond our Nation's shores. Demonstrating the courage of a great leader in these times of controversy and of fundamental differences of opinion, our President candidly and forcefully stated that America cannot be left in peace if we do not actively assume the burden of keeping the peace.

Explicitly ruling out unilateral disarmament, the President said that the direction America must take today is one of commitment to preserving world peace by maintaining our Nation's military strength to meet the long-range obligations to itself and to the free world.

As to the level of military strength required of us, the President carefully noted that the critical question in defense spending is "how much is necessary?" In answering this question so vital to our Nation's future, America is indeed fortunate that our President has recommended defense decisions which will maintain our national security. Recognizing that in this age of science mistakes in military policy can be irretrievable, the President stated:

But if I have made a mistake, I pray that it is on the side of too much and not too little. If we do too much, it will cost us our money; if we do too little, it may cost us our lives.

The President deserves America's fullest support as he recommends defense decision based on the hard realities of the offensive capabilities of our adversaries. These are indeed difficult decisions and the President has not taken the easy road to basing these decisions on our fervent hopes about our adversaries' intentions.

Although the isolationists' call for creating an Utopia in America certainly has superficial appeal, President Nixon's defense recommendations are designed to secure lasting world peace by refusing to weaken our military strength to the point of submission to the political philosophy which challenges democracies all over the globe and seeks world domination.

President Nixon deserves our fullest support, for any peace obtained as a result of weakness on our part, or by our unilateral reduction of arms, or by turning away from the pleas of freedom in suppressed countries can only be a false illusion—one of temporary peace—and one which results in the demise of freedom and democracy as we now enjoy it.

INFORMATION BOOKLET FOR HIGH SCOOL GRADUATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. ESCH) is recognized for 5 minutes.

Mr. ESCH. Mr. Speaker, as a special service to high school graduates in Michigan's Second Congressional District, I have compiled a booklet of information which I believe will be useful to them. This information includes not only scholarship and funding information for further education in a college or vocational school, but also details regarding selective service rules and regulations, proposed changes in the Selective Service System and information on various means of satisfying military requirements.

I believe that this information would be useful to students around the Nation and hope that this forum will assist in making it available on a broad basis:

INFORMATION BOOKLET FOR HIGH SCHOOL GRADUATES

This booklet attempts to give briefly the possibilities of obtaining college loan or scholarship aid from all available sources. In addition to those mentioned in this booklet, there are countless loan, scholarship, and work-study opportunities at the individual colleges and universities and you should not overlook the possibility of obtaining some kind of financial assistance from the college or university of your choice.

You may have to combine several sources to finance your educational program. Complete information on the details of such programs can be secured *only* by writing directly to the institution.

If you have a good high school record and need financial help, you should proceed as follows:

1. Check with your high school guidance counselor, principal or advisor for scholarship information.

2. Write to admission directors at the colleges in which you are interested. New scholarship programs are being established every day and it would be impossible to list them all in this booklet.

3. Write to foundations and private businesses which offer special grants, such as the General Motors and Ford Foundation Scholarship Plans; the Kroger Company; Sears, Roebuck Foundation; Procter & Gamble; etc.

4. Write to the College Scholarship Service of the College Entrance Board, 475 Riverside Drive, New York, New York 10027. They will provide information on their services and a parental financial statement upon request.

5. Write to the Division of Student Financial Aid, Bureau of Higher Education, U.S. Office of Education, Washington, D.C. 20201, for a copy of "Federal Aids for College Students." There is no charge for this publication. This booklet is also available through my office at 501 Cannon House Office Building, Washington, D.C. 20515.

FEDERAL ASSISTANCE—THE DEFENSE STUDENT LOAN PROGRAM

In 1958, President Eisenhower signed into law the National Defense Education Act in which most colleges and universities in the United States participate.

High School graduates who have been accepted for enrollment by colleges and universities and who need financial help for educational expenses are eligible for student loans.

An undergraduate student may borrow up to $1,000 each academic year—to a total of $5,000. Repayment does not begin until 9 months after college; interest also does not begin until then. Repayments at 3% interest per annum may be extended over a 10-year period although the school may require in minimum repayment of $15 a month.

The "Teachers' Forgiveness Clause" in this program provides that if a borrower becomes a full-time teacher in an elementary or secondary school or an institution of higher education, up to half of the loan may be forgiven at the rate of 10% for each year of teaching service. Borrowers who elect to teach in certain eligible schools located in areas of primarily low-income families or to teach handicapped children may qualify for cancellation of their entire obligation at the rate of 15% per year

The colleges and universities—NOT the Federal Government—approve and make the loans. A student desiring this financial assistance should make application directly to the college or university which has accepted him.

A booklet containing a summary of this loan program and listing participating colleges and universities may be obtained by writing to the Department of Health, Edu-

cation, and Welfare, Office of Education, Washington, D.C. 20201 or to me.

FEDERAL GRANTS AND GUARANTEED LOANS

One of the final acts of the First Session of the 89th Congress was the Higher Education Act of 1965, which authorizes both Federally-financed grants and guaranteed student loans.

The grants are available through colleges and universities for students found to be in exceptional financial need. The maximum annual grant will be $1,000.

The colleges and universities will determine who is to receive the scholarships, and in what amount, so that application should be made directly to the college the student is attending or plans to attend.

Special emphasis will be placed upon identifying able students while they are still in high school with the promise of scholarship aid upon graduation from high school.

GUARANTEED STUDENT LOAN PROGRAM

Under this program, students may borrow from a local commercial bank, savings and loan association, mutual savings bank, insurance company, credit union, or other eligible lender to help meet college costs. The loan is made directly to the student, and is, in turn, guaranteed against default by a guarantee agency designated for each State. Loans may range up to $1,500 per year. Repayment may begin not less than nine nor more than twelve months after the student leaves college. For such loans, the Federal Government will pay a portion of the interest charges for eligible students.

TRAINING FOR TEACHERS OF HANDICAPPED CHILDREN

Grants are available through selected institutions for individuals for training as teachers or specially trained education personnel for children who are mentally retarded, seriously emotionally disturbed, hearing, speech or sight impaired, crippled, or otherwise health impaired. Available are traineeship grants for full-time senior year undergraduate study as well as post-graduate study. For information write: Division of Handicapped Children and Youth, U.S. Office of Education, Washington, D.C. 20201.

The War Orphans' Education Program offers assistance to the children of deceased or permanently and totally disabled veterans in certain categories. Financial aid is available for the education of children of veterans who are, or who died while, permanently and totally disabled from or whose death was due to disease or injury incurred or aggravated in the line of duty during the Spanish-American War, World War I, World War II, the Korean Conflict, the Vietnam Conflict and the induction period. The latter is the period, exclusive of war time, when young men are liable to induction under the Universal Military Service and Training Act.

Children of the above veterans may be entitled to help for 36 months or 4 academic years. Those who attend approved colleges, vocational and business schools can receive $130 monthly if on a full-time basis. Those on a ¾ time basis may receive $95 monthly and those on half-time may get $60 monthly.

To inquire about this program, write to the Veteran Administration Office nearest to your home, or to me.

FEDERAL LOAN ASSISTANCE FOR VOCATIONAL STUDENTS

Students attending public and private vocational schools (including private schools operated for profit) may also apply for loans under a loan guarantee program highly similar to that described above. Such students are also eligible for Federal interest benefits.

Information concerning this assistance may be obtained through local Commissions for Higher Education, from high school counselors and from the business, trade, or vocational school the student plans to attend.

The United Business Schools Association maintains a listing of schools it has accredited. Many of these schools offer general work or service scholarships to eligible students. Some also offer work-study program. For a listing of these accredited business schools and additional information write: Accrediting Commission for Business Schools, 5057 Woodward Avenue, Detroit, Michigan 48202.

THE FIELD MEDICINE

Federal: The Health Professions Educational Assistance Act of 1963, as amended in 1965, provides for loans up to $2,500 per year for students pursuing a full-time course of study leading to a doctorate degree in medicine, dentistry, osteopathy, optometry, pharmacy, podiatry, and surgical chiropody. The 1965 Amendments provide for scholarships up to $2500 per year for students in schools of medicine, osteopathy, dentistry, and optometry. Specific enquiries should be addressed to the institution to which students have applied for admission, or at which they are enrolled.

Medical Social Work: Medical Social Work Section, National Association of Social Workers, 2 Park Avenue, New York, N.Y. 10016.

Physical Therapy: American Physical Therapy Association, 1740 Broadway, New York, N.Y. 10019.

Medicine: Council on Medical Education and Hospitals, American Medical Association, 535 North Dearborn Street, Chicago, Illinois 60610 or Association of American Medical Colleges, 2530 Ridge Avenue, Evanston, Illinois 60201.

Occupational Therapy: American Occupational Therapy Assn., 251 Park Ave., South, New York, N.Y. 10010.

NURSES

If you are interested in a career as a nurse, or in furthering your education if you are presently in nursing, you may want to contact the following sources for information: Department of Information Services, National League for Nursing, 10 Columbus Circle, N.Y., N.Y. 10019.

The National Foundation, 800 Second Ave., New York, N.Y. 10017.

The 8 and 40 Tuberculosis Nursing Scholarship Fund assists students in securing advanced preparation for positions in supervision, administration or teaching with a direct relationship to tuberculosis control. Write: Box 1055, Indianapolis, Indiana 46206.

A list of institutions offering nursing traineeships is available at no cost from the Division of Nursing Public Health Service, Room 407, 800 No. Quincy St., Arlington, Va. 22203.

The Nursing Student Loan Program provides for the establishment of a student loan fund in those public or nonprofit schools of nursing which wish to participate.

Talented high school graduates in need of financial assistance to enter and complete basic programs in nursing should apply for admission to the schools of their choice. Once admitted, they are eligible for loans under this Act. For information, write: Division of Community Health Services, Rm. 810, 800 N. Quincy St., Arlington, Va. 22203.

Students may cancel up to 50% of their loan for full-time employment as a professional nurse in any public or nonprofit private institution or agency. For each complete year of service, the rate of cancellation shall be 10% of the loan, plus interest, which is unpaid on the first day of employment.

PRIVATE FINANCIAL ASSISTANCE

In addition, there are hundreds of private scholarships and loans available at every college and university in the Nation. I have listed some of the major funds. However, only the financial aids officer at your college can give you a full breakdown on the funds which are available. Among the private scholarship and loan funds which are available are the following:

The National Merit Scholarship Program awards 4-year scholarships which may be used in any accredited college or university in the United States. Students are selected through a process starting with nation-wide competitive examinations. This is a national program, and students compete each year for over 2,300 awards ranging from $100 to $1,500 per pear in value. Applicants must take the National Merit Scholarship Qualifying Test in the year preceding high school graduation, normally as juniors. For detailed information, consult your high school counselor or write the National Merit Scholarship Corporation, 990 Grove Street, Evanston, Illinois 60201.

The National Achievement Scholarship Program awards 4-year scholarships to outstanding Negro students in an annual nation-wide competition. Winners may use their awards at any accredited college or university in the United States and receive from $250 to $1,500 per year. Over 250 awards are given annually. The program is administered by the National Merit Scholarship Corporation. For detailed information, consult your high school counselor or write the National Achievement Scholarship program, 990 Grove Street, Evanston, Illinois 60201.

Knights of Columbus Educational Trust Fund: Scholarships are available to sons and daughters of Knights who were killed or disabled as a result of military service during World War II, the Korean War or the Viet Nam War. In addition, special $1000 scholarships are awarded for undergraduate study at The Catholic University of America, Washington, D.C., for sons and daughters, brothers and sisters of living or deceased members of the Knights of Columbus. Write to the Supreme Secretary, Knights of Columbus, Drawer 1670, New Haven, Connecticut 06507.

Westinghouse Science Scholarships and Awards: The Science Clubs of America conduct an annual talent search for outstanding students who are interested in science. 40 winners are selected with the top five getting $25,000 in scholarships and the other 35 awards of $250 each. Information may be obtained from the Science Clubs of America, 1719 N Street, N.W., Washington, D.C. 20036. Deadline for all materials is December 27.

The Elks have scholarship programs for children of members who were killed or died in the armed services. Applications should be made directly to the lodge of which their father was a member.

Fraternal Order of Eagles offers medical, dental and educational assistance to minor children of Eagle members who lost their lives while in the armed services. For information contact the local Eagle Aerie or Eagles Memorial Foundation, 4710 14th St., W., Bradenton, Florida 33505.

The AMVETS grant scholarships to high school seniors whose fathers are deceased or disabled veterans of World War II or the Korean War. Write: AMVETS, 1710 Rhode Island Avenue, N.W., Washington, D.C. 20036.

American Association of University Women Educational Foundation: Awards about 50 fellowships. Write American Association of University Women, 2401 Virginia Avenue, N.W., Washington, D.C. 20007.

The Hattie M. Strong Foundation makes loans without interest or collateral up to $3,000 to students who are within 2 years of their final degree. Loans are based almost entirely on need—top limit of $1,500 per year per student. For additional information write the Hattie M. Strong Foundation, Room 409, 1625 Eye Street, Washington, D.C. 20006.

The Woodrow Wilson National Fellowship Foundation grants 1,000 fellowships for first year graduate students interested in college teaching careers in the liberal arts field. Current grants are contingent upon availability of funds beyond June, 1968. Write the Wood-

row Wilson National Fellowship Foundation, Box 642, Princeton, New Jersey 08540.

Foundation for Independent Education, 224 Clarendon Street, Boston, Massachusetts. Approximately 8 to 10 scholarships valued at $300 are awarded annually to attend private junior colleges. For information write: Funds for Education, Inc., 319 Lincoln Street, Manchester, New Hampshire 03103.

Church Scholarships are available through many denominations. 500 National Methodist Scholarships are awarded to outstanding students in over 100 accredited Methodist institutions. Students may also obtain loans from the Methodist Student Loan Fund while attending any institution of higher education accredited by its regional accrediting association. Write, Department of Student Loans and Scholarships, P.O. Box 871, Nashville, Tenn. 37202. The American Baptist Student Aid Fund also awards national scholarships and further information on this program may be obtained by writing, American Baptist Student Aid Fund, Valley Forge, Pa. 19481. The United Presbyterian Church U.S.A. offers 50 scholarships to qualified Presbyterian youths entering 45 church-related colleges. Application forms may be secured from the Board of Christian Education, United Presbyterian Church, 425 Witherspoon Building, Philadelphia, Pa. 19107. The Lutheran Churches affiliated with the Lutheran Council in the U.S.A. have a unified graduate scholarship program in social work for qualified Lutheran applicants. For details write: Division of Welfare Services, LCUSA, 315 Park Avenue South, New York, New York 10010. The National Jewish Welfare Board, 145 East 32nd Street, N.Y., N.Y. 10016, will furnish information about careers in social group work and scholarship help for graduate social work education.

FINANCIAL AID BOOK-SHELF

There are many books about financial aid for students. Here are a few that tell about privately operated aid programs as well as those operated by the Office of Education and other Federal agencies. Many school and public libraries have them.

Comparative Guide to American Colleges for Students, Parents, and Counselors, by James Cass and Max Birnbaum. Published by Harper and Row, 49 East 33d Street, New York 10016. Paperback $4.95.

How About College Financing? by S. Norman Feingold. Published by the American Personnel and Guidance Association, 1605 New Hampshire Avenue NW., Washington, D.C. 2009. 30¢.

Need a Lift? American Legion Scholarship Information Service, Box 1055, Indianapolis, Indiana 46206. 25¢

Nursing Student Loan Program: Information for Students. U.S. Public Health Service, Washington, D.C. 20201. Single copies free.

The Health Professions Student Loan Program. U.S. Public Health Service, Washington, D.C. 20201. Single copies free.

A Letter to Parents: Financial Aid for College by Sidney Margolius. Available from the College Entrance Examination Board, 475 Riverside Drive, New York, New York 10027. Free to high school counselors. (Ask yours.)

A National Catalog of Scholarships and Other Financial Aids for Students Entering College, by Oreon Keeslar. Published by the William C. Brown Company, Dubuque, Iowa 52001. Paperback $6.95.

College Costs Today. New York Life Insurance Company, Career Information Service, Box 51 Madison Square Station, New York, New York 10010. Free.

Facing Facts About College Costs. The Prudential, Education Department, Box 36, Newark, New Jersey 07101. Also available from any Prudential Life agent. Free.

IF YOU DO NOT KNOW WHICH SCHOOL YOU WANT TO ATTEND

Four admissions information centers have been established to help high school seniors and graduates looking for colleges and colleges looking for prospective students. These centers charge a nominal fee and function as clearing centers where the records of student applicants are reviewed by interested colleges. Any student who has not made up his mind about college might find the services of these centers most useful:

1. American College Admissions Advisory Center, 12th & Walnut Streets, Philadelphia, Pennsylvania.

2. College Admissions Assistance Center, 41 East 65th Street, New York, New York.

3. College Admissions Center, 610 Church Street, Evanston, Illinois.

4. Catholic Colleges Admissions and Information Center, 500 Salisbury Street, Worcester, Massachusetts 01609.

Every young man has military obligations to the United States under the Selective Service Act of 1967. However, the military does not need all the young men who are available and the Selective Service System has been established to select those who must serve.

Most selective service troubles arise because of, first the registrant's ignorance of, or carelessness about, his rights—especially the right of appealing any new classification given by the local board; and second the registrant's failure to keep his local board informed of changes in status, qualification, and location.

All contact with the appeals to your local Draft Board should be put in writing. Registrants should keep copies of all correspondence with their local board and should put in writing for inclusion in their file all verbal communications with the local board, including telephone calls and summaries of personal appearances. This reduces the chance of misunderstanding.

The following are the general rules and regulations of the Selective Service System at the present time. If questions arise, you should contact your draft board immediately. My office will also be glad to provide you with assistance and information, although I have absolutely no power to make a determination on your specific case.

GENERAL RULES AND REGULATIONS

1. A Selective Service local board places a registrant in a deferred class when it determines that the national interest would be best served by continuing the individual registrant temporarily in a civilian status.

After the young man registers at the age of 18, his local board mails him a Classification Questionnaire. The information submitted in this and subsequent questionnaires is the foundation for classification; but the registrant, his employer, his university, or a dependent may submit new or supplemental information. For men seeking occupational deferment, employer information supporting occupational deferment should be filed at the time of employment, and should be kept current thereafter.

2. A registrant has the right to request a personal appearance before his board within 30 days of the date of mailing of any notice of classification by the local board. Following such personal appearance, he will be given a new classification card, and will have the right to appeal that classification within 30 days. A personal appearance before the local board is not required, and any registrant may bypass this step and make a direct request for appeal. However, he forfeits his right to a personal appearance if he appeals before requesting a personal appearance.

Along with the Classification Notice mailed to registrants classified in Classes I–A, I–A–O and I–O, there will be forwarded information that a Government Appeal Agent is available to them for legal advice on Selective Service matters, particularly in connection with appeals.

A request for a personal appearance or for an appeal should be sent to the local board. Requests for appeal should be accompanied by supporting letters and documents from teachers, employers, dependents, or others to justify the registrant's claim.

A *personal appearance* can be made only before the registrant's own local board. However, a registrant has the right to request a transfer of his *appeal* to the appeal board having jurisdiction over his principal place of employment or place of residence, if his local board is in a different state or jurisdictional area. The request for transfer must be made at the same time that the appeal is requested. The local board will forward the entire file to the appeal board, which may change or sustain the classification given the registrant.

3. Denial of deferment at the state level may be appealed to the President within 30 days if the vote of the appeal board was split. If the vote was unanimous, the registrant, an employer, a school, or a disinterested agency such as the Scientific Manpower Commission, may seek review at State Selective Service Headquarters and following that review, may seek further review at National Selective Service Headquarters in Washington, D.C. The State Director in the local board state, the State Director in the appeal board state, or the National Director of Selective Service may take an appeal to the President following unanimous classification by the appeal board.

4. A registrant cannot be inducted during the time any appeal is pending. No local board may deny an appeal.

5. No deferment is valid for a period longer than one year. However, most deferments may be renewed. The registrant and his employer or his school should apply for a continuation of the deferred classification prior to its expiration. The registrant is responsible for keeping his local board up-to-date on his status. In the case of undergraduate students, the request for continued deferment shoud be made on Form 104 and must be supported by Form 109, or any revised versions thereof that may be issued.

6. If an induction order has not been issued, the local board may be asked to reopen a classification if new information is supplied by the registrant or others in his behalf. The local board *must* reopen only when the new information, if true, would require placing the registrant in a new classification (such as I–S), or if ordered to re-open by the State or National Director of Selective Service. They *may* re-open when the new information would justify a change in classification, and was not considered in previous classification action. When a classification is re-opened and considered anew by the local board, rights of appeal are reestablished.

7. Registrants who have passed their 26th birthday without fulfilling their military obligation are dropped next to the bottom of the call list. Registrants deferred under authority of regulations issued by the President remain liable for service until they are 35 years old.

STUDENT DEFERMENT

High school and 2 year college students

8. The full-time, satisfactory high school student who is ordered for induction shall be deferred in Class I–S. This deferment classification ends when he graduates or reaches age 20 or ceases satisfactorily to pursue a full-time course of study. The student

seeking this deferment should ask the school principal to write to the local board giving the pertinent information. School principals should notify their students that such deferment is available.

Students in a two year college program not leading to a baccalaureate degree may be deferred in Class II–A.

Undergraduates

9. Presidential regulations provide that any undergraduate student who is satisfactorily pursuing a full-time course of instruction at a college or university shall be deferred at his request until he completes his baccalaureate degree, fails to pursue satisfactorily a full-time course of study, or attains the age of 24, whichever occurs first. The student must request such deferment in order to be placed in Class II–S, and in so doing he forfeits his right to deferment for fatherhood after completing his education, unless his induction would create a hardship for his dependents.

Additionally, until his thirty-fifth birthday, he shall be subject to call in the prime age group (see Number 35) if calls are placed by age group and if he ceases to be in a deferred class. However, he is not restricted from occupational deferment because he has been deferred as a student. The request for student deferment should be made on SSS Form 104.

College students under age 19 should *not* request student deferment, since the student is not currently subject to induction and should not incur the liabilities of II–S classification until he needs the deferment to stay in school, and has successfully completed his freshman year.

The student must provide his local board each year with evidence that he is satisfactorily pursuing his full-time course of study.

10. The undergraduate student who elects not to request student deferment, or who is not found eligible for student deferment, and who is ordered for induction during a school year, shall be placed in Class I–S(C) if he is satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution of learning, provided he has not previously been placed in Class I–S(C). He will be retained in this classification until the end of his academic year, or until he ceases satisfactorily to pursue such course of instruction, whichever is earlier. He is not prohibited from later classification in II–S if he is otherwise eligible.

At the expiration of the I–S(C) classification, a student is subject to induction in the regular order of call unless he is further deferred. If calls are placed by age group, he will be subject to call in the prime age group, but his right to fatherhood deferment is not forfeited.

11. A student's academic year includes the 12-month period following the beginning of his course of study or its anniversary.

A full-time course of instruction requires that the student earn within one calendar year a sufficient number of credits to represent a direct proportion of his total required number of credits. For example, a student in a four-year baccalaureate course should have earned one-fourth of the credits required for his degree at the end of his first academic year, half at the end of his second academic year, and three-fourths at the end of his third academic year.

Graduate students

12. A student shall be placed in Class II–S if he is satisfactorily pursuing a course of graduate study in medicine, dentistry, veterinary medicine, optometry, osteopathy, or such other subjects necessary to the maintenance of the national health, safety, or interest as are identified by the Director of Selective Service upon advice of the National Security Council. In February 1968, the NSC found that no other subject areas were essential, at that time. A new appraisal may be made later.

13. A full time graduate student shall not be considered for occupational deferment because he is engaged in teaching part time. However, men who are not full time graduate students and who are teaching a regular class load may request occupational deferment if replacements of similar competence cannot be obtained. See Occupational Deferment.

14. The I–S(C) classification is not available for students who have been deferred as undergraduates in Class II–S after June 30th, 1967, and have completed their baccalaureate degree. Students deferred in II–S only as graduate students after June 30, 1967, may be eligible for I–S(C) classification. District Courts have ruled both for and against their eligibility. Students not eligible for deferment who begin a school term and are ordered for induction during that term should request postponement of induction till the end of the quarter or semester.

OCCUPATIONAL DEFERMENT

15. The Director of Selective Service may from time to time upon the advice of the National Security Council identify needed professional and scientific personnel and those engaged in and preparing for critical skills and other essential occupations. In mid-February, 1968, the lists of essential activities and critical occupations were suspended. However, occupational deferments are available at the discretion of local or appeal boards on the basis of the national health (safety or interest; and on the basis of community need. If new lists are issued later, they will be available through Selective Service.

In general, occupational deferments may be granted to persons whose work is considered essential to the national health, safety or interest; who cannot be replaced with a person of similar competence; and whose removal would cause a material loss of effectiveness in the activity.

16. A request for occupational deferment should be made as soon as the registrant is working in an essential job. In the case of graduating students, both the registrant and the potential employer should notify the registrant's local board prior to graduation that employment has been accepted. A formal request for deferment can be made as soon as the registrant is actually at work.

Information supplied to the local board will be the basis of classification. Therefore, all pertinent facts should be supplied at the time deferment is requested. An appeal board cannot consider information not previously considered by the local board.

The Selective Service System must be provided with full information as to the critical nature of the skill of the registrant, including a detailed description of his training, his specific job duties, and their relationship to the national health, safety, or interest.

Employers should submit additional information regarding the steps they have taken to find a replacement for the employee; or in the case of a new employee the recruitment measures used by the company, and their degree of success in filling the company's needs for professional employees.

A registrant classified as I-A by a local board may request a personal appearance and/or appeal for a II-A classification (occupational) within 30 days of mailing of notice of classification. His employer may appeal within the same period only if he had, prior to the I-A classification, supplied the local board written information in support of an occupational deferment. An employer who has not established appeal rights may provide all pertinent information to support the employee's appeal.

Both the registrant and the employer should place an appeal simultaneously rather than having either of them work unilaterally in requesting deferment.

The employer may request the local board to reopen the classification of the registrant upon receipt of new evidence, if, at the time, the registrant is not under an order to report for induction.

17. State Advisory Committees on Scientific, Engineering and Specialized Personnel provide information and advice to the State Director and to local and appeal boards concerning the utilization and essentiality of scientific, engineering, and other specialized personnel not in the professions of the healing arts.

Selective Service registrants in these categories, or their employers, should request that the appropriate State Advisory Committee review their files. Request should be made to the appropriate local board, via the State Director, that the file of the registrant be referred to the State Advisory Committee. If it has not been done earlier, request review at the time the appeal letter is sent.

These Committees will be generally familiar with the work of companies and industries within their state, but they must have adequate information on the duties of the individual registrant under consideration to determine whether his continued deferment is in the national interest.

Apprentices

18. Any registrant who is preparing for a skilled trade or occupation through an approved apprentice program shall be placed in Class II–A. Upon completion of his training program, the registrant will be eligible for new consideration in Class II–A, if his employment is essential to the community or to the national health, safety or interest.

Doctors, Dentists, and Allied Specialists

19. Special calls may be placed from time to time for medical specialists, who are subject to induction to age 35.

20. Commissioned officers of the Public Health Service are not required to register for Selective Service while on active duty in the Public Health Service, provided the officer is assigned to staff any of the various offices and bureaus of the Public Health Service including the National Institutes of Health, or while assigned to the Coast Guard, the Bureau of Prisons of the Department of Justice, or the Environmental Science Services Administration.

Members of the Reserve of the Public Health Service on duty prior to June 30, 1967 and assigned to duty other than that specified above, shall not be required to register nor be liable for active military duty.

21. Doctors, dentists and allied specialists, including immigrants, are liable to registration and training and service up to age 35.

ROTC STUDENTS

22. ROTC *students* are deferred in Class I-D until completion of college work. There is no such thing as permanent deferment or exemption from service for ROTC *graduates*, except under conditions of extreme personal or community hardship which cannot be alleviated by temporary delay.

RESERVISTS

23. There are two branches of the Reserve—the Ready Reserve and the Standby Reserve. The Ready Reserve may be called up on very short notice. Generally, Standby reservists would be called up only after all Ready Reserve Units were called.

24. Under current screening regulations, reservists who have critical civilian occupations but do not have critical military skills are screened as a matter of regular policy from the Ready Reserve to the Standby Reserve, with the following exceptions. Reservists who have served only their active duty for training—a period of six months or less—and reservists who have signed a Ready Reserve agreement may not be screened into the Standby Reserves.

In all cases, the possession of critical military skills overrides the possession of critical occupational skills as listed by the Department of Commerce.

25. Members of the Standby Reserve are under the jurisdiction of the Director of Selective Service, and are further screened as I-R (available) or II-R (working in a critical occupation).

Any member of the Standby Reserve who has not completed his obligated period of military service in the Ready Reserve may be re-transferred to the Ready Reserve whenever the reason for his transfer to the Standby Reserve no longer exists.

26. Both employers and reservists should make certain that the reservist has been properly screened. Applications for screening should be made prior to the issuance of alert orders or orders to active duty.

Requests for screening should be made as follows: Army Reservists should write to the Commanding Officer, U.S. Army Administrative Center (Attn.: AGAC-RA-X) 9700 Page Blvd., St. Louis, Mo. 63132. In the Navy, application should be made to the Naval District in which the reservist resides. Air Force reservists should apply to the major Air Command of jurisdiction. Marine requests should be addressed to the Commandant, Marine Corps, Washington, D.C.; and Coast Guard reservists should write to the Commandant, Coast Guard, Washington, D.C. Both Army and Air National Guard should address application for screening to the State Adjutant General.

27. Members of the Ready Reserve may be assigned to an active unit or they may be members of the Ready Reserve pool. Those reservists who are not assigned to an active unit are subject to individual call to active duty.

Reservists assigned to an active unit, but who are not in good standing in that unit and who have from nine to twenty-four months of active duty may be transferred to their draft boards where they can be drafted for two years up to age 35.

28. A registrant may enlist in a Reserve unit at any time prior to the issuance of orders for him to report for induction, or prior to his scheduled date of induction if a determination has been made by the Governor of the state (for the National Guard) or the President (for the Regular Reserve) that the strength of the Ready Reserve cannot be maintained by the enlistment or appointment of persons who have not been issued orders to report for induction. A reservist shall be classified in I-D and shall remain eligible for that classification so long as he serves satisfactorily as a member of an organized unit of the Ready Reserve or the National Guard.

ORDER OF INDUCTION

29. *This is the current order of call.*

When a call is placed without designation of age group or groups, the order of call shall be:

(1) Selective Service Delinquents, age 19 or over; oldest first.

(2) Volunteers under 26 in the order in which they volunteered.

(3) Single non-volunteers and men married after August 26, 1965, age 19 to 26, oldest first.

(4) Non-fathers married on or before August 26, 1965, age 19 to 26, oldest first.

(5) Non-volunteers 26 to 35, youngest first.

(6) Non-volunteers between 18½ and 19, oldest first.

PRESENT REGULATIONS PROVIDE FOR THE FOLLOWING CLASSIFICATIONS

Class I–A: Available for military service.

Class I–A–O: Conscientious objector available for noncombatant military service only.

Class I–C: Member of the Armed Forces of the United States, the Environmental Science Services Administration or the Public Health Service.

Class I–D: Member of reserve component or student taking military training.

Class I–O: Conscientious objector available for civilian work contributing to the maintenance of the national health, safety, or interest.

Class I–S: Student deferred by statute.

Class I–Y: Registrant qualified for military service only in event of war or national emergency.

Class I–W: Conscientious objector performing civilian work contributing to the maintenance of the national health, safety, or interest.

Class II–A: Registrant deferred because of civilian occupation (except agriculture and activity in study).

Class II–C: Registrant deferred because of agricultural occupation.

Class II–S: Registrant deferred because of activity in study.

Class III–A: Registrant with a child or children; and registrant deferred by reason of extreme hardship to dependents.

Class IV–A: Registrant who has completed service; sole surviving son.

Class IV–B: Official deferred by law.

Class IV–C: Alien deferred by law.

Class IV–D: Minister of religion or divinity student.

Class IV–F: Registrant not qualified for any military service.

Class V–A: Registrant over the age of liability for military service.

I have long believed that the present draft system is inequitable and that it imposes unnecessary uncertainty on young men during the period in which they make the most important decisions of their lives. The question of who shall serve in the Armed Forces when not all persons must serve has always been a troublesome one. I have worked since I came to Congress to make our selective service laws more fair and I was gratified when this effort received support from President Nixon.

The President has proposed a number of major changes in our draft system in order to make it more equitable. His proposals are now pending before the Congress and it seems likely that they will be enacted within the next few months.

As a guideline to the effect this proposal will have on the draft status of young men who are now completing high school, I am quoting directly from the President's message to the Congress outlining his proposals and the way in which they will be implemented:

4. Continue the undergraduate student deferment, with the understanding that the year of maximum vulnerability would come whenever the deferment expired.

5. Allow graduate students to complete, not just one term, but the full academic year during which they are first ordered for induction.

6. In addition, as a step toward a more consistent policy of deferments and exemptions, I will ask the National Security Council and the Director of Selective Service to review all guidelines, standards and procedures in this area and to report to me their findings and recommendations.

I believe these reforms are essential. I hope they can be implemented quickly.

Any system which selects only some from a pool of many will inevitably have some elements of inequity. As its name implies, choice is the very purpose of the Selective Service System. Such choices cannot be avoided so long as the supply of men exceeds military requirements. In these circumstances, however, the Government bears a moral obligation to spread the risk of induction equally among those who are eligible.

Moreover, a young man now begins his time of maximum vulnerability to the draft at age nineteen and leaves that status only when he is drafted or when he reaches his twenty-sixth birthday. Those who are *not* called up are nevertheless vulnerable to call for a seven year period. For those who *are* called, the average age of induction can vary greatly. A few years ago, when calls were low, the average age of involuntary induction was nearly twenty-four. More recently it has dropped to just about twenty. What all of this means for the average young man is a prolonged time of great uncertainty.

The present draft arrangements make it extremely difficult for most young people to plan intelligently as they make some of the most important decisions of their lives, decisions concerning education, career, marriage, and family. Present policies extend a period during which young people come to look on government processes as particularly arbitrary.

For all of these reasons, the American people are unhappy about our present draft mechanisms. Various elements of the basic reforms which I here suggest have been endorsed by recent studies of the Selective Service System, including that of the Marshall Commission of 1967, the Clark panel of that same year, and the reports of both the Senate and the House Armed Services Committees. Reform of this sort is also sound from a military standpoint, since younger men are easier to train and have fewer family responsibilities.

My specific proposals, in greater detail, are as follows:

1. *A "youngest-first" order of call.* Under my proposal, the government would designate each year a "prime age group," a different pool of draft eligibles for each consecutive twelve-month period. (Since that period would not necessarily begin on January 1, it would be referred to as a "selective service year.") The prime age group for any given selective service year would contain those registrants who were nineteen years old when it began. Those who received deferments or exemptions would rejoin the prime age group at the time their deferment or exemption expired. During the first year that the new plan was in operation, the prime age group would include *all* eligible men from nineteen to twenty-six, not deferred or exempt, so that no one would escape vulnerability simply because of the transition.

2. *Limited vulnerability.* Each individual would experience maximum vulnerability to the draft only for the one selective service year in which he is in the prime age group. At the end of the twelve-month period—which would normally come sometime during his twentieth year—he would move on to progressively less vulnerable categories and an entirely new set of registrants would become the new prime age group. Under this system, a young man would receive an earlier and more decisive answer to his question, "Where do I stand with the draft?" and he could plan his life accordingly.

3. *A random selection system.* Since more men are classified as available for service each year than are required to fill current or anticipated draft calls, Selective Service Boards must have some way of knowing whom to call first, whom to call second, and whom not to call at all. There must be some fair method of determining the sequence of induction for those available for service in the prime age group.

In my judgment, a fair system is one which randomizes by lot the order of selection. Each person in the prime age group should have the same chance of appearing at the top of the draft list, at the bottom, or somewhere in the middle. I would therefore establish the following procedure:

At the beginning of the third month after Congress grants this authority, the first of a sequence of selective service years would begin. Prior to the start of each selective service year, the dates of the 365 days to follow would be placed in a sequence determined by a random method. Those who spend the following year in the pool would take their place in the draft sequence in the same order that their birthdays come up on this scrambled calendar. Those born on June

21st, for example, might be at the head of the list, followed by those born on January 12th, who in turn might be followed by those born on October 23rd. Each year, a new random order would be established for the next year's draft pool. In turn those who share the same birthday would be further distributed, this time by the first letter of their last names. But rather than systematically discriminaing against those who come at the front of the alphabet, the alphabet would also be scrambled in a random manner.

Once a person's place in the sequence was determined, that assignment would never change. If he were granted a deferment or exemption at age nineteen or twenty, he would re-enter the prime age group at the time his deferment or exemption expires, taking the same place in the sequence that he was originally assigned.

While the random sequence of induction would be nationally established, it would be locally applied by each draft board to meet its local quota. In addition to distributing widely and evenly the risk of induction, the system would also aid many young men in assessing the likelihood of induction even before the classification procedure is completed. This would reduce uncertainty for the individual registrant and, particularly in times of low draft calls, simplify the task of the draft boards.

4. *Undergraduate student deferments.* I continue to believe in the wisdom of college deferment. Permitting the diligent student to complete his college education without interruption by the draft is a wise national investment. Under my proposal, a college student who chooses to take a student deferment would still receive his draft sequence number at the time he first enters the prime age group. But he would not not be subject to induction until his deferment ended and he re-entered a period of maximum vulnerability.

5. *Graduate Student Induction.* I believe that the induction of men engaged in graduate study should be postponed until the end of the full academic year during which they are first called to military service. I will ask the National Security Council to consider appropriate advice to the Director of the Selective Service to establish this policy. At present, graduate students are allowed to delay induction only to the end of a semester. This often means that they lose valuable time which has been invested in preparation for general examinations or other degree requirements. It can also jeopardize some of the financial arrangements which they made when they planned on a full year of schooling. Induction at the end of a full academic year will provide a less damaging interruption and will still be consistent with Congressional policy.

At the same time, however, the present policy against general graduate deferments should be continued, with exceptions only for students in medical and allied fields who are subject to a later special draft. We must prevent the pyramiding of student deferments—undergraduate and graduate—into a total exemption from military service. For this reason the postponement of induction should be possible only once for each graduate student.

6. *A review of guidelines.* The above measures will reduce the uncertainty of young men as to when and if they may be called for service. It is also important that we encourage a consistent administration of draft procedures by the more than 4,000 local boards around the country. I am therefore requesting the National Security Council and the Director of Selective Service to conduct a thorough review of our guidelines, standards and procedures for deferments and exemptions, and to report their findings to me by December 1, 1969. While the autonomy of local boards provides valuable flexibility and sensitivity, reasonable guidelines can help to limit geographic inequities and enhance the equity of the entire System. The 25,000 concerned citizens who serve their country so well on these local boards deserve the best possible framework for their decisions.

Ultimately we should end the draft. Except for brief periods during the Civil War and World War I, conscription was foreign to the American experience until the 1940's. Only in 1948 did a peacetime draft become a relatively permanent fact of life for this country. Now a full generation of Americans has grown up under a system of compulsory military service.

I am hopeful that we can soon restore the principle of no draft in peacetime. But until we do, let us be sure that the operation of the Selective Service System is as equitable and as reasonable as we can make it. By drafting the youngest first, by limiting the period of vulnerability, by randomizing the selection process, and by reviewing deferment policies, we can do much to achieve these important interim goals. We should do no less for the youth of our country.

RICHARD NIXON.

THE WHITE HOUSE, *May 13, 1969.*

There are more than 40 ways in which a young man can fulfill his military obligation. No listing of this nature can include all of the alternatives within major categories but I hope that this list will outline the major programs. For specific information you should contact the military recruiters listed at the end of this article.

It is important to point out that no guarantee of special training or assignment is binding on the military unless a notation is made in writing on your enlistment papers.

ENLISTMENT ALTERNATIVES INTO MILITARY SERVICE

Army enlisted programs

1. Regular Army enlistment (over 50 job fields): Graduate Specialist Program, Choose-It Yourself System, and Combat Arms Program.
2. Enlisted Reserve (2 year active option).
3. Enlisted Reserve (active training option).
4. Army National Guard.

Army officer programs

5. U.S. Military Academy at West Point.
6. Army Reserve Officers Training Corps (ROTC).
7. Army Officers Candidate School (OCS).
8. Direct appointment programs.
9. Warrant Officer Flight Training.
10. National Guard Officer Candidates.
11. National Guard Flight Training.

Navy enlisted programs

12. Regular Navy Enlistment (over 68 job fields).
13. Minority Navy Enlistment.
14. Naval Reserve Enlistment.

Navy officer programs

15. U.S. Naval Academy at Annapolis.
16. Naval Reserve Officer Training Corps (NROTC) Regular.
17. Naval Reserve Officer Training Corps (NROTC) Contract.
18. Navy Enlisted Scientific Education Program (NESEP).
19. Navy Officer Candidate School (OCS).
20. Naval Reserve Officer Candidate (ROC).
21. Naval Aviation Reserve Officer Candidate (AVROC).
22. Naval Aviation Cadet (NAVCAD).
23. Naval Aviation Officer Candidate (AOC).
24. Naval Aviation Officer Candidate (NAOC).
25. Naval Officer Candidate Airman (OCAN).

Air Force enlisted programs

26. Regular Air Force Enlistment (over 47 job fields).
27. Air Force Reserve Non-Prior Service.
28. Air National Guard.

Air Force officer programs

29. U.S. Air Force Academy.
30. Air Force Reserve Officer Training Corps (AFROTC).
31. Air Force Officer Training School (OTS).
32. Airman Education and Commissioning Program (AECP).

Marine Corps enlisted programs

33. Regular Marine Corps Enlistment (about 37 job fields).
34. Marine Corps Enlisted Reserve.
35. Marine Corps 6-Month Training Program).

Marine Corps officer programs

36. Marine Corps Officer Candidate Course (OCC): ground option and aviation option.
37. Marine Corps Platoon Leaders Class (PLC): Ground option, and aviation option.
38. Marine Aviation Cadet.

Coast Guard enlisted programs

39. Regular Coast Guard Enlistment (over 30 job options).
40. Coast Guard 6-Month Reserve.

Coast Guard officer programs

41. Coast Guard Reserve: RL program, and 2X6 Program.
42. U.S. Coast Guard Academy at New London.
43. Coast Guard Officer Candidate School (OCS).

U.S. merchant marine

44. U.S. Merchant Marine Academy at Kings Point.

For further information regarding enlistment opportunities, contact the recruiting stations in or near the Second Congressional District. The stations include:

AIR FORCE

406 East Liberty, Ann Arbor, 662–1463.
300 North Grand Ave., Lansing, 489–9644.
6305 W. Jefferson, Detroit, 841–8850.
Post Office Building, Monroe, CH 2–2552.

ARMY

223 East Ann, Ann Arbor, NO 5–7357.
300 North Grand, Lansing, 489–9644.
16820 Jas. Couz, Detroit, 342–9600.
128 W. Maumee, Adrian, 265–2913.
126 S. Monroe, Monroe, CH 1–6666.

COAST GUARD

238 Lafayette Building, Detroit, 226–7746.

MARINES

206 North Huron, Ypsilanti, 483–9644.
300 North Grand, Lansing, 489–6806.
468 Federal Building, Detroit, 226–7758.
Post Office Building, Monroe, 241–0293.

NAVY

220 North Main, Ann Arbor, NO 5–5693.
300 North Grand, Lansing, 484–8215.
421 Lafayette Building, Detroit, 226–7790.
204 N. Broad, Adrian, 263–3696.
Post Office Building, Monroe, 241–6942.

MATSUNAGA URGES REPEAL OF EMERGENCY DETENTION ACT OF 1950

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

Mr. MATSUNAGA. Mr. Speaker, yesterday I joined with the gentleman from California (Mr. HOLIFIELD) in cosponsoring a bill that would repeal the so-called concentration camp authorization law, more specifically, title II of the Internal Security Act of 1950.

This Emergency Detention Act bothers me because it violates the constitutional guarantees and judicial traditions that are basic to our American way of life. And, while it has not been invoked since its enactment, it appears to be a contin-

uing threat to many who are engaged in a legitimate inquiry into some of the values and assumptions of our society.

The statute also concerns me because its genesis was in the tragic experience of Americans of Japanese ancestry in World War II, an experience which most Americans now recall, if at all, as unnecessary and unwarranted. To Japanese Americans who were incarcerated in America's concentration camps during World War II, this travail is one that they believe ought not to be visited upon any other American, individually or as a group, strictly on the basis of race, religion, color, national origin, or attitudes, regardless of the exigencies of the moment or the crises that may be confronting the Nation.

LEGAL QUESTIONS INVOLVED IN TITLE II

As a lawyer, I find that title II of the Internal Security Act of 1950 is repugnant to the accepted traditions and precedents of our legal system. For example, title II authorizes detention not on the basis of an actual act committed in violation of law, but on the basis of mere suspicion—of a mere probability that, during proclaimed periods of internal security emergencies, the detainee would engage in, or conspire to engage in, espionage or sabotage.

Title II moreover, fails to provide for trial by jury, or even before a judge, substituting instead a preliminary hearing before a departmental hearing officer. The suspect is assumed to be guilty, for there is no presumption of innocence. The accused need not be confronted by the facts which led to his detention, for the Government is not required to produce any evidence.

There is no appeal to the courts, only to another administrative hearing board composed of members appointed de facto, and paid by the Attorney General, the very official authorized to detain the suspect in the first instance.

The elementary safeguards guaranteed by our Federal and State constitutions and our judicial practices to the most hardened of criminals and the most dangerous of traitors are denied by title II to the most innocent of our citizens under mere suspicion during certain emergencies.

When title II was offered as an amendment to the internal security bill during Senate consideration of the measure in 1950, Pat McCarran, then chairman of the Senate Judiciary Committee, opposed it as "a concentration camp measure, pure and simple." Senator KARL MUNDT, formerly a Member of this body, characterized its authority as "establishing concentration camps into which people might be put without benefit of trial, but merely by executive fiat." The distinguished and beloved dean of the House, then, as now, the chairman of the Judiciary Committee (Mr. CELLER), led the fight against this "vicious totalitarian, un-American" bill, as he termed it.

President Truman vetoed the bill, but Congress overrode his veto in the then prevalent atmosphere of the Korean war when being "soft on communism" was thought by many to be treasonable.

In the opinion of many attorneys who have studied title II, its provisions on the emergency detention of a person under the stated conditions are clearly unconstitutional. They believe that the courts when confronted with an appropriate case will invalidate title II. However, since litigation on the merits may not be possible until title II has been invoked, it seems that the responsibility to erase this repugnant law from the statute books rests with the Congress.

EVACUATION OF JAPANESE AMERICANS IN WORLD WAR II

Proponents of title II at the time of its enactment nearly two decades ago justified it on the basis of the World War II evacuation and incarceration of some 110,000 persons of Japanese ancestry from the west coast. Two-thirds of those evacuated in 1942 were native-born American citizens, while the other one-third were aliens who were denied citizenship by the laws of their adopted country.

It may be of interest to my colleagues to know that, although I am of Japanese ancestry and resided at the outbreak of World War II in Hawaii, which is some 2,300 miles closer to Japan than the west coast and which was actually attacked by the enemy, I was not evacuated or detained in an evacuation camp. Some 250,000 other Hawaii residents of Japanese ancestry were likewise free of restrictions on their personal freedom.

On the grounds of military necessity, however, the commanding general of the central Pacific area did invoke martial law for the entire population and the civil courts ceased to function until the military emergency in Hawaii was considered to be over.

On the Pacific coast, however, the commanding general of the western defense command declared that "military necessity" demanded the mass exile and detention only of persons of Japanese ancestry because of the fear that some among them might possibly engage in subversive activities.

At a time when the courts in the west coast States were functioning normally and without restriction, no criminal or civil charges of any kind were brought against any individual evacuee, or against all the evacuees as a minority group. No trial or hearing was ever held. Because a few Federal officials, including a military commander who did not consider the danger to be sufficiently great to invoke martial law, assumed that among a hundred thousand people there must be some who might be disloyal and who might engage in espionage or sabotage, all persons of Japanese ancestry on the west coast were forced to leave their homes and go into the hinterland to be imprisoned in the only concentration camps ever maintained in American history.

Ironically, those in charge of that mass movement and internment suspected that persons of only one ancestry, and not others whose racial strains were traceable to nations with whom the United States was also at war, might be so subversive as to require group incarceration. Moreover, only those of Japanese ancestry residing in a certain area of the country were considered of such questionable loyalty as to necessitate their detention as a group.

Eugene Rostow, then dean of the Yale Law School, described the west coast evacuation as "our worst wartime mistake," while President Truman's Civil Rights Committee declared that it was "The most striking mass interference since slavery with the right to physical freedom." Today, all responsible Americans view the 1942 action as a blot on our Nation's history, and regard it as a chapter that must never be repeated.

It is not surprising, therefore, that Japanese Americans are found in the forefront of the drive to repeal a law which, if enforced, would inevitably lead to a repetition of that wartime tragedy.

URGENCY OF REPEAL

Following the enactment of the Internal Security Act in 1950, six detention camps were prepared and maintained by the Department of Justice from 1952 to 1957—two in Arizona and one each in Pennsylvania, Florida, Oklahoma, and California.

Beginning in 1958, Congress stopped appropriating funds for their continued maintenance, so these camps were either abandoned or converted to other uses. With these camps no longer in existence, and with the unreasoning anticommunism of the early fifties no longer a political fetish, title II was more or less forgotten.

About 2 years ago, however, rumors were rampant that the Government was again preparing detention camps, under the authority of the Emergency Detention Act for dissidents, activists, militants, and others with whom those in public office might disagree.

These wild rumors spread through the black ghettos, across the college and university campuses, and among war protestors. They were publicized by the so-called underground press and given credence by some authors of books and other publications.

The rumors apparently are still being exploited by certain self-styled leaders of present-day movements to escalate confrontations and to foment revolution, unrest, and violence.

The present national climate shows that it is not enough for Justice Department officials to deny the existence of emergency detention camps, or for the Government to say that it does not intend to build them or that there are no present plans to invoke title II.

As President Truman stated in his 1950 veto message:

> It is not enough to say that this probably would not be done. The mere fact that it could be done shows clearly how the bill would open a Pandora's box of opportunities for official condemnation of organizations and individuals for perfectly honest opinions. The basic error of these sections is that they move in the direction of suppressing opinion and belief.

A recognition that the repeal of title II is an urgent matter affecting our total society is evidenced in the resolution which was unanimously adopted in Atlantic City on April 23, 1969, by the National Delegate Assembly of the National Association of Social Workers, representing more than 50,000 of the people who are most directly and intimately concerned with the great social problems of today.

In resolving to "participate actively with other organizations seeking repeal

of the Emergency Detention Act," the NASW found that—

The major problem in American society today is the growing hostility among ethnic and political groups, and the alienation of the individual—and the NASW believes that the optimum growth and development of the individual is possible only in a society free from suspicion and fear.

The danger exists today under this law of detaining groups and individuals in detention camps with loss of all constitutional rights—and the NASW is based on the humanitarian and democratic ideals and is committed to the principles of the dignity of the individual and of his right to constitutional protection, including fair hearing and due process.

JAPANESE AMERICAN CITIZENS LEAGUE ACTIVE

As the only national organization of Americans of Japanese ancestry, with chapters and members in 32 States, the Japanese American Citizens League (JACL) is deeply conscious of its unique responsibilities in seeking the repeal of this "concentration camp" law.

Founded as a national entity in 1930, it unsuccessfully protested the military evacuation and internment of 1942, when most of its members were euphemistically "relocated" as suspect Americans. Because of that unforgettable personal experience, JACL members, perhaps more than any other group of Americans, know the full meaning and significance of "emergency detention." They have learned from bitter personal involvement that no American is safe in his constitutional freedoms unless all are secure in those fundamental rights and liberties that are the hallmark of our American way of life.

When title II was being proposed as an amendment to the internal security bill 19 years ago, the JACL was in the vanguard of the opposition. When a Presidential veto was applied, the JACL urged that the veto be upheld.

Last year, when the JACL held its 20th biennial national convention in San Jose, Calif., its delegates unanimously approved on August 23, 1968, the following resolution:

Whereas, we Americans of Japanese ancestry, from previous experience in emergency detention, recognize the danger of title II of the Internal Security Act of 1950 (Emergency Detention Act), to the civil rights of all Americans, and

Whereas, the Emergency Detention Act provides that, during periods of "internal security emergency", any person who *"probably* will engage in, or *probably* will conspire with others to engage in, acts of espionage or of sabotage" can be incarcerated in detention camps, and

Whereas, a person detained under the Emergency Detention Act will not be brought to trial under law, but instead will be judged by a Preliminary Hearing Officer and a Detention Review Board, where the detainee must prove his innocence but the government is not required to furnish evidence or witnesses to justify the detention,

Therefore, be it resolved that the Japanese American Citizens League (JACL) reaffirms opposition to Title II of the Internal Security Act of 1950 (Emergency Detention Act), and it be further

Resolved that the JACL National Board establish an *ad hoc* committee to develop and coordinate an active program, coupled with consideration of necessary financing, to repeal or amend the Emergency Detention Act.

Pursuant to this resolution, National JACL President Jerry Enomoto, of Sacramento, Calif., appointed Ray Okamura, of Berkeley, and Paul Yamamoto, of Oakland, Calif., as cochairmen of the National JACL Ad Hoc Committee To Repeal the Emergency Detention Act. As might be expected, both were among the 110,000 persons who were evacuated from the West Coast 27 years ago. This JACL Committee has been most active in informing the public at large of the dangerous implications of title II and rallying support for a concerted repeal effort.

My distinguished colleague from Hawaii in the other body, Senator DANIEL K. INOUYE, and 24 other Senators have cointroduced similar bills to repeal the Emergency Detention Act, and some of my colleagues in this body have also done so. I strongly urge others who believe in justice and fair play to join in cosponsoring this legislation which would remove the legal sanction for American concentration camps and thereby uphold the constitutional safeguards for individual liberty. A law as repugnant to our American way of life as the Emergency Detention Act should not be permitted to remain in our statute books.

DETENTION CAMPS: COULD THEY HAPPEN HERE?

The SPEAKER pro tempore (Mr. MOLLOHAN). Under a previous order of the House the gentleman from California (Mr. HOLIFIELD) is recognized for 30 minutes.

Mr. HOLIFIELD. Mr. Speaker, yesterday I joined with my colleague, the gentleman from Hawaii (Mr. MATSUNAGA) in introducing a bill to repeal title II of the Internal Security Act of 1950.

The Internal Security Act of 1950 was passed by the Congress over the veto of President Truman. Title I establishes the Subversive Activities Control Board.

Title II, which is often referred to as the "Emergency Detention Act," provides that the President of the United States may declare an "internal security emergency," when any of the following occur:

First. Invasion of the territory of the United States or its possessions;

Second. Declaration of war by Congress;

Third. Insurrection within the United States in aid of a foreign enemy.

When such an "emergency" is declared, the Attorney General is authorized to apprehend and detain citizens about whom there is "reasonable belief"—not proof—that they might engage in "acts of espionage and sabotage" either individually or with others.

In the years since this measure was enacted, no Government official has put it to use. The fact that it exists, however, has been the basis for serious anxiety among certain segments of the population. These anxieties generally are brought about because of our memories of the way such camps were used in Nazi Germany. And the fact that U.S. citizens of Japanese extraction were once incarcerated in "protective custody" does little to allay fears that this could happen again—in America.

Imprisoning men for their alleged political beliefs—no matter how much we may disagree with them—is not consistent with any of the basic tenets of our country. However, as long as title II is on the books, it could be used, and some American citizens would probably be arrested and detained before its constitutionality could be ruled on by the courts.

What is at stake, therefore, is the possible imprisonment of those who are thought to be "suspect" for one reason or another—whether in wartime or in a period of heightened national anxiety about freedom of thought or expression. Let me make it clear that the repeal of title II in no way hampers our methods of dealing with the crime of treason. The Constitution provides a definition and prescribes the penalty for that crime, yet requires full and due process of law for conviction.

I see no need for the provisions of title II, and because of the danger they pose to American citizens, this section must be repealed.

My feelings on this are, of course, influenced by events which took place in my home State of California during World War II. I was a freshman Congressman then, and I clearly remember that nearly 110,000 Japanese living on the west coast were systematically rounded up and sent to "relocation centers" until the war reached an end. These people had not committed any crime—they simply were of Japanese descent. This happened to American citizens within their own country. The Japanese were the victims of a wave of wartime hysteria which swept over reasonable citizens who felt that the "security" of the country necessitated the removal of innocent people from their homes.

While there are no records of any Americans of Japanese descent ever participating in acts of sabotage or espionage against this Nation, still many Americans assumed that their loyalties were questionable because of their ancestry. I am proud to say that I spoke out against this so-called "protective custody" at the time, though I was in a small minority who dared to do so.

There were no trials or hearings for these American citizens, and families were uprooted from their homes and taken to the relocation centers. That this could happen in America—then and now—is hard to believe. Title II of the Internal Security Act sanctions this practice and makes it lawful.

The record of Japanese-American citizens during World War II is well known. The 442d Infantry Regimental Combat Team, composed entirely of Japanese—Nisei—in Hawaii distinguished itself repeatedly during the war in Europe. Senator DANIEL INOUYE, of Hawaii, was a member of this team which won for itself the highest commendations and respect of a grateful country. The team was the most decorated unit in our military annals for its size and length of service.

Other Japanese volunteered for intelligence work in the Pacific—and some were killed by their own troops in the American forces by mistake. In California, inmates who were permitted to leave the camps participated to their fullest capacities in production efforts to end the war quickly.

The process of "protective custody"

had already begun when I was elected to Congress in 1942. It was never authorized by any specific Federal law. I have never forgotten what those times were like, and I never want to see anything like what happened then happen again in this country. That kind of hate and hysteria have no place in America.

I voted against enactment of title II of the internal security bill when it was first passed in 1950. It was returned to the Congress by President Truman with the following message:

It is not enough to say that this probably would not be done. The mere fact that it could be done shows clearly how the bill would open a Pandora's box of opportunities for official condemnation of organizations and individuals for perfectly honest opinions.

I agreed with the President, and I voted to uphold his veto. It was, unfortunately, overturned, and the bill became law.

The World War II experience I have discussed shows that it is very possible for the constitutional guarantee of "due process" to be denied Americans on the basis of a definition of "internal security emergency". It could happen again, quite easily, to some other segment, either ethnic or political, of the population—and this time it would be authorized by specific statute.

There are many other laws which effectively and constitutionally provide for this Nation's safety and protection in times of war, invasion and insurrection. We have no need for laws such as title II which can only foster mistrust between citizens and their government.

For these reasons, Mr. Speaker, I urge the repeal of title II of the Internal Security Act of 1950.

THE LAW ON TRIAL

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Michigan (Mr. DIGGS) is recognized for 30 minutes.

(Mr. DIGGS asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. DIGGS. Mr. Speaker, the tragic events of March 29, 1969 at the New Bethel Baptist Church in Detroit is a classic example of "The Law on Trial." In order to put this important case in proper context I submit the following report from one of America's most respected and constructive agencies, New Detroit, Inc., together with additional comments:

THE NEW BETHEL REPORT: "THE LAW ON TRIAL"

(By the Law Committee, New Detroit, Inc.)

Paul D. Borman, associate dean, Wayne State University Law School.

Arthur M. Bowman, director, Neighborhood Legal Services, Inc.

George E. Bushnell, Jr., past president, Detroit Bar Association (Disqualified at his request—Member, State Judicial Tenure Commission).

Philip F. Colista, acting dean, University of Detroit Law School.

Michael Domonkos, professor of law, University of Detroit Law School.

Gilbert Donohue, professor of law, University of Detroit Law School.

John Feikens, Sr., chairman, Law Committee, New Detroit, Inc.

William B. Gould, professor of law, Wayne State University Law School.

Michael S. Josephson, professor of law, Wayne State University Law School.

Archie Katcher, first vice president, Detroit Bar Association.

Raymond W. Krolikowski, Attorney at Law.

Senator Emil Lockwood, majority leader, Senate of the State of Michigan.

John E. Mogk, professor of law, Wayne State University Law School.

Thomas J. Morcom, task force leader, Law Committee, New Detroit, Inc.

Harold E. Mountain, past president, Detroit Bar Association.

Thomas L. Munson (concurring), past president, Detroit Bar Association.

Harold Norris, professor of law, Detroit College of Law.

Frederick A. Patmon, attorney at law.

William T. Patrick, Jr., president, New Detroit, Inc.

Representative William A. Ryan, speaker, House of Representatives of the State of Michigan.

Stephen H. Schulman, professor of law, Wayne State University Law School.

Louis F. Simmons, Jr., past president, Wolverine Bar Association.

Myron H. Wahls, president, Wolverine Bar Association.

Edward M. Wise, professor of law, Wayne State University Law School.

Senator Coleman A. Young, co-chairman, Law Committee, New Detroit, Inc.

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INTRODUCTION

The tragic events of March 29, 1969 at the New Bethel Church have considerably increased racial tensions in our community. To a significant extent the reporting of events subsequent to this incident as they involve the Recorder's Court have contributed to the divisiveness.

In making the statement public, New Detriot seeks to act as a reconciler in the Detroit community through the education of the public to a greater understanding of the laws involved in the case. The integrity of our Constitutional order rests on public support and such support cannot exist without public understanding. Our city desperately needs mutual trust and confidence. Self-government cannot exist without self-discipline. All authority must be accountable. Such mutual trust, self-discipline and accountability can be encouraged by greater understanding of our laws and of the role of the judiciary in interpreting and applying them.

At the outset we emphasize that the question is not whether the Judge's rulings were legally flawless. In the interpretation and application of Constitutional standards regarding detention, probably cause and the right of counsel, there is no "perfect ruling."

In evaluating the Judge's rulings, the only legitimate inquiry is whether such rulings had reasonable basis in the law. A judge need not be perfect, for the appellate process assures a remedy for those who dispute a ruling.

In our opinion there is more than merely a justifiable basis for his conduct and exercise of judicial discretion. There is little question that Michigan law placed upon this Judge, as a presiding judge of the Recorder's Court, the responsibility of being available for and making a judicial inquiry into challenges of illegal detention.

Accordingly we adopt the position paper hereto annexed in the hope that, with the understanding that a knowledge of the facts and of the law brings about, our community will be reconciled and reunited. In the name of the rule of law, we urge all in our community to respect and defend the independence and the integrity of the judiciary. Only in this way can we preserve, protect and defend the liberty and security of every person in our City.

STATEMENT OF FACTS

The relevant facts as presented to Judge George W. Crockett appear to be:

1. The Detroit Police Department was called to the New Bethel Church shortly before Midnight on March 29, 1969 as the result of a shooting in which tragically one police officer was killed and another wounded. The police subsequently took into custody some one hundred and forty-two persons who were found inside the Church.

2. Approximately six hours later, the Presiding Judge of the Recorder's Court for the City of Detroit was contacted by two private citizens, and told that the Detroit Police had taken upwards of a hundred people into custody including at least thirty women, some of whom were accompanied by children; that all of the persons were being detained at the First Precinct Station and had been refused permission to make phone calls or otherwise contact attorneys, relatives or friends.

3. The Judge then proceeded to the First Precinct Station where he met with the Detroit Police Commissioner and requested a list of all of those held in custody so that their names could be inserted on a Writ of Habeas Corpus which he had prepared. The Judge also requested and was granted a room for the hearings on the Writ, and he asked that the Wayne County Prosecutor be notified of such hearings.

4. The Habeas Corpus proceedings commenced at 6:40 A.M. Sunday morning and were open to the public. The cases of thirty-nine suspects were then heard and determined as follows: fifteen Detroit residents were released on One Hundred Dollar personal bond to reappear at noon; one man (the Church janitor) was discharged with the consent of the Prosecutor; one man from Ohio was released without bond and ordered to reappear at noon; twenty-two persons from out-of-town were remanded to custody until noon.

5. The Judge then ordered the release of another Detroit resident on One Hundred Dollar personal bond. At this point the Prosecuting Attorney entered the room and countermanded the Court's order releasing this suspect. Notwithstanding the Court's warning of contempt proceedings, the Prosecutor in the presence of the Court directed the police to retain the suspect in custody and further ordered that no additional suspects be brought before the Court. The Court had no alternative but to recess.

6. At noon of the same day, the Court reconvened and approximately one hundred and thirty prisoners were released either at the request of the Assistant Prosecuting Attorney or with his consent. The sixteen suspects who were ordered to reappear did so.

7. The Assistant Prosecuting Attorney requested an adjournment of the hearing for twenty-four hours on seven of the remaining suspects—four of whom had tested positive on a nitrate test; one who, though not tested, was believed to have had nitrate traces on his hands; and two others who showed no signs of nitrate but were wanted by the Assistant Prosecutor for further investigation.

8. The Court denied the motion and granted the Writ releasing the seven suspects on the grounds that the People did not show probable cause to hold them and that the Police violated the Constitutional rights of some of the suspects by denying the right to counsel during the administration of the nitrate tests.

Based upon the foregoing facts, certain legal issues are raised. These issues relate to (1) the Court's prompt inquiry at the police station of the allegations relating to the incommunicado detention of the suspects; (2) the issuance of the Writ of Habeas Corpus; and (3) the release of seven suspects over the Assistant Prosecutor's objections.

At the outset of this discussion we must emphasize that the question is *not* whether Judge Crockett's rulings were legally flawless. In the interpretation and application of Constitutional standards regarding detention, probable cause, and the right to counsel there is no "correct" ruling. The very complexity of these problems demand that a judge be given wide latitude in his judgments, for only he has full access and exposure to all the relevant facts. Thus, in evaluating Judge Crockett's rulings based upon the evidence presented to him, the only legitimate inquiry is whether such rulings were plausibly based in the law.

I. THE PRESIDING JUDGE OF THE RECORDER'S COURT HAD THE AUTHORITY OF LAW TO GO TO THE POLICE STATION TO INQUIRE AS TO THE ALLEGATIONS THAT PEOPLE WERE THERE BEING ILLEGALLY DETAINED

At approximately 5:00 A.M. on Sunday morning, March 30, 1969, Judge George W. Crockett, Jr. was awakened at his home by a State Representative, James Del Rio, and the pastor of New Bethel Church, Reverend C. L. Franklin, and told "that a homicide had occurred at or near New Bethel Church . . . sometime around midnight of last evening; that the Detroit Police had taken upwards of a hundred people into custody including at least thirty (30) women, some of whom were accompanied by children; that all of the arrested persons were being detained at the First Precinct Station and had been refused permission to make phone calls or otherwise contact attorneys, relatives or friends; that these prisoners were not being held pursuant to any warrant or other court order." [1] As Presiding Judge of the Recorder's Court, Judge Crockett was "charged with the general supervision and superintendence of the work of the Court." [2] Subsection c) of that rule also requires that applications for Writs of Habeas Corpus be presented to the Presiding Judge.

We believe that Judge Crockett's response to the complaints of Representative Del Rio and Reverend Franklin must be viewed in the context of his duties as Presiding Judge. The purpose of a Habeas Corpus proceeding "is to cause the release of persons illegally confined, to inquire into the authority of law by which a person is deprived of his liberty . . ." [3] The importance of these proceedings in preventing any prolongation of an illegal detention has been explicitly recognized in Michigan. Writs of Habeas Corpus are returnable "forthwith, *or at the nearest available time or place*" (Emphasis added).[4]

Moreover, the Michigan Supreme Court recently held that in the protection of a criminal suspect's rights, "Magistrates of Michigan . . . (are) on legal duty at all times; Sunday, holidays or no." [5] It appears that these specific mandates, which show no reverence for either the hour or the day, create a duty in a Presiding Judge notified of an illegal confinement to determine whether immediate judicial intervention is required to preserve the rights of citizens within his jurisdiction.

The facts whch confronted Judge Crockett in the early morning hours of Sunday, March 30, 1969, illustrate precisely the kind of exigent circumstances which make the twenty-four hour on-call availability of judges necessary. The law does not require that the one hundred and forty-two (142) persons being held at the police station be without remedy until Tuesday morning (Monday was a court holiday), since this would subordinate the rights of the individual to mere formalities.

II. THE JUDGE HAD THE AUTHORITY OF LAW IN ISSUING THE WRIT OF HABEAS CORPUS WHETHER IT BE DEEMED TO HAVE BEEN UPON THE ORAL APPLICATION OF TWO CITIZENS OR UPON HIS OWN MOTION

Substantial controversy has surrounded Judge Crockett's issuance of the Writ of Habeas Corpus for the one hundred and forty-two (142) persons held at the First Precinct Police Station. From this controversy the serious charge that the Judge abused his judicial responsibilities has emerged. The import of this charge warrants a thorough examination of the pertinent law.

Under Section 600.4316 of Michigan Compiled Laws, a judge empowered to grant the Writ of Habeas Corpus may do so upon "proper application." The application "may be brought by or on behalf of any person restrained of his liberty." [6]

Thus, either Representative Del Rio or Reverend Franklin *could have* brought a formal complaint requesting the Writ. Nevertheless, Judge Crockett chose to bring the Writ in his own name. Whether this decision was made in order to save time or for some other reason is immaterial. Since it was Del Rio and Franklin who brought the facts to the Judge's attention and requested that the Judge act, in a real sense they were the complaining parties. Although Section 712.3 of the Michigan Court Rules envisions a formal written application for a Writ of Habeas Corpus, it is reasonable to conclude that under the circumstances the oral application was sufficient and that Del Rio and Franklin did "properly apply" for the Writ. This view is consistent with that of the commentators Honigman and Hawkins stating, "the form and sufficiency of all pleadings must be determined 'by construction of the rules which will secure substantial justice on the merits . . .'" [7] Consequently, if the Recorder's Court Judge is deemed *not* to have the power to issue a Writ on his own motion a liberal interpretation of the oral application is appropriate. "(T)echnical defects in the pleadings should not forestall relief if an illegal detention is . . . brought to the judge's attention." [8]

Still another basis for the propriety of the Writ issued in this case is found in the language of M.C.L.A. § 600.4307 giving "*any* person" (including the Judge) the right to bring an action for Habeas Corpus. The breadth of this provision elevates the scrupulous protection of the Constitutional rights of those detained over technical standing requirements.

Finally, we must go to the provisions of Michigan Court Rule § 712.7 which grant at least some Michigan judges the power to issue Writs on their own motion:

"Any Justice of the Supreme Court, any judge of the Court of Common Pleas, and any judge of the Circuit Court may issue a writ of habeas corpus, or an order to show cause, upon his own motion whenever he learns that any person within his jurisdiction is illegally restrained of his liberty."

The question remains whether a judge of the Recorder's Court of the City of Detroit has the powers enumerated in Court Rule § 712.7. Some guidance is provided in M.C.L.A. § 726.17 which sets forth the powers of a judge of the Recorder's Court with respect to Habeas Corpus. It read as follows:

"The judge of said Recorder's Court *shall possess the same power to grant writs of habeas corpus*, returnable before himself, to adjudicate thereon, and do all acts in vacation touching any suit or proceeding in said court, as is now, or may be possessed by the Judges of the Circuit Courts of the State, in matters before said Circuit Court." (Emphasis added.)

While we have found no case which challenges the power of a Recorder's Court judge to issue a Writ of Habeas Corpus on his own motion it is arguable that the use of the word "grant" in § 726.17 as opposed to the word "issue" suggests that a Recorder's Court Judge is denied the power clearly conferred upon judges of both the Circuit Courts and the Court of Common Pleas. This interpretation is not supported by the purport of the legislation establishing the Recorder's Court which has sought to equate that Court's powers with those of the Circuit Courts. The general jurisdictional section of the statute creating the Recorder's Court is M.C.L.A. § 726.11. Among other things, it empowers the Court to: "do all lawful acts which may be necessary and proper to carry into complete effect the powers and jurisdiction given by this act, *and especially to issue all writs and process, and to do all acts which the circuit courts of this state, within their respective jurisdictions, may, in like cases, issue and do by the laws of this state . . .*" (Emphasis added).

On the basis of the foregoing analysis, we conclude that the Writ of Habeas Corpus issued by Judge Crockett, whether it is deemed to be upon the oral application of Del Rio and Franklin or his own motion is supported by the laws of Michigan.

III. THE JUDGE'S RELEASE OF SEVEN SUSPECTS, NOTWITHSTANDING THE OBJECTION OF THE ASSISTANT PROSECUTOR, IS AUTHORIZED BY THE LAW

It is important to note that on Sunday, March 30, 1969, there were actually two sessions at which persons held in custody were brought before the Court. The first session (hereinafter, Morning Session) convened at approximately 6:40 A.M.[9] and was recessed at about 8:00 A.M. The second session (hereinafter, Afternoon Session) reconvened at noon and continued through the afternoon.

During the Morning Session thirty-nine cases were heard. Fifteen Detroit residents were released from custody on One Hundred dollar personal bond and one Ohio resident was released on his personal bond. All sixteen were ordered to reappear at noon. Twenty-two persons from out-of-town were remanded to custody.[10] Only one person, the Church janitor, was discharged and this was with the consent of the Assistant Prosecutor. By virtue of these actions and the Prosecutor's actions, final disposition of the Writ of Habeas Corpus was postponed for several hours until noon.

At the commencement of the Afternoon Session the Assistant Prosecutor, Jay Nolan, informed the Court that the police had released "upwards of a hundred people" in accordance with the understanding he had with the Court because their investigation determined that "we had no basis to hold them." [11] Of those arrested at the time of the hearing neither the Assistant Prosecutor nor the Court knew exactly how many people had been taken from the New Bethel Church.[12]

Contrary to the reporting at the time, it is now clear that virtually all (132) of these persons were released by or at the request of the Assistant Prosecutor. Thus, if there is any dispute it must involve the release of the seven persons whom the Assistant Prosecutor sought to retain in custody. As to these seven the question is: did the prosecution offer sufficient legally obtained evidence against these persons to establish probable cause that each had committed a crime? If such evidence was not offered to the Court, the detention of such persons was improper and the Judge was obliged to order their release.

Recognizing that the Court must rule upon the legality of a detention based only upon the evidence offered at the Habeas Corpus Hearing an examination of such evidence is required. Against two men the Assistant

Footnotes at end of article.

Prosecutor offered no evidence other than the fact that each was inside the Church when taken into custody. A third man had been taken from the Church; although he refused to take a nitrate test there was evidence that a police detective saw a "speck" of nitrate on his hands. As to the remaining four suspects who had been taken from the Church, the paraffin nitrate tests showed positive signs of nitrate on their hands.

If the seven suspects in question were lawfully under arrest by Constitutional standards at the time of the hearing, their continued custody was legal and the Writ should have been denied. On the other hand, if they were not under arrest or if the arrests were not made upon probable cause, further restraint would be in violation of their Constitutional rights. The question could be easily disposed of if we can conclude that there was sufficient legal cause to justify the arrest of all one hundred and forty-two persons found in the New Bethel Church. In such instance each of the seven men were lawfully arrested and their continued detention on the same basis as the arrest would be proper. This position is not without appeal and it merits substantial discussion.

A. Were the seven suspects under lawful arrest at the time they were taken into custody at the New Bethel Church?

This aspect of the discussion is devoted to the concept of "arrest" as it relates to various preconditions set forth by the courts and the United States Constitution. We are aware of the terms, "arrest for investigation" and "limited detention" which imply a lesser standard of cause and a narrower invasion of liberty. Such concepts, if valid, provide a reasonable incubation period during which the detention may mature into a full blown arrest. Insofar as these terms are applicable to the situation at hand they are discussed in another portion of this paper.

The principle that it is better to allow some guilty men to go free than to subject citizens to easy arrest is deeply embedded in the Fourth Amendment.[13] As a consequence, the notion of "probable cause" is an essential safeguard to the individual liberties of every American citizen. Yet while the Bill of Rights protects a person from arbitrary invasions of his person or property, it authorizes arrests where the officer has probable cause to believe that a person has committed a felony. Thus, if the police had probable cause to believe that each of the seven suspects in question had committed a felony at the time they were first taken into custody, it follows that they had probable cause to hold these men and the Writ should have been denied.

In this case the police responded to a call for help by a wounded officer. When they arrived at the scene they found two seriously injured policemen—one officer later died in the hospital.[14] According to Commissioner Spreen's statement, which was given to the Judge during the early morning conference at the police station, responding police units "entered the New Bethel Church, Philadelphia and Linwood, and the responding officers were met with a hail of gunfire. When additional officers arrived at the scene, they were successful in entering the church under fire and effected the arrest of many of the participants . . . three rifles, three hand guns and a quantity of ammunition have been confiscated. A group of persons are in custody for questioning in the matter." [15]

If we assume these facts to be true, the officers had probable cause to believe that a *felony had been committed.* Moreover, they had probable cause to believe that *the felony had been committed by some person or persons in the New Bethel Church.* The question remains, however, whether this nature of probable cause was sufficient to justify the arrest of all one hundred and forty-two (142) persons.

In examining this question we are not insensitive to the difficult circumstances which confronted the police. The situation was most volatile—it was late at night in an area of substantial social unrest. An attempt to properly isolate and interrogate the one hundred and forty-two (142) possible assailants and witnesses may have been dangerous as well as impractical. In addition, the crime involved was a most serious one which warranted vigorous pursuit of the criminals.

As Mr. Justice Jackson pointed out in his dissent in *Brinegar* v. *United States,*[16] when the public interest is great and the offense grave, the courts will strive hard to sustain actions by the police which are fairly executed and in good faith. However, exigent circumstances can do no more than justify a liberal construction of probable cause; they cannot dissolve the requirement. "(I)f subjective good faith alone were the test, the protections of the Fourth Amendment would evaporate, and the people would be 'secure in their persons, houses, papers, and effects' only in the discretion of the police." [17]

One basic principle which must remain inviolate is that guilt is personal. In the absence of evidence of conspiracy each person is entitled to be judged only upon the evidence against him as an individual. Group guilt or guilt by association has no place in our law. Speaking for the majority in the *Brinegar* case, Justice Rutledge stated:

"The history of the use, and not infrequent abuse of the power to arrest cautions that a relaxation of the fundamental requirements of probable cause would 'leave law abiding citizens at the mercy of the law officers' whim or caprice.' "

Thus, "the constitutional validity of an arrest depends upon whether, at the moment the arrest was made, the officer had probable cause to make it—whether at that moment the facts and circumstances within his knowledge and of which he had reasonably trustworthy information, is sufficient to warrant a prudent man to believe that *the suspect* had committed or was committing an offense." (Emphasis added.)[18]

It has been repeatedly emphasized by the Supreme Court, that where there are numerous actual or potential suspects, without further evidence of individual guilt, *all of them may not be arrested,* nor may any one be arrested at random. In *Wong Sun* v. *United States,*[19] an informant had said that "Blackie Toy," the proprietor of a laundry on Leavenworth Street, had sold an ounce of heroin. There were several Chinese laundries on this street, and apparently more than one Toy. It was held that the arrest of one of them was unlawful because there was no showing that the officers "had some information of some kind which had narrowed the scope of their search to this particular Toy." (Emphasis added).

Similarly in *Mallory* v. *United States,*[20] involving a rape by a masked individual, the only three persons who fit the general description of the rapist and who had access to the basement where the rape occurred were arrested. The court said: "Presumably, whomever the police arrest they must arrest on 'probable cause.' *It is not the function of the police to arrest, as it were, at large and to use an interrogating process at police headquarters in order to determine whom they should charge before a committing magistrate on 'probable cause'* " (Emphasis added).

While the police had at the New Bethel Church one hundred and forty-two (142) suspects, it was never shown to Judge Crockett by the Prosecutor that they had information at the time of the detention as to any person or persons which could narrow the focus of guilt to meet probable cause standards. The very fact that all one hundred and forty-two (142) persons including the women and children were taken into custody and that all but ten were ultimately released by the police or the Prosecutor because they "had no basis to hold them" [21] fails to support any contention that the police had probable cause at the time of the arrest. Since the Assistant Prosecutor presented no evidence to the Court which would distinguish the seven suspects he sought to retain from the rest of the persons taken from the Church en masse, it must be assumed that the Assistant Prosecutor's concession of no probable cause was equally applicable to them at the time they were taken into custody.

This conclusion does not suggest that the police are helpless in such situations. Had the prosecution introduced any evidence that the shooting had occurred from inside the Church in the presence and view of all the persons inside, it is possible that sufficient inferences of a conspiracy among such persons could be elevated to probable cause. Similarly, had the prosecution offered any evidence which would connect the guns or ammunition with any person or persons, probable cause may have existed. Unfortunately, there was no such evidence presented. Instead, the Assistant Prosecutor's sole reliance on the mere presence of each suspect in the Church was made clear throughout the Transcript.[22]

As a result of the foregoing analysis we conclude that in the absence of evidence and coherent argument to establish a conspiracy among the one hundred and forty-two (142) persons taken from the New Bethel Church, a ruling that there was no showing of probable cause to justify the arrest of any of these persons is amply supported in the law. Consequently, as to those suspects whose continued detention was sought with no further cause than their presence in the Church (only five of the seven showed signs of nitrate), a finding of no probable cause and a granting of the Writ of Habeas Corpus was justified. A more detailed discussion of the release of the two non-nitrate suspects further supports the propriety of the Court's actions.

One of these suspects was a resident of New York. The Assistant Prosecutor asked the Court to retain custody over this man for a short period of time so that the police could check for a criminal record. At this point the Court stated:

The COURT. It is not solely whether this man has a record. What is there that you think justifies this Court in detaining this man? What relationship does this man have to the alleged criminal acts or act?

Mr. NOLAN. Your Honor, he was arrested in the premises where the—after the shooting on the street and the officers undertook to enter and there was firing inside there. Other than that, that is the extent of what I have.

The COURT. All you have against this man is that he was among the hundred who were attending whatever the affair was and he is from New York?

Mr. NOLAN. Yes, sir.

The COURT. Is that all?

Mr. NOLAN. Yes, sir.[23]

At this point the Judge ordered the subpect released and Mr. Nolan requested that the Court maintain jurisdiction over the person by placing him on bond. The Court asked defense counsel whether he would agree to such a procedure; counsel opposed the suggestion. The Court pointed out that it had no authority to confine the suspect to Detroit by way of personal bond and released him because the prosecution had "not shown anything to establish some probable cause to indicate that this man is guilty." [24]

The other non-nitrate suspect was Alfred Hibbitt. The Assistant Prosecutor requested a 24-hour adjournment. Defense counsel asked the purpose for which the prosecution sought to hold the suspect and the Assistant Prosecutor stated:

Mr. NOLAN. In the alternative, his physical presence will not necessarily contribute

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to our investigation. I want to be frank with the Court. Our concern is that after we—with the possibility of a showup, there could quite likely be a showup. But other than that, we don't intend to question him or give him a nitrate test or anything like that. He had his.[25]

Ultimately, with the assurance of the defense counsel that the suspect could be produced if called, the Court released Mr. Hibbitt on $1,000 personal bond. Over a week later, the Prosecutor's office issued a warrant on Mr. Hibbitt and in accordance with the Court order he voluntarily gave himself up to the police without incident. Based upon the foregoing facts we conclude that the Court's release of these men was totally consonant with the law.

B. Was there legal cause to hold the five suspects who revealed evidence of nitrate while they were in custody?

At a Habeas Corpus hearing the prosecution must show probable cause to hold the suspect at the time of the hearing. This fact indicates that there may have been a legal basis to find such cause against the suspects who revealed particles of nitrate from the paraffin test. Three issues are raised by Judge Crockett's ruling as to these men: (1) does the existence of nitrate on the hands of a suspect combined with the presence at the Church provide probable cause that he was involved in the shooting?; (2) may the results of the nitrate tests be used to show probable cause if they were taken after an arrest made with less than probable cause?; (3) may the results of the nitrate tests be used if such tests were taken while the suspect was being held incommunicado and not advised of his right to counsel?

After an extensive colloquy with the Assistant Prosecutor and defense counsel,[26] the Court discharged one of the suspects who had tested positive for nitrate on the paraffin test administered by the police. The Court stated:

"You still have the right to get a warrant if you have sufficient evidence to show probable cause and you have the right to come back to this Court and I am sure that any judge of this Court will give you a warrant under those conditions. For the present *you fail to show probable cause and the police have violated a Constitutional right of this defendant*" (Emphasis added.)[27]

It is not absolutely clear whether the Court released this suspect (and the other four) because even with the nitrate test there was no probable cause or on the grounds that the nitrate tests were unconstitutionally administered and without them there was no probable cause. Since he referred to the tests as "impermissible" [28] the latter interpretation is probably the correct one. However, we will evaluate the first alternative as well because it is material to the development of the whole question of probable cause.

1. Was there probable cause to believe that the suspects evidencing nitrate traces committed a crime?

Although the Supreme Court has indicated in *Mallory* v. *United States* and *Wong Sun* v. *United States* that there can be no probable cause where the evidence points equally to several suspects all of whom could not be guilty, the discovery of nitrate traces on five persons found inside the Church adds materially to the likelihood that each was involved in the shooting. Whether it adds enough depends, of course, on the reliability of the nitrate test. If it is reasonably reliable and it may be legally considered, a finding of probable cause is appropriate.

The theory of the test is that nitrates contained in gun powder often become embedded on the surface of the skin after a gun is fired. To perform the test, layers of warm liquid paraffin, interleaved with layers of gauze for reinforcement, are brushed or poured on the suspect's skin. The warm sticky paraffin opens the skin's pores and picks up any dirt and foreign material present at the surface. When the paraffin cools and hardens, it forms a cast which is taken off and processed with certain chemicals. If blue dots appear, it provides evidence that the suspect has recently fired a weapon.

In practice, however, the authorities are virtually unanimous that the test is entirely unreliable. *The President's Commission on the Assassination of President Kennedy* (Warren Report) pointed out that in experiments run by the F.B.I. it was shown that, "A positive reaction is . . . valueless in determining whether a suspect has recently fired a weapon." [29] One reason for this is that "contact with tobacco, Clorox, urine, cosmetics, kitchen matches, pharmaceuticals, fertilizers, or soils, among other things, may result in a positive reaction to the paraffin test." [30]

Henry W. Turkel, M.D., the coroner for the City of San Francisco, ran independent and controlled tests and he concluded: "It is doubtful that anyone would have sufficient trust in the dermal nitrate test to bring a criminal charge or institute a criminal proceeding on the strength of the findings of this test alone . . . In sum total . . . the test (is) less than worthless." [31] Finally, he points out that:

"The inspectors of the Homicide Detail of the San Francisco Police Department were questioned as to their recollection of cases in which paraffin glove tests served in any degree to incriminate or clear a suspect or defendant. Not one instance was recalled where it served a positive role, despite their cumulative forty-nine years on the detail."

On the basis of the foregoing facts, we conclude that the nitrate test is sufficiently unreliable to warrant a finding that a positive result on such test without other substantial evidence does not establish probable cause to believe a suspect has been involved in a shooting.

2. May the results of the nitrate tests be used to show probable cause if they were taken after an arrest made on less than probable cause?

Assuming the positive results of the nitrate tests would provide sufficient cause to hold the suspects at the Habeas Corpus hearing, serious Constitutional questions are involved in the use of such tests here. The record leaves little doubt that the nitrate tests were administered *after* the suspects had been removed from the Church to the police station. In fact, the Assistant Prosecutor requested additional time from the Court to complete these tests (it is noteworthy that the tests were performed even though the Judge specifically denied this request and asked that no tests be given prior to the Habeas Corpus hearing).[32] Thus, if the original detention is deemed to have been an illegal arrest, the evidence which derives immediately from such an arrest is considered the "fruit of the poisonous tree" and it may not be used for any purpose in the prosecution of the arrestee.[33]

If, on the other hand, the detention which led to the nitrate tests was proper even though there was insufficient probable cause to authorize an arrest by Constitutional standards, the evidence might be considered. This result is possible if we can conclude that the police had a legal right to move the suspects from the Church to the police station without placing them under full arrest. Herein we must discuss the concept of a "limited detention."

To some courts an arrest invoking the Fourth Amendment standards occurs as soon as a person is taken into custody and restrained of his full liberty, even for a short period of time.[34] There is, however, authority for the position that every detention of an individual does not constitute an arrest. These courts would make a distinction between an arrest and an investigatory detention and permit the detention "on grounds less stringent than the probable cause requirement for an arrest." [35] Inasmuch as the Supreme Court declined to decide whether persons may be detained for investigation on less than probable cause,[36] the question is open.

Recently, the highest court in New York endorsed the practice of reasonable investigatory detention stating:

"The public interest requires that such interrogation (while a citizen is restrained of his liberty) not be completely forbidden so long as it is conducted fairly, reasonably, within proper limits and with full regard to the rights of those being questioned." [37] The Second Federal Circuit put it more strongly:

"This prerogative of police officers to detain persons for questioning is not only necessary in order to enable the authorities to apprehend, arrest, and charge those who are implicated; it also protects those who are readily able to exculpate themselves from being arrested and having formal charges made against them before their explanations are considered." [38]

Even more to the point the *Vita* court stated at p. 534 "the plain unvarnished fact that without such power society would often find itself helpless to solve crimes and protect its members." The same concern for public safety is reflected in the Uniform Arrest Act, a statute proposed in 1942 by the Interstate Commission on Crime (adopted in three states) which permits the police to detain for questioning any person against whom the officer has a reasonable suspicion.[39]

The case which confronted the Detroit Police at the New Bethel Church provides a perfect example of a situation where a detention for investigation might be appropriate. At the time of the police entry they had no way of knowing which persons of the one hundred and forty-two (142) found in the Church had been involved in the shooting. Moreover, to question all one hundred and forty-two (142) persons at the Church may have been as dangerous as it would have been chaotic. Under the circumstances the removal of these persons to the police station where screening, sorting and questioning could be carried out in a more orderly fashion was reasonable. The importance of preserving material witnesses is recognized in Michigan as in other states by conferring upon the Judge the power to order the custody of such a witness. In view of all of these facts we believe that the police action taken at the New Bethel Church in regard to the detention and subsequent relocation of persons for whom there was insufficient probable cause was not unreasonable.

Assuming then that a pre-arrest detention was appropriate so that the police could pursue a prompt and thorough course of investigation, we must consider whether the discovery of nitrate traces on five of the suspects was a legitimate part of the detention. In this case the nitrate tests were performed at about 9:00 A.M. Sunday morning,[40] that was after the Morning Session and about nine hours after the detention began. This fact raises the important issue of time. The purpose of permitting a pre-arrest detention is to afford the police an opportunity to complete some preliminary investigations which may result in probable cause to arrest. Yet even the few courts which have advocated such detention powers have been emphatic that the detention be brief. The Uniform Arrest Act states, "the total period of this detention shall not exceed two hours." [41] The detention approved of in *United States* v. *Rundle*,[42] was "reasonably brief . . . only five to ten minutes." The New York Court also expressed a concern for the duration of the

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detention approving a one hour detention and emphasizing the need for brevity by stating, "Lengthy detention on mere suspicion breeds abuse of those safeguards which a civilized society must erect to protect even the most reprehensible of its members." [43]

Only the *Vita* case provides language which might justify the nine hour detention of the suspects *prior* to finding probable cause. In that case, they approved an eight hour detention where the circumstances justified it and where the "investigation was conducted with dispatch . . ." [44]

These authorities cast substantial doubt upon the legality of the nine hour detention prior to the discovery of evidence which may have permitted a finding of probable cause. Under the law, a pre-arrest detention must result in either release or arrest upon probable cause within a short period of time. If the suspect is detained beyond that point he is considered under illegal arrest and evidence which derives therefrom (e.g., positive nitrate results) cannot be used. In this case, however, the detention of one hundred and forty-two (142) persons complicates the investigatory process substantially. There may have been some reason why the paraffin tests could not have been administered sooner. In any event, the mere passage of time under these extraordinary circumstances should not preclude the evidence.

Unfortunately, other safeguards were ignored during this prolonged detention. Each court which has authorized the use of investigatory detention has insisted upon the zealous protection of the suspect's Constitutional rights. The New York Court concluded its opinion as follows:

"We hold merely that a suspect may be detained upon reasonable suspicion for a reasonable and brief period of time *for questioning* under carefully controlled conditions *protecting his Fifth and Sixth Amendment rights. Mass detentions for questioning are never permissible.*" (Emphasis added.) [45]

Not only does this case involve a "mass detention" which runs afoul of the law, but during the detention the suspects were held *incommunicado* and without being informed of their Constitutional rights. Judge Crockett's emphasis of this point at the Habeas Corpus hearing was quite legally sound. Moreover, the suspects in issue were not merely *questioned* during the detention. The courts have made it clear that even when a pre-arrest detention is lawful the police may not search the suspect without probable cause.[46] A nitrate test is clearly beyond "questioning." Although the Supreme Court has probably conferred the power to take a nitrate test against the will of the suspect, such a test, like the taking of a blood sample, would be considered a search and the requirement of probable cause *prior* to the test is explicit.[47] The search and extraction of nitrate traces from the skin is not conceptually different from the search of one's pockets for a gun. Thus, we must conclude that upon any theory of pre-arrest detention, the Court's ruling that the nitrate tests in this case were impermissible was consistent with the law on this point.

One last possibility must be discussed with regard to the prosecution's legal right to further detain suspects without probable cause. This relates to the concept of arrest for investigation which is a rather unsubtle variation of a "pre-arrest detention."

Professor Wayne LaFave, appointed by the American Bar Association to study arrest procedures in the United States, reported that in Detroit "arrests for investigation" were a common practice.[48]

The importance of this fact is that the concept of arrest for investigation implies, as does pre-arrest detention, that at any time of the detention the police have insufficient evidence to justify an arrest for a specific crime. The difference is that under the arrest for investigation practice, the police detention is thought to be a matter of "right" and few if any safeguards are afforded. The Detroit Bar Association has been concerned with this problem for years and as early as 1960 the Special Civil Rights Subcommittee sought to end the practice in Detroit. The problem was so great in fact that they reported somewhat proudly that the number of "illegal arrests" in Detroit were being reduced by almost 25% (nevertheless they considered about 31% (or 13,000) of all arrests that year as being without probable cause and therefore illegal).[49]

This history makes it clear that when Judge Crockett refused to allow continued detention solely to permit investigation, he was not breaking new ground in insisting that the practice was illegal. Not only had the Civil Rights Subcommittee sought to eliminate such arrests but a well-publicized report from Washington, D.C., declared in 1962 that arrests for investigation were unconstitutional, unwise, and unnecessary.[50] It pointed out further that in well over 90% of the cases the police ultimately released the suspect without ever bringing charges.[51]

LaFave's article further indicates how the practice of holding suspects for the purpose of investigating them has been effectively sanctioned by the Detroit Courts and the Prosecutor's Office. If a Writ of Habeas Corpus was brought by or on behalf of a person held in investigatory custody, it was the practice of the Prosecutor to request and the Court to grant an adjournment for up to seventy-two hours so that the police might complete their investigation. This is precisely the technique employed by the Assistant Prosecutor who in at least one case asked the Court to adjourn for twenty-four hours so the police could check the record of an out-of-state suspect.[52]

In view of the long history of unhampered power of the police to arrest suspects for investigation, it is understandable that both the Prosecutor and the police were disturbed and surprised by Judge Crockett's refusal to permit this illegal method of investigation. Moreover, any rebuke of the police which may be implicit in the holding that the arrests were improper may be unfair in the face of reasonable reliance on the assumption that the Detroit Judiciary would continue to ratify the practice that the Prosecutor's office sanctioned.

However, notwithstanding the good faith of the police in "removing" the suspects en masse to the police station, the validity of the conduct must be viewed in terms of the individual rights involved. In addition, the long acceptance of a liberal policy toward investigatory arrests should not have affected Judge Crockett's analysis of the Constitutionality of the practice. Indeed, the Canons of Judicial Ethics of the American and Michigan Bar Associations require that a judge resist pressures from whatever source in applying the mandates of the Constitution. Canon Three states: "It is the duty of all judges in the United States to support the Federal Constitution and that of the State whose laws they administer: in doing so, they should fearlessly observe and apply the fundamental limitations and guarantees."

The law on arrests for investigation is not equivocal; an arrest cannot be made for investigation without charging the defendant with the commission of a legally defined crime.[53] Moreover, suspects cannot be arrested and booked on technical charges necessary to give the police time to work on the investigation.[54] [55] The Horsky Report at p. 60 referring to the efficacy of arrests for investigation, on less than probable cause, concludes that "the prosecutor cannot introduce in evidence articles taken from the prisoner—not even his fingerprints." The reasoning of the Horsky Report is directly applicable to the nitrate test results and such evidence is unavailable to the Prosecutor.[56]

Finally, we cite the thoughtful opinion of Judge Sobeloff in a case strikingly pertinent to the one at hand:

"In ordering the issuance of an injunction we have not blotted from our consideration the serious problems faced by the law enforcement officer in his daily work. His training stresses the techniques of the prevention of crime and the apprehension of criminals, and what seems to him to be the logical and practical means to solve a crime or to arrest a suspect may turn out to be a deprivation of another's constitutional rights. And where one policeman is killed and another wounded, the police and the public, too, are understandably outraged and impatient with any obstacle in the search for the murderer. While fully appreciating the exceedingly difficult task of the policeman, a court must not be deterred from protecting rights secured to all by the Constitution.

"The Police department is society's instrumentality to maintain law and order, and to be fully effective it must have public confidence and cooperation. Confidence can exist only if it is generally recognized that the department uses its enforcement procedures with integrity and zeal, according to law and without resort to oppressive measures. Law observance by the police cannot be divorced from law enforcement. When official conduct feeds a sense of injustice, raises barriers between the department and segments of the community, and breeds disrespect for the law, the difficulties of law enforcement are multiplied." [57]

In view of our analysis of the issues involved we conclude: First, that the nitrate tests were not sufficiently reliable evidence to require a finding of probable cause to hold the suspects. This conclusion is supported by the apparent lack of confidence in such tests shown by the Prosecutor's office. Although they had positive test results they neither sought a warrant nor brought a charge. Second, that even if the tests were *prima facie* probable cause, the tests were taken in such a questionable time and manner that their exclusion by the Judge was fully justified.

3. May the results of the nitrate tests be used if such tests were taken while the suspect was being held incommunicado and not advised of his right to counsel?

The Court's ruling in this regard was primarily based upon *Wade v. United States*,[58] a recent United States Supreme Court case which held that a line-up for identification purposes was a "critical" stage which entitled the suspect to the presence of counsel. Thus, if the taking of a paraffin nitrate test is analagous to a line-up in that the lawyer is needed to assure fairness of the procedure, the police committed Constitutional error in failing to offer each suspect the assistance of counsel. On the other hand, if a nitrate test is closer to fingerprints, where the method of taking them is well established and the reliability recognized, no counsel is required. The courts have not yet resolved this issue and the Judge's ruling might well turn upon factual considerations relating to the specifics of nitrate testing and not legal rules. In this regard the well-known deficiencies of the test may be a relevant factor in that a knowledgeable attorney could assure that foreign materials are not touched by the suspect. One court has lent credence to the Judge's position, however, as it refused admission of the results of such a test after specifically distinguishing it from fingerprinting.[59] Although this judgment is probably the most questionable of those discussed, we must conclude that Judge Crockett's ruling was not so far afield of the established law in this area as to warrant even the slightest implication of incompetency or impropriety.

IV. CONCLUSION

The Judiciary is not so sacred that it is beyond criticism. Every judge of this land has

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an obligation to the people and the right of citizens to disagree with or protest any ruling is ingrained in our political system. However, when the criticism turns to vituperative accusation, and the integrity and competency of a judge is challenged, we think there is a special need for sober examination of the situation. Now Detroit is disturbed that much of the criticism surrounding Judge Crockett's rulings after the New Bethel shooting has been provoked by inaccurate reporting of facts and inadequate understanding of the law. We hope that this memorandum will be helpful in dispelling widespread misapprehensions of fact and law, explaining the juricial role in our legal system and restoring calm and perspective to our society.

Not every lawyer or judge will agree with every ruling made by Judge Crockett. There has never been a judicial ruling yet that has met with unanimous approval. Yet neither legal disagreement nor the frustration resulting from our inability to immediately solve every crime and catch every criminal can justify a personal attack upon a Court which has exercised its authority in good faith and with the support of state laws and the United States Constitution. Based upon our examination of the facts and law involved in this case, we are convinced that Judge Crockett's actions were taken in good faith with ample legal basis. We hope that this will be the end of the matter.

FOOTNOTES

[1] Certificate On Habeas Corpus Hearing, March 30, 1969, pp. 2–3, hereinafter "certificate."
[2] *Rules for the Recorders Court of the City of Detroit* (Feb. 1955), Rule I.
[3] *People v. McCager*, 367 Mich. 116 (1962).
[4] GCR 712–5.
[5] *People v. Hamilton*, 359 Mich. 410, 416 (1960).
[6] M.C.L.A. § 600.4307.
[7] M.C.R.A. § 712.3, Commentary p. 127.
[8] M.C.R.A. § 712.3, Commentary p. 127.
[9] Certificate 6.
[10] Certificate 7.
[11] Transcript 11.
[12] Transcript 11, 69.
[13] *Henry v. United States*, 361 U.S. 98, 104 (1959).
[14] Certificate 5.
[15] Certificate 5.
[16] *Brinegar v. United States*, 338 U.S. 160, 183 (1948).
[17] *Beck v. Ohio*, 379 U.S. 89, 97 (1964).
[18] *Beck* v. *Ohio*, supra.
[19] *Wong Sun* v. *United States*, 371 U.S. 471, 481 (1963).
[20] *Mallory* v. *United States*, 354 U.S. 449, 456 (1957).
[21] Transcript 11.
[22] Transcript 41, 44, 57.
[23] Transcript 41, 42.
[24] Transcript 43.
[25] Transcript 39.
[26] Transcript 45–51.
[27] Transcript 51.
[28] Transcript 58.
[29] Warren Report, p. 561.
[30] Warren Report, supra.
[31] *Journal of Criminal Law and Criminology* 281, 283 (1955).
[32] Transcript, 49–50.
[33] *Wong Sun* v. *United States*, 371 U.S. 471, 485 (1963).
[34] *United States* v. *Mitchell*, 179 F. Supp. 636 (D.C. 1959).
[35] *United States* v. *Rundle*, 274 F. Supp. 364 (1967).
[36] *Rios* v. *United States*, 364 U.S. 253 (1960).
[37] *People* v. *Morales*, 290 N.Y.S. 2d 898 (1968).
[38] *United States* v. *Vita*, 294 F. 2d 524, 530 (1961).
[39] Uniform Arrest Act § 2, 28 *Virginia L. Rev.* 351, 321 (1942).
[40] Transcript 47.
[41] Uniform Arrest Act, Section 2(3), *supra*.
[42] *United States* v. *Rundle*, *supra*, p. 369.
[43] *People* v. *Morales*, *supra*, p. 907.
[44] *United States* v. *Vita*, *supra*, p. 531.
[45] *People* v. *Morales*, *supra*, p. 907.
[46] *United States* v. *Rundle*, *supra*, p. 370.
[47] *Schmerber* v. *California*, 384 U.S. 768 (1966).
[48] "Detention Investigation by the Police: An Analysis of Court Practices," *Wash. Univ. L. Quar.*, June 1962, pfl 338.
[49] 28 Detroit Lawyer 21, 22 (1960).
[50] Kamisar, Book Review, 76 *Harv. L. Rev.* 1502, 1504 (1962).
[51] *Report and Recommendations of the Commissioner's Committee on Arrests for Investigation, District of Columbia*, (Horsky Report 1962 p. 58.
[52] Transcript 41.
[53] *Collins v. United States*, 289 F. 2d 129 (5th Cir. 1961).
[54] *Staples v. United States*, 320 F. 2d 817 (5th Cir. 1963).
[55] *Manual v. United States*, 355 F. 2d 817 (5th Cir. 1965).
[56] See also *Bynum v. United States*, 262 F. 2d 465 (1958).
[57] *Langford v. Gelston*, 364 F. 2d 197 (1966) at p. 204.
[58] *Wade v. United States*, 388 U.S. 218 (1966).
[59] *Brooke v. People*, 339 P. 2d 993 (1959).

CONCURRING REPORT—WITH COMMENTS

I concur with the majority report's conclusion that Recorder's Court Judge George W. Crockett, Jr. was not guilty of judicial misconduct in his handling of the 142 arrestees resulting from the horrible events at the New Bethel Church.

To state it positively, I believe that under applicable law Judge Crockett acted within permissible and accepted limits of judicial discretion in holding court at the precinct station and in his decision of the several legal and factual issues that came before him on that Sunday.

Since the majority and I now agree in substance on the validity of Judge Crockett's conduct with respect to his convening of court early Sunday morning, his issuance of the Writ of Habeas Corpus and his decision to release the so-called "nitrate suspects" on the evidence (or lack of it) then before him, I shall confine my remarks to the arrest issue (without detracting in any way from the conclusion stated above) and to comments that I think should be made.

I cannot accept the main thrust of the majority as to the original arrests. After all discussion is sifted, I interpret them to conclude that the arrests were probably unlawful. I refuse to decide that issue. We don't know that we have all pertinent facts (and the majority proceeds only on the facts presented to Judge Crockett) and I would leave final determination to a proper tribunal where all the facts are presented and tested. This is one area that likely will be thoroughly explored in any later trial of those who were arrested in the church.

But I don't think the legality or illegality of the arrests is necessarily pertinent to Judge Crockett's hearings on the Habeas Corpus Writ. Obviously, if the original arrests were unlawful the continued detention could not be justified. But I am not at all sure that Judge Crockett made any such determination. At least his conduct in holding some and bonding others is not consistent with such a ruling.

But assuming the arrests were lawful under present Constitutional law, the persons in custody were entitled to know the charges against them and have a speedy hearing as to the lawfulness of their continued detention. When Judge Crockett learned early on Sunday morning that there were no charges and no evidence to support a charge, he acted within the permissible bounds of judicial discretion in discharging the janitor and ordering others to return at noon.

By noon, most of those arrested had been released and Judge Crockett had to decide only as to the few remaining. And he could act then only on the basis of the evidence presented to him. While some judges and lawyers might differ with the conclusions he reached, there is no sound basis for saying that there was any judicial impropriety in the action he took.

COMMENTS

1. The confusion inherent in a mass arrest situation

Ever since July of 1967, various groups have been working on plans for handling mass arrests and the processing of prisoners in the event of another emergency. At least one of these plans called for the establishment of temporary court facilities in the several precincts to facilitate the speedy processing of arrested persons. It is obvious that these plans have not been perfected and communicated to the necessary officials. I suggest we waste no further time and put the plans in order so that all concerned will know the ground rules under which they will work. I agree that in emergencies the court should be taken to the precinct if safe to do so, but I do not agree that court should be held in a police station. Any coordination and advance planning should take this into account.

While I have concluded that Judge Crockett had a Constitutionally valid base for his decisions, I cannot say that other judges could not have decided differently and also been legally correct. The facts and circumstances always enter into and control the Constitutional accuracy of a decision as to the violation of a given individual's rights.

When the facts are confused or unknown, the circumstances in dispute and the pressures great, it is not surprising that reasonable judicial minds might vary in their conclusions. But the judge on the spot can only make them on the basis of the evidence properly before him.

I am seriously concerned with the possible consequences of the majority conclusion that the original arrests in the church were probably unlawful. We don't yet have all the facts necessary to decision, but most of us have heard the police network tape which reported shooting from the church. If the police on the scene reasonably believed this to be true, I believe they were fully justified in entering and securing the church, using only the force necessary to do so. To say as some have said that any further investigation must have been conducted on the scene seems to me to require that we must invite a riot rather than make the necessary arrests and conduct the investigation and court hearing in a protected area. I do not believe that this is good sense or good law.

2. The nitrate suspects

As stated above, I agree with the majority that Judge Crockett faced issues of law and fact which he decided within the bounds of permissible judicial decision. This is not to say that all lawyers and judges would agree with his conclusions. But the right to decide necessarily includes the right to be wrong. And this is the reason for appellate courts. I have no doubt that the Constitutionality and reliability of nitrate testing in the absence of counsel for the accused will be decided soon—perhaps as a result of this incident. Until it is decided, lawyers and judges will differ as to what that decision should be. But Judge Crockett was acting as a judge and not an interloper when he made his decision to refuse to consider the

nitrate evidence in determining probable cause for continued detention.

CONCLUSION

If this city is not to be permanently divided, then we must hold fast to the rule of law and not of men. If we don't, the only alternative is law enactment and enforcement by brute force. An independent judiciary is an indispensable part of our rule of law and must be preserved and defended. It may need reforming and enlarging, but it must remain. If it does not, our liberties go with it. I have yet to meet the man or group of men to whom I would entrust the power to decide my rights and privileges independently of the law. Have you?

Respectfully submitted,

THOMAS L. MUNSON.

STATEMENT BY JUDGE GEORGE W. CROCKETT

The distortions of fact and the confusion over this Court's actions in the March 29th incident at New Bethel Baptist Church in Detroit, Michigan compel me to make certain facts clear. I am personally deeply affronted by reports and stories which have clearly and deliberately twisted the truth and the law in this matter.

More serious than any harm to me personally is the profound damage being done to this Court and to our entire community by those who would use this tragic affair to intensify community hostilities which are already so deep and divisive.

The actions taken by me in my capacity as presiding judge, following the New Bethel Church shootings and the mass arrests, were legal, proper and moral. Indeed, it is precisely because I followed the law, equally and without partiality, that questions and accusations are being raised. If I were to have reacted otherwise, if I were to have ignored my judicial and constitutional responsibilities and followed the often accepted practices of condoning long police detentions, of ignoring prisoners' rights to counsel and of delaying the hearing on writs of habeas corpus, possibly the adverse publicity about Judge Crockett may have been averted. But in doing so, justice would have been denied.

I deplore the senseless shooting of the policemen. I also deplore the armed assault on a church, particularly a church occupied by men, women and children, whom we must presume to be innocent until and unless evidence to the contrary is presented. I deplore, too, that so many innocent people were rounded up by the police, incarcerated for many hours in violation of their rights as citizens, and that some officials who are sworn to enforce equal justice have complained because I have done so.

Michigan law requires—does not suggest, but requires—that "any judge who willfully or corruptly refuses to consider an application action, or motion for habeas corpus, is guilty of malfeasance in office."

Moreover, "any justice of the Supreme Court and any judge of a Circuit Court may issue a writ of habeas corpus . . . upon his own motion whenever he learns that any person within his jurisdiction is illegally restrained of his liberty." By statute, Circuit Court, as used in this rule, includes Recorder's Court.

Justice last Sunday demanded a prompt judicial examination and processing of the persons arrested. If there was any sound legal basis for their detention, they were detained; otherwise they were entitled to be released and they were released upon reasonable bond.

Let us review the sequence of events following the shooting of the officers and the storming of the church by police, which occurred some time before midnight Saturday.

At 5:00 a.m. I was called—not by the police but by Representative Del Rio and Reverend C. L. Franklin, the church's pastor, who came to my home and awakened me. As presiding judge of this Court for the day, I went immediately to the police station. I requested a list of the prisoners and was told—about six hours after they were taken into custody—that police didn't know whom they were holding.

I then talked with Commissioner Spreen who agreed to furnish a list. He also agreed to set up a courtroom on the first floor of the police station. I requested that the Prosecutor be called, and Assistant Prosecutor Jay Nolan arrived. The press was present. Mr. Nolan, the police and I agreed on the processing of the prisoners. They were to be brought immediately outside the temporary courtroom in groups of 10, beginning with the women. But they appeared before me individually and each was interviewed separately by me in open court.

The cases of 39 arrestees were then heard and determined as follows: 15 Detroit residents were released on $100 personal bond to reappear at noon; 1 man (the church janitor) was discharged with consent of the Prosecutor; 1 man from Ohio was released on $100 personal bond and ordered to reappear at noon; 22 persons from out-of-town were remanded to custody until noon.

All persons released on personal bond appeared at noon as directed.

Further hearings were terminated by the entrance of the Wayne County Prosecutor who, in the presence of the Court, issued verbal orders to the police countermanding a court order. The Prosecutor, in the presence of the Court, prevented the police from producing any further arrestees for the hearing.

I have condemned the Prosecutor's action as not only contemptuous, but also as having racial overtones.

Subsequently, in a letter to presiding Judge Robert E. DeMascio dated April 1, I declined to press the formal contempt charge. To pursue the contempt proceeding, I felt, would aggravate the already tense community confrontation.

Moreover, the Prosecutor himself, after the contempt incident, and before the Court reconvened at noon and after the Court reconvened, himself released or requested the release of some 130 arrestees.

It is essential to emphasize that the vast majority of those released, approximately 130 persons, were released with the Prosecutor's concurrence. Despite this fact, the press has several times referred to my actions in terms of "unwarranted leniency". There was no unwarranted leniency.

By noon, the number of prisoners whose disposition was under question had been reduced sharply. Out of approximately 142 persons arrested, only 12 remained to be processed. Two of these prisoners I ordered held without bond because there was evidence to do so. Another I released on $1,000 bond after his attorney said he would vouch for him.

The other 9 prisoners were those who, police said, had positive nitrate tests. On this question, I hold that such tests are unconstitutional when taken without the presence of counsel or at least upon advice to the prisoner that he is entitled to counsel at this critical step in his interrogation. For me to have held those 9 men, without objective evidence and under those circumstances, would have been improper. The police had many hours to identify those nine men. They should know who they are. If those men committed a crime, the police must gather evidence to make a case that will hold up in court. They still can do so if their investigation warrants it.

I am most anxious that criminals be apprehended, tried and brought to justice. But I will not lend my office to practices which subvert legal processes and deny justice to some because they are poor or black.

I understand, of course, why the hue and cry arose. An angry Prosecutor, lacking police evidence or testimony which might produce a probable suspect, and resentful that ordinary and undemocratic police practices were challenged, chose to divert public attention to Judge Crockett. And some of the media, particularly the Detroit News, picked up that lead and began their campaign to help the police and the Prosecutor's office continue their efforts to dominate and control the courts and legal processes. The judiciary cannot allow its independence to be threatened in this fashion.

Finally, and regretfully, let me repeat that this whole case does have racial overtones.

Can any of you imagine the Detroit Police invading an all-white church and rounding up everyone in sight to be bussed to a wholesale lockup in a police garage? Can any of you imagine a church group from, let us say, Rosedale Park, being held incommunicado for seven hours, without being allowed to telephone relatives and without their constitutional rights to counsel? Can any of you justify the jailing of 32 women all night long when there was admittedly not the slightest evidence of their involvement in any crime? Can anyone explain in other than racist terms the shooting by police into a closed and surrounded church?

If the killing had occurred in a white neighborhood, I believe the sequence of events would have been far different. Because a terrible crime was committed, it does not follow that other wrongs be permitted or condoned. Indeed, constitutional safeguards are needed even more urgently in times of tension than in ordinary times.

The best guarantee to avert the kind of social disaster that occurred in Detroit in 1867 is prompt judicial action with strict observance of constitutional rights.

I intend to continue to maintain law and order in my court by dispensing justice equally and fairly, by protecting each individual's rights, and most importantly, by upholding the independence of the judiciary and the dignity of this court.

If the real dangers to our community are to be uprooted, let the news media and all other forces of truth and justice concentrate on the underlying causes of crime and social disorder as described by the Kerner Commission and as identified by virtually every responsible commentator in America. The causes are steeped in racism . . . racism in our courts, in our jails, in our streets and in our hearts.

THE EMERGENCY SMALL LOAN PROGRAM

The SPEAKER pro tempore. Under a previous order of the House the gentleman from New York (Mr. FARBSTEIN) is recognized for 30 minutes.

Mr. FARBSTEIN. Mr. Speaker, recently I introduced the Emergency Small Loan Act of 1969, legislation amending the Economic Opportunity Act of 1964. My bill would make the emergency small loan program a separate program under the community action program with separate appropriations under the Economic Opportunity Act of 1964. The emergency small loan program was initiated by an amendment proposed by me in 1966 to the Economic Opportunity Act of 1964. After receiving appropriation for one year, fiscal 1967, funding

was made a discretionary function of the community action program. The authorization for the emergency loan program terminates June 1969, thereby lending some urgency to the bill which I have introduced.

In my survey of the 15 areas in which the emergency consumer loan program has been operating, I have found example after example which not only substantiates my judgment that the program is working well, but also indicates that the program ought to be expanded. One of those examples is to be found in the Organized Community Action Program, Inc. of Troy, Ala. Troy is located in Pike County, Ala., which falls in the Second Congressional District. This district has been ably represented in Congress since 1965 by a man with a great interest in the problems of the poor in his district, the Honorable WILLIAM DICKINSON.

The operation of Organized Community Action Program, Inc., of Troy, provides an excellent example of the need, not only for the continuation of the small loan program, but for a separation in appropriations and expansion in funding. As of January 31, 1969, the Organized Community Action Program, Inc., had made a total of 375 loans of which 60 had been paid in full and 13 written off as uncollectable. The 60 loans repaid represent 15.8 percent of the total loans made and the 13 loans written off amount to 4.2 percent of the total loans. At the time of the report, loans were being repaid at the rate of $1,598 per month. As in the case of other areas in which this program has been operating, quite a few of the loan accounts are past due, but this is partly because of the past nature of the program, since the clientele comprises the bottom rung of the poverty ladder. It is felt that a flexible approach on repayment will secure repayment and also will be more likely to instill confidence and maintain the dignity of the recipient.

In Troy, Ala., additional funds could provide for a field man who could make personal contact, counsel with people, and refer those people to other sources of help. In many other localities, such consumer counseling has been an additional benefit which has come from the operation of the program.

An emergency consumer small loan program is of far greater value to the poor than to others, because when personal crises and hardships overburden them, they have few recourses for assistance. Because they are poor, commercial lending agencies will not undertake the risk of assisting them. But as long as they remain near the abyss of poverty, they will live their lives with the continual threat of suffering merely a step away. The real import of the emergency loans is to encourage the poor to extricate themselves from their problems by their own efforts, stimulating those abilities which have atrophied amidst the stifling conditions of poverty, and developing the sense of dignity required for sustaining self-reliance and further achievement.

The Organized Community Action Program, Inc., of Troy, Ala., is a proven success; the emergency consumer small loan program has demonstrated its value in one area after another; and the program as a whole deserves separate funding on an extended scale.

PANAMA CANAL MODERNIZATION AND CANAL ZONE SOVEREIGNTY: SUPPORTED BY AMERICAN LEGION AND ZONE AFL–CIO

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 15 minutes.

Mr. FLOOD. Mr. Speaker, over the past decade, I have repeatedly spoken in and out of the Congress in the interest of an isthmian canal policy derived from a reasoned line of thought. For a time, it seemed as if mine was a lone voice, but gradually the key ideas took root, and, despite the silence of the major part of the mass news media, they have sprouted and grown.

In an effort to defend our indispensable sovereignty over the Canal Zone threatened by the ill-advised proposed new Panama Canal treaties, in 1967 about 150 Members of the House introduced concurrent or House resolutions opposing the projected surrender. This action served notice on the world that the Congress would not approve such surrender of U.S. exclusive control and ownership of the strategic transisthmian canal. Public support of this stand in our country has been overwhelming.

As regards the important matter of providing increased transit capacity, many comprehensive statements in the Congress have cleared away the fog of confusion that has so long obscured the subject of the type of canal and thus led to the introduction of bills in both the House and Senate that would authorize the major modernization of the existing Panama Canal. For additional information, I would invite attention to the volume of my addresses on Isthmian Canal Policy Questions published as House Document No. 474, 89th Congress, with special attention directed to the valuable engineering analyses of former principal engineer, E. Sydney Randolph of the Panama Canal that are quoted in it.

One of the most gratifying developments in these regards has been the actions by various organizations, among them the National American Legion, its Canal Zone chapter, and the Canal Zone AFL–CIO labor unions in congressional hearings. The stand of the last was quitted by me in the RECORD of May 26, 1969, pages 13780–13782. As to the Legion, that great veterans' organization, after deep study of the problems involved, at its 50th annual convention in 1968, opposed the abrogation of U.S. rights concerning the operation and security of the Panama Canal. In May 1969, it strongly advocated the program of modernization of the Panama Canal known as the Terminal Lake-third locks plan as provided in current bills previously mentioned.

The indicated American Legion resolutions and Canal Zone AFL–CIO position follow as part of my remarks and are commended for careful study by all Members of the Congress, executive agencies, and other interests concerned with the canal question:

RESOLUTION 487—50TH ANNUAL NATIONAL CONVENTION OF THE AMERICAN LEGION

Committee: Foreign Relations.

Subject: Panama Canal.

Purpose: To oppose abrogation of U.S. rights concerning operation and security of the Panama Canal.

Whereas in 1903, the United States and the Republic of Panama entered into a treaty "to insure the construction of a ship canal across the Isthmus of Panama to connect the Atlantic and Pacific oceans;" and

Whereas by that treaty, the Republic of Panama (for a lump-sum payment of ten million dollars in gold, plus an annuity now amounting to nearly two million dollars) granted to the United States in perpetuity the use, occupation, and control of a zone of land and land under water for the construction, maintenance, operation, sanitation and protection of the canal, and granted to the United States all the rights, power and authority, within the zone mentioned, "which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power or authority;" and

Whereas the Panama Canal now represents a total U.S. investment to date of nearly five billion dollars, and is a vital strategic asset to the United States for hemispheric defense and our own national security; and

Whereas the Panama Canal also is of great economic importance to the United States, inasmuch as 70 percent of traffic through the Canal either originates or terminates in U.S. ports, and Canal operations represent a net gain for U.S. balance-of-payments of more than 40 million dollars annually; and

Whereas despite the above stated considerations, representatives of the United States and the Republic of Panama have negotiated three new treaties concerning United States canal rights in Panama; and

Whereas these three treaties, if ratified, would

(1) abrogate the 1903 treaty and eliminate all known rights, power and authority of the United States in the Canal Zone,

(2) substitute a weak and perhaps inefficient form of international administration over the present canal,

(3) compromise and probably render impossible our ability to defend the canal in times of crisis (or even to insure its security in normal periods),

(4) abandon both our capital investment and its earnings,

(5) give the existing canal outright to the Republic of Panama on or before the last day of 1999,

(6) provide that the United States might construct—at our expense—a second (i.e., "sea-level") canal across Panamanian territory, the ownership of which would revert to Panama—at no cost to that country—60 years after the opening of such canal, or the year 2067, whichever is the earlier; and

Whereas The American Legion has consistently expressed its strong opposition to any weakening of the United States sovereign rights, power, and authority over the Panama Canal and the Canal Zone: Now, therefore, be it

Resolved by The American Legion in National Convention assembled in New Orleans, Louisiana, September 10, 11, 12, 1968, That The American Legion reaffirms its positions heretofore taken with regard to the Panama Canal and the Canal Zone, and opposes any new Canal treaties that would ab-

rogate the essential provisions of the 1903 U.S.-Panama Treaty; and be it further

Resolved, That we urge both the House of Representatives and the Senate of the United States Congress to adopt a joint resolution expressing it to be the sense of the Congress and the American people that the Government of the United States shall maintain and protect its sovereign rights and jurisdiction over the Panama Canal, and that the United States Government shall in no way forfeit, cede, negotiate, or transfer any of these sovereign rights or jurisdiction to any other administration, government, or international organization.

RESOLUTION 41—NATIONAL EXECUTIVE COMMITTEE OF THE AMERICAN LEGION MEETING OF MAY 8–9, 1969

Commission: Foreign Relations.

Subject: Panama Canal.

Whereas full control and ownership of the Panama Canal and Panama Canal Zone were obtained by the United States by treaty and by purchase; and

Whereas the total investment of the United States in the Canal enterprise, from 1904 through June 30, 1964, including defense, was $6,368,000,000; and

Whereas proposed new Panama Canal treaties, announced by the Presidents of the United States and Republic of Panama on June 26, 1967, as having been negotiated, would abrogate our basic 1903 treaty with Panama, give the Republic of Panama sovereignty over the Canal Zone, make the Republic of Panama a partner in the management and defense of the Canal, and ultimately give to the Republic of Panama, without the slightest reimbursement for the investment of the United States: 1) the existing Canal; and/or 2) any new Canal that may be constructed in the Canal Zone or in the Republic of Panama to replace it, at enormous cost to the United States; and

Whereas the occasion of these treaties of June 26, 1967 has cleared the way for constructive action by the United States under current treaty provisions toward the major increase of capacity and operational improvement of the existing Panama Canal, now approaching saturation, in line with the program for modernization developed in the Canal organization during World War II and approved by the President, Franklin D. Roosevelt, as a post-war project, known as the Terminal Lake-Third Locks plan; and

Whereas this lake lock proposal being an enlargement and improvement of existing facilities, requiring no additional lands, waters or authority, does not require a new treaty with the Republic of Panama and would serve the best interests of the United States and the Republic of Panama; and

Whereas the expenditure of $76,357,405.00 on the original Third Locks Project suspended in May 1942, and an estimated expenditure of $81,257,097.00 on the enlargement of Gaillard Cut to provide a two-way ship channel in the summit level, scheduled for completion in 1971, together, represent substantial commitments by the United States for the modernization of the existing Canal; and

Whereas The American Legion has long had the Canal problems under study, and on September 12, 1968, in Resolution No. 487, approved by National Convention, reiterated its historic policy in favor of U.S. sovereign control of the Panama Canal and Canal Zone; and

Whereas proposed legislation to provide for Terminal Lake-Third Locks modernization of the existing Panama Canal has been introduced in the 91st Congress by Representative Daniel J. Flood as H.R. 3792, and by Senator Strom Thurmond as S. 2228; Now, therefore, be it

Resolved, by the National Executive Committee of The American Legion in regular meeting assembled in St. Louis, Missouri, May 8–9, 1969, That The American Legion:

1. Re-affirms its full support of the basic and still existing provisions of the 1903 Treaty and the continued, undiluted and indispensable sovereign control by the United States of the Canal Zone and Panama Canal; and

2. Supports the enactment of legislation as proposed in H.R. 3792 and S. 2228, or similar measures in the 91st Congress, for the increase of capacity and the major operational improvement of the Panama Canal in accord with the principles of the Terminal Lake-Third Locks Plan; and

3. Urges that all further negotiations with the Republic of Panama be deferred pending action by the Congress of the United States on these measures; and

4. Respectfully urges the Congress of the United States to take prompt action on the pending bills.

STATEMENT OF CANAL ZONE JOINT LABOR COMMITTEE, PRESENTED TO THE HOUSE MERCHANT MARINE AND FISHERIES SUBCOMMITTEE ON THE PANAMA CANAL, MAY 6, 1969, BALBOA, C.Z.

Madam Chairman and members of the committee: Thank you for affording us an opportunity to meet and discuss with you and your committee matters which are of vital concern to all employees of Federal agencies on the Canal Zone. The members of our group here today represent the majority of the employees, both citizens and non-U.S. citizens employed by the Panama Canal Company-Government, and the U.S. military agencies in the Panama Canal Zone.

The Canal Zone Joint Labor Committee, composed of the officers and members of the National Maritime Union, the Master, Mates and Pilots Association, and the Central Labor Union and Metal Trades Council, AFL–CIO, is extremely pleased to welcome you and the members of the Panama Canal Subcommittee back to the Canal Zone.

Madam Chairman, it is our unanimous desire to offer to you, and the members of your committee the full support, knowledge, and experience of our entire membership towards maintaining and/or improving the efficiency of each of the U.S. agencies in the Panama Canal Zone.

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NEW SEA LEVEL CANAL VERSUS MODERNIZATION PLAN

The modernization plan outlined in H.R. 3792, 91st Congress, first session, is a technically sound concept which will provide the best operational canal at the least possible cost for the next 75 years or more. It should be noted that all realistic sea level plans have provided for tidal locks or tidal regulating structures and that the proposed waterway would not be a Strait of Magellan but merely a restricted channel canal with tidal locks, which structures would be more complicated than the present locks.

The joint committee, after reviewing the various plans, fully supports the Flood, Thurmond, Rarick and Gross bills which provide for the complete modernization of the present waterway.

NUCLEAR EXCAVATION FOR NEW CANAL REMOTE

Mr. Speaker, one of the many angles that I have observed in the interoceanic canal situation is that the people of Panama are kept better informed than the citizens of our own country. A recent example of the service of the Panama press is a news story concerning the proposal for using nuclear explosives for mass canal excavation published in the May 8, 1969 issue of the Panama Star & Herald, Republic of Panama, an Isthmian newspaper founded in 1849.

The news story emphasizes that the possibility of nuclear excavation for canal purposes is "becoming more and more remote" and altogether impossible in the Canal Zone area. It also raises questions about the economy of such excavation.

In these connections, I would invite attention to the 1968 book by Edward Teller, Wilson K. Talley, Gary H. Higgins and Gerald W. Johnson on "The Constructive Uses of Nuclear Explosives" published by McGraw-Hill, particularly pages 215–27. This part of the book sets forth valid technical information useful to engineers and geologists in countering arguments of sea level advocates for canal excavation by nuclear power.

The indicated news story follows as part of my remarks:

NUCLEAR BLASTS FOR NEW CANAL SAID REMOTE

The possibility of using nuclear devices for digging a sea-level canal either in Darian, Panama, or in the Choco, Colombia, is becoming more and more remote, according to a Panamanian engineer who is thoroughly familiar with the canal project.

He is Francisco J. Morales, who recently was a guest lecturer at the Massachusetts Institute of Technology on the sea-level canal topic.

Morales said geological evidence on both routes—Darien and Choco—show clearly that the prospects of using nuclear explosives are not as bright as they appeared at first.

He said the geological medium and the proximity of population centers in Panama and Colombia to the region where the explosions would occur are the two main factors in the picture. He pointed out that 35-megaton explosions—the equivalent of 35 million tons of TNT—have been proposed for blasting peaks along the proposed canal routes.

A Washington announcement recently said the Atomic Energy Commission lacks funds to complete the series of five tests requested by the Sea-Level Interoceanic Canal Studies Commission. One test has been carried out and funds are available for only one more.

Morales said further tests are really not necessary.

"Cratering experiments may yield additional experience, additional knowledge on various aspects of the problems, but the cratering itself, as a result of the explosion, will not vary," Morales said. He pointed out that the two routes—Sasardi-Morti, in the Darien and Atrato-Truando in the Choco—lie over large sections of unstable soil.

"Present technology for excavation through cratering by nuclear devices cannot produce the very soft slopes required for the stability of banks on this type of soil," he declared.

Regarding the possible use of more powerful devices, Morales warned: "The larger the unit charge for explosions, the larger the dangers resulting from nuclear explosions: radioactivity, seismic disturbances and pressure and sound waves." Pointing to the proposal for using 35-megaton charges in some places, Morales said this raised serious possibilities of damages to installations in Panama or Colombia, depending on where the waterway is built.

On the other hand, Morales added, any reduction in the force of the nuclear devices employed for blasting the canal would mean a larger number of devices and higher expenses for handling, setting and safety. Thus, he added, the argument of economy for the use of nuclear explosions would disappear.

STATEMENT OF CHARLES L. SCHULTZE ON THE MILITARY BUDGET AND NATIONAL ECONOMIC PRIORITIES

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Pennsylvania (Mr. MOORHEAD) is recognized for 30 minutes.

Mr. MOORHEAD. Mr. Speaker, the Economy in Government Subcommittee of the Joint Economic Committee is conducting 8 days of hearings on the military budget and national priorities. I firmly believe that reordering our national priorities is the most important issue facing Congress this session. The issue seems to be one of what sense of values is going to prevail in this country.

Why is it that the Nation goes on year after year allocating something like 80 percent of our controllable Federal funds for military purposes when massive blights of poverty, serious disillusionment of the young, and urban decay are endangering the very fabric of American life as surely as any foreign threat?

Charles L. Schultze, the former Budget Director, testified yesterday before the Joint Economic Committee with both great candor and courage. Mr. Schultze admitted that the Budget Bureau had not always asked the right questions in their scrutiny of the military budget. He pointed out that in certain situations they examined alternative weapon systems but never asked the crucial question of whether the system was actually necessary for our national security.

During my 10 years in Congress I have heard no more thoughtful or helpful presentation.

Mr. Speaker, I think that Mr. Schultze's testimony is so timely that I wish to insert it in the RECORD for the thoughtful consideration of my colleagues:

STATEMENT OF CHARLES L. SCHULTZE

(NOTE.—Charles Schultze is a senior fellow, Brookings Institution, professor of economics, University of Maryland. The views expressed in this paper are those of the author and do not necessarily represent the views of the trustees, the officers, or other staff members of the Brookings Institution.)

Mr. Chairman, members of the committee, the Committee's decision to hold hearings on the military budget and national economic priorities is not only welcome but timely. Over the next several years, the Executive and the Congress will be faced with a series of basic decisions on military programs and weapons systems, whose outcome will largely determine not only the nation's security and its military posture, but also the resources available to meet urgent domestic needs. It would be most unfortunate if those decisions were made piecemeal, without reference to their effect on nonmilitary goals and priorities. Moreover, any one year's decisions on military programs—and, in fact, on many elements of the civilian budget—cast long, and usually wedge-shaped shadows into the future. Their cost in the initial budget year are often only a small fraction of the costs incurred in succeeding years.

For these reasons there are two major prerequisites to inform discussion and decision about military budgets:

First, the benefits and costs of proposed military programs cannot be viewed in isolation. They must be related to and measured against those other national priorities, which, in the context of limited resources, their adoption must necessarily sacrifice.

Second, the analysis of priorities must be placed in a longer-term context than the annual budget, since annual decisions—particularly with respect to large military forces or weapons systems—usually involve the use of scarce national resources, and therefore affect other national priorities, well into the future.

I might also add, parenthetically, that a review of military budgets in the context of a long-run evaluation of national priorities can directly serve the interests of national security itself. In the past year there has sprung up a widespread skepticism about the need, effectiveness, and efficiency of many components of the defense budget. This is a healthy development. But it must be harnessed and focused. In particular it must not be allowed to become a "knee-jerk" reaction, such that any proposed new military program is automatically attacked as unneeded or ineffective. We still live in a dangerous world. Effective and efficient provisions for the national security should rightfully be given a high priority. I believe that a proper balancing of military and civilian programs can best be achieved by a careful and *explicit* public discussion and evaluation of relative priorities in a long-term budgetary context. Neither the extreme which automatically stamps approval on anything carrying the national security label, nor its opposite which views any and all military spending as an unwarranted waste of national resources, has much to recommend it as a responsible attitude.

In this context I should like to discuss with the Committee three major aspects of the problem of national priorities:

A five-year summary projection of federal budgetary resources and the major claims on those resources.

A more detailed examination of the basic factors which are likely to determine the military component of those budget claims.

Finally, some tentative suggestions for improving the process by which defense budget decisions are made, designed particularly to bring into play an explicit consideration and balancing of national priorities, both military and civilian.

I. THE BUDGETARY FRAMEWORK

By definition, the concept of "priorities" involves the problem of choice. If, as a nation, we could have everything we wanted, if there were no constraints on achieving our goals, the problem of priorities would not arise. But once we recognize that we face limits or constraints, that we cannot simultaneously satisfy all the legitimate objectives which we might set for ourselves, then the necessity for *choice* arises.

There are various kinds of constraints. There is probably some limit to the public "energy" of a nation. Psychologically, the nation and its leaders cannot enthusiastically pursue a very large number of energy-consuming goals at the same time. The psychic cost is too high. Sometimes we face limits imposed by the scarcity of very specific resources. What we can do quickly, for example, to improve the availability of high quality medical care is limited in the short run by the scarcity of trained medical personnel. But the most pervasive limit to the achievement of our goals, even in a wealthy country like the United States, is the general availability of productive resources. If the economy is producing at full employment, additions to public spending require subtractions from private spending—and vice-versa.

From the point of view of public spending, the practical constraints we face are even tighter than this. I think it is a safe political prediction that during the next five years or so, and particularly once a settlement in Vietnam is reached, federal tax rates are unlikely to be raised. Reforms may, and should, occur. But the overall yield of the system is unlikely to be increased. If this judgment is correct, then the limits of budgetary resources available are given by the revenue yield of the existing tax system—a yield which will, of course, grow as the economy grows. And even those who believe that the needs of the public sector are so urgent as to warrant an increase in federal tax rates are likely to agree that an examination of long-term budgetary prospects should at least start with a projection of revenue yields under current tax laws.

Assuming for purposes of projection an initial constraint imposed by existing tax laws, it is then possible to determine roughly how large the budgetary resources available to the nation will be over the next five years, for expanding existing high-priority public programs, for creating new ones, for sharing revenues with the states or for reducing federal taxes. The magnitude of the budgetary resources available for these purposes—the "fiscal dividend"—will depend on four basic factors:

1. The growth in federal revenues yielded by a growing economy;

2. The budgetary savings which could be realized from a cease-fire and troop withdrawal in Vietnam;

(These two factors, of course, *add* to fiscal dividend available for the purposes listed above. The next two *reduce* the fiscal dividend.)

3. The "built-in" or "automatic" increase in civilian expenditures which accompanies growing population and income. (This expenditure growth must be deducted before arriving at the net budgetary resources available for discretionary use.)

4. The probable increase in non-Vietnam military expenditures implicit in currently approved military programs and postures. (This increase must also be deducted in reaching the net fiscal dividend which can be devoted to domestic needs. Needless to say, of course, changes in military programs, policies, and force levels can affect this total.)

The net result of these four factors—the revenue yield from economic growth, the savings from a Vietnam ceasefire, the built-in growth of civilian expenditures, and the probable growth of the non-Vietnam military budget—measures the fiscal dividend available for meeting domestic needs.

Let me summarize the likely magnitude of each of these four budgetary elements five years from now. More precisely, I will attempt to project them from fiscal 1969 to fiscal 1974.

If we assume that economic growth continues at a healthy but not excessive pace, and that—optimistically perhaps—the annual rate of inflation is gradually scaled down from the current 4½ percent to a more tolerable 2 percent, federal revenues should grow each year by $15 to $18 billion. This is, of course, a cumulative growth, so that by the end of five years federal revenues should be about $85 billion higher than they are now. It is highly likely, however, that once the war in Vietnam is over, or substantially scaled down, the present 10 percent surcharge will be allowed to expire. The yield of the surcharge five years from now would be some $15 billion. This must therefore be subtracted from the $85 billion revenue increase, leaving a net $70 billion growth in federal revenue between now and fiscal 1974.

A second potential addition to budgetary resources is the expenditure saving which could be realized upon a Vietnam ceasefire and troop withdrawal and a return to the pre-Vietnam level of armed forces. The current budget estimates the cost of U.S. military operations in Vietnam at about $26 billion. As I have pointed out elsewhere,

however, this figure overstates somewhat the additional costs we are incurring in Vietnam. Even if our naval task forces were not deployed in the Gulf of Tonkin, they would be steaming on practice missions somewhere else. Hence some of the costs of those forces would be incurred even in the absence of fighting in Vietnam. Similarly, our B–52 squadrons, if not engaged in bombing missions, would be operating on training exercises. And the same is true for other activities. As best I can judge, the truly incremental, or additional, costs of Vietnam—which would disappear if a ceasefire and a return to pre-Vietnam force levels occurred—amount to about $20 billion. These savings would not, of course, be available the day after a ceasefire occurred, but would gradually be realized as withdrawal and demobilization occurred.

Within perhaps 18 months to two years after a ceasefire, this $20 billion in budgetary savings would be available to add to the $70 billion net growth in budget revenues—a total gross addition of $90 billion to resources available for other public purposes.

From this $90 billion, we must, however, make several deductions before arriving at a net fiscal dividend freely available for domestic use.

We can expect a fairly significant built-in growth in federal civilian expenditures over the next five years. As the GI's come home from Vietnam, educational expenditures under the GI bill of rights will naturally increase. Even if interest rates rise no further, the roll-over of older debt into new issues will increase interest payments. Expenditures under the Medicaid program will rise, although at a slower pace than in the last few years. A larger population and income almost automatically lead to higher public expenditures in many areas: more people visit national parks and the Park Service's outlays grow; more tax returns are filed and the Internal Revenue Service must expand to handle them; as airplane travel increases, federal expenditures on air traffic safety and control rise; and so on down the list. Social security benefits will almost certainly rise sharply if past practice is followed under which the Congress tends to raise benefit levels more or less in line with payroll revenues. For all of these reasons, I believe one must allow for a "built-in" growth of federal expenditures by some $35 billion over the next five years. Subtracting this $35 billion from the $90 billion additional resources calculated above leaves $55 billion for the fiscal dividend.

But yet another deduction must be made. Barring major changes in defense policies, military spending for *non-Vietnam* purposes will surely rise significantly over the next five years. There are *five* major factors working towards an increase in military expenditures.

1. *Military and civilian pay increases.* There are now 3½ million men in the Armed Forces. In addition some 1.3 million civilian employees, about 45 percent of the federal total, work for the Department of Defense. As wages and salaries in the private sector of the economy rise, the pay scales of these military and civilian employees of the Defense Department must also be raised. The military and civilian pay raise scheduled for this coming July 1 will add some $2.3 billion to the Defense budget. If we assume, conservatively, that in succeeding years private wage and salary increases average 4 to 4½ percent per year, the payroll costs of the Pentagon will rise by about $1½ billion each year.

2. *The future expenditure consequences of already approved weapons systems.* A large number of new and complex weapons systems have been approved as part of our defense posture; the bulk of the spending on which has not yet occurred.[1] Some major examples are:

The Minuteman III missile, with MIRV's; cost, $4½ billion.

The Poseidon missile, with MIRV's; cost, including conversion of 31 Polaris subs, $5½–$6½ billion.

The Safeguard ABM system, with a currently estimated cost, including nuclear warheads, of some $8 billion, plus hundreds of millions per year in operating costs.

The F–14 Navy fighter plane in three versions; the 1970 posture statement indicates that the entire F–4 force of the Navy and Marine Corps may be replaced by the F–14. If so, the total investment and operational cost of this system over a 10-year period should be well in excess of $20 billion.

A new F–15 air-to-air combat fighter for the Air Force.

Three nuclear attack carriers at a currently estimated cost of $525–$540 million each.

62 new naval escort vessels, at an investment cost of nearly $5 billion.

A number of new amphibious assault ships.

A new Navy anti-submarine plane, the VSX, at a cost of $2–$2½ billion.

A new continental air-defense system, including a complex "look-down" radar and an extensive modification program for the current F–106 interceptor.

These do not exhaust the list of new weapon systems already a part of the approved defense posture. But they do give some idea of the magnitude of the expenditures involved.

3. *Cost Escalation.* The weapons systems costs given for each of the systems listed above represent current estimates. But, as this Committee is well aware, past experience indicates that final costs of complex military hardware systems almost always exceed original estimates.

A study of missile systems in the 1950's and early 1960's revealed that the average unit cost of missiles was 3.2 times the original estimates.

The nuclear carrier Nimitz, now under construction, was estimated in 1967 to cost $440 million. One year later the estimate was raised to $536 million. No new estimates have been released, but given the rapidly rising cost of shipbuilding, it is almost certain that this latter figure will be exceeded.

In January 1968 the Defense Department proposed a plan for building 68 naval escort vessels at a total cost of $3 billion. In January 1969 the estimated costs of that program had risen to $5 billion.

The cost of modernizing the carrier Midway was originally given as $88 million, and the work was scheduled to be completed in 24 months. In January 1969 the cost estimate was doubled, to $178 million, and the time estimate also doubled, to 48 months.

The Air Force's manned orbiting laboratory (the MOL) was originally announced by President Johnson at a cost of $1.5 billion. The latest estimate was $3 billion.

In many cases the rising unit costs of these systems forces reevaluation of the program and a reduction in the number purchased. The F–111 program is a classic case in point. Consequently the *aggregate* costs of the procurement budget do not rise by the same percentage as the inflation in *unit costs.* Nevertheless, cost escalation does tend to drive the total military budget upward.

4. *Weapons systems under development, advocated by the Joint Chiefs of Staff, but not yet approved for deployment.* In addition to weapons systems already approved, there are a large number of systems, currently under development, which are being advocated for deployment by the Joint Chiefs. Among these items are:

The AMSA—advanced manned strategic aircraft—a supersonic intercontinental bomber designed as a follow-on to the B–52. President Johnson's proposed 1970 budget requested $77 million for advanced development. Secretary Laird proposed an additional $23 million to shorten design time and start full-scale engineering development. This $10 million will be supplemented by $35 million of carryover funds. The investment cost of the AMSA, if procurement decision is made, are difficult to estimate, but it is hard to see how they could be less than $10 million.

The main new battle tank is now in production engineering. Depending on the number purchased, a procurement decision will involve investment costs of $1 to $1½ billion.

A new advanced strategic missile in superhard silos is being advocated by the Air Force.

A new attack aircraft, the AX, is under development for the Air Force.

The Navy is proposing a major shipbuilding and reconversion program to replace or modernize large numbers of its older vessels.

A new continental air defense interceptor, the F–12, is being advocated by the Air Force.

A new underwater strategic missile system (the ULMS) is under development for the Navy.

In the normal course of events, not all of these new systems will be adopted in the next five years. But, in the normal course of events, some will be.

5. *Mutual escalation of the strategic arms race.* The United States is currently planning to equip its Minuteman III and Poseidon missiles with multiple independently targeted reentry vehicles (MIRV's). MIRV testing has been underway for some time. The original purpose of MIRV's was as a hedge against the development of a large-scale Soviet ABM system, in order to preserve our second-strike retaliatory capability in the face of such Soviet development. Recently, however, Pentagon officials have indicated that we are designing into our MIRV's the accuracy needed to destroy missile sites—an accuracy much greater than needed to preserve the city-destroying capability of a retaliatory force. Secretary of Defense Laird, in recent testimony before the Armed Services Committee, for example, asked for additional funds to "improve significantly the accuracy of the Poseidon missile, thus enhancing its effectiveness against hard targets."

Putting MIRV's with hard-target killing capabilities on Poseidon alone will equip the U.S. strategic forces with 4000–5000 missile-destroying warheads. Viewed from Soviet eyes the United States appears to be acquiring the capability of knocking out Soviet land-based missile force in a first strike. It might be argued that the difficulties of attaining a hard-target killing capability on our MIRV's are so great that the objective will not be realized for many years, if ever. But without attempting to evaluate this observation, let me point out that what counts in the arms race is the Soviet reactions to our announcement. And, like our own conservative planners, the Soviets must assume that we will attain our objectives.

The United States has announced that in answer to the 200-Soviet 22–9's—which may be expanded and MIRV'd into 800 to 1000 hard-target warheads—it will build an ABM system. What must the Soviet reaction be when faced with the potential of 4000–5000 hard-target killers on Poseidon alone? As they respond—perhaps with an even larger submarine missile force than now planned, or by developing mobile land-based missiles—we may be forced into still another round

[1] For most of the systems listed below, the decision to procure the item has already been made. In a few cases, such as the Navy's VSX antisubmarine plane, procurement has not yet been approved, but development is well along, and official statements of Defense Department officials have already indicated that the system is most likely to be approved.

of strategic arms building. This may not occur. But its likelihood should not be completely discounted.

I have seen several arguments as to why a new round in the strategic arms race will not be touched off by current U.S. policy. I think they are dubious at best. One argument notes that the U.S. development of MIRV's and ABM is being made against a "greater-than-expected" threat—i.e., a Soviet threat larger than current intelligence estimates project. Hence, runs the argument, should the Soviets respond to our new developments, this response has already been taken into account in the "greater-than-expected" threat against which we are currently building. Consequently, we would not have to respond ourselves with a still further strategic arms buildup. But this misses the very nature of "greater-than-expected" threat planning. Once the Soviets proceed to deploy a force which approaches the *current* "greater-than-expected" threat, then by definition a *new* "greater-than-expected" threat is generated, and additional strategic arms expenditures are undertaken to meet it. This is the heart of the dynamics of a strategic arms race.

Another argument is often used to discount the mutual escalation threat posed by MIRV's. Multiple warheads, it is argued, make an effective large area ABM practically impossible to attain. Hence, deployment of MIRV's destroys the rationale for a large-scale, city defense, ABM. So long as MIRV's do not have the accuracy to destroy enemy missiles on the ground, this argument might indeed have some validity. But once they acquire hard-target killing capability—or the Soviets think they have such capability—they are no longer simply a means of penetrating ABM's and preserving a second-strike retaliatory force; they provide, in the eyes of the enemy, a first-strike capability, against which he must respond.

Given these various factors tending to drive up the cost of the non-Vietnam components of the military budget, by how much are annual defense expenditures, outside of Vietnam, likely to rise over the next five years? Obviously, there is no pat answer to this question. Any projection must be highly tentative. But assuming the increase in civilian and military pay mentioned earlier, calculating the annual costs of the approved weapons systems listed above, and allowing for only modest cost escalation in individual systems, it seems likely that on these three grounds alone non-Vietnam military expenditures by 1974 will be almost $20 billion higher than they are in fiscal 1969. They will, in other words, almost fully absorb the savings realizable from a cessation of hostilities in Vietnam. And this calculation leaves *out* of account the possibility of more than modest cost escalation, the adoption of large new systems like the AMSA, and a further round of strategic arms escalation.

I might note that the 1970 defense budget—even after the reductions announced by Secretary Laird—already incorporates the first round of this increase. From fiscal 1969 to fiscal 1970, the *non-Vietnam* part of the defense budget will rise by $5½ to $6 billion, after allocating to it the Pentagon's share of the forthcoming military and civilian pay raise. In one year, almost 30 percent of this $20 billion rise will apparently take place.

Starting out with an additional $70 billion in federal revenues over the next five years, plus a $20 billion saving from a cease-fire in Vietnam, we earlier calculated a $90 billion gross increase in federal budgetary resources. From this we substracted the $35 billion growth of "built-in" civilian expenditures and now we must further substract a $20 billion rise in non-Vietnam military outlays, leaving a net fiscal dividend in fiscal 1974 of something in the order of $35 billion, available for discretionary use in meeting high priority public needs or additional tax cuts. That $35 billion, in turn, is itself subject to further reduction should major new weapons systems be approved, or should another round in the strategic arms race take place.

Let me make it clear, of course, that there is nothing inevitable about this projection of military expenditures. Some of the weapons systems I listed are in early stages of procurement. Other areas in the military budget can be analyzed, reviewed, and if warranted, reduced as a budgetary offset to the new systems. Hopefully, disarmament negotiations if held quickly, may prevent mutual strategic escalation. My projection assumes that no changes in basic policies, postures, and force levels occur. It is obviously the whole purpose of these hearings to examine that assumption, in the context of other national priorities.

II. THE BASIC FACTORS BEHIND RISING MILITARY BUDGETS

While the budget projection summarized above discusses some of the specific weapons systems which are likely to cause the defense budget to expand sharply in the next five years, it does not address itself to the underlying forces which threaten to produce this outcome. In the first half of the 1960's the military budget ran at about $50 billion per year. With those funds not only were U.S. strategic and conventional forces maintained, they were sharply improved in both quantity and quality. Both land- and sea-based missile forces were rapidly increased. Similarly dramatic increases in the general purpose forces were undertaken. Fourteen Army divisions, undermanned, trained primarily for tactical nuclear war, and short of combat consumables were expanded to over 16⅓ divisions, most of them fully manned. Equipment and logistic supply lines were sharply increased. The 16 tactical air wings were expanded to 21. Sea-lift and air-lift capability were radically improved.

In short, on $50 billion per year in the early 1960's, it appeared to be possible to buy not only the maintenance of a given military capability, but a sharp increase in that capability. By the early 1970's, taking into account general price inflation in the economy plus military and civilian pay increases, it would take $63–$65 billion to maintain the same purchasing power as $50 billion in 1965. Yet, as I have indicated earlier, even on conservative assumptions the non-Vietnam military budget is likely to approach $80 billion by fiscal 1974—$15 to $17 billion more than the amount needed to duplicate the general purchasing power the pre-Vietnam budget had—a budget which already was providing significant increases in military strength. Why this escalation? What forces are at work?

While there are a number of reasons for this increase, I would suggest that four are particularly important.

First, the impact of modern technology on the strategic nuclear forces. During most of the 1960's the primary goal of our strategic nuclear forces was the preservation of an "assured destruction capacity"—the ability to absorb an enemy's first strike and retaliate devastatingly on his homeland. In turn this capability provided nuclear deterrence against a potential aggressor. In general this could be described as a stable situation, in part because of the technology involved. To mount a first strike, an aggressor would have to be assured that he could knock out all—or substantially all—of his opponent's missiles. Since missiles did not have 100 percent reliability and accuracy for this task, more than one attacking missile would have to be targeted on the enemy missile force. For every missile added by the "defender," the attacker would have to add more than one. Hence, it was easy to show that first-strike capability could not be attained, since the opposing side could counter and maintain his second-strike capability as a less-than-equal cost. And, of course, the existence of mobile submarine launched missiles made the stability of the system even greater.

But the development of MIRV's, and more critically the development of guidance systems which are designed to make them accurate enough to "kill" enemy missiles on the ground, changes this balance. Now a single attacking missile, with multiple warheads, can theoretically take out several enemy missiles. The advantage to the first attacker rises sharply. Strategic planners on both sides, projecting these developments into the future, react sharply in terms of the danger they perceive their own forces to be facing. Add to this the development of ABM, which—however initially deployed—raises fears in the minds of enemy planners that it can be extended to protect cities against his submarine launched missiles, and escalation of the strategic arms race becomes increasingly likely.

The impact of changing technology on strategic arms budgets, therefore, is one of the driving forces which changes the prospects of post-Vietnam military expenditures from what they might have seemed several years ago.

The second major factor in driving arms budgets up is the propensity of military planners to prepare against almost every conceivable contingency or risk. And this applies both to force level planning and to the design of individual weapons systems. Forces are built to cover possible, but very remote, contingencies. Individual weapons systems are crowded with electronic equipment and built with capabilities for dealing with a very wide range of possible situations, including some highly unlikely ones.

If military technology were standing still, this propensity to cover remote contingencies might lead to a large military budget, but not to a rapidly expanding one. As technology continually advances, however, two developments occur: (1) As we learn about new technology, we project it forward into the Soviet arsenal, thereby creating new potential contingencies to be covered by our own forces; (2) The new technology raises the possibility of designing weapons systems to guard against contingencies which it had not been possible to protect against previously.

Continually advancing technology and the risk aversion of military planners, therefore, combine to produce ever more complex and expensive weapons systems and ever more contingencies to guard against.

Let me give some examples.

According to Dr. John S. Foster Jr., Deputy Director of Defense Research and Engineering in testimony before the Senate Armed Service Committee last year, the Poseidon missile system was originally designed to penetrate the Soviet TALLINN system—a system originally thought to be a widespread ABM defense. When this system turned out to be an anti-aircraft system, the deployment decision on the Poseidon was not revised. Rather it was continued as a hedge against a number of other possible Soviet developments, including in Dr. Foster's words the possibility that "the Minuteman force could be threatened by either rapid deployment of the current Soviet SS–9 or by MIRV'ing their existing missiles and improving accuracy."

Once the Soviets began to deploy the SS–9 in apparently larger numbers than earlier estimated, however, this gave rise to the decision to deploy a "Safeguard" ABM defense of Minuteman sites.

In short the sequence went like this: (1) The Poseidon deployment decision was made against a threat which never materialized; (2) despite the disappearance of the threat against which it was designed, the Poseidon was continued, presumably as a hedge against other potential threats, including faster-than-expected Soviet deployment of the SS–9; (3) but now a decision

has been made to hedge against the SS–9 by building a "hard-point" ABM—so we are presumably building the Poseidon as a hedge against a number of possible Soviet threats, including the SS–9, and then building a hedge on top of that; (4) finally, new technology has made it possible to design a hard target killing accuracy into the Poseidon—an accuracy not needed to preserve our second strike capability against either the SS–9 or a Soviet ABM. The technology is available—why not use it! Yet the existence of that capability may well force a major Soviet response.

Another example of hedging against remote threats is the currently planned program of improvements in our continental air defense system. The existing SAGE system cost $18 billion to install but is apparently not very effective against low-altitude bomber attack. Although the Soviets have no sizable intercontinental bomber threat, the decision has been made to go ahead with major investments in a new air defense system. The major reasons given for this decision are these: to deter the Soviets from deciding to reverse their long-standing policy and develop a new bomber; to guard against one-way Kamikaze-type attacks by Soviet medium-range bombers; and to protect those of our missiles which would be withheld in a retaliatory strike. There is admittedly no direct threat to be covered. But a number of more remote threats are covered. And since we cannot defend our cities against Soviet missiles, it gives small comfort to have them protected against as yet non-existing bombers or Kamikaze attacks.

Another case in point is the new F–14 Navy aircraft. Both the F–111B and its successor, the initial version of the F–14, were designed to stand off from the carrier fleet and, with the complex Phoenix air-to-air missile, defend the fleet from a Soviet supersonic bomber plus missile threat, in the context of a major Soviet attack against our carrier forces. But as the Senate Defense Preparedness Subcommittee noted last year, this threat is "either limited or does not exist." Or as Chairman Mahon of the House Appropriations Committee noted, "The bomber threat against the fleet, as you know, has been predicted by Navy officials for some time. It has not, of course, developed to date."

The problem of what contingencies and risks are to be guarded against goes to the very heart of priority analysis. Primarily what we buy in the military budget is an attempt to protect the nation and its vital interests abroad from the danger and risks posed by hostile forces. We seek either to deter the hostile force from ever undertaking the particular action or, if worst comes to worst, to ward off the action when it does occur. Similarly, in designing particular weapons systems, the degree of complexity and the performance requirements built into the systems depends in part on an evaluation of the various kinds of contingencies which the weapon is expected to face. Now there are almost an unlimited number of "threats" which can be conceived. The likelihood of their occurrence, however, ranges from a significant possibility to a very remote contingency. Moreover, the size of the forces and complexity of the weapons systems needed to guard against a particular set of threats depends upon whether the threats materialize simultaneously or not. If they do not occur simultaneously, then very often forces developed to meet one contingency can be deployed against another. But the probability of two or more remote contingencies occurring simultaneously is obviously even lower than either taken separately.

Clearly we cannot prepare against every conceivable contingency. Even with a defense budget twice the present $80 billion, we could not do that. The real question of priorities involves the balance to be struck between attempting to buy protection against the more remote contingencies and using those funds for domestic purposes. In any given case, this is not a judgment which can be assisted by drawing up dogmatic rules in advance. And, since it is a question of balancing priorities, it is not a question which can be answered solely on military grounds or with military expertise alone—although such expertise must form an essential component of the decision process.

For what it is worth, it is my own judgment that we generally have tended in the postwar period to tip the balance too strongly in favor of spending large sums in attempting to cover a wide range of remote contingencies. And, as I have pointed out, this tendency—combined with the relentless ability of modern technology to create new contingencies and new systems to combat them—threatens to produce sizable increases in the defense budget.

A third important factor which is responsible for driving up the size of defense budgets is "modernization inflation."[2] The weapons systems we now buy are vastly more costly than those we bought 10 or 20 years ago. The F–111 A and the F–14A, for example, will cost 10 to 20 times what a tactical aircraft cost at the time of Korea. A small part of this increase is due to general inflation. But by far the largest part is due to the growing complexity and advanced performance of the weapons. In the case of tactical aircraft, speed, range, bombload, accuracy of fire, loiter time, ability to locate targets, and other characteristics are many times greater than models one or two decades older. The same kinds of performance comparison can be drawn between modern missile destroyers and their older counterparts, and between modern carriers and their predecessors. We pay sharply increased costs to obtain sharply increased performance. Yet seldom if ever is this advance in "quality" used to justify a reduction in the *number* of planes or carriers or destroyers or tanks. If bomb carrying capacity and lethal effectiveness is doubled or tripled, then presumably a smaller number of new planes can do the same job as a larger number of old planes. But the numbers generally stay the same or increase. As a consequence, modernization inflation primarily causes a net increase in military budgets rather than providing—at least partially—a reasoned basis for maintaining military effectiveness while reducing the level of forces.

In some cases, of course—for example, Soviet fighter aircraft—rising enemy capabilities may reduce the possibility of substituting quality for quantity. But the same kind of argument is hard to adduce for such weapons as carriers or attack bombers.

The fourth, and perhaps most important, reason for increasing military budgets is the fact that some of the most fundamental decisions which determine the size of these budgets are seldom subjected to outside review and only occasionally discussed and debated in the public arena. This problem is most acute in the case of the budget for the nation's general purpose forces. The fundamental assumptions and objectives of the strategic nuclear forces are more generally known and debated. But the assumptions, objectives and concepts underlying the general purpose forces—which even in peacetime take up 60 percent of the defense budget—are scarcely known and discussed by the Congress and the public. Congress does examine and debate the wisdom and effectiveness of particular weapons systems—the TFX, the C–5A, etc. But choices of weapons systems form only a part of the complex of decisions which determine the budget for our general purpose forces.

Those decisions can conveniently be classified into four types:

1. What are the nation's *commitments* around the world? While our strategic nuclear forces are primarily designed to deter a direct attack on the United States, our general purpose forces have their primary justification in terms of protecting U.S. interests in other parts of the world. At the present time, we have commitments of one kind or another, to help defend some 40-odd nations around the world—19 of them on the periphery of the Soviet-Eastern European bloc and Communist China. Almost all of these commitments were made quite some time ago, but they are still in force. Unless we wish to rely solely on "massive retaliation" as a means of fulfilling our commitments, they do pose a fundamental "raison d'etre" for general purpose forces of some size.

2. Granted the existence of these commitments, against what sort of *contingencies* or *threats* do we build our peacetime forces? A number of examples will help illustrate this aspect of decision making:

Pre-Vietnam (and, barring changes in policy, presumably *post*-Vietnam), our general purpose forces were built to fight *simultaneously* a NATO war, a Red Chinese attack in S.E. Asia, and to handle a minor problem in the Western Hemisphere, a' la' the Dominican Republic. Obviously the forces-in-being would not be sufficient, without further mobilization, to complete each of these tasks. But they were planned to handle simultaneously all of the three threats long enough to enable mobilization to take place if that should prove necessary.

The Navy is designed, among other tasks, to be capable of handling an all-out, nonnuclear, protracted war at sea with the Soviet Union.

The incremental costs of maintaining in-being a force to meet the Chinese attack contingency, probably amounts to about $5 billion per year. When in 1965 the nation decided to begin Federal aid to elementary and secondary education—which has subsequently been budgeted at less than $2 billion a year—a major national debate took place. To the best of my knowledge, there was no public comment or debate about the "Chinese contingency" decision. Yet the decision was not classified—it was publicly stated in the unclassified version of the Secretary of Defense's annual posture statement several years running. This is not to say that the decision was necessarily wrong. Rather, I want to stress that it has a very major impact on the defense budget, yet was not, so far as I know, debated or discussed by the Congress. This lack of debate cannot be laid at the door of the Pentagon, since the information was made available in the defense posture statement.

3. Granted the commitments and contingencies, what *force levels* are needed to meet those contingencies, and how are they to be based and deployed?

The Navy, for example, has 15 attack carrier task forces. The carrier forces are designed not merely to provide quick response, surge capability for air power, but to remain continually on station during a conflict. As a consequence, because of rotation, overhaul, crew-leave, and other considerations, one carrier on station generally requires two off-station as back-up. Thus for *five* carriers on station, we have *ten* back-up carriers. (The "on-station" to "back-up" ratio depends on the distance of the station from the carriers' base. The 2/1 is an average ratio.)

The pre-Vietnam Army 16⅔ active divisions with eight ready reserve divisions. The 16⅔ division force is supported by a planned 23 tactical air wing (only 21 were in-being pre-Vietnam).

The Navy has eight anti-submarine carrier task forces.

Defense plans call for a fast amphibious assault capability, sufficient to land one division/air wing in the Pacific and ⅔ division/air wing in the Atlantic.

The force levels needed to meet our contingencies are, of course, significantly affected by the military decisions and capa-

[2] This is the term used by Malcolm Hoag.

bilities of our allies. The U.S. situation in NATO, for example, is strongly affected by whether or not the divisions of our NATO allies are equipped with the combat consumables and rapid fire-power weapons enabling them to conduct a prolonged conventional war.

4. With what *weapons system* should the forces be equipped? Such questions as nuclear versus conventional power for carrier and carrier escorts, the F–111B versus the F–14, the extent to which the F–14 replaces all the Navy's F–4's, must, of course, be decided.

Let me hasten to point out that there is no *inexorable logic* tying one set of decisions in this litany to another. Do not think that once a decision has been made on commitments that the appropriate contingencies we must prepare against are obvious and need no outside review; or that once we have stipulated the contingencies that the necessary force levels are automatically determined and can be left solely to the military for decision; or that once force levels are given, decisions about appropriate weapons systems can be dismissed as self-evident. There is a great deal of slippage and room for judgment and priority debate in the connection between any two steps in the process.

Some examples might help:

There is no magic relationship between the decision to build for a "2½ war" contingency (NATO war, Red Chinese attack, and Western Hemisphere trouble) and the fact that the Navy has 15 attack carrier task forces. In the Washington Naval Disarmament Treaty of 1921, the U.S. Navy was allocated 15 capital ships. All during the nineteen twenties and thirties, the Navy had 15 battleships. Since 1951 (with temporary exception of a few years during the Korean war) it has had 15 attack carriers, the "modern" capital ship.[3] Missions and "contingencies" have changed sharply over the last 45 years. But this particular force level has not.

If one assumed, for example, that the Navy's carrier force should provide "surge" support to achieve quick air cover and tactical bombardment during an engagement, and then turned the job over to the tactical Air Force, the two-to-one ratio of back-up carriers to on-station carriers would not have to be maintained and the total force level could be reduced, even with the same contingencies. The wisdom or lack of wisdom in such a change would depend both upon a host of technical factors and upon a priority decision—does the additional "continuation" capability as opposed to "surge" capability buy advantages worth the resources devoted to it, on the order of $300–$400 million per year in operating and replacement costs per carrier task force.

Similar questions arise in other areas. Does the 16⅔ division Army peacetime force need 23 tactical air wings for support, or could it operate with the Marines' one-to-one ratio between air wings and divisions? Granted the 15 carrier task forces, must all of their F–4's be replaced by F–14's, as the Navy is apparently planning?

In short there is a logical order of decisions—commitments to contingencies to force levels to weapons systems—but the links between them are by no means inflexible, and require continuing review and oversight.

As I mentioned earlier, I am impressed by the fact that the Congress tends to concentrate primarily upon debate about weapons systems to the exclusion of the other important elements of the general purpose component of the defense budget. Many of the elements involved in military budget decision making cannot, of course, be made subject to specific legislation—I find it hard to see how the Congress could, or should, legislate the particular contingencies against which the peacetime forces should be built. But the Congress is the nation's principal forum in which public debate can be focused on the basic priorities and choices facing the country. It can, if the proper information is available and the proper institutional framework created, critically but responsibly examine and debate *all* of the basic assumptions and concepts which underlies the military budget. And it can do so in the content of comparing priorities. The Congress can explicitly discuss whether the particular risks which a billion dollar force level or weapons systems proposal is designed to cover are serious enough in comparison with a billion dollars worth of resources devoted to domestic needs to warrant going ahead. By so doing, the Congress as a whole can create the kind of understanding and political climate in which its own Armed Services and Appropriations Committees, the President, his Budget Bureau, and his Secretary of Defense can effectively review and control the military budget.

This brings me to my next point. The size and rapid increase in the defense budget is often blamed on the military-industrial complex. Sometimes it is also blamed on the fact that the Budget Bureau uses different procedures in reviewing the military budget than it does in the case of other agencies.

The uniformed Armed Services and large defense contractors clearly exist. Of necessity, and in fact quite rightly, they have views about and interests in military budget decisions. Yet I do not believe that the "problem" of military budgets is primarily attributable to the so-called military-industrial "complex." If defense contractors were all as disinterested in enlarging sales as local transit magnates, if retired military officers all went into selling soap and TV sets instead of missiles, if the Washington offices of defense contractors all were moved to the West Coast, if all this happened and nothing else, then I do not believe the military budget would be sharply lower than it now is. Primarily we have large military budgets because the American people, in the cold war environment of the nineteen fifties and sixties, have pretty much been willing to buy anything carrying the label "Needed for National Security." The political climate has, until recently, been such that, on fundamental matters, it was exceedingly difficult to challenge military judgments, and still avoid the stigma of playing fast and loose with the national security.

This is not a reflection on military officers as such. As a group they are well above average in competence and dedication. But in the interests of a balanced view of national priorities we need to get ourselves into a position where political leaders can view the expert recommendations of the military with the same independent judgment, decent respect, and healthy skepticism that they view the budgetary recommendations of such other experts as the Commissioner of Education, Surgeon General, and the Federal Manpower Administration.

I think the same approach can be taken with respect to the procedures used by the Budget Bureau to review the Budget of the Defense Department. In all other cases, agency budget requests are submitted to the Bureau, which reviews the budgets and then makes its own recommendations to the President subject to appeal by the agency head to the President. In the case of the Defense budget, the staff of the Budget Bureau and the staff of the Secretary of Defense jointly review the budget requests of the individual armed services. The staff make recommendations to their respective superiors. The Secretary of Defense and the Budget Director then meet to iron out differences of view. The Secretary of Defense then submits his budget request to the President, and the Budget Director has the right of carrying to the President any remaining areas of disagreement he thinks warrant Presidential review.

Given the complexity of the Defense budget and a Secretary of Defense with a genuine interest in economy, efficiency, and effectiveness, this procedure has many advantages. It probably tends to provide the Budget Director with better information on the program issues than he gets from other Departments. I think the procedure might perhaps be strengthened if the practice were instituted of having the Budget Director and the Secretary of Defense *jointly* submit the budget recommendation to the President, noting any differences of view.

But essentially, this procedural matter is of relatively modest importance. The Budget Bureau can effectively dig into and review what the President wants it to review under this procedure or many others. It can raise questions of budgetary priorities—questioning, for example, the worth of building forces against a particular set of contingencies on grounds of higher priority domestic needs—when and only when the President feels that *he* can effectively question military judgments on those grounds.

In my view therefore, the issues of the military-industrial complex, and of budget review procedures are important. But they are far less important than the basic issue of public attitudes, public understanding, and the need to generate an informed discussion about the fundamentals of the military budget in the context of national priorities.

With this in mind, let me suggest a few tentative proposals for improving public understanding and putting the military budget in a priorities framework.

III. TENTATIVE PROPOSALS FOR IMPROVING MILITARY BUDGET DECISIONS

The proposals I have in mind are addressed primarily to the Congress. As I noted earlier, many of the basic assumptions and concepts which determine the size of the military budget do not lend themselves, in the first instance, to direct legislative actions. But the Congress has another historic function—focusing public understanding and debate on important national concerns as a means of creating the framework within which both the Congress and the President can take the necessary specific actions. It is to this second function that my proposals are addressed.

As you know, each year for the last eight years the Secretary of Defense has submitted to the Congress an annual *posture statement*. This statement contains a wealth of information and analysis, and lays out most of the basic assumptions and concepts on which the military budget request is based. But, as I pointed out earlier, one of the most fundamental determinants of the military budget, particularly the general purpose forces, is the set of overseas commitments in which we have undertaken to defend other nations. Yet the Secretary of State submits no annual posture statement covering his area of responsibility and concern. Because of this lack of a State Department posture statement, the Defense posture statement each year has devoted its lengthy opening sections to a review of the foreign policy situation.

Recommendation 1. The Secretary of State should submit to the Congress each year a posture statement. This statement should, at a minimum, outline the overseas commitments of the United States, review their contribution or lack of contribution to the nation's vital interests, indicate how these commitments are being affected and are likely to be affected by developments in the international situation, and relate these commitments and interests to the military posture of the United States.

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[3] This observation is reported by Desmond P. Wilson, *Evolution of the Attack Aircraft Carrier: A Case Study in Technology and Strategy*, Ph.D. Dissertation, M.I.T., February 1966.

The Defense posture statement itself could be much more useful to the Congress and the nation if two important sets of additional information were supplied:

Recommendation 2. The Defense posture statement should incorporate a five-year projection of the future expenditure consequences of current and proposed military force levels, weapons procurement, etc. This need not, and should not, be an attempt to forecast *future* decisions. But it should contain, in effect, the five-year budgetary consequences of past decisions and of those proposed in the current budget request. And not only should this sum be given in total, but it should be broken into meaningful components.

One of the major problems in priority analyisis is the fact that the first year's expenditures on the procurement of new weapons systems is very small. Hence it is quite possible in any one year for the Congress to authorize and appropriate, in sum, a relatively small amount for several new systems which, two to five years in the future, use up a very large amount of budgetary resources.

All sorts of technical details need to be worked out if this proposal is to be useful. What is a "decision" about a weapons system? The Defense Department plans, for example, call for three nuclear carriers to be built. Procurement funds have been requested for only two so far. Should the cost of the third be included in the projection? But with a little goodwill on both sides, these questions could be ironed out. Let me also note, that I am aware that the Congress—relying on past experience with cost escalation—may want to increase the official projections of many weapons systems costs in order to get a more accurate idea of the overall total.

Recommendation 3. The Defense posture statement should include more cost data on relevant components of forces and weapons systems. What is the annual cost of the forces we maintain in peacetime against the contingency of a Chinese attack in South East Asia? What is the systems cost of constructing and operating a naval attack carrier task force? What is the cost of buying and maintaining one tactical airwing? What is the annual cost of operating each of the navy's eight anti-submarine warfare carriers? These are precisely the kinds of information needed to make possible a rational and responsible debate about the military budget in the context of national priorities.

Given this information, it seems to me that the Congress could organize itself to use it effectively. To that end, very tentatively I would suggest the following recommendations:

Recommendation 4. An appropriate institution should be created within the Congress to review and analyze the two posture statements in the context of broad national priorities, and an annual report on the two statements should be issued by the Congress.

I use the peculiar terms "an appropriate institution" because I am not familiar enough with either Congressional practices or Congressional politics to specify its title more closely. Whether this institution should be a new Joint Committee, an existing Joint Committee, a Select Committee, an *ad hoc* merging of several Committees, or some other form, I do not know. But I can specify what I believe should be the characteristics of such an institution:

It should review the basic factors on which the military budget is based, in the context of a long-term projection of budgetary resources and national priorities.

It should have, as one part of its membership, Senators and Congressmen chiefly concerned with domestic affairs, to assert the claims of domestic needs.

It should not concern itself primarily with the technical details of weapons systems, procurement practices and the like; while these are very important, they are the province of other Committees. It is the "national priorities" of the military budget which should be the essence of the new institution's charter.

Above all, it should have a top flight, highly qualified staff. The matters involved do require final solution by the judgment of political leaders, but in the complex areas with which the new institution would deal, its deliberations must be supported by outstanding, full-time, professional staff work.

The institution I have described would have no legislative responsibilities. But I do not believe that makes it any less important. After all, the Joint Economic Committee has no legislative mandate. Yet in the past twenty-two years, its activities have immeasurably increased the quality and sophistication of public debate and of Congressional actions on matters of economic affairs and fiscal policy. Should an institution such as I have described be created, I would only hope that twenty-two years from now it could look back on an equally productive life.

REGULATION OF MOTOR VEHICLE SIZES AND WEIGHTS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Illinois (Mr. KLUCZYNSKI) is recognized for 15 minutes.

Mr. KLUCZYNSKI. Mr. Speaker, prior to 1956, regulation of motor vehicle sizes and weights was left entirely in the hands of the individual States.

When Congress, in 1956, adopted the plan to construct a 41,000-mile Interstate Highway System, many of us felt it was time for the Federal Government to share the responsibility for regulating sizes and weights to be operated on that system. We decided that the best way to do this would be to fix maximum standards which a State could not exceed without losing its Federal highway money.

Therefore, we included such a provision in the 1956 act. In determining the standards to be adopted, we took the best thing available to us at the time—standards approved 10 years earlier—in 1946—by the American Association of State Highway Officials for application to the roads of that era.

We viewed these standards as temporary and, in the same bill, instructed the Bureau of Public Roads to study the matter and submit recommendations for standards compatible with the new and improved roads and bridges. We had expected that this could be done in 2 or 3 years, but the Bureau wanted to await completion of the $26 million Illinois road test, and its recommendations were not submitted until 1964. In other words, the Bureau studied the matter for 8 years before submitting its report. We have now had that report for 5 years.

Last year, the Senate passed and the House Public Works Committee reported a bill which was consistent with the Bureau's 1964 recommendations. It would have increased the single-axle limit from 18,000 to 20,000 pounds; the tandem axle limit from 32,000 to 34,000 pounds; the width limit from 96 to 102 inches; and would have replaced the flat arbitrary gross weight limit of 73,280 pounds with a scientific formula based upon the length of the vehicle and the number of axles.

As in 1956, last year's bill would have left regulation of length entirely to the States because of obvious regional differences with respect to dependence on truck service; differences in terrain, and differences in traffic and population density.

Absence of a length limit resulted in thoroughly publicized and advertised allegations that the bill would authorize 105-foot, triple-trailer trucks, weighing 138,000 pounds. These allegations, coming at the 11th hour before adjournment, stalled the legislation and prevented its enactment.

I am today introducing a new bill which, I trust, will eliminate the confusion, misunderstanding, and attacks which we witnessed last year.

It contains the same axle and width limits, and the same gross weight formula as last year's bill—all recommended by the Bureau of Public Roads and endorsed by the American Association of State Highway Officials.

In addition, the new bill would apply a Federal length limit of 70 feet. This should preclude the kind of attacks made against the legislation last year.

I hope so, because the truck and bus industries are important factors in the economic and social welfare of the United States and are entitled to fair treatment. They have been denied technological advance for 13 years. In the meantime, Congress has appropriated millions of dollars from the general fund in promotion of the technology of other forms of transportation.

In 1956, the truck and bus owners accepted heavy user charges to help provide new and better highways which would make technological advances possible in commercial highway transportation. Denial of the limited advances which might be possible under the proposed standards would amount to betrayal not only of the truck and bus industries, but also the shippers, communities, and passengers who depend on truck or bus service.

YAF VERSUS SDS, OHIO STATE UNIVERSITY

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

Mr. DEVINE. Mr. Speaker, the current issue of Counterpoint, the newsletter of Ohio Young Americans for Freedom, makes a most interesting report on the handling of SDS at Ohio State University. On May 8, the annual ROTC spring review was scheduled at the University and the following report is most significant:

SDS SETBACK AT OSU

May 8 was "May Day" at Ohio State University, an annual class holiday devoted to contests, games, King and Queen of the May contests, a carnival, and a review of the campus ROTC contingent. The last of the afore-

mentioned was not looked upon with approval by the SDS, especially because OSU boasts of the largest ROTC units in the nation. Adding fuel to the fires of SDS indignation was the meeting of the OSU Trustees the same day to consider an "Open Housing" proposal that had previously been tabled. The local underground SDS rag for the week held forth on three issues "racism"—if the housing proposal was not passed; "imperialism" and "racism" in the form of the ROTC; and (if the two other issues fell through) "war research" by the university. The SDS paper contained directions for making a Molotov cocktail and called a student strike for the day after May Day (a Friday which most students miss anyway while taking a long week-end).

The SDS battle plan called for snake-dances through the ROTC ranks and throwing eggs and fire-crackers. A building take-over was also contemplated. The real goal of SDS was to provoke a confrontation with the police so that the phony issue of "police brutality" could be raised and student sympathy elicited; then a strike might work. Strike leaflets were already printed with the date left blank to be filled in later.

The day started off badly for SDS. At the Trustees' meeting, the housing rule was passed, cancelling one possible issue. All the SDS leaders could do was mutter about the Trustees being "puppets" (of whom is left unanswered). Then, the ROTC parade was cancelled due to rain and the awards ceremony moved into Mershon Auditorium. SDS would be forced to get inside the hall in order to disrupt the scheduled events.

The radicals might have been able to accomplish their goals were it not for a coalition of YAF members and other opponents of SDS. YAF leaders (including Bert Brainard, Steve Mayerhofer, Pat Burns, Mike Stanley, Dave Sherman, Norm Berls, and many others) distributed blue armbands to ROTC supporters and directed the "blue forces" with a bull-horn. The YAF-led forces physically blocked several SDS attempts to storm the front door of the auditorium. SDS chants of "Ho, Ho, Ho Chi Minh, NLF is going to win" and "F**K ROTC" were drowned out by YAF-led chants of "Go Home, SDS", "Up With America", and "Neo-Nazi SDS". There was some scuffling and a few punches were thrown on both sides, but there was no real violence thanks to the numerical superiority of the anti-SDS faction. More important, the confrontation with the police that SDS had hoped for was avoided as fellow students had the situation well in hand. One SDS member burned a small American flag and was promptly run out of the area by some patriotic students nearby. The flag-burner has since been arrested and charged.

SDS decided to call it a day after this ignominous defeat, and were unable to call for a student strike. By their efforts, the anti-SDS forces at OSU defended their rights to an education.

A cloud on the horizon is that President Nixon announced the next day, apparently on the strength of the May 8 results, to speak at the Commencement exercises June 7. In addition, General Westmoreland will be speaking June 6. These events are too much of a temptation for SDS to ignore. Plans are now being formulated by the radicals to bring supporters from all over the country to help "get Nixon and Westmoreland." OSU–YAF will again do its best to maintain an open campus.

Further the following article is also related to this subject:

DEBATING THE NEW LEFT

As more and more people start realizing that SDS affects them, they begin looking around for a youth group that is willing and able to meet the radicals in open debate. YAF is the only organization that they can turn to. Thus more debates and speaking engagements are opened up for YAF members. The following examples are from Columbus, but similar opportunities are available throughout the state.

Ohio YAF Chairman Steve Mayerhofer opposed an old-line liberal at a "Founders Day" debate on "Student Revolt" at Capital University in Columbus, March 5. April 15, Mayerhofer debated the local head of SDS at the Columbus Jewish Center. May Day, he spoke at Upper Arlington High School under the auspices of the Students for Political Awareness.

The following Sunday, May 4, OSU Chairman Bert Brainard appeared with Mayerhofer and Ohio Treasurer Pat Burns on a pilot talk show on WMNI radio in Columbus. Mayerhofer debated another local SDS leader at a 3-part forum sponsored by the Columbus YMCA, May 7, 14, and 21. The debate on May 21 received good coverage in the Columbus *Citizen Journal*. May 13, Mayerhofer spoke at the installation meeting of the Franklin County Teen-Age Republicans. May 16 two OSU–YAF members, Mike Stanley and Dave Sherman debated two SDS members before an adult church group. OSU chairman Bert Brainard spoke at a church youth group May 25. OSU member Norman Berls spoke to a high school class on YAF and SDS May 27.

The above does not include the numerous debates, TV and radio interviews, and speeches actively sought and obtained by Columbus YAF members. Obviously the opportunity is available for any YAF member to spread the conservative message. Your job is to become an authority on some subject and make yourself available.

PRESIDENT'S STAND ON COLLEGE DISORDER

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

Mr. EDWARDS of Alabama. Mr. Speaker, President Nixon's speech at Madison, S. Dak., yesterday, deserves the high praise of all Americans.

Referring to the "demands" of the extremist minority he said:

It should be self-evident that this sort of self-righteous moral arrogance has no place in a free community. It denies the most fundamental of all the values we hold: respect for the rights of others. This principle of mutual respect is the keystone of the entire structure of ordered liberty that makes freedom possible.

The President very rightly called attention to the legitimate needs of today for honesty—both personal and public honesty—in the social structure. Let us do away with sham and pretense, and get down to the basic nub of truth as young people, especially, want to do.

But at the same time let us do it with real perspective. Let us not destroy what is good. The continuing revolution of democracy should be recognized for the force that it is for liberation of man's spirit and imagination. President Nixon said what needs to be said.

MISS ANGELA CAPPUCCILLI WINS CATHOLIC YOUTH ORGANIZATION ORATORIAL CONTEST

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous material.)

Mr. HANLEY. Mr. Speaker, recently one of my constituents, Miss Angela Cappuccilli, of Syracuse, N.Y., competed in the national oratorical contest sponsored by the Catholic Youth Organization. I had occasion to chat with her shortly after she delivered her winning address in Syracuse and was tremendously impressed with her depth and her compassion. The speech she delivered in Syracuse was also given here in the national finals. Although she was not one of the winners, I felt her efforts and her insight should be brought to the attention of my colleagues.

Her remarks follow:

"WHY GOD, WHY

"Morns abed and daylight slumber.
Were not meant for man alive.
Clay lies still, but blood's a rover,
Breath's a ware that will not keep.
Up, lad: when the journey's over
There'll be time enough to sleep."

There is no time for sleep. It involves hours, precious hours, whose minutes could be engaged in combating the horrid realities which labels a man as illiterate, poverty stricken, and lost in a world of injustices. Indulging in the luxury of sleep, however, is one aspect of nature which cannot be avoided. We must allow ourselves rest but Senator Robert Francis Kennedy allowed himself only enough to balance the weight of service. Few men possess this love of life that Senator Kennedy had; few strive as hard as he; fewer care as much as he.

Bobby Kennedy ignited a spark able to inflame the hearts of the migrant workers in California; to kindle the desirous love between the white society and our black brothers of Harlem and Mississippi; able to move a generation of boundless energy, when all others failed.

By what standards are we able to judge a man who could, by birthright, live life in the most elegant fashion but choosing to spend his whole life trying to decipher the mumble-jumble of poverty, illiteracy, sickness, and war? What fulfilled the passions of Bobby Kennedy's soul? Was it his love of Almighty God; his love of family; love of fellow man; of country? He united all these fulfillments in a common effort to further the cause of equality. He strove to raise man from the gutter to which he was so disgustingly thrown, to the heights of greatest glory which our God wished him to attain. In his own way he wished to better the lot of his fellow man. Senator Kennedy believed, "The future does not belong to those who are content with today, apathetic toward common problems and their fellow man alike, timid and fearful in the face of new ideas and bold projects. Rather it will belong to those who can blend vision, reason, and courage in a personal commitment to the ideas and great enterprises of American society."

Bobby Kennedy was labeled a political opportunist by some, a power monger, and ruthless by others. In truth he was all of these. He took advantage of all opportunities, wealth, and position, in a ruthless zeal to extend our world to a Camelot for all.

Yes, my friends, it is about time that we face the facts. "It's obscene," he said, "It's obscene. The richest country on earth, and this. . . ." We see pictures of starved, naked children being eaten alive by rats. We see pictures of ungodly war which has ripped to threads the fabric of life, woven so painstakingly by our brothers. Bobby Kennedy wept when he witnessed the starvation of these poor children whom he thought of as his own. He sought to patch the torn fabric

of life of his brothers; to stitch this fabric with the needle of equal opportunity, love, and brotherhood.

Being able to recognize a disorder, realize one's human failings, and a desire to correct both is a trait one must attribute to Robert Kennedy. There is a difference between a man who accredits himself with a reasonable amount of knowledge, and a man who wishes to further his education and apply his learnings in a sincere effort to alter the course of evil. When expressing an idea on education Robert Kennedy said, "Men and women with freed minds may often be mistaken, but they are seldom fooled. They may be influenced, but they can't be intimidated. They may be perplexed but they will never be lost." Bobby Kennedy tried never to be fooled, intimidated, or lost. He made Americans sit up and take notice. When Senator Kennedy spoke, people listened. He filled the empty wards of hollow politicians. Robert Kennedy was a man of truth. Never did he sacrifice his beliefs to appease others. For he believed a compromise in truth meant a compromise in his duty toward his fellow man, a cause which *must* be whole and entire. He said of men who bent the truth, "I don't work that way." And, he didn't. Bobby never spoke on and on just for the sake of being quoted, or to fill time. He was blunt, to the point, and most important, to the truth. He set a goal for which all men could reach.

But before we reach the ever-awaited end, we must strive for peace and happiness in this life. We must not only save ourselves, but Jesus said that we must bring someone with us; Bobby Kennedy wanted to bring the whole world with him. He wanted to save an entire race of men persecuted because of a pigment. He wanted to raise an entire neglected class of men looked down upon because, to put it in modern terms, "their annual output, exceeds their annual input."

Senator Kennedy wanted to right this unforgivable wrong. As he put it, "I think we can do better." He experienced in his heart the feelings of the so-called "forgotten American" of the lower and middle classes, whom politicians appeal to for votes. But Senator Kennedy sought more than a vote. He wished to express an honest desire to make the heavy load of a good man, just a little bit lighter.

It has been said, "When through one man a little more love and goodness, a little more light and truth comes into the world, then that man's life has had meaning." Bobby Kennedy pushed his love and goodness, light and truth. He sold his wares that would not keep.

This is what Robert Kennedy lived for. Every moment of his life was filled to the fullest extent. He could not tolerate a human being with God-given talents, who wasted time. As we have so tragically seen, he had no time to waste.

Let us remember him in this way: "My brother need not be idealized, or enlarged in death beyond what he was in life, to be remembered simply as a good and decent man."

NEW BETHEL BAPTIST CHURCH—REPORT FROM DETROIT

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

Mr. RARICK. Mr. Speaker, since my remarks on April 28, concerning the murder at the New Bethel Baptist Church, on page 10530 of the RECORD, I have received additional reports from Detroit shedding more light on the occurrence and background of the characters involved.

I insert correspondence received this date from Mr. Ralph Jenkins, city editor of the Redford Record of Detroit Mich., and several news columns from his paper, as follows:

THE DETROIT
SUBURBAN NEWSPAPERS, INC.,
Detroit, Mich., June 2, 1969.

Hon. JOHN R. RARICK,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. RARICK: It was good to note in the *Congressional Record* that you have brought to the attention of the House the background of the New Bethel Baptist Church shootings, issue of April 28.

There has been some hesitancy on the part of many of our political and civic leaders to face the fact that the killing of one policeman and the wounding of another was part of a conspiracy to overthrow our government.

To bring you up to date, petitions signed by 200,000 of our citizens have now been filed for the removal of Judge Crockett, whose background is provided in part in one of the enclosed clippings.

The head of the Bethel Church, the Rev. C. L. Franklin, who rented the church to the leaders of the Republic of New Africa, has also been taken to court on a charge of possession of marihuana, found in his luggage when he returned here from a trip to Dallas.

You are congratulated on bringing attention to the situation in Washington.

Very cordially yours,

RALPH JENKINS,
City Editor.

P.S.—The Max Fisher who is mentioned as being among the supporters of Judge Crockett has recently been appointed by the President to be a special consultant in the new national urban development project.

[From the Detroit (Mich.) Redford Record, Apr. 23, 1969]

WAYNE UNIVERSITY NEWSPAPER SAYS BLACK COPS NOT LOYAL

Negro policemen of Detroit, Wayne County and the State "no longer consider themselves representatives of their respective departments, or the government" and their allegiance is now pledged to "the liberation of black Americans."

So announced the Wayne State University newspaper, the "South End," in a full-page statement attributed to "the Guardians, Black Police Officers for Equal Justice."

Donald Gray, a detective in the Wayne County sheriff's office, is president of the Guardians, an association of Negro law enforcement officers largely concentrated in the Detroit area.

Gray was instructing a class in police-community relations at Wayne State when he was handed a copy of the "South End," which has been conducting a campaign of racist propaganda for the last eight months.

He said he had never seen the statement before, that the Guardians has not authorized it, and that it "disturbed and embarrasses" him. Gary said that the statement will be discussed at the next meeting of the Guardians. He said he knew none of the leftist militants who control the "South End."

"Obviously, as police officers, we are sworn to obey orders," Gray said. The statement in the "South End" bore the name of the Guardian association, but not the signature of any officer of the Guardians.

William Green, a turnkey at the Wayne County Jail and past-president of the Guardians, said he did not have the authority to discuss the statement, but said it "gives us a new problem." He said he "has an idea where it comes from."

Roman Gribbs, Wayne County Sheriff, said he had only praise for the Negro members of the department, saying they had proved themselves "fine officers."

The Guardians have a membership of about 200 and include four State troopers. A state-wide membership drive has been planned.

Much of the "South End" statement was a denunciation of the Detroit Police Officers Association, described in the statement as "a union of white policemen which issued a list of demands, just three days after the attack on the New Bethel Baptist Church, for such war-like materials as bullet-proof tires, armor-plated cars, and bullet-proof windshields."

Police forced entry into the church on March 30, after a policeman was murdered and another wounded when they approached several uniformed men carrying rifles outside the church. The building had been rented to the Republic of New Africa, a separatist organization which has a uniformed, armed auxiliary, the Black Legion.

"As Guardians," the statement in the university paper read, "we make it known that black officers will no longer close their eyes and ears to abusive use of the law as applied to the black community or any other citizen who is confronted by the law in the City of Detroit.

In an article entitled "Judge Crockett and the Struggle for Freedom," the tax-subsidized Wayne State (student) paper Monday referred to Detroit's police as "what are euphemistically known by the local honkey dogs as Detroit's finest."

Twelve pages of the April 10 issue were devoted to a defense of Crockett and his release of prisoners rounded up after the shooting, at an impromptu night court session set up in the First Precinct Station in Police Headquarters.

There was no campus news in the issue, which carried, as in the past, the emblems of the Black Panther Party. President William Rea Keast on Feb. 14 complained to the paper's editor, John Watson, a bearded negro militant, about the paper's "looseness of statement" and its "pet prejudices."

Watson has ignored Keast and the university administration says it is powerless to act, although staff salaries of "South End" are paid by the university and the university meets the paper's printing costs.

[From the Detroit (Mich.) Redford Record, Apr. 24, 1969]

BLACK POLICE REVOLT PLANNED IN MICHIGAN

(Exclusive)—Detroit, Wayne County and State law enforcement agencies face a new problem in police administration, an apparent "revolt" against existing authority by members of the Guardians, an all-black organization of city, county and state police officers. At a meeting held April 15 at the Randora Hotel, 98 Garfield St., Detroit, this newspaper learned, agreement was voiced on a statement appearing in the "South End," Wayne State University's leftist, militant-controlled newspaper.

The statement, signed "Guardian Organization," said that "black police of City, County and throughout the State will no longer consider themselves representatives of the mayor of any city, their respective departments, or the government per se."

Any immediate effect of the movement on further recruiting of negro police officers and on the question of loyalty to their superior officers—Police Commissioner Johannes Spreen, Sheriff Roman S. Gribbs and the State police commissioner, Frederick E. Davids—appeared to depend on further scrutiny by the Attorney-General's office and other legal authorities on the amazing document presented at the Guardians meeting.

Announcement that "our membership is on record as supporting the statement" came from County Detective Donald Gray, president of the Guardians. He said about 100 attended the meeting, including some

"guests" and members of the Phoenix organization, consisting of Detroit Negro firemen.

The statement said the reason for the move was that "it has been verbally and visually demonstrated by these offices (the law enforcement agencies) that their concern lies only with the existing oppressive structure of the system."

Gray said he knew nothing about the statement before it was published and said it "disturbed" him and that the meeting was called to review it.

"But one of our people had authorized it," Gray said. "It was in print, so what could we do but support it?"

He said he did not wish to name the man who drew it up.

"Was the statement written in the office of the 'South End'?" Gray was asked.

"I have been asked that before," he replied. "But I can't answer that."

The membership, he said, agreed that henceforth a committee of five would pass on Guardian statements before making them public.

Questioned later by Sheriff Gribbs, the Guardian's president (Donald Gray) said that a member of his organization, whom he would not name, did talk with a member of the "South End" staff in connection with the content and form of the statement when it was being prepared.

Gray also said that no "formal vote" was taken at the April 15 meeting on the statement, and that arguments pro and con were voiced. However, it appeared clear despite conflicting reports of meeting, that the statement was not disavowed by the organization.

Gray said the concensus of black "Guardian members" was that Detroit police have "overreacted" to incidents in the past. He said the recent action of the Detroit Police Officers Association in starting a state-wide petition drive for the removal of Recorder's Judge George W. Crockett, Jr. for his release of prisoners held for questioning in the murder of a white policeman and the wounding of another at a black separatist convention on the night of March 29 "did not help much" in the discussion of the members on whether to uphold the statement.

Twenty-three of those arrested in the shooting were from other cities, including seven from New York. A New Yorker, Rafael Viera, was released by police during one of the two court sessions hastily called by Crockett, who is a negro. Viera later was rearrested in New York and faces extradition to Michigan on a charge of slaying Patrolman Michael Czapski. Police claimed they had insufficient time to process and question those arrested.

Much of the 1,200-word Guardian statement is an attack on the Detroit Police Officers Association.

"Our Allegiance," the statement reads, "is now to the professional enforcement of the Constitution of the United States, the rights of all persons as given under the Constitution, the laws of the land, and the liberation of black Americans."

However, the Federal constitution is a statement of basic principles that have been open to wide interpretation by the courts and not a compilation of definitive laws set forth in State law and local ordinances. Police heads point out the absurdity and impossibility of an individual policeman trying to make "on the scene" interpretations of constitutional questions during a riot or holdup, or while he is being fired upon by law-breakers.

BLACKS TO VIOLATE OATH OF OFFICE?

The oath of office taken by police officers takes cognizance of this. The Detroit police oath states that, "I will support the Constitution of the United States and the Constitution of the State of Michigan and will faithfully enforce the laws of this state and perform the duties of a police officer to the best of my ability, and will obey the rules and regulations of the department and carry out all orders which may be lawfully given me by my superior officers."

The oath taken by deputy sheriffs also pledges loyalty to state law. The oath administered by the DPOA to its members further states that the members shall keep themselves "free from outside influence and domination."

Referring again to the Federal constitution, the Guardian statement appears to contradict its earlier reference by stating that "the black community has witnessed with their own eyes and heard with their own ears, as did their brothers and sisters of this country, that the establishment admits that the Constitution of the United States is not meant for minorities or the poor."

Detective Gray's superior officer, Sheriff Gribbs said he had not had a chance to talk with Gray but that he understood that the Guardian statement had some "amendments" and that he was waiting to hear from Gray.

STILL "WAITING" FOR COPS TO "REPORT"

A sheriff's aide said it had been expected that members of the sheriff's intelligence unit would have a report on the meeting eleven days ago, and the action taken. "Perhaps they haven't had time to report," he commented.

Another question that has arisen since the shooting of the Detroit policemen by uniformed Black Legion members who are a part of the Republic of New Africa (RNA) separatist movement is the participation of the Guardians in the Black United Front (BUF).

The BUF has some 40 affiliates, including the Guardians. These include the Black Panther Party, the "South End" and the Frederick Douglas Gun Club. Members of the Guardians took part in a pro-Crockett rally at the Old County Building.

The Detroit police oath prohibits policemen from being members "of any political party or any organization which advocates the overthrow of the government of the United States by force or violence." The Black Panthers are led by revolutionary Eldridge Cleaver, now believed to be out of the country to escape arrest for violation of parole.

Sheriff Gribbs said his policy has been one of non-interference with the actions of his men when they are off duty, except that they are expected to conduct themselves as good citizens.

The sheriff's force has a personnel numbering about 500, of whom about a third are negroes. William Green, a turnkey at the Wayne County Jail, is past-president of the Guardians. There are about 500 negro policemen in the Detroit police department.

The Guardian president said that the Guardians now number about 200 and include a few State troopers, but that a statewide membership drive is contemplated.

[From the Detroit (Mich.) Redford Record, May 1, 1969]

THE INSIDE STORY—THE FACTS ABOUT LAWYERS WHO SUPPORT JUDGE CROCKETT: RADICALS RALLY TO AID JUDGE CROCKETT

(By our political editor)

Exclusive: You have to know the players in order to follow the game that is underway to keep Judge George W. Crockett, Jr. on the Recorder's Court bench.

The rash of hurriedly drawn up statements by various lawyers' groups in support of Crockett could give the public the impression that bar association members are right behind the judge in his handling of the after-hours court sessions, called by him to speed the release of suspects in the shooting of two policemen, one fatally, on the night of March 29.

The latest move to support this misconception is a 26-page "report" of the law committee of New Detroit, Inc., which document now is awaiting approval, or rejection, by the New Detroit board of trustees.

If the report is accepted (and this would have nothing whatever to do with the final disposition of the Crockett case by the Michigan Supreme Court) it will be another case of Detroit politics making strange bedfellows.

Crockett supporters starring as "name throwers," would thus draw into the controversy such figures as New Detroit board members, Joseph L. Hudson, Jr., Max Fisher, William Patrick, Walker Cisler, Henry Ford II and others, who certainly have little truck with militant racists, black or white.

A way out for this group would be to let the Crockett matter rest where it is at present, before the State Judicial Tenure Commission, which may wish to make up its mind, for recommendation to the high court, without "guidance" from outsiders.

This newspaper has learned that individual lawyers and law firms involved in the very cases before Judge Crockett that raised such outcry are now in the front ranks of the drive to keep him in office. Further, that the leaders in most every leftist movement in Michigan for the past 20 years are lined up in support of a "keep Crockett" campaign.

First, there is the report of the law committee of New Detroit. It was written by Harold Norris, a Detroit College of Law teacher; Michael Josephson, an assistant professor of law at Wayne State, and Thomas Marcom, a Negro member of the New Detroit staff who is also an attorney for the Wayne County Suburban Legal Service, a "poverty war" agency. Endorsers of the report include F. Phillip Colista, temporarily acting dean of law at the University of Detroit.

Norris at various times from 1951 to 1959 served as vice-president, administrative secretary and executive secretary of the Detroit chapter, National Lawyers Guild. Colista was administrative secretary of the chapter in 1964. Judge Crockett was a vice-president of the national Guild in 1965 and 66, and his former law partner, Ernest Goodman, was president of the national organization in 1965, 66 and 67.

Crockett and Norris were members of the advisory board of the Guild's Detroit chapter in 1962, when Harry M. Philo, another former Crockett law associate, was executive secretary. More on Philo later.

For about 20 years the National Lawyers Guild has been a target of Congressional investigations. A committee of the House, looking into subversive activities described the Guild in 1961 as "the foremost legal bulwark of the Communist Party, which from its inception has never failed to rally to the legal defense of the Party and individual members, including known espionage agents," in short, a Communist "front."

As early as 1950, a long House report described the Guild as "an appendage of the Communist Party whose proclaimed 'benevolent' purposes were designed to lure non-Communist lawyers into the organization, where they would become subject to Communist influence and would serve Communist objectives."

The Detroit chapter of the National Lawyers Guild held its annual dinner two weeks ago at the Gold Key Inn, Lodge and West Grand Blvd. The featured speaker was William Moses Kunstler, whose clients have included the Black Panthers, Rap Brown, Stokely Carmichael, Jerry Rubin and other agitators in recent disorders. His topic was "The Movement and the Lawyers."

Kunstler said that "Detroit is now one of the most important centers for radical activity in the United States." He said he did not want to talk just to lawyers: "I want to meet and talk to members of he Movement in Detroit—the people who daily suffer the repression of a reactionary establishment."

The Detroit chapter of the Lawyers Guild has thrown its support to Crockett and thus the chapter officers bear scrutiny. The presi-

dent now is James T. Lafferty, a civil rights activist. Vice presidents are D. William Maki and Warfield Moore, Jr. Cornelius Pitts is administrative secretary and Donald Hobson is executive secretary.

Maki, Moore and Pitts are with the law firm headed by Judge Crockett's former law partner, Harry Philo. The firm, now Philo, Maki, Moore, Pitts, Ravitz, Glotta, Cockrel and Robb, is located at 2761 East Jefferson-av.

Hobson is associated with the law firm of Goodman, Eden, Robb, Millender, Goodman and Bedrosian, which is headed by Ernest Goodman, the former partner of Judge Crockett in the firm of Goodman, Crockett, Eden, Robb and Philo.

Among attorneys in the courtroom of Judge Crockett on March 31 for hearings on prisoners taken from the New Bethel Church after the shooting of the policemen by black separatists in Detroit for a national convention was Kenneth Cockrel, of the Philo firm.

Cockrel represented Alfred Hibbitt, who was released on Cockrel's promise to produce him when wanted. Subsequently re-arrested, Hibbitt is now charged with assault with intent to murder, in the wounding of Patrolman Richard Worobec.

When Judge Joseph E. Maher held Hibbitt for trial and set bond at $50,000 after a preliminary hearing that had lasted nearly all of two days, Cockrel, Justin Ravitz, another member of the Philo firm, and Milton Henry, all representing Hibbitt, accused the court of not letting them present more of their case.

Hibbitt has been identified by a police witness as one of the RNA riflemen he saw fire at Patrolman Worobec. Thus, the prosecution established the "reasonable cause" required in preliminary examinations to hold a prisoner for trial.

But Cockrel harangued a crowd of about 40 persons outside the courtroom. A tape recording of his speech has Cockrel calling Judge Maher "this honkey dog, fool, who calls himself a judge. They're not judges, they're not prosecutors—they're racists, rogues, bandits, thieves and pirates!"

Because of his conduct in and outside the courtroom Cockrel now faces a hearing on May 12 at which he must show why he should not be found guilty of contempt of court. The action was instituted by Judge Maher, who referred to the "frivolous and untimely motions" which he said were introduced by the defense attorneys, prolonging the Hibbitt hearing unnecessarily. Cockrel could get 30 days and a fine of $250, as well as face State Bar charges.

Another organization that threw its support to Crockett is the Wolverine Bar Association. The President is Myron H. Wahls, who represented Willie James Thomas, one of the shooting case prisoners, before Judge Crockett.

The Michigan chapter of the American Trial Lawyers Association, in supporting Crockett, added its bit to the controversy. The trial lawyers have about 600 members, according to President James W. Baker, of Bay City, but the resolution supporting Crockett was adopted by about 30 board members, meeting in the Detroit office of Morton Schneider, the chapter secretary. The board of trial lawyers includes Harry M. Philo, a former law associate of Crockett. Philo, reached in California, had a member of his firm, Ronald Glotta, represent him.

CITE CROCKETT CONDUCT DEFENDING REDS

A panel of Michigan Circuit Court judges in March, 1954, publicly reprimanded Crockett for his conduct when he was a defense attorney in the trial of 11 Communist leaders who were convicted in New York federal court of conspiracy to overthrow the government by force and violence.

The presiding judge, Harold R. Medina, accused five defense lawyers, including Crockett, of deliberately trying to get a mistrial through disorder in the courtroom and harassment of the court. Crockett served four months in a Federal jail.

The grievance committee of the Michigan Bar then cited Crockett and recommended to the judges' panel that he be reprimanded. Speaking for the panel, Judge Herman Dehnke, of Harrisville, said that Crockett's defense of the charge "left much to be desired."

"There is a substantial doubt," Judge Dehnke said, "as to whether he has a reasonable adequate understanding of an attorney's obligations and responsibilities. He should disabuse his mind of the notion that rules of proper trial conduct are insufferable shackles.

"It was not the nature of the case (the New York trial) but his conduct that was responsible for his present difficulties."

Judge Dehnke told Crockett: "We feel that you have many mistaken and erroneous notions, however excusable they may be to yourself. Look around to other attorneys. Many have defended unpopular causes and earned great reputations—but they stayed within proper decorum."

Crockett excaped disbarment in the 1954 proceedings and resumed his Detroit law practice.

CFR—CONTROL BY THE UNELECTED

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

Mr. RARICK. Mr. Speaker, a recent series of papers by the Dan Smoot Report, Box 9538, Dallas, Tex., may not provide answers to all the problems confronting the American people but it certainly offers an annotated insight into the personalities who appear to be in charge of the direction of our country.

Mr. Smoot identifies the CFR connections and this alone should arouse enough public interest that the people will want to find out what the CFR is, what its objectives are, and how it has been able to seize the decisionmaking positions of our Government through several succeeding administrations. The people will demand to know how the CFR, a small minority, came to have such a mysterious control over the officials elected by the American people.

Mr. Speaker, I insert a series of three Dan Smoot Reports relating to the Council of Foreign Relations in the RECORD at this point:

[From the Dan Smoot Report, May 19, 1969]

NIXON AND THE CFR

In the November 19, 1968, issue of *Deseret News*, Sydney J. Harris, liberal columnist, approvingly commented:

"It is probably better for the nation that Nixon was elected than Humphrey, for social realities will force Nixon to do pretty much the same things Humphrey would have done, but Nixon will encounter less bitterness and opposition than Humphrey would have."

Conservatives feel otherwise. The American Conservative Union supported Nixon last year, heartily approving when candidate Nixon, campaigning in Dallas, promised to clean house in the State Department. Now, ACU complains that Nixon has done the opposite of what he promised. Since his election, Nixon has complimented the State Department for having "the best career service in the world."[1]

Footnotes at end of article.

The American Conservative Union notes that Nixon has kept in key positions "virtually all the men who have been directly responsible for formulating and executing the disastrous foreign policy America has had for the last eight years, indeed the last 20 years."[1]

It is not "social realities" that cause "Nixon to do pretty much the same things Humphrey would have done"—it is the reality of a powerful cabal which has controlled the federal government for a generation. The "men who have been directly responsible for formulating and executing the disastrous foreign policy America has had for the last . . . 20 years" are, for the most part, members of the Council on Foreign Relations (CFR) or of related organizations.

CFR people dominate the Nixon administration. Is the President a puppet, or is he merely yielding to an influence that harmonizes wtih his own basic convictions? It is a good question.

The Council on Foreign Relations was founded in 1919 by Colonel E. M. House and a coterie of young intellectuals enamored of socialism. House—Woodrow Wilson's all-powerful adviser—wanted the United States converted into a socialist dictatorship, and integrated with other socialist dictatorships. He created the CFR as a study group which would "educate" American leaders to promote, and condition the public to accept, the kind of international socialism he envisioned.

By the end of World War II, the tax-exempt CFR had become the controlling center of a complex network of tax-exempt organizations which was, and still is, in effect, the invisible government of the United States.

Membership in the Council on Foreign Relations is restricted to 1400—700 *resident* members (American citizens who reside or work within 50 miles of City Hall in New York City), and 700 *non-resident* members (American citizens who reside or do business outside that 50-mile radius).

The CFR has local affiliates, called Committees on Foreign Relations, in 34 cities. Membership in these Committees is limited to a score or so of important people.

Among the most influential of CFR members during the late 1930's and early 1940's, when the CFR cabal was taking control of policy-making functions inside the federal government, were such people as Alger Hiss and Lauchlin Currie, later identified as Soviet espionage agents; and Owen Lattimore, later identified as a "conscious, articulate instrument of the Soviet international conspiracy."

I do not intend to imply that the Council on Foreign Relations ever was a communist organization. Boasting among its past members four Presidents of the United States (Hoover, Eisenhower, Kennedy, Nixon) and many other high officials, both civilian and military, the CFR can be termed, by those who agree with its objectives, a "patriotic" organization.

The fact, however, that communists worked for many years as influential members of the CFR indicates something about the CFR's objectives. The ultimate aim of the Council on Foreign Relations (however well-intentioned many of its members may be) is the same as the ultimate aim of international communism: to create a one-world socialist system and make the United States a part of it.[2]

President Nixon was a member of the CFR from 1960 to 1964. His non-resident membership as a Californian lapsed after he moved to New York City. Nixon's official attitude about the CFR and his former membership in it was expressed in a form letter which his staff sent in answer to inquiries during the 1968 political campaign. From the letter:

"Mr. Nixon has never attended a meeting of the Council on Foreign Relations. He is not

currently a member, although several years ago he shared membership with former President Eisenhower, former President Hoover, and a host of other distinguished Americans. . . .

"The Council on Foreign Relations . . . is purely and simply a group which supports independent research in world affairs. It takes no positions. It is not a policy-making body. It advocates nothing but research of foreign affairs as a contribution to public opinion. The individual member is in no way bound to any such findings."

The overwhelming preponderance of CFR "contribution to public opinion" is diametrically opposed to enlightened concepts of liberty and benign neutrality advocated by the Founding Fathers. It is an evasion to assert that the CFR neither makes nor advocates policy.

Individual members of the CFR (or of groups interlocked with it by the overlapping of personnel) have held, for many years, policy-making positions in government, in huge foundations, in educational institutions, in the communications industry, in finance, in big churches, in big labor unions, in big business, in political parties, in civic clubs, in Negro-agitation groups, in one-world organizations.

These individuals formulate the policies of the federal government. A vast network of opinion-forming agencies, owned or controlled by individual members of the CFR-combine, influences Congress and the public to accept the policies which CFR people formulate.

Nixon's cabinet members are not directly affiliated with the CFR; but it is apparent that Nixon's cabinet is an administrative staff, selected to execute policies formulated by others—by advisers to the President and lower-echelon appointees in the various departments.

A roll-call of these lower-level officials reveals that CFR members are still in control of the executive branch of the federal government as they have been for a generation. Here are *a few* of the CFR members on the Nixon team:

George Ball, special consultant on relations with communist nations; *Jacob Beam*, Ambassador to the U.S.S.R.; *William P. Bundy*, foreign policy adviser; *Ellsworth Bunker*, U.S. Ambassador to Saigon; *Arthur Burns*, Counselor to the President; *Philip Kingsland Crowe*, Ambassador to Norway; *Carl J. Gilbert*, special representative for trade negotiations; *General Andrew J. Goodpaster*, chief military adviser; *Henry A. Kissinger*, chief foreign policy adviser; *Franklin A. Lindsay*, chief of Organization of the Executive Branch Task Force; *Henry Cabot Lodge*, chief negotiator at Paris; *Henry Loomis*, deputy director of USIA; *Paul W. McCracken*, chairman of the President's Council of Economic Advisers; *Robert D. Murphy*, the President's personal representative on foreign policy: *Richard F. Pedersen*, counselor and executive secretary of the State Department; *Nathaniel Samuels*, Under Secretary of State for Economic Affairs; *Glenn T. Seaborg*, chairman of the Atomic Energy Commission; *Joseph J. Sisco*, Assistant Secretary of State for Middle East and South East; *Gerard C. Smith*, Director of Arms Control and Disarmament Agency; *Helmut Sonnenfeltd*, National Security Council consultant on Soviet Affairs; *Charles Yost*, Ambassador to the UN.

Note the record of some of these CFR men on Nixon's team:

George Ball—special consultant on relations with communist nations—has always been soft on communism. He was a leader in the Kennedy administration's muzzling of the military, to keep high-ranking officers from criticizing communism. A specific indication of Ball's attitude can be found in his comment on Jomo Kenyatta (head of the savage Mau Mau, who became President of the new African nation, Kenya). A few days after Kenyatta had dedicated a communist training institute, Ball called him "a pretty mature individual trying to follow something of a middle path."[1]

Ball entered service during the Roosevelt administration in World War II. A veteran political supporter of Adlai Stevenson, he was appointed to the Number Three post in the Kennedy State Department. He soon became Under Secretary of State, and retained that position in the Johnson administration.

Ball is not only a member of the Council on Foreign Relations, but also of the Atlantic Union Committee—a group that has been working for a generation to federate western nations under one regional government, as an initial step toward one-world government. Nixon himself has supported this movement.

William P. Bundy began a ten-year career with the CIA in 1951. In 1953, Senator Joseph McCarthy revealed that Bundy (a son-in-law of Secretary of State Dean Acheson) had contributed $400 to a defense fund for Alger Hiss, who had been exposed as a Soviet spy. McCarthy said Bundy had written a memorandum, giving three reasons for aiding Hiss: (1) It would help Acheson (who testified in Hiss's defense); (2) exonerating Hiss was imperative; (3) the Hiss case was important to the Democrat Party.

From 1961 to 1964, Bundy was a high official in the Defense Department. In 1964, Johnson appointed him Assistant Secretary of State for Eastern Affairs.[2] Bundy was one of Johnson's key advisers on Vietnam. Now, CFR-member Bundy is one of Nixon's key advisers.[4]

Ellsworth Bunker was brought into the State Department by Dean Acheson in 1951. Since then, he has had numerous ambassadorial assignments. In 1962, as a special envoy of the Kennedy administration, he helped negotiate the final conquest of West New Guinea by Achmed Sukarno, then communist dictator of Indonesia.[3] Now, CFR-member Bunker is Nixon's Ambassador to Saigon.

A member of the Atlantic Union Committee, Bunker is a devotee of world government.[3]

Robert D. Murphy, who served Presidents Roosevelt and Eisenhower as personal representative on foreign policy, now serves President Nixon in the same capacity. In 1953, CFR-member Murphy helped negotiate the shameful Korean armistice. In 1958 (after Eisenhower had sent Marines to Lebanon, ostensibly to protect that country from communists led by Rashid Karami), Murphy was assigned the task of helping select a new Lebanese President. Murphy chose Fouad Chehab, a tool of Gamal Abdel Nasser, communist dictator of Egypt. Chehab chose, as his Prime Minister and Minister of Defense, Rashid Karami, the communist leader from whom the Marines were protecting Lebanon.[5]

Helmut Sonnenfeldt (when in the Eisenhower State Department) was alleged to have passed the contents of secret telegrams from State Department files to the Israeli embassy. The Department of Justice could not prosecute, because the State Department said it was not in the interest of the U.S. government to declassify the secret telegrams.[4]

CFR-member Sonnenfeldt is now President Nixon's expert on Soviet affairs.

CFR members *Arthur Burns* and *Henry Kissinger* were given the two most influential positions in the Nixon administration. CFR member *Jacob Beam* was given what the President regards as the most important diplomatic assignment.

FOOTNOTES

[1] Article by Karen Klinefelter, The Dallas Morning News, Mar. 3, 1969, p. A14

[2] For a detailed account of the origins, operations, and personnel of the CFR cabal, see The Invisible Government, by Dan Smoot. Pocketbook edition, $1.00; library edition, $4.00

[3] Biographical Dictionary Of The Left, Volume One, by Francis X. Cannon ($1.00 from American Opinion, Belmont, Massachusetts 02178), pp. 11, 26, 27–8

[4] The Herald of Freedom, Feb. 7, 1969

[5] "American-Soviet Relations—Part III," The Dan Smoot Report, Jan. 5, 1959, p. 6; "Red Star Over Texas," The Dan Smoot Report, Oct. 23, 1961, p. 340; American Opinion, Feb., 1969, p. 36

[From the Dan Smoot Report, May 26, 1969]

BURNS, KISSINGER, AND BEAM

Of all Nixon appointees, Arthur Burns and Henry Kissinger are the two with the most influence. They hold the key positions in the Nixon administration. They are not only members of the Council on Foreign Relations, but also of the Atlantic Union Committee—which means they are devotees of one-world government. Nixon appointed CFR-member Jacob Beam Ambassador to the U.S.S.R.

Arthur Frank Burns was born in Austria in 1904. His family came to the U.S. when he was a boy, He graduated from high school in New Jersey, then went to Columbia, where he got GA, MA, and PhD degrees.

In 1930, Burns became associated with the National Bureau of Economic Research. In 1945, he succeeded Wesley C. Mitchell as director of research. Mitchell, who had a profound influence on Burns, was affiliated with many communist fronts.

In the 1930's and 1940's, Burns, serving in various capacities, was in and out of the Roosevelt administration, where he was also brought into contact with many notorious communists and pro-communists.

Although he had previously been a Democrat, Burns supported Eisenhower in 1952. Eisenhower appointed him a member of the President's Council of Economic Advisors.

Burns is essentially a socialist. *Who's Who in World Jewry*, 1965, listed him as a trustee of the Twentieth Century Fund, founded in 1919 by a wealthy Boston merchant, Edward A. Filene, who was affiliated with pro-communist organizations. The twentieth Century Fund has financed fabian socialist activities in the United States for half a century. Among the officials of the Fund have been such people as Arthur Schlesinger, Jr., John Kenneth Galbraith, J. Robert Oppenheimer (at one time a self-confessed communist), and Evans Clark (another friend of the Soviets).[1]

As Counselor to the President, Burns has cabinet rank. Ronald L. Zeigler, Nixon's press secretary, says that Burns is the ranking member of the White House Staff. Actually, his position amounts to that of Deputy President of the United States.[2]

In the December 3, 1968, issue of *The Wall Street Journal*, staff reporter Henry Gemmill says:

"When the Republican Convention in Miami this summer picked Richard Nixon for President, one of the most disgusted onlookers was a 45-year-old Harvard professor named Henry Kissinger. 'All of us Rockefeller-rooters were disappointed, of course,' recalls a Kissinger teammate, 'but Henry was really bitter.' "

On December 2, 1968, Nixon appointed Kissinger Assistant to the President for National Security Affairs. Kissinger (a member of the Council on Foreign Relations) has the same job in the Nixon administration that Walt W. Rostow (a CFR member) had in the Johnson administration, and that McGeorge Bundy (a CFR member) had in the Kennedy administration: head of the National Security Council and primary formulator of foreign policy in government. Nixon has made it plain, however, that he will give Kissinger a more significant role

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Footnotes at end of article.

in policy-making than Rostow or Bundy had in previous administrations.

On December 23, 1968, *U.S. News & World Report* said:

"William Rogers, the next Secretary of State, will center his attention on reorganizing and running the Department. The broad lines of policy in foreign affairs are to be set by Mr. Nixon and his aide, Henry Kissinger."

Henry Alfred Kissinger was born in Germany, came to this country at age 15 (1938) as a refugee from nazi Germany, became a naturalized U.S. citizen in 1947. He has BA, MA, and PhD degrees from Harvard.

He has worked for the Rockefeller Brothers Fund, has served as Research Secretary of the Council on Foreign Relations, and, for 10 years, was Nelson Rockefeller's chief foreign policy adviser. He was a special consultant to Presidents Eisenhower, Kennedy and Johnson. He became a full professor at Harvard in 1962, in the Center for International Affairs.

At a seminar of the International Association for Cultural Freedom, held at Princeton in December, 1968 (after Kissenger's appointment had been announced). Kissinger told those present, "The doors of the White House will always be open to your ideas." Those present included representatives from communist countries, American black-power advocates, known pro-communist leaders from foreign nations, and the usual assortment (at gatherings like this) of the most influential and dangerous of American liberal-radicals: Arthur Schlesinger, Jr., McGeorge Bundy, George Ball. The seminar was financed by the Ford Foundation.[3]

Such liberal-radicals (including socialists John Kenneth Galbraith and Adam Yarmolinsky) all expressed delight at Nixon's appointment of Kissinger. Indeed, Yarmolinsky (with known communist-front affiliations) said he would "sleep better with Henry Kissinger in Washington."

In a syndicated column published December 5, 1968, Joseph C. Harsch (a member of the Council on Foreign Relations) said:

"Kissinger has grown up in the foreign policy group which revolves around the Council on Foreign Relations in New York. Here he came to know, and work with, the whole cluster of top men in banking and industry who make up the true inner core of the so-called 'Eastern Establishment.'"

Harsch said Kissinger was one of the first "among the top experts" to conclude that military victory in Vietnam is neither possible nor desirable.

Kissinger, a one-world socialist, urges arms-control and eventual disarmament. Most people would *like* to live in a world where national war machines are not necessary; but any effort to make such a world by negotiating arms-control with communists (or any other totalitarians) is suicidal folly. Communists make a policy of lying, to trap the U.S. into commitments it will keep, while the communists freely violate the same commitments.

It is likely that Kissinger's most baneful influence on Nixon will involve the dangerous business of negotiating arms-control with the Soviets. In fact, that influence began to show immediately after Nixon's inauguration.

In a column syndicated by The New York Times News Service, January 31, 1969, James Reston (a CFR member and admirer of Kissinger) said:

"In his first White House news conference, President Nixon has followed quite closely the ideas of Dr. Henry Kissinger . . . on how to negotiate with the Russians. . . .

"The aim of foreign policy . . . [Kissinger] argues, is not 'total security' . . . but the 'relative security' that comes . . . from . . . international agreement on the permissible aims and methods of foreign policy.

"This is significantly different from Nixon's suggestions in the campaign that maybe security through military 'superiority' was attainable."

In a column dated December 5, 1968, CFR-member Reston said:

"Kissinger worked very closely with Jerome Wiesner . . . and others on the formulation of the 'strategy of equilibrium' for dealing with the Soviet nuclear threat. . . . This stable deterrent system, it should be noted, did not rest, as Mr. Nixon's campaign speeches seemed to rest, on the assumption that the United States must always have a clear superiority in military arms over the Soviets."

Jerome Wiesner (also a member of the CFR, and a determined advocate of disarmament) was one of the most powerful men in the Kennedy administration. Before joining the Kennedy administration, Wiesner (according to *The New York Times*) "made no secret of his belief that the United States at times had been almost as much to blame as the Soviet Union for blocking agreement on arms-control."[4] It is noteworthy that CFR-member Wiesner (cohort of CFR-member Kissinger, President Nixon's foremost foreign-policy adviser) is co-author of a report condemning President Nixon's plan to install a limited defensive system to protect the United States against ballistic-missiles attack from red China and the Soviet Union.[5]

Henry Kissinger has participated in at least one Pugwash Conference. The Pugwash conferences—semi-secret occasional meetings between Soviet communists and American liberals with compatible views—were originated by Cyrus Eaton, wealthy pro-Soviet Canadian-American industrialist. Arms-control is always a major topic at the conferences.

Nixon's insistent emphasis (during the political campaign last year, and since) on the importance of negotiations with the Soviets, indicates that the President considers the U.S. Ambassadorship to the Soviet Union the most important of all diplomatic posts. To this post, Nixon appointed CFR-member Jacob Dyneley Beam.

Beam started his State Department career as a clerk in the U.S. Consulate in Geneva. From 1934 to August, 1940, he was attached to the U.S. Embassy in Berlin. While there, he was on the staff of William E. Dodd, last U.S. Ambassador to nazi Germany. Martha Dodd, the Ambassador's daughter, was a Soviet espionage agent in Berlin, specializing in seducing nazi and American officials.[6]

Howard Trivers was also in the U.S. Berlin Embassy in the late 1930's. Though he and Beam had been classmates at Princeton, indications are that Martha Dodd brought the two together in Berlin. Trivers is believed to have been a member of a courier service in Berlin, organized by Martha Dodd while her father was Ambassador.[6]

Later (1947), when Jacob Beam became chief of the division of Central European Affairs of the State Department, Howard Trivers was his assistant.[6]

Beam was made Ambassador to Yugoslavia in 1952. During 1953, he was acting head of the U.S. Embassy in Moscow. From 1957 to 1961, he was U.S. Ambassador to Poland.

Using sex to corrupt, communist agents freely infiltrated the U.S. Warsaw Embassy while Beam was Ambassador. More than a dozen U.S. Embassy employees were involved in the sex-espionage scandals. Among them was Irvin C. Scarbeck, second officer of the Embassy. He had an affair with Urzula Discher, a 22-year-old blond who was a communist agent. She set Scarbeck up for a raid, which led to blackmail, which led to the theft of classified documents from the Embassy. Scarbeck was indicted, tried, and sentenced to 30 years. The sentence was later reduced.[7]

A detachment of Marine guards, assigned to the U.S. Embassy while Beam was ambassador, engaged in revels with Polish girls.[7]

The wife of one Embassy official had an affair with a Soviet agent.[7]

A code clerk involved in an illicit relationship was permitted to resign.[7]

Ambassador Beam himself had a notorious affair with Madame Jerzy Michalowski, a high official in the Polish communist party. Her husband at the time was Director General of the Polish Foreign Ministry. He is now Polish Ambassador to the U.S.

Madame Michalowski obtained from Ambassador Beam details about dispatches which were being sent to the CIA in Washington by Lt. Col. Michael Goleniewski, a communist official who was serving in Poland as a double agent for the U.S. Thus exposed, Goleniewski had to flee to West Berlin on December 24, 1960, his usefulness to the U.S. at an end.[8]

Edward Symans and Daroslav Vlahovich were on Ambassador Beam's staff in Warsaw. Symans was a communist spy whom Beam had first known in Berlin. Vlahovich was transferred to Warsaw at Beam's personal request. State Department security officials strongly suspected that he also was a communist spy.

Thomas A. Donovan was attached to the U.S. Embassy in Warsaw while Beam was Ambassador. Later, when serving in West Berlin, Donovan was involved with communists in a way that has never been explained to the American public. It was discovered that Donovan frequently went to East Berlin, where he made unauthorized telephone calls to communist officials of the Polish foreign ministry.[8]

From 1961 to 1966, Jacob Beam was Assisttant Director of the U.S. Arms Control and Disarmament Agency. From 1966 to 1969, he was U.S. Ambassador to Czechoslovakia.

Only a handful of U.S. Senators voiced objections when Nixon rewarded Jacob Beam for his years of service by naming him Ambassador to the U.S.S.R.

FOOTNOTES

[1] The Herald of Freedom, Feb. 21, 1969.

[2] AP dispatch from Wash., D.C., Jan. 24, 1969.

[3] The Herald of Freedom, Jan. 24, 1969.

[4] The New York Times Magazine, Sept. 3, 1961.

[5] "An Evaluation Of The Decision To Deploy An Anti-Ballistic Missile System," a report prepared by Jerome Wiesner and Abram J. Chayes (also a CFR member) for Senator Edward M. Kennedy and other Senate disarmament liberals, as described in an article by John W. Finney, The Dallas Morning News, May 7, 1969, p. A4 and an AP dispatch from Wash., D.C., May 7, 1969.

[6] The Herald of Freedom, Feb. 9, 1968.

[7] "Choice of Beam Triggers Concern," by James J. Kilpatrick, The Dallas Times Herald, Mar. 10, 1969, p. A22.

[8] "Liberty Lowdown," April, 1969.

[From the Dan Smoot Report, June 2, 1969]

MORE ON THE NIXON TEAM

As a candidate, Richard Nixon promised to clean house in the State Department. As President Nixon has appointed, to the most sensitive posts, men identified with the policies and conditions that candidate Nixon had condemned.[1] *Charles Yost* is one of this group. Nixon campaigned as a tough law-and-order man, but appointed to high office *James Farmer*, Negro militant who has been among the foremost in fostering lawless violence. As a candidate, Nixon denounced the practice of busing school children to force racial integration; but he appointed as Commissioner of Education, *James V. Allen*, the nation's leading advocate of the busing insanity. Having promised to protect American interests abroad, Nixon sent, to protect American interests in Peru, *John N. Irwin, 2nd*, a

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Footnotes at end of article.

specialist in surrendering American interests. Having promised sleepless vigilance over the security of the nation, Nixon appointed, as "security consultant," *Nicholas Katzenbach* who had just given security clearance to one of the most notorious security risks ever to hold a federal job.

Charles W. Yost: President Nixon appointed Charles Yost (a member of the Council on Foreign Relations) Ambassador to the U.N.

Charles Woodruff Yost (born at Watertown, New York, in 1907) has an AB from Princeton. He attended the international school of the University of Paris for one year, and took a communist indoctrination course at the Anglo-American Institute, First Moscow University, in 1934. This was on the occasion of his third trip to the Soviet Union.[2]

Yost's first trip to the Soviet Union (in 1929) was before the U.S. government had given the Soviets diplomatic recognition. Harold Ware and Lement Upham Harris (important American communists) were in the Soviet Union in 1929, the year when the Soviets were training American agents to form communist espionage cells in agencies of the U.S. government.[2]

In 1935, Yost entered the new deal administration of Franklin D. Roosevelt as an assistant in the Resettlement Administration, where a communist cell was operating. Lee Pressman, a communist, was general counsel of the Administration.[2]

In 1941, Yost represented the State Department on the Policy Committee of the Board of Economic Warfare. The assistant director of this Committee was Frank Virginius Coe, communist spy. Two other communist agents, Nathan Gregory Silvermaster and Michael Greenberg, were connected with the Board of Economic Warfare.[2]

Yost became a close friend of Alger Hiss, State Department official, later convicted of perjury for denying he was a Soviet spy.[2]

In the spring of 1945, Yost (as assistant to the Chairman of the U.S. Delegation at the U.N. Conference on International Organization) worked with Alger Hiss, Philip Jessup, and Leo Pasvolsky in helping create the United Nations. Later that year, Yost was Secretary General of the U.S. Delegation to the Potsdam Conference—the same position his friend Alger Hiss had held at the Yalta Conference.[2]

Yost was a member of the Institute of Pacific Relations (IPR), which the Senate Internal Security Subcommittee characterized as a transmission belt for Soviet propaganda in the United States—revealing that many influential IPR officials were traitors, or under the influence of traitors, whose allegiance lay in Moscow.[2, 3]

In June, 1956, Scott McLeod (then administrator of the Bureau of Security and Consular Affairs) listed numerous State Department employees whom the Bureau considered dangerous security risks.[4] Yost was on the list.[2]

Charles Yost has had many important State Department jobs, including several ambassadorships. In 1961, he was assigned to the U.S. delegation at the UN. He served under Adlai Stevenson and Arthur Goldberg, until he retired in 1966. Upon retirement, he was hired by the Council on Foreign Relations.[2]

In September, 1968, Yost (still employed by the CFR) submitted a statement to the Democrat Party Platform Committee, asserting that the "chief threat to international and U.S. security is not . . . communist aggression," but the arms race. Yost said:

The U.S. should begin, unilaterally, restricting major new programs of arms development and production, while continuing to seek for arms-control agreements with the Soviets.

The U.S. should unilaterally halt all bombing in Vietnam, without requiring any concessions from the communists.

The U.S. should welcome communist China into the United Nations.

The Soviet invasion of Czechoslovakia was "an internally defensive rather than an externally aggressive action."[5]

President Nixon has said the Yost appointment is "one of the best" he has made.[2]

James Farmer: On February 12, 1969, President Nixon appointed James Farmer Assistant Secretary of Health, Education and Welfare for Administration. Robert Finch, Secretary of H.E.W., said Farmer would have "a voice across the department."[6]

Farmer has been a radical socialist throughout his adult life.

He has been on the board of directors of the American Civil Liberties Union, which was founded by communists and pro-communists in the 1920's. He has been an official of Americans for Democratic Action, a powerful fabian-socialist group. He has been a sponsor of Committee for a Sane Nuclear Policy (SANE), whose aim is to disarm the United States of nuclear weapons. He has been an official of the Fellowship of Reconciliation, one of the most radical of pacifist organizations. He has been an official of the National Association for the Advancement of Colored People (NAACP), a racial-agitation group founded in 1909 by liberals and socialists, many of whom became communists after a communist party was organized in the U.S.

James Farmer has been among the foremost in making the communist catch phrase, "police brutality," a byword of rioters. He has also been at one with communists in demanding civilian review boards to oversee, and thus to emasculate, police operations.

For many years, Farmer held high offices in the socialist League for Industrial Democracy (LID). LID is the parent group of many organizations (among them, Students for a Democratic Society—SDS) which have spread the poison of socialism, race hatreds, criminal anarchy, and hatred of America.

In 1942, Farmer helped found Congress of Racial Equality (CORE), and became its national director. Under his leadership, CORE operated schools of subversion, becoming one of the most vicious violence-inciting Negro agitation groups.[6, 7]

As CORE director, Farmer organized and participated in the "Freedom Rides" through the South in 1960—communist-supported operations which began the escalation of "civil disobedience" into guerrilla warfare in our cities. For violations of law as a "Freedom Rider," he spent 40 days in jail in Louisiana.[8]

On May 25, 1961, Senator James O. Eastland, chairman of the Senate Internal Security Subcommittee, reported:

"From investigation and examination of the facts and records, there can be little doubt, in my judgment, but that this group [CORE] is an arm of the communist conspiracy. They are agents of worldwide communism."[8]

In August, 1964, when Negro-agitation leaders were trying to stop all Negro riots and demonstrations until after the presidential election (in order to prevent a white backlash that might help Barry Goldwater and hurt Lyndon Johnson), Farmer, as director of CORE, joined with Student Nonviolent Coordinating Committee (SNCC) in refusing to call a moratorium on demonstrations. An NAACP official said:

"CORE thrives on keeping the pot boiling, whether there's anything cooking in it or not."[9]

Farmer resigned from CORE in 1965. In 1968, he ran unsuccessfully for Congress from New York City, as the candidate of both Liberal Party and the Republican Party.

Farmer promises to work on the Nixon team for the same ideals and causes he has always supported.[6]

James V. Allen, Jr.: William Loeb, editor of the *Union Leader* (Manchester, New Hampshire) supported Nixon in 1968. In the February 13, 1969, issue of his newspaper, Mr. Loeb had this to say about Nixon's appointment of Dr. James V. Allen, Jr. (longtime commissioner of New York public schools), as U.S. Commissioner of Education:

"The New York Commissioner of Education has demonstrated, by his conduct of that office, that he is at the very forefront of the compulsory-association, compulsory-integration, and compulsory-mixing group of educators in the United States.

"Commissioner Allen has ruthlessly destroyed the neighborhood school concept in New York State and forced the busing of Negro students into white schools and white students into the Negro areas.

"All the people in the United States who voted for Dick Nixon, thinking there was going to be an end of this type of destruction of the neighborhood school concept, must feel terribly double-crossed by this incredible appointment . . . one of the biggest double-crosses of the century.

"When he was seeking the nomination, Nixon told the Southern delegates he was against racial school busing, and he certainly gave the impression to the voters in the election he was against it.

"Now he puts in as commissioner of education the leading exponent of racial school busing!

"It is pretty hard to excuse that type of behavior, that type of deception, that type of double-crossing by any standards known to decent people. . . .

"President Nixon has now indicated, by his action in appointing Allen as U.S. Commissioner of Education, that he just doesn't give a hoot how he misled these folks who voted for him or what they want to think. This is a completely amoral position. You don't double-cross people in this way if you are a decent human individual."

John N. Irwin, 2nd: Peru, which claims territorial fishing rights 200 miles from her shores, has seized numerous U.S. fishing craft on the high seas many miles from the nearest point of Peruvian soil. Since 1946, we have given Peru about $450 million in aid, and still continue to give her aid. One of the principal units in the Peruvian Navy, which makes possible the outrageous depradations on U.S. fishing vessels, was formerly a U.S. destroyer.

In October, 1968, a military coup elevated the pro-communist Velasco to the presidency of Peru. Soon thereafter, Velasco expropriated Standard Oil properties in Peru—without compensation.

President Nixon sent CFR-member John N. Irwin, 2nd, to Peru as special envoy for negotiations to protect American interests. Irwin (while serving as Number Two man on Lyndon Johnson's treaty-negotiating staff with Panama) was the man who made the infamous proposal (endorsed by Johnson) that the U.S. give away the Canal Zone to pacify the communist-controlled mobs in Panama City.[10] In May, 1969, Peru told us to get our military missions out of the country. Our State Department bowed to the demand, with "profound regrets," while vowing eternal friendship for Peru.[12]

Nicholas DeB. Katzenbach: John Paton Davies, an American consul in China in the late 1930's, became a warm friend of Chinese communist leaders. He was a main architect of pro-communist State Department policies which helped communists conquer China in 1949. Davies was fired and rehired a few times during the Truman and Eisenhower administrations. He was last removed from a federal job in 1954. For 15 years thereafter, John Paton Davies was barred from service

Footnotes at end of article.

in the federal government because he was a security risk.[11]

In 1969—just five days before Lyndon Johnson left office—Johnson's Under Secretary of State, Nicholas DeB. Katzenbach (a member of the Council on Foreign Relations) reinstated John Paton Davies, saying it was "clearly consistent with the interest of national security" for Davies to be appointed a consultant to the State Department and to the Arms Control and Disarmament Agency. President Nixon appointed Katzenbach as State Department "security consultant."[11]

As indicated in this and the two previous issues of this *Report*, President Nixon has appointed, to key positions, men who stand for the opposite of what *candidate* Nixon promised the American people.[1]

FOOTNOTES

[1] "Nixon And The CFR," and "Burns, Kissinger, And Beam," The Dan Smoot Report, May 19 and 26, 1969, pp. 77–84, available at prices listed below

[2] The Herald of Freedom, Jan. 10, 1969

[3] The Invisible Government, by Dan Smoot, Pocketbook edition, $1.00; library edition, $4.00

[4] "Communist Spies In The State Department," The Dan Smoot Report, Mar. 23, 1964, pp. 94–5

[5] Editorial, (Lynchburg, Virginia) News Leader, Jan. 18, 1969

[6] The Herald of Freedom, Mar. 7, 1969

[7] Column by George Schuyler, Alexandria Daily Town, Sept. 7, 1965

[8] "Activities in the Southern States," speech by U.S. Senator James O. Eastland (Dem., Miss.) containing official documents from the Senate Internal Security Subcommittee and House Committee on Un-American Activities, Congressional Record, vol. 107, pt. 7, pp. 8956–8970.

[9] Article by Wesley Pruden, Jr., The National Observer, Aug. 24, 1964, pp. 1, 11

[10] Pan American Headlines, Apr.-May, 1969

[11] Richmond, Virginia, News Leader, Jan. 28, 1969

[12] "Peru's Demands Accepted by U.S.," Associated Press story from Washington, May 25, 1969

NO GENERATION GAP IN THE FOXHOLES

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

Mr. KOCH. Mr. Speaker, I would like to bring to the attention of my colleagues an article which appeared in the Village Voice on May 29, 1969, written by Edwin Fancher entitled "No Generation Gap In the Foxholes."

In a very simple yet meaningful way, he expressed a view which has long been the subject of intense discussion, esoteric dissertations, and simple folk ballads. Almost from the beginning of time, it has been the old men who have planned and continued the wars and the young men who have fought and died in them.

The idea advanced by Mr. Fancher is that we end the policy of exempting from military service in time of war those over 26 and require everyone up to 45 to serve. He says:

Middle-aged men make excellent soldiers.

He also proposes that:

This new draft policy should be supplemented by a national call for volunteers up to 60 years of age for combat service in Vietnam. This would provide an invitation to many Congressmen and board chairmen and editorial writers to get into the front lines and personally kill Communists, if that's what they really want to do. The National Rifle Association alone should be able to contribute several volunteer divisions of crack sharpshooters for our infantry.

To date, Mr. Speaker, the U.S. military casualties in Vietnam are 35,530 deaths and 227,573 wounded. The South Vietnamese civilian casualties are 10,027 deaths since 1967 and the wounded figures are not available. The North Vietnamese figures for both deaths and wounded are not available. The Vietnamese military casualties on both sides are 583,949 deaths, and the wounded figures are not available.

Perhaps if we executed Mr. Fanchers' proposal, as he suggests:

We might be surprised to discover that this long, brutal war would somehow, mysteriously, be brought to a sudden end.

The article follows:

NO GENERATION GAP IN THE FOXHOLES

(By Edwin Fancher)

This terrible war goes on, American forces launch new offensives on "Hamburger Hill," casualties increase, and President Nixon proposes to revise the draft law to focus on 19-year-old boys. The new administration seems as impotent as the old one to bring the war to an end. American youth daily demonstrates its opposition to the war, but is unable to influence our government to end it. Perhaps this is a time to reconsider one of the unique historical facts about this particular war, and what we might do about it.

The Vietnam war differs from all previous major American wars, except the Korean War, in that it has been fought almost exclusively by youth between 18 and 25 years of age (the average age of draftees is 20½ years). During the Civil War the Union Army drafted men from 18 to 45, although 98 per cent of the soldiers were volunteers, and often older. During World War I the first draft law was limited to men from 21 through 30, but was shortly amended to include ages 18 through 44. During World War II the draft selected men from 18 through 44. A similar, or greater age range was typical of all the major foreign armies in combat in both World Wars I and II. For instance, during World War II, the Russians drafted men from 16 to 60.

The practice of limiting conscription to youths between about 18 and 22 was traditional in Europe only during peace time. The rationale for such a practice is obvious. If a standing army larger than can be provided by volunteers is needed in case of emergencies, it is less disruptive to marriage and career to serve immediately after the completion of schooling, rather than later in life. Furthermore, this practice provides the largest possible reserve of trained men who can be called up to active duty in case of war. Our present draft policy was established after World War II, and was copied from this European tradition.

The Korean War was our first major war fought by a "peace time" army of drafted youths. There may have been some justification for this at the beginning, on the ground that the war started so suddenly that our standing army of youthful draftees was the only immediately available force to meet the emergency at the time. Once the fighting had started, however, the draft could have been extended to older men, as in World War II, but it was not. A dangerous precedent had been established.

In the case of the Vietnam war, the situation was altogether different. There was no sudden emergency. This war was engaged in slowly and deliberately over a period of many years as a matter of national policy. There was certainly no excuse for expecting a conscript army of youth, many too young to vote, drafted on the basis of a policy of peace time preparedness, to fight a major war for this country.

The continuation of a "peace time" draft law as the basis for selecting soldiers to fight a major war is one of the most horrendous examples of discrimination in American history—discrimination on the basis of age alone. I suspect that the main reason 18 and 20-year-olds were selected to do our fighting in this war is that they are one of the least powerful groups in our society. They are powerless in much the same way that Negroes have been powerless in America: they have little influence, few skills, no money, and aren't even allowed to vote. The policy of exempting practically all mature men over 26 from the duty of defending their country in time of war (surely, those responsible for this war must believe that our armies are fighting to defend us) is immoral, and a reversal of our historical traditions.

There are no valid military reasons why we have not extended the draft of men up to the age of 45, as we did in World War II. We know from previous wars that middle-aged men make excellent soldiers. We know it from our enemies in Vietnam who use many older men in combat (North Vietnam drafts men up to 45). We know that middle-aged men often have better judgment, more patience, and better skills than younger men in combat. And we know that even older men, perhaps up to 60, who may lack some of the physical endurance of youth, could still participate in some of the bloodiest fighting in Vietnam. Much combat duty requires little more than holding fortified positions against enemy artillery and infantry attack. Such battles require courage and steadfastness, but little physical ability beyond the strength to pull a trigger.

Clearly, there is no military reason not to draft middle-aged or older men for combat duty in Vietnam. The fact that this country has chosen not to do so until this time indicates that the real "draft dodgers" in this war are the millions of middle-aged and older American men who are exempt by law.

President Nixon has suggested to Congress that our present draft law be changed to a lottery system focused on drafting 19-year-olds. I want to suggest that Nixon's proposed law be opposed by an alternative proposal: namely that a new draft law be passed to include all American males, on a lottery basis, between 21 (voting age) and 45. Certainly, no American deprived of the vote should be asked to die for his country.

Furthermore, I propose that this new draft policy should be supplemented by a national call for volunteers up to 60 years of age for combat service in Vietnam. This would provide an invitation to many Congressmen and board chairmen and editorial writers to get into the front lines and personally kill Communists, if that's what they really want to do. The National Rifle Association alone should be able to contribute several volunteer divisions of crack sharpshooters for our infantry.

The aggressive advocacy of the above policy would force Americans over 26 to make a commitment on this war one way or the other. If middle-aged Americans really support the war, let them demonstrate it in the only way that counts, by fighting it themselves, personally, on the field of battle, where the next body blown to bits may be their own.

American colleges fester with rebellion, and youth charges the older generation with hypocrisy. And they are right; there is hypocrisy in American men sending their sons to do their dying in a war that youth doesn't believe in. If American men believe in this war, let them fight it, let them personally endure the terror of military combat, the fear of imminent death or mutilation, the agony of 100 "Hamburger Hills." There would be no generation gap in the foxholes. But, if they really don't want to personally go into combat, let them commit themselves with all their powers to influencing our government to end this war. Now.

Of course, we don't know what the result of drafting mature men for combat duty might be. We might be surprised to discover that this long, brutal war would somehow, mysteriously, be brought to a sudden end.

THE MAILER MONORAIL

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

Mr. KOCH. Mr. Speaker, some original thoughts and suggestions do come out of campaigns—and in New York City where a primary battle is currently being waged, a proposal has been submitted for taking private cars out of the Borough of Manhattan and encircling the island with a monorail. The idea is that of Norman Mailer and Jimmy Breslin, Democratic candidates for mayor and city council president of New York.

The Mailer-Breslin idea is an exciting one for it tackles some of New York's major problems: traffic congestion, air pollution, and noise. And it confronts the threatening prediction that by 1985, Manhattan, if it follows its present course, will be forced to receive 1.5 million commuter cars a day—twice as many coming in today.

The Mailer-Breslin team has suggested that a 26½-mile monorail—with spurs to outlying areas—be built around the island of Manhattan atop the West Side and East Side Drives and completing the circle at the Battery and 155th Street. In most instances of public conveyance construction in our cities today, a major stumbling block is presented by the high cost of land and difficulties in getting right-of-way agreements. In addition, subways require excavation costing millions of dollars. These costs are eliminated by the Mailer-Breslin plan in that it proposes to employ land and air-rights already owned by the city. Consequently, they figure that the planning, construction, and equipping of the system will cost only $5 million a mile as compared to the $37.5 million a mile it costs to build a subway. While this probably is an underestimate, such a project at even double the cost would be a bargain.

Monorails present a unique configuration in this country, but in an international context they are not new. Indeed, the city of Wuppertal, in Germany, still uses a monorail transit system built in 1901.

The complement to the monorail is the jitney bus linking it with existing subways running up and down Manhattan. This, in turn, would enable the city to eliminate private automobiles from portions of its core. The Mailer-Breslin proposal admittedly is a radical one. But, our problems, too, are reaching such proportions that a radical response is required. And, I believe that this proposal, fresh in thought and unique in application, should be given consideration by the city of New York now and not discarded as campaign rhetoric. This one has substance. A lot of constructive thinking has gone into the Mailer-Breslin plan and so I am writing to the mayor of New York today and I am urging him, through the Metropolitan Transportation Authority, to hold hearings and give it thorough consideration.

For the benefit of my colleagues and those interested in new thinking on mass transit, I am submitting the Mailer-Breslin plan for insertion in the RECORD, as follows:

MAILER-BRESLIN POSITION PAPER II: TRANSPORTATION

No one living or working in New York is unaffected by the city's traffic and transportation ills. It is estimated that more than half the people using our subways lose 20 to 40 days yearly in excess commuting time to inadequate and frustrating trains, while taxis, private cars, trucks, and buses inch along at an average speed of 6 miles per hour. These three million gasoline vehicles attack our ears with their din, clog our streets, befoul our air, damage our lungs and hearts. Each day 9,600,000 pounds of carbon monoxide are deposited onto the streets by cars alone.

The future is even gloomier. According to the Federal Power Commission, vehicle registration will be doubled by 1985. Midtown will be forced to receive, if possible, not the present 750,000, but 1,500,000 daily commuter cars. At that point our average rate of progress through the streets is likely to be reduced to 6/10 of a mile per hour.

It is therefore obvious that New York must have a new public transit system. The improvement of existing services must be combined with the creation of thoroughgoing new facilities. This is no longer an option but a necessity. Therefore we propose a feasible plan: that the city finance and build a system of high-speed monorails and free connecting jitney buses. Supplementing subway and bus facilities, such a system would not only serve the two million people working in the midtown area, but obviate the need for private automobiles in Manhattan.

During the period of the monorail's construction, however, New York must take more immediate steps to relieve its traffic and transportation crisis. Interim improvements are many and inexpensive. We suggest the following:

Improve subway service. All experts agree that the rapid transit system must run at speeds of at least 30 miles per hour and, yet, the present subway barely manages 20 miles per hour—and at an annual financial loss of 85.5 million dollars. An improved schedule of one and two-car, air conditioned trains could be instituted. These smaller high-speed cars will come through stations every 90 seconds and eliminate long waits in lonely stations. The cars can be insulated against noise and, where station facilities permit, be equipped with separate doors for entrance and exit.

Present rush-hour schedules can be retained, but a system of graduated starts should be introduced so that more trains will run between heavily used stops and better serve concentrated areas. The city's buses have used this plan successfully, and if adopted by the subways would reduce the number of cars traveling to the end of the line, nearly empty at both ends of the run.

The smaller, high-speed trains and graduated rush-hour schedule would save both time and money. Presently 85 per cent of our subway cars are inoperative six or seven hours a day, while five rush hours daily account for 55 per cent of total subway use.

Subway directions must be improved. Stations and lines should be color-keyed for easier use. Complete, consistent, and intelligible maps must be prepared and each subway car should display a map showing the routes and stops for that particular train. Subway cars themselves should be color-keyed. A central passenger information service for all methods of public transportation must also be established. A combination of the Paris-Metro system, where an electronic board lights up a color-keyed route when a destination button is pushed and the telephone request system used in London should also be adopted.

We must also expand bus service, especially on cross-town routes. Express buses, like those which run into central Manhattan from Riverdale and Bayside, now save thousands of people an hour or more daily. An increase of these commuter buses at various central points throughout the five boroughs would drastically reduce the 750,000 commuter cars entering midtown every day.

Individual neighborhoods should be encouraged to establish extra transportation to meet their particular needs. These Neighborhood Auxiliary Transportation Systems (NATS) could link up with the centralized, municipal system and benefit both individual areas and the city as a whole. Such systems have been tested in Harlem and proved successful. They should be encouraged, perhaps with financial aid or loans from the city.

Yet ultimately New York's transportation problem can only be solved through major if not radical moves. We must ban all private cars from the island of Manhattan. Their convenience is a sad myth. Midtown is nearly impenetrable from midday to dusk and each single breakdown ties up hundreds of thousands at bridges, tunnels, and expressways. The noise and congestion of our streets, as well as the pollution of our air—we have the worst air pollution of any city in America—all dictate the measure. Ambulances, firefighting equipment, taxis, and buses would remain, their engines and exhausts regularly inspected to minimize pollution of the atmosphere. Doubtless, the loss of private cars would work a hardship on some, but surely it would benefit the many. Even so, such legislation could not be put into effect without an alternate and superior means of transport at hand, and so we come to the heart of our proposal: a high-speed monorail skirting Manhattan with spur lines to the other boroughs terminating at vast city-sponsored parking areas. Coordinated in midtown with a supplementary network of jitney-buses and improved subway and bus services, such a system would not only be efficient—which is to say fast and comfortable and allowing for the elimination of all private cars on Manhattan—but inexpensive as well. Clearly it is the way New York must go . . . But first a look at the specifics.

Running at speeds up to seventy miles an hour, the two-way, double-laned monorail would run some thirty feet above the West Side and East Side Drives, circling the Battery and 155th Street. Making eight stops at Manhattan Queensboro, and Triborough Bridges, at Broadway and mid-155th Street, and along the West Side at 125th, 96th, 42nd, and Chambers Streets, the monorail trains would circle the Island of Manhattan, a twenty-six and a half mile route, in less than thirty

minutes. Going around Manhattan twice every hour, each twenty-four car train, capable of seating 576 people, could carry 2304 passengers an hour. The entire system, calculated at forty-two trains, could move 96,768 additional people every hour during peak rush-hour periods, or thereby supplement the five-hour rush period by a half-million extra passengers.

Lightweight, low-roofed cars measuring thirty feet in length and six in height would seat twenty-four passengers and permit no standing. Everyone traveling would be assured a seat. Rapid entrance and exit would be through transparent gull-wing doors swinging upward on both sides of the car, exposing parallel rows of individual bucket seats into which passengers would slide. Seats themselves would be separated by plexiglas partitions to assure comfort and create in effect, a private compartment for every traveler. Each of these would naturally be heated and air conditioned. The trains themselves would run suspended from monorails raised on stanchions, mainly along Manhattan's river drives. Electrically powered, they would run by a single conductor manning the lead car. The entire system would be computerized so as to insure the steady progress of each train and to avoid the tie-ups and delays characteristic of our present subway system.

Spur lines serving such central and accessible areas as Port Morris or Hunts Point in the South Bronx, the Maspeth Creek basin in Queens, and Brooklyn's Navy Yard would compliment the main system and merge with the Manhattan line at the appropriate bridge terminals. Each of these areas is chosen for its proximity to existing subway and highway arteries and could easily accommodate massive new parking facilities for commuters approaching the city by car. Each spur would consist of a continuous monorail loop. The Queens link, the longest of the three, would run eight miles roundtrip, and its six trains, each doing the route in less than eight minutes, would carry 55,296 passengers an hour. Ultimately an extension would be added to the then-existing Queens line which would run seventeen and a half miles along the Long Island and Brooklyn-Queens Expressways to LaGuardia Airport and then on along the Grand Central Parkway to Van Wyck Expressway and Kennedy Airport and Aqueduct, finally circling back to the Maspeth Creek parking area and main spur into Manhattan. Both JFK and LaGuardia Airports could share the expense of this spur as it would serve their customers and facilitate service. Brooklyn and Bronx loops, circling five and three miles respectively, would each run five trains and have an approximate capacity of 43,200 passengers during peak rush hours. The overall system would in eflect, be a system—simple, efficient, practical, and serving not only those living in Manhattan but the millions who work in the city's main borough.

Compared to the Metropolitan Commuter Transportation Authority's Phase I subway expansion costs of thirty-seven and a half million dollars per mile, our proposed monorail would be relatively cheap. It would require no excavation, no rerouting of electrical, sewage, or gas mains. It would run on city-owned rights of way. It would require no land purchase. Running fifty-eight trains, or 1393 cars, over its forty-two and a half mile route, it would cost, it is estimated, no more than five million dollars a mile for planning, construction, and equipment, with the system as a whole coming in at around two hundred fifty million with extra cars, emergency equipment and repair facilities.

Throughout Manhattan's midtown area a system of jitney buses, linking with both monorail and existing train terminals, would supplement the improved rapid transit system. These jitneys would eventually phase out our present buses in midtown. On carefully chosen routes—indicated in the accompanying chart—these would run circularly, doing seven crosstown and four uptown-downtown loops within the 32nd-59th Street, First-Ninth Avenue area. Their block by block coverage would be maximum, unlike any present bus or subway system. Pedestrians would have to walk no further than two or three streets to reach either direct or transfer jitneys, and since they would be far more numerous than our present buses, and the traffic almost non-existent, waits would never exceed two or three minutes.

The jitneys themselves would be smaller and more maneuverable than conventional city buses. Like San Francisco trolley cars, or the caravans designed by city planner, Mary Hommann, they would be open on both sides, with large running board aprons for standing. During bad weather their accordion sides would be closed. Each would seat 38 and stand upwards of 25. They would stop every other block, and their open sides would permit rapid entrance and exit. They would afford unparalleled and actually pleasurable transportation to our city's busiest and most populous area.

Economically, our system is more than feasible, it's practical. Funds for constructing and operating the monorail and jitney systems could be raised through an increase in both gasoline taxes and car registration fees. A modest raise of fifty per cent in gas taxes—six to seven cents per gallon—and a similar increase in vehicle license fees—from the present average of $35 to $45 yearly—would bring the city an additional 58 million dollars every year, one fifth the cost of the entire monorail network. Further revenue could come in the form of parking fees collected at municipal garages. At a daily rate of $2.00 per car, these parking facilities would gross two and a half million every week, or $124,000,000 yearly, one half the cost of a six-tiered garage for 75,000 automobiles. Then too, the twenty cent monorail fare would constitute a source of further revenue, especially significant because it would come from previously car-driving commuters. With daily commuter traffic of 500,000 vehicles into midtown Manhattan alone, this additional money could easily amount to thirty-five million per year. The electric jitneys, estimated at $25,000 each, would replace our worn out, $35,000 city buses as the occasion arose, and so would partially compensate for their lack of fare revenue. Incalculable would be their savings in terms of time and cleanliness.

It is therefore obvious that not only must New York have a new transit system but that such a system is possible in every respect. A combined program of improving present facilities and creating new ones—the monorail and jitney network—as well as eliminating automobiles from Manhattan can both solve the city's transportation dilemma and make it a far better place in which to work and live. Such a program is no longer an option. In our time it is a necessity.

APPENDIX A

NEW YORK MONORAIL COSTS

(Computed at $5,000,000 per mile including planning, construction, and equipment)

Manhattan: 26.5 miles (155th Street Crosstown, West Side Drive, Battery Park, East River Drive; 8 stops at Manhattan, Queensboro, and Triborough bridges, Broadway on 155th Street, along the West Side Drive at 125th, 96th, 42nd, and Chambers Streets)—$132,500,000.

Queens: 8 mile spur loop (Queensboro Bridge, Veronon Blvd., Long Island Expressway, Hill Blvd., Maspeth Creek parking area; 2 stops at Queensboro Bridge and parking area)—$40,000,000. 17.5 mile supplemental system (Maspeth Creek parking area, Long Island Expressway, Brooklyn Queens Expressway, LaGuardia Airport, Grand Central Parkway, Van Wyck Expressway, John F. Kennedy Airport, Southern Parkway loop to Aqueduct, Queens Blvd., Grand Avenue, Maspeth Creek parking area)—$87,500,000.

Brooklyn: 5 mile spur loop (Manhattan Bridge, Flatbush Avenue to L.I.R.R. Station, with link to Navy Yard parking area; 2 stops)—$25,000,000.

Bronx: 3 miles (Triborough Bridge to Port Morris parking area; 2 stops)—$15,000,000.

Total Mileage: 42.5 miles (60 miles with supplementary airport link).

Total Cost: $250,000,000 (with extra cars and repair facilities).

APPENDIX B

RAPID TRANSIT—SUBWAY

	Subway	Total (plus bus)
City operating cost/year	$369,345,944	$481,344,956
Net income/year	283,866,388	379,991,260
Loss from operation	86,471,556	101,345,696
Number of people using transit/year (1968)	1,303,465,841	1,738,372,297
Number of route miles (total track mileage)	[1] 966	[2] 1,522

[1] Miles.
[2] Transit miles.

Note: Cost of recently acquired subway cars: $107,000 to $137,600 (depends on specifications).
Total number of cars purchased since 1953:

Regular cars	4,060
Low alloy, high tensile steel with stainless steel exteriors and aluminum roofs	400
Similar to above, plus air conditioning (contracted for)	400
Total	4,860

APPENDIX C

SURFACE TRANSPORTATION—BUS

	Bus	Total (plus RT)
City operating cost/year	$111,999,012	$481,344,956
Net income/year	96,124,872	379,991,260
Loss from operations	14,874,140	101,345,696
Number of people using bus/year (1968)	434,906,456	1,738,372,297
Bus route mileage	[1] 556	[2] 1,522
Revenue from bus fares	$91,338,829	

[1] Miles.
[2] Transit miles.

Source: Transit Record ,vol. XLIX No. 3 March 1969.

APPENDIX D

RAPID TRANSIT—SUBWAY BREAKDOWN OF REVENUES AND EXPENSES FOR YEAR

	Amount	Percent of operating revenue
Revenues:		
Passenger revenue	$276,040,980	97.51
Advertising	6,036,684	2.14
Other (building rental, property equipment, miscellaneous)	788,724	.27
Total	282,866,388	100.00
Expenses:		
Maintenance of ways and structures	59,430,228	21.10
Maintenance of equipment	62,937,771	22.25
Operation of cars	164,741,384	58.24
Power	43,221,984	15.28
General and miscellaneous (including rentals)	84,358,057	29.70
Total	414,689,524	146.48
Credit from city for transit police	−45,343,580	16.03
Total operating expenses and rentals	369,345,944	130.45
Net loss	86,471,556	30.45

CANADA INCREASES FOREIGN AID

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, the foreign aid bill recently sent to the Congress by the Nixon administration proposes a total appropriation of $2.6 billion—with $2.2 billion being allocated for economic aid and $375 million being allocated for military assistance grants to countries bordering the Communist world.

It is instructive to note that this current proposal is itself $135 million less than the foreign aid bill proposed in January of 1969. It is even more instructive to note that this foreign aid reduction of $135 million has been offset by a post-January gain of $16 billion in the Nation's gross national product.

I cite these figures in order to place in proper perspective the foreign aid achievements of our neighbor country Canada. While the United States proposes to reduce foreign aid, Canada proposes to increase its foreign aid. Moreover, while the United States proposes to reduce its foreign aid from 0.029 to 0.026 percent of a rapidly rising gross national product—now $903.3 billion—Canada is moving resolutely toward a goal of foreign aid amounting to 1 percent of its GNP. To reach this end, the Canadian Government has recommended an increase of 17 percent in its proposed foreign-aid budget for the coming year, a rise that will bring foreign aid to over one-half of 1 percent of Canada's GNP. Thus Canada, in terms relative to its GNP, is making nearly twice the effort of the United States when it comes to foreign aid.

A recent article in the New York Times explains the Canadian foreign-aid program in greater detail and places United States and Canadian foreign-aid programs in historical perspective. Canada views the skillful use of foreign aid as a tool for developing future customers for Canadian exports, thereby keeping the Nation's world trade balance in equilibrium. Canada also sees foreign aid as a means for augmenting the nation's political influence with emerging underdeveloped countries; in this respect, India and Central American countries have been the focal points of Canada's foreign-aid effort. Clearly the Canadian Government, as the article shows, believes an expanded foreign-aid program to be in the political interest and the economic interest of the Canadian people. Should the reverse be true for the United States?

The New York Times article follows:

IN A YEAR OF BUDGETARY AUSTERITY, CANADA IS SIGNIFICANTLY INCREASING HER EXPENDITURES FOR FOREIGN AID

(By Jay Walz)

OTTAWA, May 28.—In a year when Canada's Government is making austerity its policy keynote, the exception seems to be in foreign aid.

Prime Minister Pierre Elliott Trudeau has just budgeted a 17 per cent increase over last year's aid spending. While Canada's contribution in the field has been about one-tenth of United States expenditures for foreign assistance in recent years, the increase here is significant.

The Prime Minister's policy contrasts sharply with President Nixon's. Today, in announcing the smallest fund request in the history of United States aid, Mr. Nixon spoke of budgetary restraint and the light of the balance of payments. He was also clearly influenced by Congressional opposition to aid spending.

Canada's planned increase of $50-million will raise to $338-million her aid program for the coming year. The bills it will pay range from a $19.5-million interest-free loan for a high dam in India to textbooks for a history course in Ghana.

Originally Canadian foreign aid was directed mainly to Commonwealth countries and regions in which the Commonwealth was most interested. Now it reaches 72 countries.

Although the program moves ahead slowly and cautiously, it appears to be far more popular in Canada than the foreign aid program is in the United States. The pending debate over the budget in the House of Commons is not nearly so crucial here as it would be in the United States Congress.

First, Mr. Trudeau's Liberal party has a firm control of the House of Commons. Moreover, there is little doubt that when it comes to aid, the opposition is pushing Mr. Trudeau to do more rather than less.

Foreign aid, as influential Canadians see it, is Canada's big opportunity to make an impact on the underdeveloped but politically dynamic "third world" in the nineteen seventies. Canada feels herself closely bound to this group of nations standing outside the East-West struggle.

There are also pragmatic reasons for Canadian enthusiasm for foreign aid. The nation sorely needs customers; her world trade balance remains in equilibrium only because of vast United States investment and purchases of raw materials, including oils, and some manufactured goods, notably automobiles and parts.

Many economists maintain that Canada cannot hope to free herself of American economic domination until she develops many more markets overseas. Then she could maintain her relatively advanced economy by exploiting, without United States help or support, her tremendous resources of wheat, forests, oil, minerals and manufactured products.

The poorer countries of Asia and Africa can become good customers only if they develop basically strong economies, and a growing number of Canadians believe it to be in Canada's own best interests to help these countries to achieve this.

Canadian foreign aid grew out of the Government's participation in a 1950 conference in Colombo, Ceylon, at which plans were made to help newly independent Commonwealth countries in South and Southeast Asia. Since then $1-billion of Canadian assistance has been channeled through the Colombo plan.

India has been a major recipient of almost every type of aid in the Canadian repertoire—teachers, scholarships, technicians, advisers of all kinds, gifts of grain, and loans and grants. One of the world's highest power dams, now rising in a granite-faced gorge of the western Ghats Mountains at Idikki, South India, is perhaps the most spectacular example of Canadian largess in that country.

There are other, far flung examples of the Canadian aid effort. In Saigon there is a new 72-unit housing center for refugees, and another, twice as large, is under construction. The Vietnamese call the new development Place du Canada.

NEVER ASKS THEIR POLITICS

There is a Canadian-built clinic, staffed by Canadians and Vietnamese, in the central South Vietnamese town of Quangngai. Robert MacLaren, a Canadian staff officer who made an inspection trip there recently, reports: "We have 200 or 300 tuberculosis patients a day. We never ask about their politics."

Another form of Canadian aid comes as wheat donations to countries short of food. In the last three years Canada has given away 1.5 million tons, although grain sales on the world market are a vital factor in the Canadian economy.

Within Canada, 2,073 students from developing countries are getting schooling as a form of foreign aid. Many of these are Vietnamese, studying under scholarships.

And recently Canada has shown special interest in the economic development of the Caribbean islands, where Mr. Trudeau seeks stronger diplomatic and economic ties.

There are new Canadian-built schools and student residences in the West Indies, for example.

The Canadian International Development Agency has developed considerable skill in identifying donor with recipient without being heavyhanded. The rule is that administrative overhead must be held to a minimum. In South Vietnam, for example, one attache in the Canadian Embassy supervises all field activities, including the work of a staff of 20, including doctors, nurses, therapists and teachers.

The Canadian "presence" is low key—free from the imposing headquarters, large personnel and chauffeured limousines so often the resented symbols of the United States aid programs. This may be why, as one Canadian field officer says, "Many people may be more willing to give us credit for what we do than they are to acknowledge the often more bountiful aid they receive from Americans."

Another aspect of the Canadian program is its selectivity. As Maurice F. Strong, head of the Canadian International Development Agency, put it recently: "Our aid program is concentrated in those areas in which we feel that Canada has special interest and where Canadian resources can best contribute to development."

TYPICALLY CANADIAN

This has meant that Canadian aid is sometimes much more difficult to come by than American. To get financing for an electric transmission project, Ghana, whose western orientation is toward Britain and the Commonwealth, had to agree with governments of Togo and Dahmoey on a plan to provide hydroelectric power to coastal regions of the two French-speaking countries. Some observers found the result "typically and appropriately Canadian"—an example of applying the principle of bilingualism and biculturalism abroad as well as at home.

A significant recent development is Ottawa's attachment for the French-speaking countries of Africa. By strengthening its presence there, the Government strives to counter Quebec's dramatic initiative to speak and act for French Canada both here and abroad.

Though Canadian activity has been increasing year by year until it has become a cause of national pride, it is still under the halfway point to the target—1 per cent of the gross national product—set by international agreements. Estimates indicate that in the last fiscal year, there was some improvement over the 1967–68 year, when Canadian aid abroad represented 0.44 per cent of G.N.P.

HARSHA NOTES MORE DOD PROCUREMENT ABUSE—SAYS HE IS DRAFTING LEGISLATION TO END IT

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

Mr. HARSHA. Mr. Speaker, on May 15 and on May 26 I called attention to two examples of how Department of Defense procurement practices restrict free competition and waste taxpayers' money.

On May 27 I noted that the report, "The Economics of Military Procurement," published, that day, by the Economy in Government Subcommittee of the Joint Economic Committee, did much to underscore the propriety of my presentation.

Against that background, I today call attention of this body to a military procurement practice which, in addition to violating the sane and sound business practices which made this Nation great, strong, and prosperous, has violated the procurement regulations and, in at least one case, Federal law.

I note, first, Armed Services Procurement Regulation 1–311, subject, "Buying-in," which says:

1–311 "Buying In".

(a) "Buying in" refers to the practice of attempting to obtain a contract award by knowingly offering a price or cost estimate less than anticipated costs with the expectation of either (i) increasing the contract price or estimated cost during the period of performance through change orders or other means, or (ii) receiving future "follow-on" contracts at prices high enough to recover any losses on the original "buy-in" contract. Such a practice is not favored by the Department of Defense since its long-term effects may diminish competition and it may result in poor contract performance. Where there is reason to believe that "buying in" has occurred, contracting officers shall assure that amounts thereby excluded in the development of the original contract price are not recovered in the pricing of change orders or of follow-on procurements subject to cost analysis.

(b) To avoid or minimize the opportunity for "buying in" on a procurement which is likely to be succeeded by one or more "follow on" procurements, the Government should obtain from the contractor a binding price commitment covering as much of the entire program concerned as is practicable. Such a commitment may be secured through employment of one of the following procurement techniques:

(1) multi-year procurement, with a provision in the solicitation that a price may be submitted only for the total multi-year quantity (see 1–322.2); or

(2) priced options for additional quantities which, together with the quantities being firmly contracted for, equal the anticipated total program requirements (see 1–1504).

(c) In addition to the use of the techniques noted in (b) above, it is important that other safeguards be provided against the contractor's recovering, through subsequent overpricing, from any initial loss situation due to "buying in." For example, see 3–813 with respect to the amortization of nonrecurring costs, and 3–801.2(c) concerning price quotations which the contracting officer considers unreasonable.

The two cases of competition-restriction and dollar-waste which, on May 15 and 26, I noted, occurred within the Army Electronics Command. As I also noted, however, this practice has long been rampant within the entire structure of the Department of Defense; so has that which would seem to be a clear-cut violation of the regulation against "Buying-In."

Consider the following five representative cases on which I have information in my files:

First. The Army Electronics Command And The AN/PRC–25 () Radio Set.

Second. The Army Electronics Command And The AN/ARC–54 () Radio Set.

Third. The Army Electronics Command And The AN/PRT–4 Radio Set.

Fourth. The Naval Ship Systems Command And The AN/TRC–97 () Radio Set.

Fifth. The Oklahoma City Air Materiel Area and the AN/GPA–118 Indicator Group.

I recite these cases in that order:

First. The AN/PRC–25( ) case.

In February 1964, Model Engineering & Manufacturting Co., Huntington, Ind., under Army Electronics Command Invitation AMC(E)–36–039–64–15, was low bidder, at $604.05 per unit, to manufacture a "walkie-talkie"-type radio set (AN/PRC–25 ()). Model received a contract (04535) which started at $5,900,000.

In subsequent open competition, under Invitation AMC(E)–36–039–65–602, in April, 1965, Model dropped its unit price to $505. Then, in secret negotiations with the Army Electronics Command, Model got another $3,000,000 under claim of "extraordinary financial consideration."

Examination of the authoritative Summary of Awards by Frost and Sullivan, Inc., New York, N.Y., shows that Model, after becoming absorbed as Ling-Temco-Vought's Memcor Division, got most of the dozen contracts which the Army Electronics Command negotiated for this equipment in 1968; to this company, those contracts meant more than $20,000,000 at an average price of $740 per unit for about 30,000 units—and that was roughly $236 higher per unit than the last competitive bid submitted by Model before its absorption into the LTV conglomerate empire.

At this time, the Army Electronics Command is offering another procurement action for open bidding which, identified as DAABO5–69–B–0421, covers another 13,500 units of the AN/PRC–25 ( ). Under the Army Electronics Command's long-established pattern of evermore suspect performance, it would be less than surprising, public exposure not becoming a deterrent, if LTV Memcor returned to the lower price to retain the integrity of its production line, knowing that additional money might be forthcoming, upon request, Armed Services Procurement Regulation 1–311 notwithstanding.

Second. The AN/ARC–54( ) case.

Between June 1956, and August 1963, the Army Electronics Command, under Contract DA–36–039–73084, paid Collins Radio, Cedar Rapids, Iowa, $2,636,431.11 to develop an airborne communication set known as AN/ARC–54( ) and described as a frequency modulated receiver capable of operating over 800 channels in the frequency range of 30 to 69.95 megacycles.

Under claim of urgency of requirement, the Army Electronics Command, in August 1963, gave Collins Radio Contract DA–36–039–AMC–02818 for $5,468,040 to cover 900 units at a unit price of $5,620, plus ancillary items such as "repair parts" at $500,000, test fixture sets for $143,621, mechanical gauges at $54,290, and so forth.

The Army Electronics Command followed this award to Collins Radio with a second award which added $3,765,005.52 to the original contract for another 853 units at $4,413.84 per unit.

It was not until November 1964, that competitive procurement was permitted for this equipment. At that time, under Invitation AMC(E)–28–043–65–500, the bidding led to an award to Admiral Corp., Chicago, for $1,538 per unit for a single year requirement, or $1,381 for a multi-year requirement.

The significant fact here was that Collins Radio quoted an unsuccessful $2,994 per unit for the single-year requirement, or $2,881 for the multi-year requirement against its first competition for this equipment; yet, shortly thereafter, the Army Electronics Command negotiated additional contracts for $7,800,000 (03041), and for $10,000,000 (02228) for a unit price of more than $4,000—despite the fact that, still on file with the Army Electronics Command, was Collins' earlier bid for $2,994.

Third. The AN/PRT–4 case.

At this time, in U.S. District Court, Southern District, New York State, a company named Ovitron has filed suit charging General Motors Corp., with purposefully, intentionally, bidding below cost in a recent Army Electronics

Command procurement proceeding which covered a two-piece squad radio set known as AN/PRT-4/AN/PRR-9.

Briefly, the background on this action is this:

Around 1961, the Army Electronics Command gave General Motors' Delco Division a sole-source, non-competitive contract to develop this set.

In June, 1966, the Command gave Delco a secretly-negotiated, sole-source contract for $69,879.39 to cover this equipment at a unit price of $1,044.68.

Two weeks later, the Command gave Delco a secretly-negotiated, sole-source, non-competitive contract for $4,200,000 to build another 7,821 units at $543 per unit.

In January, 1967, in response to Army Electronics Command's bidding Invitation DAAB07-67-B-278, Ovitron quoted a multi-year requirement at $211.61 per unit. Delco bid $169.75, and got the contract.

Ovitron charges that this, from GM's Delco Division, which had been getting $543 per unit on a sole-source, non-competitive basis, was below Delco's production cost, and was submitted to block competition.

Meanwhile, even as this now legally-contested phenomenon was being recorded in one office of the Army Electronics Command, still another office of that Command was negotiating with Delco for parallel requirements for this identical equipment, adding about 7,449 units for a total of $2,109,038, for an average of $283 per unit, which was roughly $850,000 higher than the $169.75 per unit which, under momentarily competitive circumstances, Delco had bid for this same equipment in January, 1967.

Then, on January 28, 1969, the Army Electronics Command, suddenly deciding that this same radio set needed "product improvement," handed Delco another $200,000 as a "starter" for that improvement of that same product for which Delco had already received $69,-879.39 to develop and another $4,200,000 to build.

Fourth. The AN/TRC-97 ( ) case.

In a two-step transaction in 1963, the Naval Ship Systems Command processed procurement of a Tropo-Scatter Radio Communication Set identified by the code name, "Trans-Horizon."

Under Invitation N600-883-63, bids were opened on June 28, 1963. The lowest bid came from RCA, Camden, at $67,-310 per unit; it got the contract (NObsr-89545) for roughly $6,000,000.

In June, 1565, the Naval Ship Systems Command gave RCA, Camden, a secretly-negotiated, sole-source, non-competitive contract for "follow-on" requirements for this equipment—by that time known as AN/TRC-97( ). These negotiations, conducted under Requisition No. 627D2-56063, resulted in the Naval Ship Systems Command's giving RCA, Camden, contract NObsr-93356, initially funded at approximately $15,000,000, in which the original unit price was doubled.

Fifth. The AN/GPA-118 case.

In March, 1967, procurement officers of Air Materiel Area, Tinker Air Force Base, Oklahoma City, opened bids—under Invitation F34601-67-B-0343—for a Plan Position Indicator Group (AN/GPA-118) which could be described as a complex television set used in conjunction with other equipment to track aircraft at a military or civilian airport.

In a field of seven bidders, Dayton Electronic Products, Dayton, Ohio, was low with $982,450. Yet the contract (F34601-67-C-4565) went to Tridea Division of Conductron, Pasadena, Calif., which, as fourth highest bidder, quoted $1,170, 930.

On January 11, 1968, the Comptroller General of the United States, under Decision B-161722, declared this action "plainly illegal," and directed its cancellation in favor of low-bidding Dayton Electronic Products.

The shocking response of the Tinker Air Force Base procurement people was cancellation of the entire requirement, their previous claim of urgency of need seemingly forgotten, and issuance of a secret Military Interdepartmental Procurement Request to the Federal Aviation Administration covering procurement of a replacement system identified as the "BRITE 1." Under claim of urgency of requirement, this substitute for the AN/GPA-118 was authorized on a sole-source, noncompetitive basis from ITT, Fort Wayne, Ind., for $1,000,000.

After a Dayton appeal was rejected by Assistant Air Force Secretary Aaron Racusin and his technical aide, Lt. Col. Romeyne Werdung, the Dayton company instituted a congressional inquiry. The result: Suspension of this apparently not-so-urgently-needed equipment pending consolidation of Air Force, Navy, and FAA requirements under FAA evaluation.

Not the least of the Dayton company's suspicions regarding this weird case stemmed from the odd conduct in the Pentagon appeal meeting—in Secretary Racusin's office—in which Colonel Werdung started out by arguing that the AN/PGA-118 was highly complicated and technically superior to the Brite 1. In midflight, the colonel was interrupted by Secretary Racusin who suggested that it was the other way around, that the Brite 1 was highly complicated and technically superior to the AN/GPA-118, and that the latter was not suitable for Air Force requirements.

Without missing a beat, Colonel Werdung, thusly prompted by his civilian superior, changed his flight pattern accordingly in behalf of the Brite 1 and soared off in the opposite direction—against the AN/GPA-118.

If, by that time, the Dayton people were, at best, a bit confused, at worst, convinced that they had "been had," it was quite understandable.

Yet, to date, no one in the Air Force—at Tinker nor in the Pentagon—has even been reprimanded—for what the Comptroller General found to be "plainly illegal" in this strange and suspect deal, nor for the cynical circumvention of his order to cancel the Tridea contract in favor of low-bidding Dayton Electronic Products. And the confused and confusing Lieutenant Colonel Werdung remains in charge of whatever it is he does as a technical aide to the Assistant Secretary of Air Force.

Quite candidly, in most serious consideration of the military procurement cases which, previously, I have noted and in consideration of these, today, I must conclude that I was unnecessarily kind in suggesting that this outrageous conduct might have been nothing worse than indifference or stupidity.

In the interest of the most expeditious end possible to this practice, I hope to be able to introduce obviously much-needed remedial legislation some time next week.

GENERAL LEAVE

Mr. JONES of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill (H.R. 10946) to promote health and safety in the buildings and trades and construction industry.

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

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YATES, for an indefinite period commencing June 9, on account of illness in family.

Mr. CAMP (at the request of Mr. ARENDS), for today, on account of official business.

Mr. PATMAN (at the request of Mr. BOGGS), for today, on account of official business.

Mr. MCKNEALLY (at the request of Mr. ARENDS), for the balance of the week, on account of official business as a member of the Board of Visitors to the U.S. Military Acadamy.

Mr. CHARLES H. WILSON (at the request of Mr. BOGGS), for today through June 11, on account of official business.

Mr. FLYNT (at the request of Mr. BOGGS), for today, on account of official business.

Mr. CHAPPEL (at the request of Mr. MCCORMACK), for today, on account of official business.

Mr. BURKE of Florida (at the request of Mr. CRAMER), for June 2 through June 6, on account of official business as a member of the Foreign Affairs Committee.

Mr. BEVILL (at the request of Mr. ALBERT), for today, on account of official business in district.

Mr. ASHBROOK (at the request of Mr. ARENDS), for June 9 through June 19, on account of official business as a delegate to the ILO Convention.

Mr. PELLY, for June 9 through June 13, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. SCOTT, for 1 hour, on June 9.

(The following Members at the request of Mr. STEIGER of Wisconsin:)

Mr. TALCOTT, for 15 minutes, on June 5; to revise and extend his remarks and include extraneous matter.

Mr. EDWARDS of Alabama, for 1 hour, on June 9; to revise and extend his remarks and include extraneous matter.

Mr. HOSMER, for 10 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. ASHBROOK, for 30 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. LIPSCOMB, for 5 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. ESCH, for 5 minutes, today; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. JONES of Tennessee) and to revise and extend their remarks and include extraneous matter:)

Mr. MATSUNAGA, for 30 minutes, today.
Mr. HOLIFIELD, for 30 minutes, today.
Mr. DIGGS, for 30 minutes, today.
Mr. FARBSTEIN, for 30 minutes, today.
Mr. FLOOD, for 15 minutes, today.
Mr. MOORHEAD, for 30 minutes, today.
Mr. KLUCZYNSKI, for 15 minutes, today.
Mr. GONZALEZ, for 10 minutes, today.
Mr. LOWENSTEIN, for 30 minutes, on June 11.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ADAIR.

Mr. MIZELL (at the request of Mr. BUCHANAN) to follow his remarks during the 1-minute speeches today.

Mr. MCCLORY prior to the passage of Senate Joint Resolution 77 and to include extraneous matter.

Mr. HUNT to follow Mr. WYLIE.

(The following Members (at the request of Mr. STEIGER of Wisconsin) and to include extraneous matter:)

Mr. KEITH.
Mr. RIEGLE.
Mr. CEDERBERG.
Mr. MCDONALD of Michigan.
Mr. RUTH in five instances.
Mr. ASHBROOK in three instances.
Mr. WYMAN in two instances.
Mr. GOODLING.
Mr. UTT in two instances.
Mr. REID of New York in two instances.
Mr. WEICKER.
Mr. MICHEL.
Mr. FULTON of Pennsylvania in five instances.
Mr. PELLY.
Mr. MILLER of Ohio in two instances.
Mr. DERWINSKI in two instances.
Mr. MCCLORY.

The following Members (at the request of Mr. JONES of Tennessee) and to include extraneous matter:

Mr. MONAGAN.
Mr. MATSUNAGA in two instances.
Mr. WILLIAM D. FORD.
Mr. DIGGS.
Mr. ROONEY of Pennsylvania in two instances.
Mr. FRASER in two instances.
Mr. RARICK in three instances.
Mr. HOWARD in two instances.
Mr. MARSH in two instances.
Mr. NIX.
Mr. GIAIMO in two instances.
Mr. PATTEN.
Mr. ST GERMAIN.
Mr. WOLFF in three instances.
Mr. HAWKINS.
Mr. DONOHUE in six instances.
Mr. MOORHEAD.
Mr. GONZALEZ in two instances.
Mr. BROWN of California in four instances.
Mr. SATTERFIELD.
Mr. EDWARDS of California in two instances.
Mr. O'HARA in two instances.
Mr. SIKES in five instances.
Mr. DULSKI in four instances.
Mr. ANDERSON of Tennessee in two instances.
Mr. THOMPSON of New Jersey in two instances.
Mr. TUNNEY.
Mr. HECHLER of West Virginia in three instances.
Mrs. HANSEN of Washington in two instances.

ADJOURNMENT

Mr. JONES of Tennessee. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 34 minutes p.m.), the House adjourned until tomorrow, Thursday, June 5, 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:

834. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third- and sixth-preference classification, pursuant to the provisions of section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

835. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a copy of an order entered under the authority contained in section 13(b) of the act of September 11, 1957, pursuant to the provisions of section 13(c) of that act; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar as follows:

Mr. FALLON: Committee on Public Works. H.R. 1035. A bill limiting the use for demonstration purposes of any federally owned property in the District of Columbia, requiring the posting of a bond, and for other purposes; with amendment (Rept. No. 91-283). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FEIGHAN: Committee on the Judiciary. S. 1104. An act for the relief of Thi Huong Nguyen and her minor child, Minh Linh Nguyen (Rept. No. 91-280). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 1438. An act for the relief of Yau Ming Chinn (Gon Ming Loo) (Rept. No. 91-281). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 1531. An act for the relief of Chi Jen Feng (Rept. No. 91-282). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABBITT:

H.R. 11843. A bill to provide for orderly trade in textile articles; to the Committee on Ways and Means.

By Mr. BLACKBURN:

H.R. 11844. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. BRASCO:

H.R. 11845. A bill to assure an opportunity for employment to every American seeking work and to make available the education and training needed by any persons to qualify for employment consistent with his highest potential and capability, and for other purposes; to the Committee on Education and Labor.

H.R. 11846. A bill to reclassify certain positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 11847. 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. CELLER:

H.R. 11848. A bill to provide a deduction for income tax purposes, in the case of a disabled individual, for expenses for transportation to and from work, and to provide an additional exemption for income tax purposes for a taxpayer or spouse who is disabled; to the Committee on Ways and Means.

By Mr. GRAY:

H.R. 11849. 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. HALEY:

H.R. 11850. A bill to authorize the Secretary of the Interior to sell reserved phosphate interests of the United States in lands located in the State of Florida to the record owners of the surface thereof; to the Committee on Interior and Insular Affairs.

By Mr. HOWARD:

H.R. 11851. A bill to provide for the more effective prevention and treatment of alcoholism; to the Committee on Interstate and Foreign Commerce.

By Mr. JACOBS:

H.R. 11852. A bill to provide for the mailing of letters and parcels at no cost to the sender to members of the U.S. Armed Forces in combat areas overseas, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. JONES of Tennessee:

H.R. 11853. A bill to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and for other purposes; to the Committee on Agriculture.

By Mr. McKNEALLY:

H.R. 11854. 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.

H.R. 11855. A bill to modernize the U.S. Postal Establishment, to provide for efficient and economical postal service to the public, to improve postal employee-management relations, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. McKNEALLY (for himself and Mr. McCULLOCH):

H.R. 11856. A bill to amend the Voting Rights Act of 1965; to the Committee on the Judiciary.

By Mr. MINSHALL:

H.R. 11857. A bill to prohibit the leasing of submerged lands in Lake Erie for exploration, development, and removal of minerals, and to rescind all such existing mineral leases; to the Committee on Interior and Insular Affairs.

By Mr. PERKINS:

H.R. 11858. A bill to amend title II of the Social Security Act to provide that the special monthly benefits which are payable thereunder to uninsured individuals at age 72 shall be payable without regard to the time at which such age is attained; to the Committee on Ways and Means.

By Mr. PODELL (for himself, Mr. FINDLEY, Mr. ANNUNZIO, Mr. CONTE, Mr. EILBERG, Mr. PRYOR of Arkansas, Mr. RAILSBACK, Mr. FULTON of Pennsylvania, Mr. EVANS of Colorado, Mr. MINISH, Mr. GREEN of Pennsylvania, Mr. NIX, Mr. MURPHY of Illinois, Mr. CAREY, Mr. HAWKINS, Mr. DANIELS of New Jersey, Mr. STEIGER of Wisconsin, Mr. DENT, Mr. STOKES, Mr. CHARLES H. WILSON, Mr. LUJAN, Mr. FEIGHAN, Mr. COUGHLIN, Mr. TUNNEY, and Mr. MADDEN):

H.R. 11859. A bill to amend the Legislative Reorganization Act of 1946 to provide for annual reports to the Congress by the Comptroller General concerning certain price increases in Government contracts and certain failures to meet Government contract completion dates; to the Committee on Government Operations.

By Mr. SHIPLEY:

H.R. 11860. A bill to amend the Communications Act of 1934 so as to prohibit the granting of authority to broadcast pay television programs; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMSON of Wisconsin:

H.R. 11861. A bill to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising; to the Committee on the Judiciary.

H.R. 11862. A bill to afford protection to the public from offensive intrusion into their homes through the postal service of sexually oriented mail matter, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. VANIK:

H.R. 11863. A bill to provide Federal grade standards for bacon; to the Committee on Agriculture.

By Mr. VANIK (for himself and Mr. RODINO):

H.R. 11864. A bill to amend title II of the Social Security Act to provide a 15-percent across-the-board increase in monthly benefits, with subsequent cost-of-living increases in such benefits and a minimum primary benefit of $80; to the Committee on Ways and Means.

By Mr. WOLFF:

H.R. 11865. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. WRIGHT:

H.R. 11866. A bill to amend the Internal Revenue Code of 1954 to provide that any unmarried person who maintains his or her own home shall be entitled to be taxed at the rate provided for the head of a household; to the Committee on Ways and Means.

H.R. 11867. 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. COUGHLIN (for himself, Mr. BLACKBURN, Mr. LUJAN, Mr. FULTON of Pennsylvania, Mr. POWELL, Mrs. HECKLER of Massachusetts, Mr. SEBELIUS, Mr. CAMP, Mr. WOLD, Mr. LUKENS, and Mr. FISH):

H.R. 11868. A bill to provide appropriations for sharing of Federal revenues with States and their local governments; to the Committee on Ways and Means.

By Mr. HALEY:

H.R. 11869. A bill to amend section 312 of title 38 of the United States Code to provide that poliomyelitis developing a 10-percent degree of disability within 1 year from the date of discharge of certain veterans shall be held and considered to be service connected; to the Committee on Veterans' Affairs.

By Mr. KLUCZYNSKI (for himself and Mr. DENNEY):

H.R. 11870. A bill to amend section 127 of title 23, United States Code, relating to vehicle weight and width limitations on the Interstate System; to the Committee on Public Works.

By Mr. NIX:

H.R. 11871. A bill to expedite delivery of special delivery mail, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. TEAGUE of Texas (for himself and Mr. BROWN of California):

H.R. 11872. A bill to amend chapters 34 and 35 of title 38, United States Code, in order to increase the rates of educational assistance and special training allowance paid to eligible veterans and persons under such chapters; to the Committee on Veterans' Affairs.

H.R. 11873. A bill to amend chapters 34 and 35 of title 38, United States Code, in order to increase the rates of educational assistance and special training allowance paid to eligible veterans and persons under such chapters; to the Committee on Veterans' Affairs.

By Mr. VANIK:

H.R. 11874. A bill to authorize the Secretary of Commerce to conduct research and development programs to increase knowledge of tornadoes, squall lines, and other severe local storms, to develop methods for detecting storms for prediction and advance warning, and to provide for the establishment of a National Severe Storms Service; to the Committee on Interstate and Foreign Commerce.

By Mr. WATSON:

H.R. 11875. A bill to provide transportation allowances to wives of servicemen stationed in the Vietnam area for visits by them to their husbands under certain conditions; to the Committee on Armed Services.

By Mr. ZWACH:

H.R. 11876. A bill to amend section 1482 of title 10 of the United States Code to provide for the payment of certain expenses incident to the death of members of the Armed Forces in which no remains are recovered; to the Committee on Armed Services.

By Mr. ASHBROOK:

H.R. 11877. A bill to provide for the inscription in the courtroom in the U.S. Supreme Court Building of the phrase "In God We Trust"; to the Committee on Public Works.

By Mr. BELL of California:

H.R. 11878. A bill to provide for the establishment of a model demonstration program in the field of vocational-technical education under the aegis of a joint powers board of education operating a regional occupational center located in the south bay area of Los Angeles County, Calif.; to the Committee on Education and Labor.

By Mr. BUTTON:

H.R. 11879. A bill to amend the Public Health Service Act to provide for a comprehensive review of the medical, technical, social, and legal problems and opportunities which the Nation faces as a result of medical progress toward making transplantation of organs, and the use of artificial organs a practical alternative in the treatment of disease; to amend the Public Health Service Act to provide assistance to certain non-Federal institutions, agencies, and organizations for the establishment and operation of regional and community programs for patients with kidney disease and for the conduct of training related to such programs; and for other purposes; to the Committee on Ways and Means.

By Mr. DENT:

H.R. 11880. A bill to provide that the receipts from all Federal gasoline and automotive excise taxes shall be placed in the highway trust fund to be used for road improvement purposes only, to eliminate the State matching requirements in the Federal-aid highway program, and to provide Federal assistance for State and local highway purposes; to the Committee on Ways and Means.

By Mr. FALLON:

H.R. 11881. A bill to amend the River and Harbor Act of 1965 to increase the authorization for certain works in connection with the Chesapeake Bay Basin; to the Committee on Public Works.

By Mr. PELLY:

H.R. 11882. A bill to amend the Interstate Commerce Act and the Federal Aviation Act of 1958 in order to exempt certain wages and salary of employees from withholding for tax purposes under the laws of States or subdivisions thereof other than the State or subdivision of the employee's residence; to the Committee on Interstate and Foreign Commerce.

H.R. 11883. A bill to amend the Merchant Marine Act of 1936 in order to exempt certain wages and salary of employees from withholding for tax purposes under the laws of States or subdivisions thereof other than the State or subdivision of the employee's residence, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. REID of New York:

H.R. 11884. A bill to provide additional protection for the rights of participants in employee pension and profit-sharing retirement plans, to establish minimum standards for pension and profit-sharing retirement plan vesting and funding, to establish a pension plan reinsurance program, to provide for portability of pension credits, to provide for regulation of the administration of pension and other employee benefit plans, to establish a U.S. Pension and Employee Benefit Plan Commission, and for other purposes; to the Committee on Ways and Means.

By Mr. STRATTON:

H.R. 11885. A bill to designate the Defense Intelligence School as the "National Defense Intelligence College," and to establish the grade for the position of commandant of such college; to the Committee on Armed Services.

By Mr. TUNNEY:

H.R. 11886. A bill to amend the Fish and Wildlife Coordination Act to provide for the establishment of a Council on Environmental Quality, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. ULLMAN:

H.R. 11887. A bill to revise the laws relating to post offices and post roads, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BOB WILSON:
H.R. 11888. A bill to amend section 8336(c) of title 5, United States Code, to include the position of immigrant inspector in the category of hazardous occupations; to the Committee on Post Office and Civil Service.

By Mr. PERKINS (for himself and Mr. AYRES):
H.J. Res. 764. Joint resolution to authorize appropriations for expenses of the President's Council on Youth Opportunity; to the Committee on Education and Labor.

By Mr. RUTH:
H.J. Res. 765. 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 Mr. TUNNEY:
H.J. Res. 766. Joint resolution proposing an amendment to the Constitution of the United States granting to citizens of the United States who have attained the age of 18 the right to vote; to the Committee on the Judiciary.

By Mr. WAMPLER:
H.J. Res. 767. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. LOWENSTEIN:
H. Con. Res. 282. Concurrent resolution on urgency of arms control negotiations; to the Committee on Foreign Affairs.

By Mr. BURTON of Utah:
H. Res. 432. Resolution relative to the Mormon Church Auxiliary observing the centennial of the YWMIA; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

203. The SPEAKER presented a memorial of the Senate of the State of Arkansas, relative to memorializing President Dwight David Eisenhower, which was referred to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BIAGGI:
H.R. 11889. A bill for the relief of Peter C. Tan; to the Committee on the Judiciary.

By Mr. CLANCY:
H.R. 11890. A bill for the relief of T. Sgt. Peter Elias Gianutsos, U.S. Air Force (retired); to the Committee on the Judiciary.

By Mr. McCLORY:
H.R. 11891. A bill for the relief of Josip Ribaric; to the Committee on the Judiciary.

By Mr. MURPHY of New York:
H.R. 11892. A bill for the relief of Guiseppe and Angela Agate; to the Committee on the Judiciary.

By Mr. NIX:
H.R. 11893. A bill for the relief of Yee Shaw Ping and his wife, Louie So Sin, and their children, Suey Jean and Suey Chung; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:
H.R. 11894. A bill for the relief of Manuel Andrade; to the Committee on the Judiciary.

By Mr. PETTIS:
H.R. 11895. A bill for the relief of William R. Karsteter; to the Committee on the Judiciary.

By Mr. REES:
H.R. 11896. A bill for the relief of Poorandokht Rashti Broumand; to the Committee on the Judiciary.

By Mr. ST GERMAIN:
H.R. 11897. A bill for the relief of Antonio Praticante; to the Committee on the Judiciary.

By Mr. STEIGER of Arizona:
H.R. 11898. A bill for the relief of Ferdinand Joseph Methot, Marie Pascaline Methot, Paul Henri Methot, John Arthur Methot, and Rene Noel Methot; to the Committee on the Judiciary.

By Mr. TIERNAN:
H.R. 11899. A bill for the relief of Maria Laura Pereira DeMaura; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

135. The SPEAKER presented a petition of John Oranc, Corning, N.Y., relative to redress of grievances, which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

THE PENSION AND EMPLOYEE BENEFIT ACT OF 1969

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. REID of New York. Mr. Speaker, I am today introducing the Pension and Employee Benefit Act of 1969. This bill is a comprehensive legislative proposal to deal with the major problems and defects in our private pension plan system. It is identical to S. 2167, recently introduced by my distinguished colleague from New York, Mr. JAVITS, in the other body.

The principal features of the legislation are outlined below. I would like to point out, however, that neither Senator JAVITS nor I are committed to every single detail in this measure. There are a number of points that are still under discussion, but it is our hope that the introduction of specific legislation will stimulate hearings and discussion on this vital problem. There are now over $100 billion in private pension plans, yet there is almost no Federal regulation of the conduct of these plans, no minimum standards governing their establishment or operation, and, far too often, no practical means by which a beneficiary can secure his rights. Certainly some Federal oversight is necessary to correct these problems.

The legislation we have introduced would accomplish the following:

First, the bill would establish minimum vesting standards for pension plans, thereby giving assurance that no pension plan could set its eligibility standards so high as to deny pension eligibility to all but a few employees.

Second, the bill would establish minimum funding standards, thereby giving assurance that pension funds will be operated on a sound and solvent basis, enabling the fund to deliver the benefits which have been promised.

Third, the bill would establish a program of pension plan reinsurance so that plans meeting the vesting and funding standards of the bill would be insured against termination, and retirees would be insured against loss of benefits if an employer goes out of business before the plan has been fully funded.

Fourth, the bill would provide for the establishment of a special central portability fund, participation in which would be on a voluntary basis, enabling pension plans to have a central clearinghouse of pension credits for persons transferring from one employer to another.

Fifth, the bill would establish certain minimum standards of conduct, restrictions on conflicts of interest, and other ethical criteria which are to be followed in the administration of pension plans and other plans providing benefits for employees.

Sixth, the bill would establish a U.S. Pension and Employee Benefit Plan Commission to administer the requirements of this bill. The Commission would be given sufficient enforcement powers to insure compliance, but the bill also provides for judicial review, insuring to the maximum feasible extent against arbitrary exercise of the Commission's powers.

Seventh, the bill consolidates in the Commission most existing Federal regulatory standards relating to pension and welfare plans, thereby relieving employers, unions, insurance companies, and banks of the necessity of dealing with multiple Federal agencies—such as the Labor Department under the Disclosure Act or the Treasury Department under the pension provisions of the Tax Code. Under this bill, a qualification certificate from the Pension Commission will be sufficient to satisfy substantially all Federal regulatory statutes governing employee benefit plans.

And eighth, the bill establishes Federal court jurisdiction of suits involving pension plans, and provides a simplified method for enforcement and recovery of pension rights.

FOREIGN AID IN PERSPECTIVE

HON. E. ROSS ADAIR

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. ADAIR. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

[From the Wall Street Journal, May 27, 1969]

FOREIGN AID IN PERSPECTIVE

While the Nixon Administration examines all aspects of foreign aid in order to determine a future course, one point to remember is that there are limits to what this nation, or other industrial countries, can do to help the less-developed lands.

A great deal of talk has been heard lately of the "failure" of development efforts in the 1960s, as New York's First National City